

## **IRFLP 304 Default Judgment by the Court or Clerk**

### **Idaho Rules of Family Law Procedure Rule 304. Default Judgment by the Court or Clerk.**

When the petitioner's claim against a respondent is for a sum certain or for a sum which can by computation be made certain, the court or the clerk thereof, upon request of the petitioner, and upon the filing of an affidavit of the amount due showing the method of computation, together with any original instrument evidencing the claim unless otherwise permitted by the court, shall enter judgment for that amount and costs against the respondent, if the respondent has been defaulted for failure to appear and if the respondent is not an infant or incompetent person, and has been personally served, other than by publication or personal service outside of this state. Any application for a default judgment must contain written certification of the name of the party against whom judgment is requested and the address most likely to give the respondent notice of such default judgment, and the clerk shall use such address in giving such party notice of judgment. An application for default judgment in a divorce or annulment action must be accompanied by a certificate furnished by the department of vital statistics fully filled out by the party seeking the default divorce or annulment.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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