

IN THE _____ COURT OF _____ (County),
_____ (State)

(Name of Plaintiff) **PLAINTIFF**

V. CAUSE NO. _____, _____

(Name of Defendant) **DEFENDANT**

Motion to Set Aside Entry of Default and Default Judgment

Comes now _____ (Name of Defendant), Defendant in the above-captioned cause, and respectfully moves that this Court set aside the Entry of Default and Default Judgment in the above-entitled and numbered cause and allow Defendant to answer the Complaint of Plaintiff, and as grounds for said Motion would show unto the Court the following:

1.

The Complaint in the above-entitled and numbered cause was filed and a summons issued by the Clerk of this Court on _____ (date).

2.

Service of process was made on Defendant on _____ (date).

3.

Defendant delivered his copy of the Summons and Complaint to his attorney at that time _____ (name of attorney).

4.

Said attorney for Defendant, as the attached affidavit shows, through mistake, inadvertence, and excusable neglect, failed to answer or otherwise appear in that cause for and on behalf of Defendant, within the time allowed by law.

5.

An Entry of Default was entered against Defendant on _____
(date).

6.

Default judgment was taken pursuant to that Entry of Default on
_____ (date).

7.

Defendant has a meritorious defense to Plaintiff's Complaint, as shown by the attached Answer and by the attached Affidavit of _____ (name of affiant).

WHEREFORE, Defendant moves the Court for an Order setting aside the Entry of Default and the Default Judgment in the above-entitled and numbered cause and allowing Defendant's Answer, attached to this Motion, to be filed.

Witness my signature this the _____ day of _____, 20_____.

Respectfully submitted,

(Name of Defendant)

By: _____

(Name of Defendant's Attorney)

State Bar No. _____

One of His Attorneys

OF COUNSEL:

(Name of Defendant's Attorney)

Post Office Box _____-_____

City, State, Zip Code

Telephone: _____-_____-_____

Certificate of Service

This is to certify that I, _____ (*Name of Attorney*), attorney for Defendant _____ (*Name of Defendant*), have this date served a true and correct copy of the above and foregoing **Motion** by U.S. Mail, postage fully prepaid, to the following counsel of record for Plaintiff:

(*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 Defendant

OF COUNSEL:

(*Name of Attorney*)
Post Office Box _____ - _____

City, State, Zip Code
Telephone: _____ - _____ - _____

Notice of Motion to Set Aside Entry of Default and Default Judgment

You are notified that on _____ *(date)*, at _____
(time), or as soon thereafter as counsel can be heard, in Courtroom 000 of the _____ Court
for _____ County, _____ *(State)*, at the _____
(County) Courthouse at _____
_____ *(street address, city, county, state, zip code)*,
Defendant _____ *(Name of Defendant)*, by and
through his attorney, will bring on for hearing his **Motion to Set Aside Entry of Default and
Default Judgment.**

Respectfully Submitted,

(Name of Attorney)
State Bar No.

Attorney for Defendant

OF COUNSEL:

(Name of Attorney)

Post Office Box _____ - _____

City, State, Zip Code

Telephone: _____ - _____ - _____