

Information or instructions: ~~Interlocutory default judgment~~

PREVIEW

1. An interlocutory default judgment is used when two or more defendants have been joined and one defendant has failed to file an answer. A default judgment is taken only against the defendant who failed to answer.
2. Add a certificate of service to the parties when filing an interlocutory default judgment.

Form: Interlocutory default judgment

CAUSE NUMBER _____

[Name] **PLEASE DO NOT COPY** IN THE [Type of Court] COURT
PLAINTIFF [Court number]

vs.

[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

INTERLOCUTORY DEFAULT JUDGMENT

The above entitled and numbered cause came on for trial on the _____ day of _____, _____, _____. The Court being regularly in session at the place where the cause was commenced, in which cause Plaintiff [Name], and the Defendant is [Name], the Judge in Open Court regularly called this cause in its order on the docket. The Plaintiff was present in Court and although duly served with process on [Date], Defendant failed to appear and wholly made default;

The Citation with officer's return thereon having been on file for more than ten (10) days, exclusive of this date and the date of service, the Plaintiff announced ready for trial and the cause was tried to the Court without a jury. The Court, having reviewed the pleadings on file, the evidence submitted at trial, and the exhibits thereto, is of the opinion that Plaintiff's cause against Defendant [Name of defaulting defendant] is meritorious. Accordingly, the Court finds that Plaintiff is entitled to recover of and from the Defendant [Name of defaulting defendant] its actual damages in the amount of \$[Amount].

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THANK YOU

FURTHER, the Court finds that Defendant's conduct was intentional and malicious and that Plaintiff is entitled to recover the maximum damages allowed under the Texas Deceptive Trade

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Practices Act in the amount of \$[Amount].

FURTHER, the Court finds that Plaintiff is entitled to recover its reasonable attorney fees in the amount of \$[Amount].

It is ORDERED by this Court that Plaintiff recover from Defendant [Name of defaulting defendant] the sum of \$[Amount] plus attorney fees in the amount of \$[Amount] plus interest at the rate of [interest rate] percent (%) from entry of judgment, and that execution should issue.

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Signed on _____.

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

[Law Firm's or Attorney's Name]
Attorney for Plaintiff
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

THIS DOCUMENT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading or document has been served upon all attorneys of record and any parties who are not represented by an attorney on _____.

Attorney for: [Other attorney's client's name]
Attorney's name: [Other attorney's name]
Attorney's address: [Other attorney's address]

THANK YOU

Type of Service:

- ___ U.S. Mail, Certified Return Receipt Request No. _____.
- ___ U.S. Mail, First Class _____.
- ___ Hand delivery by name of driver or service _____.
- ___ Facsimile transmission to _____ [fax number] before 5 p.m.

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PREVIEW

[Attorney's signature]

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THANK YOU

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