|  |
| --- |
| Ask the court to delay your move out after your eviction hearing |

Congratulations {{ users }}! You have finished all the forms you need to Ask the court to delay your move out after your eviction hearing. The rest of the pages in this packet are your motion {% if other\_parties.number() %}in **{{ users }} v {{ other\_parties }}**{% endif %}.

## Next steps

1. File this motion with the court now via the court’s online filing system or call the clerk’s office to find out if your form can be emailed.
2. Deliver a copy to {{ showifdef('other\_parties[0]') }} or their attorney.
3. **Keep a copy for yourself.**
4. The clerk will tell you how to go to the hearing.
5. If the judge decides to grant your motion:.
6. Check the order when you get it to make sure it is correct.

## To file your motion right away

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 %}

## What happens in the hearing?

The judge reads the complaint and the evidence. They may ask you questions.

**Tell** the judge why you need a Motion to Stay Execution. Talk about the facts that you wrote in your motion (Prepare to explain to the judge why you need more time to move, the things you have done to find a new place to live, or the number of days, weeks, or months you will need.)

. Tell the judge about any evidence that you have. (Prepare to tell the judge whether the eviction was your fault or not, whether you can pay rent, if you have not found a new place to live, despite active efforts, or if you have a specific reason why you have not moved yet)

## What can the judge do?

At the hearing the judge can do 2 things:

1. If the judge grants your Stay of Execution, you will not need to move until the date specified in the Stay of Execution order. After this order is up and if you need more time to move, you may file another Stay of Execution, but you must show the court you have made active efforts to find another apartment.
2. If the judge denies your Stay of Execution, you will need to vacate the apartment and remove your belongings.
   * If you do not remove your belongings, the landlord may remove your belongings into storage in which you will need to pay to retrieve your things.
   * The sheriff or constable will remove your belongings to a public warehouse licensed by the Department of Public Safety to store your items. You can choose a licensed public warehouse within 20 miles of your apartment. (The landlord must agree to move your belongings to a place you choose so that you can avoid paying storage fees.)

## What happens if the judge makes the order?

If the judge decides to grant your order, they will tell you how much longer you can stay in your apartment and how much time you will have before you must move.

* If the judge does not tell you at the hearing, they will likely mail a notice to you.

**Read** the order as soon as you get it. Call the court to fix any mistakes. You may need to go back in front of the judge to get the order corrected.