Name, Address, Telephone No. & I.D. No.

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# UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West F Street, San Diego, California 92101-6991

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| In Re | |  | BANKRUPTCY NO. |
|  | Debtor(s) |  |  |
|  | |  | ADVERSARY NO. |
|  | Plaintiff(s) |  |  |
| V. | |  |  |
|  | Defendant(s) |  |  |

# REQUEST TO ENTER DEFAULT

TO THE APPLICANT: The following statements must all be true in order to enter the default. Please verify by checking applicable boxes:

|  |  |  |
| --- | --- | --- |
| BOX 1 |  | The defendant named above did not file a motion or an answer to the complaint within 30 days of issuance |
|  | | of the summons pursuant to FRBP 7012. The United States, its offices and agencies, have 35 days to file |
|  | | a motion or answer. |
| BOX 2 |  | The defendant named in this request is not entitled to the benefits of the Servicemembers Civil Relief Act of |
|  | | 2003. (50 App. U.S.C.A. 501 et seq.) |
| BOX 3 |  | Proof of Service of the Summons and Complaint has been filed with the court pursuant to LBR 9006-2. |
| BOX 4 |  | Service of Summons and Complaint on defendant was made within 7 days of issuance of the summons pursuant to |
|  | | to FRBP 7004(e). |
| BOX 5 |  | If the defendant is also the debtor, service of Summons and Complaint was made on the attorney for |
|  |  | debtor/defendant pursuant to FRBP 7004(g). |
| BOX 6 |  | Service of Summons and Complaint was made at the defendant's dwelling house, usual place of abode or the |
|  | | place where the defendant regularly conducts business pursuant to FRBP 7004(b). |
| BOX 7 |  | The defendant is not a minor or incompetent person. If so, he/she must be represented by a general |
|  |  | guardian, conservator, or other like fiduciary who has appeared as Fed.R.Civ.P. 55(b) requires. |
| BOX 8 |  | The declaration or affidavit in support of this Request is filed concurrently as LBR 7055-1(b) requires. |
| BOX 9 |  | A copy of this Request has been served on the defendant, defendant’s attorney (if any), and interested |
|  |  | parties as indicated on the reverse side. |

TO THE CLERK: Please enter the default in the above-entitled complaint of the following-named Defendant(s) ONLY.

(If additional space is needed, attach an exhibit listing all Defendants for which a default is requested): [See footnote1 before completing.]

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|  | | | |
| DATED: |  |  |  |
|  | |  | Signature of (Attorney for) Plaintiff |

1The word "plaintiff" includes cross-complainant, "defendant" includes cross-defendant, singular includes the plural.

# CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all relevant times was, more than 18 years of age;

That on       day of      , I served a true copy of this REQUEST TO ENTER DEFAULT by the mode of service shown below.

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| 1. | | **To Be Served by the Court via Notice of Electronic Filing (“NEF”)**: | | | |
|  | |  | | | |
|  | | Under controlling Local Bankruptcy Rules(s) (“LBR”), the document(s) listed above will be served by the | | | |
| court via NEF and hyperlink to the document. On | | | |  | , I checked the CM/ECF docket for |
| this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below: | | | | | |
|  | | | | | |
|  |  | | Attorney for Defendant (or Defendant): | | |
| |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  | | | Chapter 7 Trustee: | | | |  | | | | | | |  | | For Chapter 7, 11, & 12 cases: | |  | For Chapter 13 cases: | |  |  | UNITED STATES TRUSTEE  ustp.region15@usdoj.gov | |  | MICHAEL KOCH, TRUSTEE  mkoch@ch13.sdcoxmail.com | | | | | | |

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| 2. | **Served by United States Mail**: | | | |
|  |  | | | |
|  | On | |  | , I served the following person(s) and/or entity(ies) at the last known address(es) |
| address(es) in this bankruptcy case or adversary proceeding by placing accurate copies in a sealed envelope in the United States Mail via 1) first class, postage prepaid or 2) certified mail with receipt number, addressed as follows: | | | | |
|  | | Attorney for Defendant (or Defendant): | | |
|  | | | | |

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| 3. | **Served by Personal Delivery, Facsimile Transmission, Overnight Delivery, or Electronic Mail**: | | |
|  | | | |
|  | Under Fed.R.Civ.P.5 and controlling LBR, on |  | , I served the following person(s) |
| and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission, by overnight delivery and/or electronic mail as follows: | | | |
|  |  | | |
|  | Attorney for Defendant (or Defendant): | | |
|  | | | |
|  | I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct. | | |
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| Executed on |  |  |  |
|  |  |  | (Typed Name and Signature) |
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|  |  |  |  |
|  |  |  | (Address) |
|  |  |  |  |
|  |  |  |  |
|  |  |  | (City, State, ZIP Code) |