

SKAGIT COUNTY DISTRICT COURT
Larry E. Moller Building • 600 S. Third Street • PO Box 340 Mount Vernon, WA 98273
Phone: (360) 336-9319 • Fax: (360) 336-9318

REQUEST TO SET ASIDE DEFAULT JUDGMENT

Case Name: _____ vs _____ Case No. _____

My name: _____ Phone: _____
My current address: _____

MOTION AND AFFIDAVIT

(A) I now petition the court to set aside the default judgment entered in the above referenced case when I:

Failed to appear or answer timely. Failed to appear for a scheduled hearing on _____, _____

(B) This petition is based on the following portions of CRLJ 60 (see reverse side and Section 2(b) **AND** list the specific applicable parts of CRLJ 60):

(C) FACTS in support of motion under (B) above are as follows (see reverse side, Section 2(c), and explain the reasons you failed to appear):

(D) FACTS supporting my claim or constituting a defense to the claim of the plaintiff (see reverse side, Section 2(e). State FACTS, not conclusions):

I state and certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. I understand that the court may require me to pay costs as a condition of granting the motion.

Signed at _____, WA this ___ day of _____, 20__ by _____, moving party.

Form complete, clerk is directed to note case for hearing.

Form incomplete, motion summarily denied.

Dated: _____ 20__ Judge/Commissioner: _____

NOTE FOR HEARING

This case is set for hearing on _____, 20__ at _____ am/pm.

THE MOVING PARTY MUST BE PRESENT AT THAT TIME OR THE MOTION WILL BE DENIED. THE PARTY SERVED MAY APPEAR AND SHOW CAUSE WHY MOTION SHOULD NOT BE GRANTED.

Dated: _____, 20__ Clerk: _____

Hearing rescheduled for: _____ clerk's initials _____

Hearing rescheduled for: _____ clerk's initials _____

ORDER OF COURT

The motion is: DENIED for the following reason: _____ GRANTED on the following terms: _____

Dated _____, 20__

Judge/Commissioner

RULES GOVERNING MOTIONS FOR RELIEF FROM CIVIL JUDGMENTS

1. For good cause established by the moving party, and upon such terms as the court deems just, the court may set aside a judgment entered upon default on the following grounds:
 - (a) **Clerical mistakes.** Clerical mistakes in judgments, orders, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistake may be so corrected before review if accepted by an appellate court, and thereafter may be corrected pursuant to RALJ 4.1(b)
 - (b) **Mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud; etc.** On motion and upon such terms as are just, the court may relieve a party or his legal representative from final judgment, order or proceeding for the following reasons:
 - (1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;
 - (2) For erroneous proceedings against a minor or person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings;
 - (3) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 59(b);
 - (4) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
 - (5) The judgment is void;
 - (6) The judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application;
 - (7) If the defendant was served by publication, relief may be granted as prescribed in RCW 4.28.200;
 - (8) Death of one of the parties before judgment in the action;
 - (9) Unavoidable casualty or misfortune preventing the party from prosecuting or defending;
 - (10) Error in judgment shown by a minor, within 12 months after arriving at full age; or
 - (11) Any other reason justifying relief from the operation of the judgment.
2. Requests for setting aside Judgment must:
 - (a) Be in writing;
 - (b) Designate specifically the section or sections of CRLJ 60 under which relief from the judgment is requested;
 - (c) State with particularity and in detail the facts which support the section that is claimed to apply. General listing of the applicable sections without facts to support the applicability of the sections will be disregarded. Failure to comply with this requirement will result in summary denial of the motion to set aside the judgment;
 - (d) Be signed by the party against whom the judgment was entered, under oath, or with a statement that it is signed under penalty of perjury, under Washington law.
 - (e) Contain in detail the facts constituting a defense to the action or proceeding. Failure to detail relevant facts will result in summary denial of the motion to set aside judgment.
 - (f) Unless summarily denied by the court, the written request and note for hearing must be served on the opposing party in the same manner as service of the original summons; but if such service cannot be made, then service shall be as directed by the court. Service must be obtained at least five judicial days before the hearing.