

Cause Number _____

Complete this section so that it looks exactly like the Petition filed in your case.

In the (check one):

- _____ District Court
Court Number County Court at Law

_____ County, Texas

Motion to Set Aside Default Judgment and Notice of Hearing

Print your answers.

1. My name is: _____
First Middle Last

2. I am the: (Check one.) Petitioner in this case. Respondent in this case.

3. A default judgment was signed by the Court on: _____
Month / Day / Year

4. I am filing this motion: (Check one box.)

no more than **30 days** after the date the default judgment was signed by the Court.

more than **30 days** after the default judgment was signed by the Court **and:**

✓ I did not find out about the default judgment until (date) _____ which is more than **20 days** after the date the default judgment was signed by the court, **and**

✓ it has been no more than **90 days** since the date the default judgment was signed by the court.

5. The default judgment should be set aside due to: (Check box 5a or box 5b.)

5a. **Lack of Notice** (If you checked 5a, check one box below and complete the requested information.)

I did not file an answer because I was not properly served with citation.

I filed an answer but did not appear at the hearing because I did not receive proper notice of the hearing.

(State specific facts that show how your failure to file an answer or failure to appear at the hearing was due to improper service or improper notice of the hearing.)

I ask the Court to grant this Motion to Set Aside Default Judgment.

Respectfully submitted,



_____	_____
<i>Your Signature</i>	<i>Date</i>
_____	()
<i>Your Printed Name</i>	<i>Phone</i>
_____	_____
<i>Mailing Address</i>	<i>City</i> <i>State</i> <i>Zip</i>
_____	_____
<i>Email Address</i>	<i>Fax Number (if available)</i>

Unsworn Declaration

(Texas Civil Practice and Remedies Code, Section 132.001)

I declare under penalty of perjury that: 1) I am above the age of eighteen years, 2) I am fully competent to make this affidavit, 3) I am the person asking the Court to set aside the default judgment, and 4) the facts stated in this *Motion to Set Aside Default Judgment* are within my personal knowledge and are true and correct.

My name is: _____,
First *Middle* *Last*

my date of birth is: _____ / _____ / _____, and
Month *Day* *Year*

my address is: _____
Street Address *City* *State* *Zip Code*

and _____.
Country

My email address is _____.
Name of Document

Signed in _____ County, _____,
County *State*

on this date: _____ / _____ / _____.
Month *Day* *Year*



Your signature

Notice of Hearing

The above motion is set for hearing on _____ at _____ : _____ a.m. p.m.

at the _____ County Courthouse, located at:

Physical Address of Courthouse

City

State

Zip



Signature of Judge or Clerk (if required in your County)

Certificate of Service

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: *(Check one.)*

Hand delivery to the other party: _____

Hand delivery to the other party's lawyer: _____

Email to this email address: _____

Certified mail, return receipt requested to this address: **(Note: This method may take too long.)**

Commercial delivery service (for example FedEx) to this address:

Fax to fax #: _____

Electronic service through the electronic filing manager. **(Note: The method is required if you electronically file (e-file) this document and the email address of your spouse or your spouse's attorney is on file with the electronic file manager.)**



Signature of Party Asking to Set Aside Default Judgment

Date