

Motion and Affidavit to Set Aside Default

Use this form if the court entered a default against you for failure to appear or answer in a small claims, landlord-tenant, or general civil case and you want the default set aside.

If a default judgment has already been entered, you must file this motion within 21 days after the default was entered in a general civil case, 21 days after the default was entered in a small claims case, or within 10 days after the default was entered in a landlord-tenant case.

After the court enters the order on your motion, the court will send copies of the order to you and the plaintiff.

If the court requires a hearing on the motion, the court will notify you and the plaintiff of the date, time, and location of the hearing.

(Form DC 99)

STATE OF MICHIGAN 3B JUDICIAL DISTRICT	MOTION AND AFFIDAVIT TO SET ASIDE DEFAULT	CASE NO.
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Court address 125 W. Main St, PO Box 67, Centreville, MI 49032

Court telephone no.

269-467-5623

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

MOTION AND AFFIDAVIT

1. a. A default was entered against me on _____ for failure to answer. appear.
Date
 I was personally served with the default and a judgment has not been entered yet.
 - b. A default judgment was entered against me on _____ for failure to answer. appear.
Date 21 days (General Civil)
 I was personally served with the default judgment. 21 days (Small Claims) has not yet passed since default entered.
 10 days (Landlord-Tenant)
 - c. Bond in the amount of one month's rent \$ _____ is posted with the court.
2. I have good cause for my failure to appear/answer as follows: (Explain the reasons. Attach a separate sheet if needed.)
3. My defense to the complaint has merit as follows: (Specify the meritorious defense. Attach a separate sheet if needed.)
4. **I request** that the default/default judgment be set aside in this case and, if required, I agree to appear on the date scheduled by the court to state my reasons for this request.

Signature

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

My commission expires: _____ Signature: _____

Notary public, State of Michigan, County of _____

NOTICE OF HEARING

A hearing is scheduled on this matter on _____ at _____
Date Time

at _____ before Hon. _____
Location Bar no.

Date Signature

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 in MCR 2.107(C)(3).

Approved, SCAO

STATE OF MICHIGAN
3B JUDICIAL DISTRICT

MOTION TO SET ASIDE DEFAULT

CASE NO.

125 W. Main St, PO Box 67, Centreville, MI 49032

269-467-5623

Plaintiff name

Defendant name

v

2. Reasons Continued.

3. Defense Continued.