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58-DV-2020-900745.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

AMENDED

State of Alabama Unified Judicial System Form C-25A Rev. 11/15	APPLICATION AND AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT	Case Number 58 DV 2020-900745.00
IN THE <u>District</u> COURT OF <u>Shelby</u> , ALABAMA (Circuit or District) (Name of County)		
<u>David Painter</u> v. <u>Chris Luster d/b/a Legends Construction Svc</u> Plaintiff Defendant		
☒ I, affiant, request that the ☐ clerk of court, or ☒ judge, pursuant to Rule 55(b), Alabama Rules of Civil Procedure (ARCP), enter a default judgment against the above-named defendant,* in the above case for the defendant's failing to plead, answer, or otherwise defend.		
The affiant, <u>David Painter</u> , being duly sworn, states as follows:		
1. That the affiant has personal knowledge of the facts set forth in the affidavit.		
2. That the defendant was served with a summons and a copy of the Statement of Claim/Complaint on (date) <u>11/18/2020</u> .		
3. That more than <u>60</u> days have elapsed since the defendant was served with a summons and a copy of the Statement of Claim/Complaint.		
4. That the defendant has failed to answer or otherwise defend against the plaintiff's Statement of Claim/Complaint.		
5. That this affidavit is executed by the affiant in accordance with Rule 55(b), ARCP, for the purpose of enabling the plaintiff to obtain a default judgment against the defendant, for the defendant's failing to answer or otherwise defend against the plaintiff's Statement of Claim/Complaint.		
6. That the defendant is not an infant or an incompetent person, and there has been no violation of the provisions of Ala. Code 1975, Chapter 19, Title 5.		
7. That the defendant ☐ is ☒ is not in military service.		
8. Judgment Conditions: ☐ with ☒ without waiver of exemptions.		
9. That the amount of money claimed by the defendant to the plaintiff is		
☒ THE SUM OF \$ <u>19,983</u> , which is to be determined as follows:		
Principal Balance \$ <u>19,983</u>		
Interest \$ _____		
Court Costs \$ _____		
Attorney Fee \$ _____ (if requesting attorney's fees, it must be determined by the judge, not the clerk).		
(If provided by contract, note or law)		
☐ SPECIFY PROPERTY (Describe, on a separate sheet of paper, property of which the plaintiff demanded right to possession from the defendant in the Statement of Claim/Complaint.)		
10. The affiant requests entry of judgment: ☒ By the Court ☐ By the Clerk		
Name of Affiant: <u>David Painter</u>		
Signature of Affiant: <u>[Signature]</u>		
Affiant's Home or Business Address (if not represented by an attorney):		
<u>45 Spring Valley Dr</u>		
<u>Cheslea, AL 35043</u>		
City State Zip Code		
Name of Attorney: _____		
Signature of Attorney: _____		
Business Address of Attorney: _____		
City State Zip Code		
Sworn To and Subscribed Before Me This		
Date: <u>4/13/2021</u>		
<u>[Signature]</u> Notary		
Officer's Signature Title		
LAURA BOLLINGER NOTARY PUBLIC, ALABAMA STATE AT LARGE MY COMMISSION EXPIRES JAN 03, 2023		
☒ Default judgment is hereby rendered against the defendant in the amount of \$ <u>19,983</u>		
Date <u>4/19/21</u> Judge/Clerk <u>[Signature]</u>		
☐ Default judgment is hereby rendered against the defendant and the plaintiff is awarded right to possession of the property sworn to in the affidavit above.		
Date _____ Judge/Clerk _____		
CERTIFICATE OF SERVICE ON OTHER PARTIES		
I hereby certify that a copy of this Application, Affidavit, and Entry of Default Judgment has been sent, by first class mail, postage prepaid, to all parties who are not in default in this case. Signed _____		
Rule 55, ARCP		
* Separate form shall be completed for each defendant in cases involving multiple defendants.		
Pursuant to Ala. Code 1975, §12-13-71(a) (10), a filing fee is required when seeking a default judgment pursuant to Rule 55(b), ARCP.		
Original - Court File Copy - Plaintiff Copy - Defendant		

RECEIVED AND FILED
MARY H. HARRIS

APR 14 2021

WILLIAM A. VICK
COURT CLERK
SHELBY COUNTY