

STATE OF VERMONT  
VERMONT SUPREME COURT  
\_\_\_\_\_ TERM, 2026

**Promulgation Order Amending Rule 55(a) of the Vermont Rules of Civil Procedure**

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 55(a) of the Vermont Rules of Civil Procedure be amended as follows (new matter underlined):

**RULE 55. DEFAULT**

**(a) Motion for Default Judgment.** When a party against whom a judgment for affirmative relief is sought by complaint, cross-claim, counterclaim, or other pleading has failed to plead or otherwise defend, the party seeking the affirmative relief may file a motion for a default judgment. A motion that relies on service outside the state effected under the law of the place of service must specify the statute or rule of the place of service that authorizes the manner of service.

**Reporter's Notes—2026 Amendment**

Rule 55(a) is amended to require a movant to provide the legal basis for service outside the state when default judgment is sought. Under V.R.C.P. 4(e), service outside the state can be accomplished by complying with either the manner required for service within the state or “in any manner in which service may be effected under the laws of the state in which the person is served.” This amendment seeks to avoid delays in ascertaining proper service when a movant seeks default judgment and claims that service was made in conformance with out-of-state rules. The amendment puts the burden on the movant to provide the court with the statute or rule that contains the service requirements. This information assists the court in assessing whether service was properly effected.

3. That these Rules, as amended, are prescribed and promulgated to become effective \_\_\_\_\_ . The Reporter's Notes are advisory.

4. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont this \_\_\_\_ day of \_\_\_\_\_ 2026.

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Nancy J. Waples, Associate Justice

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Christina E. Nolan, Associate Justice

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Michael P. Drescher, Associate Justice

Comments on this proposed amendment should be sent by **June 7, 2026**, to Bridget Asay, Esq.,  
Chair of the Advisory Committee on the Rules of Civil Procedure, at the following address:

Bridget Asay, Esq., Chair  
Advisory Committee on the Rules of Civil Procedure  
[BAsay@stris.com](mailto:BAsay@stris.com)