

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

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.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Commissioner \_\_\_\_\_

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Judge \_\_\_\_\_

Approved as to form.

\_\_\_\_\_  
Date  
Plaintiff/Petitioner, Attorney or Licensed  
Paralegal Practitioner

Signature ▶ \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date  
Defendant/Respondent, Attorney or Licensed  
Paralegal Practitioner

Signature ▶ \_\_\_\_\_  
\_\_\_\_\_

### 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
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Signature ► \_\_\_\_\_  
 Date \_\_\_\_\_ Printed Name \_\_\_\_\_