

**COMMONWEALTH OF MASSACHUSETTS**  
**Warehame District Court Department**

**CAPITAL ONE, N.A.**  
Plaintiff

v.

**JAMES J. BENTING**  
Defendant

Docket No: **2460CV000371**

DISTRICT COURT DEPT.  
WAREHAM DIVISION  
RECORDS SERVICES OFF.  
2006 APR 30 A 11:21

◆ **AFFIDAVIT OF JAMES J. BENTING**

I, **James J. Benting**, hereby depose and state as follows:

1. I am the Defendant in the above-captioned matter and submit this affidavit in support of my Motion to Vacate Default Judgment.
2. I am representing myself in this case and do not have formal legal training.
3. I take full responsibility for failing to timely respond to the Plaintiff's interrogatories.
4. My failure to respond was **not intentional or in bad faith**, but was the result of confusion regarding the procedural requirements and deadlines associated with discovery.
5. After the initial default in this case was vacated, I made efforts to participate by filing an Answer and attempting to follow the process; however, I misunderstood my obligations concerning the interrogatories and the consequences of not responding.
6. I did not ignore the case, nor did I intend to delay or obstruct the proceedings. My actions were the result of **excusable neglect as a self-represented litigant navigating complex legal procedures**.
7. Since becoming aware of the default judgment entered against me, I have acted promptly to address the situation and seek relief from the Court.
8. I am fully prepared to:
  - Provide complete responses to the Plaintiff's interrogatories immediately
  - Comply with all future court orders and deadlines



- o Participate in this case in good faith moving forward

9. I respectfully believe that I have a **meritorious defense**, including but not limited to:

- o Questioning the accuracy of the amount claimed
- o Requiring strict proof of the Plaintiff's ownership of the alleged debt
- o Requiring proper documentation of the account and charges

10. I respectfully request the opportunity to have this matter decided on its merits rather than by procedural default.

11. I understand the importance of complying with court rules and assure the Court that I will do so going forward.

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◇ **CONCLUSION**

I respectfully ask this Court to vacate the default judgment and allow me the opportunity to properly defend this matter.

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**SIGNED UNDER THE PENALTIES OF PERJURY**

James J. Benting

Date:4/28/2026

