

**INSTRUCTIONS FOR COMPLETING, FILING AND SERVING A  
MOTION AND ORDER FOR DEFAULT AND DEFAULT  
JUDGMENT**

Motion and Order for Default:

- Step 1. Enter your information in top left corner.
- Step 2. Enter the judge's name in the caption.
- Step 3. Enter the names of the Plaintiff(s) and Defendant(s) on the designated lines.
- Step 4. Enter your case number on the line after "CASE NO."
- Step 5. In the body of the paragraph, circle the appropriate time limit that has passed since service --- either ten (10) or twenty (20) days.
- Step 6. Enter the date that you're signing the motion.
- Step 7. Put your signature on the line above "Plaintiff(s)." Do not complete anything further on this form.

Judgment After Default:

- Step 1. Enter your information in top left corner.
- Step 2. Enter the judge's name in the caption.
- Step 3. Enter the names of the Plaintiff(s) and Defendant(s) on the designated lines.
- Step 4. Enter your case number on the line after "CASE NO."
- Step 5. On the first line in the body of the first paragraph, enter the defendant(s)' name.
- Step 6. In the spaces provided for a date, enter the date that the Defendant(s) came into default. This is when the time ran out for the Defendant to file an answer.
- Step 7. Enter the amount asked for on your initial complaint on the line designated for "Principal Sum."
- Step 8. Enter the interest rate and the amount of interest (if any) accrued since the filing of your complaint on the lines designated for "Interest."
- Step 9. Enter the amount you paid for any filing fees on the line designated for "Filing Fees."

*This document has been prepared as a courtesy to assist you with completing your Motion/Order for Default and Judgment After Default. It is not to be construed as providing legal advice or representation on how to prepare your case.*

Step 10. Enter the amount you paid to have the defendant(s) served on the line designated for “Service Fees.”

Step 11. Enter the amount of any other costs incurred during your case that you asked for on your complaint and feel you are entitled to recover, such as copy fees, on the line designated for “Other Costs.” Attach proof of these costs to your proposed judgment.

Step 12. Enter the total of the above lines on the designated line.

Step 13. Enter the amount of annual interest to accrue from the date of judgment on the designated line. Unless a different interest rate was established on a contract, the standard rate of post-judgment interest per M.C.A. 25-9-205(1) is 10%. Leave this space blank if you are unsure. Do not fill out anything further on this form.

Step 14. Make copies of your Motion and Order for Default and your proposed Judgment After Default. You must provide the clerk with the *original* motion / order and judgment plus a copy for *each* party in the case. If the clerk has to make copies for you, you will be charged a copy fee. You must also provide a postage-paid, addressed envelope for each party to the case with your documents so the clerk may mail the paperwork once it’s complete.

Step 15. Take the original and copies of your motion / order and proposed judgment to the Justice Court Civil Clerk. The clerk will file-stamp the originals and the copies. When the file has been reviewed and if judgment is granted, the paperwork will be completed and the clerk will enter the default and mail copies to all parties in your case.

If you do not provide envelopes, the clerk will call you to let you know that your paperwork is ready to be picked up. You will have to complete the certificate of service portion of the form and mail the judgment to the other party - continue to next step.

Step 16. After you’ve picked up your paperwork, complete the “Certificate of Service” portion at the bottom of the forms on the same date that you will mail your motion to the defendant (or their attorney, if represented). Provide the address that you are mailing your motion to on the line provided.

***ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION, OR A MODIFICATION OF POLICIES OR PROCEDURES TO PARTICIPATE IN A COUNTY PROGRAM, SERVICE OR ACTIVITY, SHOULD CONTACT JUSTICE COURT AT 258-3474, AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.***

*This document has been prepared as a courtesy to assist you with completing your Motion/Order for Default and Judgment After Default. It is not to be construed as providing legal advice or representation on how to prepare your case.*