

Rule 62-II. Application for Termination of Stay or for Entry of Judgment

(a) PLAINTIFF'S APPLICATION. If either entry or execution of the judgment has been stayed on condition that the defendant make certain periodic payments to the plaintiff or perform other acts, and the defendant at any time fails to make the payments or perform the acts, the plaintiff may apply for termination of the stay or entry of judgment by mailing to the defendant and the defendant's attorney, if any, a verified copy of Civil Action Form 110, accompanied by proof of service as provided in Rule 5-I.

(b) ACTION BY THE CLERK.

(1) *When the Defendant Fails to Respond.* If the defendant fails to oppose the termination, the clerk may terminate the stay and issue execution or enter judgment in accordance with the notice given by Civil Action Form 110, in the manner provided in Rule 55(b)(1) with respect to defaults.

(2) *When the Defendant Files an Opposition.* If the defendant files an opposition, the notice must be treated as an opposed motion pursuant to Rule 12.

COMMENT TO 2017 AMENDMENTS

Stylistic changes were made to this rule to conform with the 2007 amendments to the Federal Rules of Civil Procedure.