STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-05-124

RECEIVED AND FILED
KENNEBEC SUPERIOR COURT
2005 JUN 17 A 8:05

STATE OF MAINE,

Plaintiff,

v.

KIMBERLY MARK SMITH and DAVID J. BLAIS, d/b/a CBS ENTERPRISES,

Defendants.

AFFIDAVIT AND REQUEST FOR DEFAULT

CONSUMER PROTECTION DIVISION
RECEIVED
JUN 23 2005
OFFICE OF ATTORNEY GENERAL

STATE OF MAINE
COUNTY OF KENNEBEC, ss.

I, James McKenna, Assistant Attorney General, being duly sworn, deposes and states as follows:

1. I am an attorney for the Plaintiff in the above-captioned matter. The Summons and Complaint were served upon Defendant David J. Blais on May 24, 2005, and the Certificate of Service is being filed with this Court as an attachment to this Affidavit.

2. The Defendant has failed to plead or otherwise defend this action, and the time to plead or otherwise defend has expired.

3. The Defendant is not an infant or incompetent person, and to the personal knowledge of the undersigned, the Defendant is not in the Military Service of the United States, as defined in Article I of the Soldiers' and Sailors' Relief Act of 1940, as he is a resident of Livermore, Maine.

4. On June 9, 2005, this affiant met with Defendants Smith and Blais. At that time, Mr. Smith indicated that he was aware that the deadline for answering the State's Complaint was Monday, June 13, 2005.

5. That this Affidavit is executed by affiant herein in accordance with Rule 55(a) of the Maine Rules of Civil Procedure, for the purpose of enabling the Plaintiff to obtain an entry of default against Defendant Blais for his failure to answer or otherwise defend as to the Plaintiff's Complaint.

6. Venue is proper in Kennebec County pursuant to 5 M.R.S.A. § 209.