

Verified Motion to Set Aside and Vacate Default Judgment

Use this form when:

You are the Defendant and

- A Default Judgment was entered against you.

You must file this Motion within one (1) year of the date of the Default Judgment.

“Verified” means that by signing and submitting this Motion, you swear or affirm under oath and under penalties for perjury that all the answers and information are true and accurate.

This form has both a Motion and a Proposed Order.

→ You must fully complete the Motion.

→ You must complete only the top half of the Order.

Print and bring both forms to court.

SCROLL DOWN FOR Verified Motion to Set Aside and Vacate Default Judgment

VERIFIED MOTION TO SET ASIDE AND VACATE DEFAULT JUDGMENT

TIPPECANOE SUPERIOR COURT No. 4

CAUSE NO. 79D04-_____ -PL/SC-_____

Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266

Plaintiff 1 Defendant 1
Address Address
Address Address
City State Zip City State Zip
Telephone Telephone
Email Email

Plaintiff 2 Defendant 2
Address Address
Address Address
City State Zip City State Zip
Telephone Telephone
Email Email

If Plaintiff is represented by an Attorney:
Attorney
Attorney No.
Address
Address
City State Zip
Telephone
Email

VERIFIED MOTION TO SET ASIDE AND VACATE DEFAULT JUDGMENT
[Attach Order]

Comes now, Defendant, and requests the Court to set aside and vacate the default judgment entered against the Defendant on _____, 20__. Pursuant to Small Claims Rule 10(C), I represent that I have good reason why I did not come to court on the date of the hearing: _____

Further, I believe I have this valid legal defense to the Plaintiff's claim: _____

I acknowledge I must file this Verified Motion under Small Claims Rule 10 within one (1) year of the date the default judgment was entered against me. If more than one (1) year has passed, I understand I must file an independent action as provided in Trial Rule 60(B) and have been advised by the Court to consult with an attorney. Further, I understand this judgment remains a valid and enforceable judgment unless and until set aside and vacated by the Court.

I swear or affirm under penalties for perjury, as specified in I.C. 35-44-2-1, the information herein is true and accurate to the best of my knowledge and belief and that on the date this Motion was filed, I served a copy of this Motion on the other party by:
[] U.S. Mail (1st class) to the address of the other party as listed above.
[] U.S. Mail (1st class) to the address of the plaintiff's attorney as listed above.
[] Email to the address of the other party as listed above.
[] Email to the address of the plaintiff's attorney as listed above.
[] Other: _____

_____, 20____
Date

Signature

ORDER ON VERIFIED MOTION TO SET ASIDE AND VACATE DEFAULT JUDGMENT

TIPPECANOE SUPERIOR COURT No. 4

CAUSE NO. 79D04-_____ -PL/SC-_____

Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266

Plaintiff 1 _____	Defendant 1 _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

Plaintiff 2 _____	Defendant 2 _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

ORDER ON VERIFIED MOTION TO SET ASIDE AND VACATE DEFAULT JUDGMENT

The Court having considered this Verified Motion, now

SCHEDULES the Motion for hearing on

_____ [day], _____ [date] at _____ [time]

NOTE: If this Motion is granted at this hearing and the default judgment is vacated at that time, the parties should be prepared to immediately proceed to trial on the merits.

DENIES the Motion; the judgment remain valid.

Date

Mathew S. Sandy Judge
Tippecanoe Superior Court No. 4

COPY: Plaintiff Attorney for plaintiff Defendant Attorney for defendant