

New Clerks of Superior Court
January 8–10, 2013
UNC School of Government

Default Judgment Exercise

Mary and Charles execute a promissory note with Community Bank in the original principal amount of \$14,000. Community Bank sues Mary and Charles for failure to make payments. Mary and Charles are duly served the complaint and summons on **February 1**. The verified complaint states that the principal balance is \$9,000.00 as of the date of filing. The complaint also states that payments are \$500.00 on the first of each month, and that interest will continue to accumulate at the rate of 10% annually until the debt is satisfied. On **April 10**, Community Bank files a motion for entry of default and default judgment. Charles has filed an answer. Mary has not.

May you enter default against Charles? Mary?

If so, may you enter default *judgment* against Charles? Mary?

May your assistant clerk perform these tasks? Deputy clerk?

Assume you look in the file and see that Mary was granted an extension of time to answer the complaint (to **April 3**), but that she still has not filed an answer (by April 10).

May you enter default against her?

May you enter default *judgment* against her?

Noting that Mary's extension of time has recently passed, you believe she may soon file an answer. May you decline to enter default to allow her more time to answer?

Assume you enter default, and 10 days later Mary files a motion to set aside that entry. May you consider the motion? On what grounds may you grant it?