

CAUSE NO. 401

CERTIFICATE FOR DEFAULT JUDGMENT
Checklist for Personal Service or Certified Mail

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.

Service and Return

- The respondent was served via personal service by an authorized person. (TRCP 103)
- The respondent was served via certified mail by the clerk, and the green card on file shows that the respondent personally signed for it. (TRCP 103, 107(c))
- If the respondent was served outside Texas, the pleadings allege a basis for personal jurisdiction and a witness will testify at the default trial to facts that support jurisdiction. (Tex. Fam. Code § 6.305, § 102.011, and §§ 152.201-152.204).
- The answer date has passed and no answer or other appearance has been made.
- The return will have been on file for at least 11 days before the default judgment. (TRCP 107(h))

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)
- If there is any property to be awarded, a sworn inventory and appraisement listing all assets and liabilities was filed on _____.

Preparing for the Default Trial

- 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: _____

CAUSE NO. 401-

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

- 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 appraisement 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: _____