
Ferry County District Court

LCRLJ 55
Default

(a) Entry of Default Judgment.

(5) All necessary papers required for entry of a default judgment shall be filed at the same time as the motion for default judgment, unless extended by court order to correct a clerical error or omission or for furnishing of any proof required by the court. Default judgments shall be subject to the following:

(6) No default judgment shall be granted except upon motion by plaintiff's attorney of record, or if none, by motion by plaintiff.

(7) No default judgment shall be granted except upon proof satisfactory to the court. The court shall require at least the following to be on file with the motion for default judgment, unless otherwise excused by the court for good cause:

(i) on assigned causes of action, the assignment instrument;

(ii) on causes of action based on negotiable instrument, the original negotiable instrument;

(iii) on causes of action based on retail sales contract, chattel mortgage, or conditional sales contract, the original contract (or a copy if the original has been filed with a governmental agency). Where applicable, an automobile title or bill of sale must be filed;

(iv) on causes of action based on open account where the complaint is not specific, a written statement of account setting forth all charges and credits and the dates thereof, the nature of merchandise or services furnished, and a statement of any interest or surcharges which are included;

(v) on causes of action for rent based on oral lease, a statement of account setting forth the dates of accrued rent, dates of delinquency, late charges and any other costs. If any claim is made for damages or repairs to premises, such claim must be itemized separately;

(vi) on causes of action for rent based on a written lease, a copy of the lease and a statement of account setting forth the dates of accrued rent, dates of delinquency, late charges and any other costs. If any claim is made for damages or repairs to premises, such claim must be itemized separately;

(vii) on causes of action based on all other contracts, oral testimony to prove performance may be required, together with filing of a copy of the contract, if written; and filing or proving the items of account and any credits;

(viii) on causes of action for tort, the proof required shall be the same as required above for proving contract balances except that the following additional proof of the amount of damage shall be required:

(a) Property damage may be proved by repair bills or estimates;

(b) Loss of use claims, loss of wages, and pain and suffering shall be proved by oral testimony.

(c) Hospital and doctor bills may be proved by written bills, whether paid or not.

(8) No judgment for interest shall be allowed unless citation to applicable authority is presented and there is on file proof of the factors necessary for computation of interest including applicable dates, rate of interest, amounts subject to interest, and a computation of the total interest claimed due. For prejudgment interest the document that contains the rate of interest shall be included, with the rate of interest underlined and highlighted in yellow for the court.

(9) Default judgments must be accompanied by:

(i) Affidavit of Service if not previously filed.

(ii) Affidavit of Soldiers' and Sailors' Relief Act.

(g) Collection and handling charges and attorney fees on actions brought to collect dishonored checks shall not be allowed unless proof of the following is provided:

(1) The statutory form of notice of dishonor has been sent as required by RCW chapter 62.A-3 and a copy is filed with the court.

(2) An accounting statement, or some reasonable alternate means of determining plaintiff's collection costs, is filed with the court.

[Adopted effective September 1, 2011]

