

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 (Granted)

ORDYMT (Denied)

Clerk's Action Required: 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*):

is entitled to notice of the motion because s/he appeared or was served with the *Summons* and *Petition* more than one year ago. (*Check one*):

Notice was given. The other party was served with the *Motion for Default* and notice of the hearing on (*date*): _____.

Notice was not given. The *Motion* should be denied.

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.

Notice was given even though it was not required. The other party was served with the *Motion for Default and notice of the hearing on (date):* _____.

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):* _____

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 or Reserve 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 those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)*

The other party is **not** covered by the state or federal Servicemembers Civil Relief Act.

The other party **is covered** by the state or federal Servicemembers Civil Relief Act.
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 Servicemembers Civil Relief Act.

8. Other findings (if any):

➤ **The Court Orders:**

9. The *Motion for Default* is (check one):

- [] **Granted.** The other party, (name): _____, is in default. The court may sign orders and hold hearings in this case without notice to the defaulted party.
- [] **Denied.** The other party must still be given copies of documents filed and notice of hearings scheduled in this case.

10. Other orders (if any):

Ordered.

_____ ▲ _____
Date *Judge or Commissioner*

Presented by: [] Petitioner or his/her lawyer [] Respondent or his/her lawyer

▲ _____ _____
Sign here *Print name (and WSBA No., if lawyer)*