

<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>MOTION AND AFFIDAVIT TO SET ASIDE DEFAULT MONEY JUDGMENT (LANDLORD/TENANT)</b>	<b>CASE NO.</b>
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.

**v**

Defendant's name, address, and telephone no.
Defendant's attorney, bar no., address, and telephone no.

**MOTION AND AFFIDAVIT**

1. A default was entered against me on \_\_\_\_\_ for failure to appear.  
Date
2. **I ask** the court to set aside the default money judgment (motion must be filed within 10 days of default judgment).
3.  a. The court lacks jurisdiction because I was not served with the summons and complaint.  
 b. I have good cause for my failure to appear/answer. I did not appear or answer because: (Attach a separate sheet if needed.)

I have a meritorious (valid) defense for the claim. My defense is: (Attach a separate sheet if needed.)

4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

\_\_\_\_\_  
Applicant/Attorney signature Bar no.

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Deputy clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

To be completed by the court. **NOTICE OF HEARING ON MOTION TO SET ASIDE DEFAULT**

A hearing will be held on \_\_\_\_\_ at \_\_\_\_\_  
Date Time

at \_\_\_\_\_ before Hon. \_\_\_\_\_  
Location Bar no.

\_\_\_\_\_  
Date Deputy court clerk

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this motion and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

\_\_\_\_\_  
Date Signature

## **Instructions for Filing and Serving a Motion to Set Aside Default Money Judgment (Landlord/Tenant) (Form DC 99c)**

Use this form if you want to ask the court to set aside a default money judgment.

### **1. How do I file a Motion?**

You file a motion by completing the form and filing it with the same court that signed the default entry or default judgment. There is a \$20 motion fee for filing a motion to set aside default.

### **2. Fill out the Motion form.**

Write in the court number, case number, the court address and telephone number, and the names, addresses, and telephone numbers of the plaintiff and the defendant exactly as they are on the default entry or default judgment.

Write in the date that the default judgment was entered for your failure to appear in the case. In a few counties, a written answer is required and this answer means the same thing as appearing in the case.

Check the box that is true in item 2. If you checked box 2b, write in all requested information.

You must sign your name in front of a notary public or the clerk of the court. Be sure to take your driver's license or other identification with you. You can find a notary public at most banks.

### **3. Make four copies of the completed Motion form and any attachments.**

### **4. File the Motion with the court.**

File all four copies of your motion with the court in person or by first-class mail. If you mail your motion to the court, include a postage-paid and self-addressed envelope with your motion so that the court can return copies.

### **5. Notice of Hearing.**

The court will complete the Notice of Hearing. Do not write in this space.

### **6. Serve the Motion.**

When you get the three remaining copies of the motion from the court, serve a copy on the plaintiff by first-class mail. If the plaintiff has an attorney, serve the motion on the attorney instead of the plaintiff. Complete the Certificate of Mailing on the bottom of your copy of the form. Make a copy of this and file it with the court. You can do this either in person or by first-class mail. Keep a copy for yourself.

### **7. What happens next?**

You must attend the hearing on your motion. For more information you may visit [www.michiganlegalhelp.org](http://www.michiganlegalhelp.org).