

IN THE \_\_\_\_\_ (Name of Court) COURT OF  
\_\_\_\_\_ (Name of County), \_\_\_\_\_ (Name of State)

\_\_\_\_\_  
(Name of Petitioner) **PETITIONER**

V. **CAUSE NO.** \_\_\_\_\_

\_\_\_\_\_  
(Name of Respondent) **RESPONDENT**

**Petition to Vacate Judgment**

COMES NOW \_\_\_\_\_ (Name of Petitioner),  
Petitioner in the above-styled and numbered cause, by and through her attorney, and files  
this her Petition to Vacate Judgment, and in support thereof would show unto the Court  
the following matters and facts:

**1.**

Respondent, \_\_\_\_\_ (Name of Respondent), by and  
through its attorney, \_\_\_\_\_ (Name of attorney  
for Respondent), with offices at \_\_\_\_\_  
\_\_\_\_\_ (Address of attorney for  
Respondent), did on \_\_\_\_\_ (date) file its Complaint at  
law in an action for damages against Petitioner as Defendant. That cause of action was  
docketed as Cause No. \_\_\_\_\_ (Number) in the records of the  
\_\_\_\_\_ (Title of trial court).

**2.**

Petitioner, who was named as Defendant in Cause No. \_\_\_\_\_ (number),  
referred to in the last preceding paragraph, was a nonresident of \_\_\_\_\_  
(name of state of original suit) at all times material, as was the Plaintiff in the action.  
The facts as to the non-residence of both Plaintiff and Defendant in Cause No.  
\_\_\_\_\_ (number), affirmatively appear in Plaintiff's Complaint filed in  
Cause No. \_\_\_\_\_ (number).

3.

On \_\_\_\_\_ *(date)*, the \_\_\_\_\_  
\_\_\_\_\_ *(title of trial court)*, acting at the insistence and request of  
\_\_\_\_\_ *(name of attorney for Plaintiff)*, counsel  
for Plaintiff in Cause No. \_\_\_\_\_ *(number)*, entered the default of  
Defendant in the cause and entered judgment in the cause in favor of Plaintiff and against  
Defendant, the Petitioner in this proceeding, in the amount of \$\_\_\_\_\_ *(dollar  
amount)* and costs. That judgment was docketed in *[e.g. Judgment Book 000 at Page 00  
in the office of the Circuit Clerk of (Name of County, (Name of State))]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4.

This Petition is filed by the Petitioner in this proceeding, being the same person  
named as Defendant in Cause No. \_\_\_\_\_ *(number)*, to set aside as  
completely void the Judgment entered against Petitioner on \_\_\_\_\_  
*(date)* in that Cause. This Petition is filed in accordance with the provisions of  
\_\_\_\_\_ *(cite statute)* of \_\_\_\_\_  
*(name of state where judgment entered)*. Petitioner alleges that there was irregularity in  
the obtaining and the entering of the judgment referred to above, in that the \_\_\_\_\_  
\_\_\_\_\_ *(title of trial court)* had  
not obtained jurisdiction of Defendant in said Cause. By virtue of such lack of  
jurisdiction, the Court was without power to enter judgment against Petitioner, and  
therefore any purported judgment is null and void and of no force and effect whatever.

5.

Plaintiff in the said Cause wholly failed to acquire jurisdiction of this Defendant  
and failed to make any good and sufficient service of notice on Defendant or to make a  
good and sufficient return of service of an original notice on Defendant in the Cause. The  
\_\_\_\_\_ *(title of trial court)*, by  
reason of such failure of Plaintiff, had no jurisdiction whatsoever of Defendant in the  
Cause, and, therefore, the Judgment entered on \_\_\_\_\_ *(date)*  
in the Cause against Defendant referred to above was void and is of no effect whatever.

6.

Petitioner, who was named Defendant in the cause, state and allege that she has a meritorious defense to the claims asserted in the Complaint filed in the Cause. An affidavit in support of this allegation is attached hereto as **Exhibit A**, and made a part of this Petition by reference thereto.

WHEREFORE, Petitioner requests that the Judgment previously entered by the \_\_\_\_\_ *(title of trial court)*, in Cause No. \_\_\_\_\_ *(number)*, in which \_\_\_\_\_ *(Name of Respondent)* was the Plaintiff and \_\_\_\_\_ *(Name of Petitioner)* was the Defendant, which Judgment was entered on \_\_\_\_\_ *(date)*, be held void and of no force and effect whatever, and that such Judgment be vacated and set aside.

Petitioner further requests that Respondent/Plaintiff be enjoined from issuing any execution on the alleged Judgment or from taking any other steps to enforce the alleged Judgment.

Respectfully submitted this \_\_\_\_\_ *(date)*.

\_\_\_\_\_  
*(Name of Petitioner)*

By: \_\_\_\_\_

\_\_\_\_\_  
*(Name & Signature of Petitioner's Attorney)*

State Bar No. \_\_\_\_\_

Petitioner's Attorney

### Certificate of Service

This is to certify that I, \_\_\_\_\_ (*Name of Attorney*), attorney for Petitioner \_\_\_\_\_ (*Name of Petitioner*), have this date served a true and correct copy of the above and foregoing **Petition to Vacate Judgment** by U.S. Mail, postage fully prepaid, to the following counsel of record for Respondent:

\_\_\_\_\_  
(*Name of Attorney*)

\_\_\_\_\_  
*Post Office Box*

\_\_\_\_\_  
*City, State, Zip Code*

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Respectfully Submitted,**

\_\_\_\_\_  
(*Name of Attorney*)

State Bar No. \_\_\_\_\_

Attorney for Petitioner