

STATE OF MICHIGAN
JUDICIAL CIRCUIT
JUDICIAL DISTRICTMOTION AND AFFIDAVIT
TO SET ASIDE DEFAULT
(CIVIL)

CASE NO.

Court address

Court telephone no.

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

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

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

MOTION AND AFFIDAVIT

1. ☐ a. A default was entered against me on _____ for failure to ☐ answer. ☐ appear.
A judgment has not been entered yet.
- ☐ b. A default judgment was entered against me on _____ for failure to ☐ answer. ☐ appear and
21 days has not yet passed since that default judgment date.
- ☐ c. 21 days has passed since the default judgment was entered, but I was not personally served the summons and complaint.
2. ☐ 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.)

3. **I ask** the court to set aside the default/default judgment in this case. If required, I agree to appear on the date scheduled by the court to state my reasons for this request.

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