RULE NO. 6
DEFAULT JUDGMENTS

(A) No appearance by defendant. 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.

(B) Default judgments shall be subject to the following:

(1) No default judgment shall be granted except upon motion by plaintiff's counsel of record, or if none, by motion of plaintiff, pursuant to CRLJ 55(b).

(2) No default judgment shall be granted except upon proof satisfactory to the court. The court shall require an affidavit setting forth facts sufficient for default judgment and at least the following to be on file with the motion for default judgment, unless otherwise excused by the court for good cause.

(a) on assigned causes of action, the assignment instrument,

(b) on causes of action based on a negotiable instrument, the original negotiable instrument,

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

(d) on causes of action based on open account where the complaint is no 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,

(e) on causes of action for rent based on an oral lease, a statement of account similar to that required in actions on open account, if any claims is made for damages or repairs to premises, such claim must be itemized separately,

(f) on causes of action for rent based on a written lease, a copy of the lease and a statement of account,

(g) 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,

(h) 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: copies of the original documents as called for in paragraphs (b) and (c) above may be substituted for the original documents with express approval of the court and upon certification by the plaintiff that the copy is a true and correct copy of the original document.

(3) No judgment for accrued interest shall be allowed unless 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.

(Effective Date: 01/07/87)