

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

**This motion will be decided by the court commissioner at an upcoming hearing. If you do not appear at the hearing, the commissioner might make a decision against you without your input. You may file a written response to the motion. Any response must be filed at least 14 days before the hearing.**

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

I am  Petitioner  Respondent  
 Petitioner's Attorney  Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
 Petitioner's Licensed Paralegal Practitioner  
 Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of (select one)

the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)

the Children of (to establish custody, parent-time or child support)

the Parentage of the Children of (for a paternity case)

\_\_\_\_\_  
(name of Petitioner)

and

\_\_\_\_\_  
(name of Respondent)

\_\_\_\_\_  
Other parties (if any)

**Motion to Set Aside - Commissioner**

**Default**  
(Utah Rule of Civil Procedure 55(c))

**Judgment**  
(Utah Rule of Civil Procedure 60(b))

**Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

Plaintiff/Petitioner  Defendant/Respondent asks the court to set aside the  default  judgment entered against them on \_\_\_\_\_ (date).

1. I ask to set aside the default or judgment for the reasons below (Choose all that apply.):

a.  Because of my mistake, surprise, excusable neglect, or inadvertence. (Describe.):

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b.  I have learned of new evidence that I could not have discovered within 28 days after the judgment was entered. (Describe.):

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c.  Because of the other party's fraud, misrepresentation or other misconduct. (Describe.):

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d.  The judgment is void. (Describe.):

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e.  The judgment has been paid, released, or discharged. (Describe.):

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f.  The judgment in my case is based on an earlier judgment. That earlier judgment has been reversed or otherwise vacated. (Describe.):

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g.  It is no longer equitable that the judgment should have prospective application. (Describe.):

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h.  Some other reason that justifies relief. (Describe.):

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2. This motion is being filed within a reasonable time because (Choose all that apply.):

I selected 1a, 1b, or 1c, and I am making this motion within 90 days of the default or judgment.

I selected 1d, 1e, 1f, 1g, or 1h. (Explain why you are filing this motion now and how that is reasonable.):

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3. The reasons that I disagree with the claims in the original complaint or petition, and the facts supporting my disagreement, are:

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4.  I request a hearing.

I do not request a hearing.

### Plaintiff/Petitioner or Defendant/Respondent

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 \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

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

### Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:  
[utcourts.gov/motions](http://utcourts.gov/motions)



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### Finding help

The court's Finding Legal Help web page ([utcourts.gov/help](http://utcourts.gov/help)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



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### Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:  
[utcourts.gov/motions-span](http://utcourts.gov/motions-span)



Para acceder esta página escanee el código QR

### Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal ([utcourts.gov/help-span](http://utcourts.gov/help-span)) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



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### Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Set Aside Default or Judgment 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.)		

\_\_\_\_\_ Signature ► \_\_\_\_\_  
 Date \_\_\_\_\_ Printed Name \_\_\_\_\_