V I R G I N I A:

IN THE CIRCUIT COURT OF

HOMEOWNERS \*

ASSOCIATION, INC. \*

a Virginia corporation \*

\*

Complainant \*

\*

vs. \* Case No.

\*

\*

Defendants \*

***MOTION FOR ENTRY OF DEFAULT JUDGMENT***

***AND FOR APPOINTMENT OF A SPECIAL COMMISSIONER***

COMES NOW the Complainant, by counsel, and moves this Court to enter judgment against the defendants, jointly and severally, for all sums due to the complainant pursuant to a Notice of Lien duly filed against said defendants and pursuant to its Bill of Complaint to Enforce Lien, and further moves that this Court appoint a Commissioner to effect the sale of defendants' real estate, as set forth in the Bill of Complaint to Enforce Lien, to satisfy all sums due the complainant, and in support thereof states as follows:

1. On , 199 a notice of lien for non-payment of the complainant's dues together with interest and related expenses was recorded against the defendants' real property in Deed Book at Page , among the land records of County, Virginia.

2. By letter from complainant's counsel dated , 199 the defendants were notified that, unless payment in full for said dues was received on or before , 199 immediate steps to enforce the lien would be taken.

3. Defendants failed to pay any sums due the complainant pursuant to said notice of lien.

4. On or about , 199 the complainant filed its Bill of Complaint to Enforce Lien against the defendants in this action, with said Bill of Complaint having been duly served on the defendants on , 199 .

5. On or about , 199 the defendants made a partial payment of $ against the total sum due and owing the complainant, as set forth in the Bill of Complaint to Enforce Lien.

6. The defendants have failed to file any response to the complainant's Bill of Complaint to Enforce Lien, with the time period for filing such response having expired.

7. The defendants are, therefore, in default and the complainant is entitled to a default judgment against the defendants, jointly and severally, for all sums due it pursuant to the notice of lien and the Bill of Complaint to Enforce Lien.

WHEREFORE, these premises considered, the complainant moves that this Court grant the following relief:

a) That it be awarded judgment against the defendants, jointly and severally, in the amount of ($ ) plus costs, interest and attorney's fees.

b) That a Special Commissioner be appointed by this Court, directing said Commissioner to, after first giving due notice of time and place for executing this reference, to inquire and report as to the following:

1. verification of the rightful owners of the real estate, as described and set forth in the Bill of Complaint to Enforce Lien;

2. an accounting of any and all taxes owed on the aforesaid real estate;

3. determination of any and all liens of record which are binding on the aforesaid real estate and the amount of each, their priority, and notification to all such lienholders;

4. determination that the rents and profits, if any, of the real estate subject to the lien will not satisfy the judgment in five (5) years;

5. ascertainment of the fair market value of the fee simple real estate, if any;

6. the reasonable fee to be paid to counsel; and

7. any and all other matters deemed pertinent by said Special Commissioner and such matters which he is requested to report on by any party in interest, if the same is pertinent to the issues in this cause.

c) That this Court award the complainant such further relief as it shall consider just and equitable.

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*Counsel for Complainant*

***CERTIFICATE OF SERVICE***

I hereby certify that a true copy of the foregoing was sent this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ by: \_\_\_\_\_\_\_\_ regular mail, postage pre-paid

\_\_\_\_\_\_\_\_ facsimile

\_\_\_\_\_\_\_\_ electronic mail

\_\_\_\_\_\_\_\_ hand delivery

To:

*Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

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Brien A. Roche, Esq.