

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

\_\_\_\_\_,  
Plaintiff(s),

vs.

\_\_\_\_\_,  
Defendant(s).

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§  
§  
§  
§

IN THE JUSTICE COURT

PRECINCT 4, PLACE 1

DALLAS COUNTY, TEXAS

**MOTION FOR DEFAULT JUDGMENT**

1. **Parties.** Movant, i.e., the party bringing this motion is \_\_\_\_\_,  
("Plaintiff"), who moves the Court to enter a default judgment against

\_\_\_\_\_  
("Defendant(s)") pursuant to Rule 503 of the Texas Rules of Civil Procedure.

2. **Grounds.** Movant is entitled to be granted a default judgment against the opposing party,  
and as grounds to justify the same, shows the Court the following:

a. On (date) \_\_\_\_\_, 20\_\_\_\_, Plaintiff filed a petition with claims for:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

b. Service was executed by \_\_\_\_\_ on (date) \_\_\_\_\_,  
20\_\_\_\_, at \_\_:\_\_\_\_ AM/PM.

c. Return of service has been on file for more than ten (10) days.

- d. Although the Defendant(s) were duly served with process/notification of the claim against it, the Defendant(s) failed to appear and/or answer. Consequently, the Defendant(s) have wholly defaulted.
- e. The date of filing this motion is (date) \_\_\_\_\_, 20 \_\_\_\_.
- f. Therefore, the Movant is entitled to judgment as a matter of law under Rule 503 of the Texas Rules of Civil Procedure.
- g. Damages include (check all that apply):
  - Actual damages totaling \$ \_\_\_\_\_.
  - Statutory penalties of \$ \_\_\_\_\_ for \_\_\_\_\_.
  - Trebled damages as required under the Texas Deceptive Trade Practices Act
  - Punitive damages
  - Court costs,
  - Reasonable attorney's fees
  - Other: \_\_\_\_\_

3. **Attachments.** Movant has attached the following documents to this motion

(check all that apply):

- Certificate of Last Known Mailing Address for each Defendant
- Military Status Affidavit for each individual Defendant
- Attorney's Fees Affidavit
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

4. **Prayer.** Movant prays that the Court enter a default judgment in Movant's favor against the Defendants, \_\_\_\_\_, for the following relief:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- Attorney's fees in the amount of \$ \_\_\_\_\_ for the current representation;
- Punitive damages in an amount which the court determines sufficient to deter the same or similar actions which gave rise to this lawsuit by the Defendant in the future, not less than \$ \_\_\_\_\_;
- Post-judgment interest at the highest rate allowed per annum;
- All taxable costs of court, and
- All further relief to which Movant may be entitled, including all writs necessary to facilitate enforcement and collection of the Court's awarded judgment.

**Total Requested: \$** \_\_\_\_\_.

Respectfully submitted,

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ (circle one)

Plaintiff / Defendant **or**  
Attorney for Plaintiff **or**  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a true and correct copy of the foregoing document was served via (method of service) \_\_\_\_\_

\_\_\_\_\_ in accordance with the Texas Rules of Civil

Procedure upon the following party(ies):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

**UNSWORN DECLARATION IN LIEU OF NOTARY,**  
**PURSUANT TO TEX. CIV. PRAC. & REM. CODE § 132.001**

I declare under penalty of perjury that all information in the document above is true and correct. This meets the statutory requirement to verify this pleading.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

# EXHIBIT

A

**CERTIFICATE OF LAST KNOWN MAILING ADDRESS**

I, (name) \_\_\_\_\_, hereby certify that based upon a review of records in my/our possession and the records found in the public domain, the last known mailing address of (Defendant's Name) \_\_\_\_\_ is \_\_\_\_\_.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

I, (name) \_\_\_\_\_, hereby certify that based upon a review of records in my/our possession and the records found in the public domain, the last known mailing address of (Defendant's Name) \_\_\_\_\_ is \_\_\_\_\_.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

I, (name) \_\_\_\_\_, hereby certify that based upon a review of records in my/our possession and the records found in the public domain, the last known mailing address of (Defendant's Name) \_\_\_\_\_ is \_\_\_\_\_.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

# EXHIBIT

## B

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

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4-1
	§	
_____	§	
DEFENDANT	§	DALLAS COUNTY, TEXAS

### SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

**Instructions:** The Servicemember's Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/applj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: *(check one)*

- not on active duty in the military
- on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- military status is unknown at this time

\_\_\_\_\_  
PLAINTIFF

**SWORN TO AND SUBSCRIBED** before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

*\*Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.*