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| 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) | | **Order on Motion to Set Aside**  **[ ] Default**  (Utah Rule of Civil Procedure 55(c))  **[ ] Judgment**  (Utah Rule of Civil Procedure 60(b))  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Case Number  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Judge  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Commissioner | |

The matter before the court is a Motion to Set Aside [ ] Default [ ] Judgment entered on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date).

This matter is being resolved by: (Choose all that apply.)

[ ] The default of [ ] Plaintiff/Petitioner [ ] Defendant/Respondent.

[ ] The stipulation of the parties.

[ ] The pleadings and other papers of the parties.

[ ] A hearing held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date), notice of which was served on all parties.

Plaintiff/Petitioner

[ ] was present.

[ ] was not present.

[ ] was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name).

[ ] was not represented.

Defendant/Respondent

[ ] was present.

[ ] was not present.

[ ] was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name).

[ ] was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The court finds:**

1. The moving party

[ ] has not shown good cause to set aside the default or judgment

[ ] has shown good cause to set aside the default or judgment for the reasons selected below:

[ ] mistake, inadvertence, surprise, or excusable neglect.

[ ] newly discovered evidence which could not have been discovered in time to move for a new trial under Utah Rule of Civil Procedure 59(b).

[ ] fraud, misrepresentation or other misconduct of the other party.

[ ] the judgment is void.

[ ] the judgment has been satisfied, released, or discharged.

[ ] a prior judgment upon which it is based has been reversed or otherwise vacated.

[ ] it is no longer equitable that the judgment should have prospective application.

[ ] any other reason justifying relief.

[ ] for the reasons set forth in the motion.

[ ] because:

|  |
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2. The motion [ ] was [ ] was not made in a reasonable time.

3. The moving party [ ] has [ ] has not set forth a meritorious defense to the underlying complaint/petition.

**The court orders:**

4. The Motion is [ ] granted [ ] denied.

5. [ ] Defendant/Respondent must file

[ ] an Answer

[ ] other pleading \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (specify)

on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date).

6. [ ] Other:

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Commissioner's or Judge’s signature may instead appear at the top of the first page of this document.

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| --- | --- | --- | --- |
|  | | Signature ► |  |
| Date | Commissioner | |  |
|  | | Signature ► |  |
| Date | Judge | |  |

Approved as to form.

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| --- | --- | --- | --- |
|  | | Signature ► |  |
| Date | Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner | |  |
|  | | Signature ► |  |
| Date | Defendant/Respondent, Attorney or Licensed Paralegal Practitioner | |  |

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| **Certificate of Service**  I certify that I filed with the court and am serving a copy of this Order on Motion to Set Aside Default or Judgment on the following people. | | | | | | |
| Person’s Name | | Service Method | | | Service Address | Service Date |
|  | | [ ] Mail  [ ] Hand Delivery  [ ] E-filed  [ ] Email  [ ] Left at business (With person in charge or in receptacle for deliveries.)  [ ] Left at home (With person of suitable age and discretion residing there.) | | |  |  |
|  | | [ ] Mail  [ ] Hand Delivery  [ ] E-filed  [ ] Email  [ ] Left at business (With person in charge or in receptacle for deliveries.)  [ ] Left at home (With person of suitable age and discretion residing there.) | | |  |  |
|  | | [ ] Mail  [ ] Hand Delivery  [ ] E-filed  [ ] Email  [ ] Left at business (With person in charge or in receptacle for deliveries.)  [ ] Left at home (With person of suitable age and discretion residing there.) | | |  |  |
|  | | | Signature ► |  | | |
| Date | Printed Name | | |  | | |