

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

BRANCH BANKING AND TRUST, )  
COMPANY, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ALLEN R. DIXON, )  
individually and doing )  
business as )  
American Eagle, )  
 )  
Defendant. )

CIVIL ACTION NO.  
3:12cv777-MHT  
(WO)

ORDER

It is ORDERED as follows:

(1) Plaintiff Branch Banking and Trust Company's application to the court for judgment by default, filed December 20, 2012 (doc. no. 7), is denied with leave to renew. The application fails to provide the information listed in the next paragraph.

(2) Should plaintiff Branch Banking and Trust Company renew its application for default judgment, the application should include the following:

(a) An affidavit to the effect that defendant Allen R. Dixon is neither an infant nor incompetent. See Fed. R. Civ. P. 55(b)(2); and

(b) An affidavit "(A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service" as required by the Soldiers' and Sailors' Civil Relief Act of 1940, as amended by the Servicemembers Civil Relief Act of 2003, 50 App. U.S.C. § 521(b)(1)(B) & (A).

DONE, this the 3rd day of January, 2013.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE