

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email

I am  Plaintiff  Defendant  
 Plaintiff's Attorney  Defendant's Attorney (Utah Bar #: \_\_\_\_\_)

In the 4<sup>th</sup> District Lindon Justice Court of Utah  
4th Judicial District Utah County  
100 North State Street – Lindon, Utah 84042

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p> <p>And</p> <p>_____ Defendant</p>	<p><b>Motion Set Aside Dismissal or Default Judgment – Small Claims Case</b></p> <p>_____ Case Number</p> <p>_____ Judge</p>
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I request that the  Default Judgment  Order of Dismissal entered on \_\_\_\_\_ (date) be set aside. I was not able to appear at trial because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Set Aside Dismissal or Default Judgment – Small Claims Case on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

### **INSTRUCTIONS FOR MOTION TO SET ASIDE DISMISSAL**

Because you did not show up on time for the trial in your small claims case, your claim was dismissed. If you have good cause for not appearing at the trial, you may ask the judge to "set aside" the dismissal. If the judge grants your request, the judge may require you to pay the other party's costs associated with getting the dismissal (for example, costs associated with having witnesses appear for the trial at which you did not appear). If the dismissal is set aside, the case will go to trial, and the judge will hear both sides of the case. To ask the judge to set aside the dismissal, you must fill out the Motion to Set Aside Judgment form and file it with the court. **The court must receive the Motion to Set Aside Judgment within 15 calendar days after the judge dismissed your claim. The court may allow a Motion to Set Aside to be filed late if the party shows good cause for failing to make a timely request and if the request is made in a reasonable time.**

### **INSTRUCTIONS FOR MOTION TO SET ASIDE DEFAULT JUDGMENT**

Because you did not appear on time for the trial in your small claims case, the other party was granted a "default judgment" against you. If you do not agree that the other party was entitled to a judgment against you and you have good cause for not appearing at the trial, you may ask the judge to "set aside" the default judgment. If the judge grants your request, the judge may require you to pay the other party's costs associated with getting the default judgment (for example, costs associated with having witnesses appear for the trial at which you did not appear). To ask the judge to set aside the default judgment, you must fill out the Motion to Set Aside Judgment form and file it with the court. **The court must receive the Motion to Set Aside Judgment within 15 calendar days after the Judgment was rendered against you. The court may allow a Motion to Set Aside Judgment to be filed late if the party shows good cause for failing to make a timely request and if the request is made in a reasonable time.**

### **INSTRUCTIONS TO PARTIES IF JUDGMENT/DISMISSAL IS SET ASIDE**

If the judgment is set aside, the trial will be held on the date indicated on the court's order. If the court indicated that costs may be assessed against the requesting party, the other party should bring proof (e.g. Bills, canceled checks) of the costs associated with getting the set aside judgment.