**Default: Requesting Entry of Default
and Filing Motions for Default Judgment**

Applicable Rules:

- **Federal Rules of Bankruptcy Procedure Rule 7004. Process, Service of Summons, Complaint**
- **Federal Rules of Bankruptcy Procedure Rule 7055. Default**

If a party against whom judgment is sought has failed to answer the complaint or otherwise defend, the plaintiff may request that the clerk enter default against the defendant. Rule 7004 governs processing and service of the summons and complaint. Two examples that are frequently overlooked are 7004(b)(4), serving a corporation, partnership, or association, and 7004(h), serving an insured depository institution.

- 7004(b)(4): *Corporation, Partnership, or Association* - service must be made on an officer, partner, or a registered agent by first class mail
- 7004(h): *Insured Depository Institution* - service must be made on an officer by certified mail

Additionally, 7004(e) states that all summons and complaints must be served within 7 days after the summons is issued.

It is important to understand the requirements of Rule 7004 to ensure a proper request for entry of default is filed.

Default is a two-step process. First, you ask the clerk to enter default. Since this is a request, the body of the request should not "move the court" to do anything. Instead, ask the clerk to enter default. The clerk will ensure the requirements of Rule 7004 have been met, so do not forget to upload the summons, complaint, and certificate of service. File your request for entry of default by using this docket event:

Adversary > Miscellaneous > Request for Entry of Default

If the clerk determines all requirements are met, default will enter, and you may file a motion for default judgment using this docket event:

Adversary > Motions > Default Judgment