

Cause Number _____

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

In the Justice Court:

Precinct *Place*

_____ County, Texas

Motion to Set Aside Default Judgment

Print your answers.

1. My name is: _____
First *Middle* *Last*

2. I am the Respondent in this case.

3. This case was set for a hearing or trial on _____
Hearing Date

4. A Judgment was rendered by the Court on _____
Judgment Date

5. I ask the Court to set aside the judgment because: *(Check all that apply.)*

I was not served with the citation and petition at least six days before the final **eviction** hearing.

I did not receive at least three days' notice of the hearing on the subject of:

 Petition was filed in the improper Justice of the Peace Court.

Other: *(Write why the Court should set aside the judgment.)*

6. This motion to set aside judgment is not sought solely for delay but that justice may be done.

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

Respectfully submitted,



Your Signature

Date

Your Printed Name

Phone

Mailing Address

City *State* *Zip*

Email Address

Fax Number (if available)

Notice of Hearing

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

at the _____ Precinct, Place _____, located at:

Physical Address of Courthouse

City

State

Zip



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

Declaration (Pursuant to Texas Civil Practice & Remedies Code 132.002)

My full name is: _____,

my date of birth is: _____, and

my address is: _____, and _____
Country

I declare **under penalty of perjury** that: 1) I am the person asking for the court to set aside the judgment, 2) I have read this Motion to Set Aside Default Judgment, and 3) the statements in this Motion to Set Aside Default Judgment are within my personal knowledge and are true and correct.

Executed (*formally signed*) in _____ County, Texas on this date: _____.



Signature of Party Asking for Motion to Set Aside

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: (**Note:** *This method can only be used if the landlord has consented to service by email in writing. Ask the court if the opposing party has signed a consent to be served by email.*)

Certified mail, return receipt requested to this address: (**Note:** *Service by certified mail is complete when the document is properly addressed and deposited in the mail with postage prepaid.*)

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

Fax to fax #: _____

Electronic service through the electronic filing manager. (**Note:** *This method is required if you file this document electronically and the electronic filing manager has the Plaintiff's email address on file.*)



Signature of Party Asking for Motion to Set Aside

Date