





## INSTRUCTIONS for FILING and SERVING a MOTION TO VACATE or MODIFY JUDGMENT

### SMALL CLAIMS

1. **Check one** (1) of the boxes on the form (Vacate or Modify).
2. **Complete** the Motion form. Explain the reason why you feel the judgment should be vacated, set aside or modified. If you defaulted, you must show a blameless defense for your failure to appear. You may attach any supporting documents. (*NOTE: Now is not the time to explain your allegations or defenses of the case -only why the judgment should be vacated or modified.*)
3. **Sign** the motion form.
4. **Return** the completed form to the court clerk and pay the appropriate filing fee (if applicable).
5. **Serving the Motion** on the other party. The other party must be served with a copy of the motion.  
Proof of service must be filed with the court. Your process server is required to file an affidavit with the court stating the date, the time, where and upon who service was made and to provide you with a copy of the affidavit.
6. **The opposing party has ten (10) judicial days** after service of the motion (or, if expedited, within the time fixed by the Judge) to file a written response. Any response filed must also be served upon you by first class mail. If the opposing party does not file a written response the court will consider the relief requested and enter an appropriate order.
7. **The court will consider** your request and any supporting documentation offered and the opposing party's response, if any.
8. **The court will rule on the motion** either without a hearing, or will set the matter for hearing and oral argument. If a hearing is set the court will notice all parties of the hearing date and you must appear and be prepared to present your argument to the court as to why the judgment should (or should not) be vacated or modified as requested.
9. **The court will mail** a copy of its ruling to all parties.