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| Next steps to ask the court to remove the default judgement in your eviction case |

Congratulations {{ users }}! You have finished all the forms you need to file to ask the court to remove the default judgement in your eviction case The rest of the pages in this packet are your motion in **{{ other\_party }} v. {{ users }}**.

## Next steps overview

1. **Print 3 copies of this motion: a** copy for the other party, a copy for the Court, and **keep a copy for yourself.**
2. Call the {{ trial\_court }} {{ showifdef('trial\_court.phone\_number') }}to schedule a new court date and ask how to file your motion.
3. File this motion with the court.{% if sheriff\_notice %} Tell the court about your notice of removal.{% endif %}
4. Deliver a copy to {{ other\_party }} or their attorney.
5. The clerk will tell you how to go to the hearing. You must you go to court for the date and time the clerk tells you.
6. Go to court on the day Prepare for a decision from the judge. You will either win your motion and allow a new trial, or you will lose your motion and not be awarded a new trial.

## To schedule a new court date

1. It is important that you contact the court and find out when they will allow you to schedule this motion hearing. Some courts only allow motion hearings at certain times. Some courts also require that you give at least 7 days' notice of when the hearing will take place.
2. Once you have determined when you can schedule your motion hearing you need to **fill out Section 5** **on all copies of the motion.** If the clerk tells you that they will send a notice of the hearing after you file your motion, cross out Section 5 on all copies.

## To file your motion

1. Look over the forms below, one more time. Make sure everything is correct.
2. Call the {{ trial\_court }} {{ showifdef('trial\_court.phone\_number') }} to find out how they want you to send your forms to them.
3. {%p if defined('trial\_court.address.address') %} The address of your court, if you need it, is:   
   {{ trial\_court.address.on\_one\_line() }}.
4. {%p endif %}
5. {%p if answer\_help %}
6. If you filed an answer to the court along with this motion, make sure that you also bring additional copies of your answer with you.
7. {%p endif %}

## What happens in the hearing?

1. Bring any documents that prove your case. Any documents and evidence to back up or prove why your reason for missing the original eviction trial is legitimate.
2. Write what you want to say in your own words about how the Landlord violated the law and why you should not be evicted.
3. The judge reads the complaint and the evidence. They may ask you questions.
4. Tell the judge why you need the Court to vacate the default judgement. Talk about the facts that you wrote in your motion. Tell the judge about any evidence that you have.

{%p if sheriff\_notice %}

## Tell the court about your notice of removal

1. Make sure that the court has received the page which says “**Emergency Motion for Temporary Stay of Execution Pending Further Hearing**” on it.
2. Request that the judge issue a “stay of execution” to the sheriff or constable that is threatening to evict you.
3. {%p endif %}

## If you win your motion

1. If you win your motion, the judge will remove the default in your case and allow you to have a trial. The judge may either order that your trial take place immediately or schedule the case for another day.
2. A court also may permit you to file a late Answer, but not allow you to file counterclaims with that Answer.
3. Because you won't know this until you get to court, you must be prepared to present your case to the judge on the that day.
4. To prepare, write an Answer and bring all of your witnesses and evidence to court.
5. Also be prepared that the court may impose conditions if it removes the default, such as your paying the rent money into court during your case.

## If you lose your motion

1. If you lose your motion, the judge will not allow you to have a trial.
2. You may ask the court for more time to move if you need it. File a Request for Stay of Execution