

IN THE SMALL CLAIMS COURT IN AND FOR
WASHINGTON COUNTY JUSTICE COURT, STATE OF UTAH
87 NORTH 200 EAST #301, ST. GEORGE, UTAH 84770

NAME)

STREET ADDRESS)

CITY, STATE, ZIP)

VS.)

Defendant(s))
NAME)

STREET ADDRESS)

CITY, STATE, ZIP)

MOTION TO SET ASIDE
JUDGMENT/DISMISSAL

Case No. _____

[] Plaintiff [] Defendant requests the dismissal/default judgment entered against the party be set aside. The dismissal/default judgment was entered by the court on the _____ day of _____, 20____. The party filing the Motion to Set Aside Judgment states that the party had good cause for not appearing at the trial scheduled for this case. The good cause for failing to appear at trial is the following:_____

I certify that I mailed a copy of this Motion to Set Aside Judgment to the [] Plaintiff [] Defendant at the above address on this date.

Dated: _____, 20____.

Signed, [] Plaintiff [] Defendant

ORDER OF THE COURT

The Motion to Set Aside Judgment is

[] **DENIED**

[] **GRANTED**. Trial will be held on date: _____ at time: _____

at address: Washington County Justice Court, 87 North 200 East, St George, UT 84770.

[] Requesting party is required to pay other party's proven costs associated with the set aside judgment.

Dated: _____, 20____.

Justice Court Judge

READ THE INSTRUCTION ON THE BACK OF THIS FORM

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 for 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.