

CAUSE NO. \_\_\_\_\_

**CERTIFICATE FOR DEFAULT JUDGMENT**

**Checklist for Publication, Posting, Alternative Service, and Substituted Service**

Before the court will set your default judgment, you must complete, sign, and file this form showing that you have satisfied all the prerequisites for a default judgment.

**Requesting Service by Publication, Posting, Alternative Service, or Substituted Service**

- On \_\_\_\_\_, a detailed affidavit was filed that contains specific facts showing the diligent attempts to locate the respondent and obtain personal service.
- Citation was issued AFTER the date the affidavit was filed and any order authorizing service was signed by the court.
- The respondent was served by:
  - Alternative service under TRCP 106(b).
  - Publication under TRCP 109 and 244.
  - Posting at the courthouse under Tex. Fam. Code § 6.409(d) or § 102.010(e).
  - Substituted service under TRCP 109a and 244.

**Service and Return**

- The respondent was served by publication, and there is a return of service on file that includes a copy of the publication. (*See, .e.g.*, TRCP 117)
- The respondent was served by alternative service or substituted service, and there is a return of service on file by an authorized person (not an attorney/party in the case) that shows strict compliance with every part of the order. (TRCP 106, 107(f), 109a)
- The answer date has passed and no answer or other appearance has been made.
- The return will have been on file at least 11 days before the default trial. (TRCP 107(h))

**Attorney Ad Litem After Service by Publication or Substituted Service**

- This is a divorce with no minor children or appreciable property so the requirement of an attorney ad litem is waived. (Tex. Fam. Code § 6.409(e))
- After the answer date passed, the court signed an order appointing an attorney ad litem for the respondent. (TRCP 244)
- The attorney ad litem has used due diligence to attempt to locate the respondent for personal service.

- The attorney ad litem representing the respondent received notice of the default trial setting.
- The attorney ad litem was unsuccessful in locating the respondent and will appear at the default trial to defend the respondent. (TRCP 244)
- The attorney ad litem was successful in locating the respondent, and the respondent answered or personal service was completed. The attorney ad litem filed a proper motion to withdraw and a withdrawal order was signed by the court.

**Paperwork that Must be Filed Before the Court can Enter Judgment**

- A Nonmilitary Affidavit was filed on \_\_\_\_\_ . (50 U.S.C. § 521)
- A written certificate of the respondent's last-known address was filed on \_\_\_\_\_ . (TRCP 239a)
- A proposed statement of evidence was e-filed on \_\_\_\_\_ for the judge to sign at the default trial. (Tex. Fam. Code § 6.409(e) and § 102.010(d))
- If there is any property to be awarded, a sworn inventory and appraisal listing all assets and liabilities was filed on \_\_\_\_\_ .

**Preparing for the Default Trial**

- The attorney ad litem will appear and defend the respondent.
- All relief contained in the proposed default order is supported by the pleadings.
- All relief contained in the proposed default order will be supported by evidence admitted at the default trial.
- If the proposed default order contains provisions that differ from presumptions in the Family Code, sufficient evidence will be put on at the default trial to rebut the presumptions.
- I understand that conclusory prove-up testimony is not sufficient to support a default judgment.

SIGNED by Attorney for Petitioner: \_\_\_\_\_

SIGNED by Attorney ad Litem: \_\_\_\_\_