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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) | **Findings of Fact, Conclusions of Law, and Order on Motion to Vacate Stay**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Case Number  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Judge  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Commissioner (domestic cases) |

The matter before the court is Motion to Vacate a stay previously entered under the Servicemembers Civil Relief Act. This matter is being resolved by:

[ ] 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).

Plaintiff/Petitioner

[ ] was present

[ ] was not present

[ ] was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] was not represented.

Defendant/Respondent

[ ] was present

[ ] was not present

[ ] was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] 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 [ ] Plaintiff/Petitioner [ ] Defendant/Respondent is a military service member on active duty.

2. The service member’s military service [ ] does [ ] does not materially affect the service member’s ability to appear.

**The Court Concludes:**

3. [ ] The Motion to Vacate the Stay should be denied.

4. [ ] The Motion to Vacate the Stay should be granted.

**The Court Orders:**

5. [ ] The Motion to Vacate the Stay is granted. The court appoints \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name) as counsel for the service member.

6. [ ] The Motion for Stay is denied. This case is stayed until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date).

7. The clerk of court is directed to track this case until that date.

8. The parties are directed to notify the clerk of court immediately if there is a change in circumstances that affects the service member’s ability to appear.

Approved as to form.

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|  | | Signature ► |  |
| Date | Plaintiff/Petitioner or Attorney | |  |
|  | | Signature ► |  |
| Date | Defendant/Respondent or Attorney | |  |

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

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

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| **Certificate of Service**  I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law, and Order on Motion to Vacate Stay 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 | | |  | | |