	COURT OF OF	_COUNTY
))))	
Petitioner/Plaint	iff,)) NO.	
Vs.)))	
Respondent/Defenda	ant))	

MOTION TO CONTINUE

NOW COMES ______, Plaintiff, and files this her Motion for Continuance in the trial of this cause set for the _____ day of _____, 20___, and in support thereof would show as follows, to-wit:

1.	This	cause	is	set	for	trial	in	this	Court	on	the	 day	of
	20.												

One of the witnesses for Plaintiff at the trial of this cause will be ______, who was a passenger in the vehicle with the Plaintiff at the time of the automobile accident between Plaintiff and Defendant.

3. Plaintiff's witness cannot be located at this time, and it is probable that he will not be available to testify at trial on the _____ day of _____, 20___.

4. _______ is a material and necessary witness for the Plaintiff. There are no other witnesses known to the Plaintiff who can testify to the particular facts Plaintiff expects to prove by this absent witness. 5. Plaintiff had no reason to believe this witness would not be available for trial, and in fact, fully expected him to be available at all times to prepare for trial and to testify at trial.

6. Through this absent witness, Plaintiff expects to prove facts showing the cause of the accident and facts concerning Plaintiff's physical condition both before and after the accident.

7. Plaintiff's Affidavit in support of this Motion is attached hereto as Exhibit "A" and is incorporated herein by reference.

8. This Motion is not being made for purposes of delay but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays this Court will grant a continuance in the trial of this cause set for the _____ day of _____, 20___.

RESPECTFULLY SUBMITTED this the ____ day of _____ 20___.

By: _____

Plaintiff's Attorney

NOTICE OF MOTION

TO:							
PLEASE TAKE NOTICE that Plaintiff's Motion for Continuance will be heard before							
the Honorable, Circuit Court Judge, on the day of,							
20, at o'clock a.m./p.m. at the County Circuit Courthouse,							
,, or as soon thereafter as counsel may be heard.							
RESPECTFULLY SUBMITTED this the day of, 20							
By: Plaintiff's Attorney							
Plaintift's Attorney							
CERTIFICATE OF SERVICE							
I,, counsel of record for the Plaintiff, do hereby certify that I have this							
day delivered a true and correct copy of the above and foregoing Motion for Continuance and							
Notice of Motion to the following counsel of record for the Defendant:							

THIS, the _____ day of _____, 20____.

IN THE CO STATE OF	OURT OF	_ COUNTY
Petitioner/Plaintiff, Vs. Respondent/Defendant) NO)]	
)	

AFFIDAVIT OF _____

THIS DAY PERSONALLY APPEARED BEFORE ME, the undersigned legal authority in and for the jurisdiction aforesaid, the within named ______, who being by me first duly sworn, did state on her oath as follows, to-wit:

1. Affiant is the Plaintiff in the above-entitled cause of action.

2. This cause has been set for trial on the _____ day of _____, 20___, in the

Circuit Court of _____ County, _____.

3. One of the witnesses for Affiant at the trial of this cause will be ______. This witness was a passenger in the vehicle with Affiant at the time of the automobile accident between Affiant and Defendant.

Affiant is unable to locate ______ at this time and does not believe ______ will be present to testify at trial.

5. Affiant expects to prove through the testimony of ______ certain facts concerning the cause of the accident. Affiant expects to prove through

6. Affiant had advised ______ that the trial of this case would be held on the _____ day of _____, 20___, and was assured by ______ that he would be available for trial. Affiant had no reason to expect this witness not to be available. However, since Plaintiff has not heard from this witness recently, she believes he may not appear in time for trial or in time to prepare adequately for trial.

7. ______ is a necessary and material witness, and Affiant cannot proceed to trial without his testimony. Affiant knows of no other witnesses who can testify to the same facts as this witness.

8. This witness is not absent by Affiant's consent, connivance, or procurement.

9. Affiant has used due diligence to procure the presence or ________ at trial. ________ has lived and worked in the State of ________ for some time and during said time has lived at several different addresses. Affiant does not know ________''s present address or present whereabouts at this time, but Affiant was advised by the witness that his family's permanent address is ________, but Affiant has attempted to telephone the witness in _______, but has discovered that there is no telephone listing for ______ and has learned that there are no _______ listed on ______ in _____, requesting the witness to contact Affiant, but no reply has yet been received.

10. Affiant requests a continuance not for the purpose of delay but so that justice may be done.

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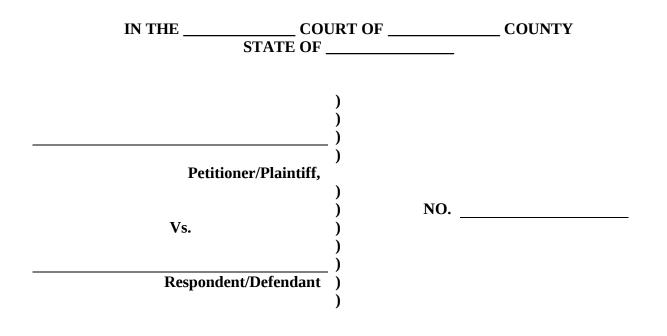
And further Affiant saith not.

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____,

20____.

NOTARY PUBLIC

My Commission Expires:



ORDER

THIS CAUSE this date having come on for hearing in the above styled cause, and the Court, having considered this matter and having heard arguments of counsel, finds that the motion is well taken and should be sustained.

IT IS THEREFORE, ORDERED AND ADJUDGED, that the trial of this cause set for the _____ day of _____, 20___, is hereby continued and will be re-set on a date agreeable to the parties and this Court.

ORDERED AND ADJUDGED this the _____ day of _____, 20____.

CIRCUIT JUDGE

PRESENTED BY: