

Motion and Affidavit to Set Aside Default

(Form DC 99)

STATE OF MICHIGAN JUDICIAL DISTRICT	MOTION AND AFFIDAVIT TO SET ASIDE DEFAULT	CASE NO.
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Court address _____ Court telephone no. _____

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

 I was personally served with the default judgment. 21 days (General Civil)
 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

5. 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 _____

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 by MCR 2.107(C)(3).

Date Signature

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT	MOTION TO SET ASIDE DEFAULT	CASE NO.
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Plaintiff name

v

Defendant name

2. Reasons Continued.

3. Defense Continued.