

Rule B. ATTACHMENT AND GARNISHMENT: SPECIAL PROVISIONS

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(2) **Pre-seizure Requirements.** In accordance with Supplemental Rule (B)(1), the process of attachment and garnishment ~~shall~~**will** issue only after one of the following conditions has been met:

(d) **United States Marshal's Return of Service.** The United States Marshal must file a return of service indicating the date and manner in which service was perfected and, if service was perfected upon a garnishee, the United States Marshal ~~shall~~**will** indicate on the return the name, address, and telephone number of the garnishee.

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(6) **Procedural Requirements for the Entry of Default Judgment.** Not later than thirty days after notice of the entry of default, the party seeking the entry of default judgment must file a motion with appropriate exhibits and supporting legal memorandum sufficient to support the entry of default judgment. The moving party must serve these papers upon every other party to the action and file a Certificate of Service indicating the date and manner in which service was made.

A party opposing the entry of default judgment must file written opposition to the motion within seven days of receipt of the motion. Unless otherwise ordered by the court, the motion for the entry of default judgment will be heard without oral argument.

Unless a motion to be continued is granted, a default judgment establishes a right on the part of the party or parties in whose favor it is entered and will be considered prior to any claims of the owner of the defendant property against which it is entered and to the remnants and surpluses thereof but does not establish plaintiff's priority of entitlement to possession of defendant property over non-possessory lien claimants. Obtaining a judgment by default ~~shall~~**will** not preclude the party in whose favor it is entered from contending and proving that all, or any portion, of the claim or claims encompassed within the judgment are entitled to priority over any non-possessory lien claims.