

Superior Court of Washington, County of _____

In re:

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Order on Motion for Default
(ORDFL / ORDYMT: **9**)

Order on Motion for Default

1. The court has considered the *Motion for Default* filed by (*name*): _____.

➤ **The Court Finds:**

2. Response

The other party, (*name*): _____, (*check one*):

has **not** filed a *Response* to the *Petition*.

has filed a *Response* to the *Petition*.

3. Notice about the motion

The other party (*check one*):

was served with the *Motion for Default* and notice of the hearing on (*date*): _____.

is not entitled to notice of the *Motion for Default* because s/he has not filed a *Notice of Appearance*, has not appeared in this case in any other way, AND was served with the *Summons* and *Petition* less than one year ago.

is entitled to notice of the motion because s/he appeared or was served with the *Summons* and *Petition* more than one year ago. Notice was not given.

4. Service of Summons and Petition

The other party was properly served on (*date*): _____ with a *Summons* and *Petition* for this case and any other documents listed in the proof of service filed with the court.

Valid proof of service has **not** been filed.

5. Timing and type of service

- The other party was served with the *Summons* and *Petition* by (check one):
- personal service in Washington State, at least 21 days ago.
 - personal service outside of Washington State, at least 61 days ago, because service could not be made within Washington State.
 - mail, at least 91 days ago.
 - publication, at least 61 days ago.
 - For a *Petition to Modify Child Support Order* only:**
 - by mail in Washington State. Service was effective at least 21 days ago.
 - by mail outside of Washington State. Service was effective at least 61 days ago.
- Does not apply. No valid proof of service was filed.

6. Correct Court (venue and jurisdiction)

- A Washington court can decide this case because it has jurisdiction over the case and the parties. This case should be heard in this county court (venue is proper).
- Other (*specify*): _____
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7. Active duty military

(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers Washington state residents who are National Guard or Reserve members under a call to active service for more than 30 days in a row, and their dependents.)

- The other party is **not** covered by the state or federal Service Members Civil Relief Act.
- The other party **is covered** by the state or federal Service Members Civil Relief Acts. S/he (check one):
- may be defaulted because:
 - s/he is represented by a lawyer in this case, AND
 - s/he has not filed a Response, AND
 - the court has not granted a stay (or any stay previously granted has ended).
 - may **not** be defaulted at this time.
 - The court signed the *Order re Service Members Civil Relief Act* (form FL All Family 170) filed separately.
- The court does not have enough information to find whether the other party is covered by the state or federal Service Members Civil Relief Acts.

