Filing Code: _____
Your Name: _____
Address: _____
City, State, Zip _____
Telephone: _____
Email Address: _____
Self-Represented

DISTRICT COURT
_____ COUNTY, NEVADA

_____ Plaintiff, vs. _____ Defendant.	CASE NO.: _____ DEPT: _____

MOTION TO SET ASIDE ORDER, JUDGMENT, OR DEFAULT

TO: Name of Opposing Party and Party's Attorney, if any, _____

PLEASE TAKE NOTICE THAT (*your name*) _____ (*the "Moving Party"*) has filed a Motion seeking to set aside an order, judgement, or default.

If you object to any of the relief sought by this motion, you are required to file a written response to this motion with the Clerk of the Court and to provide the moving party with a copy of your response within 14 calendar days of the service of this motion. Failure to file a written response with the Clerk of Court within 14 calendar days of the service of this motion may result in the requested relief being granted by the Court without you having an opportunity to be heard. (NOTE: If service was made on you by mail, you have an additional 3 days to file your written response).

Submitted By: _____
(☒ *check one*) ❑ Plaintiff / ❑ Defendant

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MOTION

(*Your name*) _____, moves this Court for an order to set aside an order, judgment and/or default.

POINTS AND AUTHORITIES
LEGAL ARGUMENT

The court may set aside a final order or judgment pursuant to Nevada Rule of Civil Procedure 60(b) for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud, misrepresentation or other misconduct of an adverse party;

(4) the judgment is void; or

(5) 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 an injunction should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served.

When a default order is entered against a party who was never personally served with the summons and complaint, the court may set aside the order pursuant to Nevada Rule of Civil Procedure 60(c) so the party can answer the merits of the original action. A defaulted party must file a motion within 6 months of the date of service of written notice of entry of the order.

In addition, a default may be set aside for good cause. NRCP 55(c).

FACTS AND ARGUMENT

1. **Order/Default.** (☒ *check one*)

☐ I want to set aside a default that was entered on (*date default was filed*) _____.

☐ I want to set aside an order. A hearing was held on (*date of the hearing, or "n/a" if there was no hearing*) _____. A written order was filed (*date of the order*) _____. I was served with a copy of the order on (*date you received the order*) _____.

2. **Grounds.** The default or order should be set aside because: (☒ *check all that apply*)

☐ I was never served with the other party's court papers that led to the court order/default.

☐ I did not respond to the other party's court papers because of my mistake, inadvertence, surprise, or excusable neglect. (*Explain why you did not respond to the original papers*):

_____

_____

_____

_____

_____

_____

☐ The other party committed fraud, misrepresentation, or misconduct that resulted in the order. (*Explain what the other party did to get the order that was wrong*):

_____

_____

_____

☐ Other (*Explain the reasons you want the default/order set aside*):

_____

_____

_____

3. **Other Relief.** In addition to the relief requested above, I would like the Court to also order the following: (*Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.*) _____

_____

_____

_____

_____

_____

_____

_____

I respectfully ask the Court to grant me the relief requested above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED _____, 20____.

Submitted By: (*your signature*) _____

(*print your name*) _____

DECLARATION IN SUPPORT OF MOTION TO SET ASIDE

I declare, under penalty of perjury:

1. That I have personal knowledge of the facts contained in this Motion and in this Declaration and I am competent to testify to the same.
2. That the statements in this Motion and Declaration are true and correct to the best of my knowledge.
3. Additional facts to support my requests include: _____

   _____

   _____

   _____

4. I have attached the following Exhibit(s) to the Motion to support my requests: (*Describe exhibit or write N/A on any blank lines*.)

   a. _____

   b _____

   c. _____

   d. _____

Pursuant to NRS 239B.030, this document does not contain the personal information of any person as defined by NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED _____, 20____.

Submitted By: (*your signature*) _____

(*print your name*) _____