

MOTION TO SET ASIDE JUDGMENT OR ORDER

(FOR DIVORCE, ANNULMENT, LEGAL SEPARATION, CUSTODY AND PATERNITY CASES)

EXPLANATION OF A MOTION TO SET ASIDE AN ORDER OR JUDGMENT

A motion is a document that tells the Court the facts of your case and the law that applies to your case. It also tells the Court what you want the Court to do.

A motion to set aside an order asks the judge to put the case where it was before the order was made. Usually, this motion is used when an order is made after one side of the case fails to respond to a court paper and there is an excellent reason that the person did not respond (i.e., the person did not know about the paper). For example, if a Default was filed against you and you did not know your spouse had filed a case, you could use this motion to ask the judge to "set aside" the Default and let you respond to the papers that had been filed in the case.

YOU CAN USE THIS MOTION TO SET ASIDE ORDER OR JUDGMENT IF:

- You have a case in the Family Court and that case number begins with the letter "D." You can find the case number by looking at documents that have been filed in your case.
- You want the judge to "set aside" an order or a "Default;"
- At least one of the following applies:
 - 1) A Default was filed against you and you were not "personally served" (handed a copy of the Complaint) and it has been less than 6 months since the "Notice of Entry of Order" has been "served" (given to you, usually by mail); or
 - 2) The order was made against you due to a

mistake, inadvertence, surprise or excusable neglect and you are filing this motion less than 6 months after the time the order was made or the notice of entry of the order was served; or

- 3) There is newly discovered evidence and you are filing this motion less than 6 months after the time the order was made or the notice of entry of the order was served; or
- 4) The other side got the order by fraud and you are filing this motion less than 6 months after the time the order was made or the notice of entry of the order was served; or
- 5) The judgment is legally void (invalid); or
- 6) One of the following applies: a) the judgment has been discharged or satisfied; or b) the judgment is based on a previous order and that order has been reversed or vacated; or c) it is no longer fair that an injunction should be in place.

INSTRUCTIONS FOR MOTION TO SET ASIDE JUDGMENT OR ORDER

**(FOR DIVORCE, ANNULMENT, LEGAL SEPARATION, CUSTODY
AND PATERNITY CASES)**

*** * * IMPORTANT DISCLOSURE * * ***

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. CLARK COUNTY, THE EIGHTH JUDICIAL DISTRICT COURT, THE SELF-HELP CENTER AND THEIR EMPLOYEES SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

MANY FAMILY LAW MATTERS INVOLVE COMPLEX AND VALUABLE LEGAL RIGHTS. THESE FORMS AND INSTRUCTIONS ARE BASIC, GENERAL FORMS, AND MAY NOT FIT ALL SITUATIONS. SOME RIGHTS CANNOT BE ADEQUATELY PROTECTED WITHOUT THE ASSISTANCE OF AN ATTORNEY. YOU SHOULD CONSULT WITH AN ATTORNEY BEFORE YOU ATTEMPT TO USE SELF-HELP.

* * * * *

I. EXPLANATION OF A MOTION TO SET ASIDE AN ORDER OR JUDGMENT

A. A motion is a document that tells the Court the facts of your case and the law that applies to your case. It also tells the Court what you want the Court to do.

A motion to set aside an order asks the judge to put the case where it was before the order was made. Usually, this motion is used when an order is made after one side of the case fails to respond to a court paper and there is an excellent reason that the person did not respond (i.e., the person did not know about the paper). For example, if a Default was filed against you and you did not know your spouse had filed a case, you could use this motion to ask the judge to "set aside" the Default and let you respond to the papers that had been filed in the case.

B. You can use this Motion to Set Aside Order or Judgment if:

- You have a case in the Family Court and that case number begins with the letter "D." You can find the case number by looking at documents that have been filed in your case.
- You want the judge to "set aside" an order or a "Default;"
- At least one of the following applies:
 - 1) A Default was filed against you and you were not "personally served" (handed a copy of the Complaint) and it has been less than 6 months since the "Notice of Entry of Order" has been "served" (given to you, usually by mail); or
 - 2) The order was made against you due to a mistake, inadvertence, surprise or excusable neglect and you are filing this motion less than 6 months after the time the order was made or the notice of entry of the order was served; or
 - 3) There is newly discovered evidence and you are filing this motion less than 6 months after the time the order was made or the notice of entry of the order was served; or
 - 4) The other side got the order by fraud and you are filing this motion less than 6 months after the time the order was made or the notice of entry of the order was served; or
 - 5) The judgment is legally void (invalid); or
 - 6) One of the following applies: a) the judgment has been discharged or satisfied; or b) the judgment is based on a previous order and that order has been reversed or vacated; or c) it is no longer fair that an injunction should be in place.

C. This package should contain the following documents:

- Instructions for Motion to Set Aside Order or Judgment;
- Family Court Motion/Opposition Fee Information Sheet;
- Motion (with the Notice of Motion and the Affidavit in Support of Motion);
- Certificate of Mailing;
- Receipt of Copy;
- List of telephone numbers for the judges' staffs and Court Clerks;
- Court class information flier;
- Customer survey.

II. STEP 1: PREPARE YOUR PAPERWORK

NOTE: WHEN FILLING OUT ANY FORM, YOU MUST USE BLACK INK. PRINT CLEARLY. THE CLERK'S OFFICE WILL NOT FILE YOUR DOCUMENT IF THE HANDWRITING IS HARD TO READ.

A. THE CAPTION:

The "caption" is the portion of your document which assists the Court in identifying your particular case. It is the part of the page that has the word "Plaintiff" under a line and the word "Defendant" under another line. Generally, this caption will remain the same throughout the entire case and will be on every document filed in this action. In this package, the caption is on the: a) Family Court Motion/Opposition Fee Information Sheet; b) Notice of Motion and Motion to Set Aside Order or Judgment; c) Certificate of Mailing; and d) Receipt of Copy.

B. THE FAMILY COURT MOTION/OPPOSITION FEE INFORMATION SHEET:

1. Most motions to modify orders have a \$25.00 filing fee. However, there are a few exceptions to this rule. This sheet will tell the Clerk's Office whether or not you need to pay the filing fee.
2. Insert the name of the Plaintiff on the line above the words "Plaintiff/Petitioner" in the caption and insert the name of the Defendant on the line above the words "Defendant/Respondent" in the caption. You can determine who is the Plaintiff and who is the Defendant by looking at other documents that have been filed in your case.
3. Insert the case number on the line after the words "Case No." and the department letter after the words "Dept." You can find the case number and the department letter by looking at other documents that have been filed in your case.
4. Check whether you are the Plaintiff or the Defendant.
5. Carefully read the section "Excluded Motion/Oppositions." If any of the reasons given in this section apply to this motion, check the box next to that reason. If none of the reasons in this section apply, you will need to pay the filing fee or ask the judge to waive the fee.
6. In the last rectangle, check the box that applies.
7. Date, print and sign your name.

C. THE NOTICE OF MOTION (FIRST TWO PAGES OF THE MOTION):

1. The notice of motion tells the other party that you are asking the Court to set aside the default or the current order. It also tells the party when and where the hearing for your motion will take place.
2. Insert your name, address, and phone number on the first page, upper left-hand corner.

3. Insert the name of the Plaintiff on the line above the words "Plaintiff/Petitioner" in the caption and insert the name of the Defendant on the line above the words "Defendant/Respondent" in the caption. You can determine who is the Plaintiff and who is the Defendant by looking at other documents that have been filed in your case.
4. Insert the case number on the line after the words "Case No." and the department letter after the words "Dept. No." You can find the case number and the department letter by looking at other documents that have been filed in your case.
5. Check the line after "Yes" under the words "Oral Argument Requested." In Clark County, almost all motions have a hearing where both parties get to tell the judge their side of the story before the judge makes a decision on your request.
6. Insert the name of the other party on the blank after the words "TO: Name of Opposing Party." Insert the name of the other party's attorney in the blank after the words "TO: Name of attorney for Opposing Party, if one." If the other party does not have an attorney, write "N/A" on the blank.
7. Leave the lines in the next paragraph blank. The Clerk's Office will fill in the blanks when you file the motion.
8. Insert the date on the line over the word "(date)." Type or print your name on the line over the words "(type or print name)." Sign your name on the line over the word "(Signature)."

D. THE REST OF THE MOTION AND THE AFFIDAVIT:

1. As stated above, a motion is a document that tells the Court the facts of your case and the law that applies to your case. It also tells the Court what you want the Court to do (i.e., you want the Court to set aside its order). An affidavit is a written statement that is signed

under oath in front of a Notary. All motions must be accompanied by an affidavit from the person who files the motion.

2. By local court rule, all motions must contain "Points and Authorities" that support your request. The "Points and Authorities" consist of the law and the facts of your case. This motion contains the Nevada Rule of Procedure that is most commonly used to ask a judge to set aside an order. However, there may be other rules, statutes and cases that apply to your particular situation. **You should carefully read the Nevada Rules of Civil Procedure before you go to your hearing.** The judge or another party's attorney may ask you why you believe a particular rule or case applies to your situation. You need to be able to answer that question.
3. The Motion uses a fill-in-the-blank format. The form will tell you what information you need to put into the blank. If the Motion tells you to check an item, check the item that applies (i.e., check either "Plaintiff" or "Defendant").
4. Complete the Affidavit in Support of Motion to Set Aside Judgment or Order which is part of the motion. The Affidavit uses a fill-in-the-blank format. The Affidavit will tell you what information you need to put into the blank. The Affidavit must be signed in front of a Notary Public. The Self-Help Center has a Notary available. **Do not make any copies until the document is notarized.**

E. THE RECEIPT OF COPY AND THE CERTIFICATE OF MAILING:

These forms are used to show the Court that the motion was served on the other party. Each form is used for a different way of completing service. You will need to decide which type of service is appropriate for your situation. **COMPLETE ONLY THE ONE FORM THAT FITS YOUR SITUATION.**

1. The Receipt of Copy:

- a. This document, also known as a "ROC," is

used when the other party is given the papers in person. If the other side is represented by an attorney, an employee of the attorney can sign the ROC. The other party (or the attorney's office) will need to sign this document. If the other party (or the attorney's office) will not sign the ROC, you will need to serve the papers another way. (Please see No. 2 below)

- b. Insert your name, address, and phone number on the first page, upper left-hand corner.
- c. Insert the name of the Plaintiff on the line above the word "Plaintiff" in the caption and insert the name of the Defendant on the line above the word "Defendant" in the caption.
- d. Insert the case number on the line after the words "Case No." and the department letter on the line after the words "Dept. No." on your documents.
- e. The Receipt of Copy uses a fill-in-the-blank format and will tell you what information you need to put into the blank.
- f. Whomever receives the documents will sign the ROC.

2. **The Certificate of Mailing:**

- a. This document is used when the documents are mailed to the opposing party.

Note: Although you may mail the motion to the other party yourself, it is much better to ask someone who is not related to you by blood or marriage and who is over 18 years old to mail it. This person is called a "third party."

- b. Insert your name, address, and phone number on the first page, upper left-hand corner.

- c. Insert the name of the Plaintiff on the line above the word "Plaintiff" in the caption and insert the name of the Defendant on the line above the word "Defendant" in the caption.
- d. Insert the case number on the line after the words "Case No." on your documents. Insert the department letter on the line after the words "Dept. No." You can find this information by reviewing other documents that have been filed in your case.
- e. The Certificate of Mailing uses a fill-in-the-blank format and will tell you (and the third party, if applicable) what information needs to be put into the blank. Whoever mails the document to the other party will need to sign the Certificate of Mailing before a Notary Public. The Self-Help Center has a Notary available. **Do not make any copies until the document is notarized.**

III. STEP 2: FILE THE MOTION AND GET A HEARING DATE

- A. Make three copies of the Notice of Motion and Motion to Set Aside Order or Judgment.
- B. You need to use a two-hole punch on the top of the original document and stamp or write "original" between the two holes. The Self-Help Center has a two-hole punch and a stamp that you can use.
- C. Take the original motion and original filing fee information sheet, and the copies of the motion, to the "Master Calendar" window at the Clerk's Office. This window is located on the first floor of the courthouse. Master Calendar will keep the original documents, will stamp your copies and return them to you. These are called "file-stamped" copies.

IV. STEP 3: SERVE THE DOCUMENTS ON THE OPPOSING PARTY

- A. As a general rule, you must give the other party a

copy of any document that you file with the Court. If that party is represented by an attorney, you must give the documents to the attorney instead of the other party. The way of giving the documents to the other party (or the attorney) is called "service of process" or "service." For this packet, you must serve the Notice of Motion and Motion to Set Aside Order or Judgment.

B. There are several ways of serving a motion to the other party. This packet contains a Certificate of Mailing and a Receipt of Copy. (Please see Section II, E, above, for more information)

1. If the other party (or the party's attorney) is willing to sign a Receipt of Copy you may deliver the documents yourself. If the other party (or the attorney) is not willing to sign a Receipt of Copy, you can mail the documents yourself but it is much better to have a third party do it for you. A third party is someone who is not related to you by blood or marriage and who is over 18 years old. Whomever mails the documents will need to complete the Certificate of Mailing (Please see II, E, above).

Note: If you choose to use the ROC, you will need to take at least one copy and the original Receipt of Copy with you when you deliver the other documents. The other party (or the attorney's office) will sign the original ROC and return it to you. He/she will keep a copy of the ROC for their records.

V. STEP 4: FILE EITHER THE RECEIPT OF COPY OR THE CERTIFICATE OF MAILING

A. If you used the Receipt of Copy, you will need to do the following:

1. Make two copies of the ROC (after you've gotten the signature from the other party or their attorney's office).
2. Use a two-hole punch on the top of the original ROC and also stamp or write "original" between the two holes. The Self-Help Center has a two-

hole punch and a stamp that you can use.

3. Go to the filing counter at the Clerk's Office. The Clerk will file the original ROC and will return the file-stamped copies to you.

B. If you used the Certificate of Mailing, you should do the following:

1. After the third party has mailed the documents to the other side (or that side's attorney) he/she should complete their portion of the Certificate of Mailing. If you used a business to mail the motion, the business may file its own form and give a file-stamped copy to you or may complete a form and ask you to file it. You will need to ask the firm about its procedure.
2. If you have to file the original Certificate of Mailing, you will need to:
 - Make two copies of the Certificate of Mailing.
 - Use a two-hole punch on the top of the original Certificate of Mailing and also stamp or write "original" between the two holes. The Self-Help Center has a two-hole punch and a stamp that you can use.
 - Go to the filing counter at the Clerk's Office. The Clerk will file the original Certificate of Mailing and will return the file-stamped copy to you.

VI. STEP 5: THE COURT'S REVIEW OF THE PAPERWORK (BEFORE THE DAY OF THE HEARING)

- A. Sometimes, there is not enough time for the Clerk's Office to get the paperwork into the court file before the judge wants to review it. Therefore, it is very important that you give the judge a copy of your paperwork as soon as possible. The copies that you give to the judge are called "courtesy copies."

B. You will need to give the judge a courtesy copy of the following documents:

- One file-stamped copy of the Notice of Motion and Motion;
- One copy of the proof of service (either the ROC or the Certificate of Mailing).

Be sure that the case number and department letter are on all of the documents that you give to the judge to review.

C. Next, take the elevator to the third floor of the courthouse. Go to the reception area by "chambers." You will see brown boxes against the wall. Each box is marked with a department letter. Put the judge's package into the box belonging to that department.

VII. STEP 6: SEE WHAT THE OTHER SIDE DOES

A. The other party may choose to file a written response. This response is called an "Opposition." Additionally, the other side may ask the judge to give him/her something too. This request is called a "Countermotion." If an Opposition or Opposition and Countermotion is filed, you can decide whether or not you want to file a written response. Your written response to an Opposition is called a "Reply." Your written response to an Opposition and Countermotion would be called a "Reply to Opposition and Opposition to Countermotion."

VIII. STEP 7: GO TO THE HEARING

A. If this is your first time going to court, you may want to watch a hearing that is in front of your judge before the day of your hearing. This will help you to become more familiar with the process before you have to argue your case. You may also want to attend the free Court Education Class taught by the Self-Help Center. The class discusses the rules for the courtroom and procedures for motions. The class is held on the 2nd and 4th Wednesday of each month at 5:00 p.m. at the Self-Help Center. No registration is needed.

- B. All of the hearings before judges are videotaped. You may want to have a tape of your hearing so that you can review it later. You can buy a blank tape from the Transcript Video Services Office (on the second floor of the courthouse) for \$5.00. If the tape doesn't record and you bought the blank tape from the transcriber's office, they will copy one for you for free. If you brought your own tape, or if you do not have a tape before the hearing and then decide after the hearing that you want a copy, the charge will be \$25.00 for a video tape or \$10.00 for a CD.
1. If you are going to have your tape of the hearing made at the time of the hearing, you will need to give the bailiff your videotape when you check in. (See D, below)
- C. On the day of your hearing:
1. Be on time.
 2. Dress as if you are going to a job interview.
 3. Bring your copies of your papers to court (in case either the judge or another party does not have a copy of one of your documents).
 4. Bring the video tape (if you want a copy of the hearing made at the time of the hearing).
- D. When you go into the courtroom, tell the bailiff your name and that you are representing yourself. Give the bailiff your video tape (if applicable).
- E. After you have told the bailiff that you are there, sit in the seats behind the rail. Do not go in front of the rail until your case is called by the judge.
- F. When the judge first enters the courtroom, the bailiff will say "All rise." Stand up and keep standing until the judge or someone else from the Court tells you that you can sit down.
- G. When your case is called, you will go in front of the rail. There are two tables. One has a nameplate that says "Plaintiff" and the other table has a nameplate

that says "Defendant." If you are the guardian or the ward, go to the table with the "Plaintiff" nameplate. Otherwise, go to the table with the "Defendant" nameplate.

- H. If you have watched previous cases, you will know whether or not you need to keep standing until the judge tells you to sit. If you do not know this information by the time that your case is called, you should stand until the judge tells you that it is okay to sit down.
- I. The judge will let you know when it is your turn to speak. In general, the person who filed the motion will speak first and then the party who is responding to that motion will have the opportunity to speak.
- J. Please keep in mind that the judge has already read the papers that you have filed.
- K. If the judge asks you a question, answer it politely and briefly.
- L. The judge will make orders (also known as "rulings") during your hearing. You will need to write down all of these orders. You may ask the judge to clarify his/her order, but you should not argue with the judge. If you disagree with a judge's decision, you should see a lawyer as soon as possible to discuss your options.
- M. The judge will usually tell one party to prepare a written order for the judge to sign. If the judge does not specify which party should prepare the written order, either party can do it. This order packet is available at the Self-Help Center or on the Center's Web site: http://www.co.clark.nv.us/district_court/self_help_center.htm

NOTE: If your department letter is "D," you will need to re-type the order. The Self-Help Center has computers that you can use.

Please tell us a little about yourself...

Age Under 18 18 - 30 31 - 40 41 - 50 51 - 59 60 or older

Sex Male Female

Race: (Check the one that primarily applies)

- White American-Indian Asian
 African-American Hispanic
 Other: _____

What language is spoken in your home?

- English Spanish
 Other: _____

How many children under the age of 18 live in your home? 0 1 - 2 3 - 4 5 or more

Your gross monthly income is:

- Below \$500 \$1000 - \$1,999 \$3,000 - \$3,999 \$5,000 or more
 \$500 - \$999 \$2,000 - \$2,999 \$4,000 - \$4,999

Are you currently receiving public assistance? Yes No

If yes, what type of assistance are you receiving?

- SSI TANF Medicare Medicaid Food stamps
 Other: _____

What is your highest level of education?

- No high school High school graduate Post graduate work
 Some high school Some college
 GED certificate College graduate

Do you feel more able to represent yourself than before you visited the Self-Help Center? Yes No

Were you treated courteously at the Self-Help Center? Yes No

How would you evaluate the services offered by the Center?

	very helpful	Somewhat helpful	Not helpful	Did not use
Customer Assistance:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
References:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Forms Packets / Instructions:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notarizations / Typewriters:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children's Area:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tell us how we can improve our services or any other comments. _____

Thank You for Your Feedback!

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NOTC
(Your name) _____
(Address) _____

(Telephone) _____

In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

_____) Case No.: _____
Plaintiff/Petitioner,)
) Dept. No.: _____
vs.)
) Oral Argument Requested:
_____) _____ Yes _____ No
Defendant/Respondent)
_____)

NOTICE OF MOTION AND MOTION TO SET ASIDE
ORDER OR JUDGMENT

TO: Name of Opposing Party _____; and
TO: Name of attorney for Opposing Party, (if applicable) _____

PLEASE TAKE NOTICE that a hearing on this motion for the relief requested will be held
before the Eighth Judicial District Court - Family Division at 601 N. Pecos Road, Las Vegas
89101, on the (day) _____ of (month) _____, (year) _____ in
Department ____ at (time) _____ m.

_____) _____) _____)
(date) (type or print name) (Signature)

1 **NOTICE: YOU ARE ADVISED THAT FAILURE TO FILE AND SERVE A WRITTEN**
2 **OPPOSITION WITHIN 10 DAYS AFTER SERVICE MAY BE UNDERSTOOD AS AN ADMISSION**
3 **THAT THIS MOTION IS VALID. IF YOU HAVE CHILDREN FROM THIS RELATIONSHIP,**
4 **THE COURT IS REQUIRED TO ORDER PAYMENT OF CHILD SUPPORT. THE AMOUNT OF**
5 **CHILD SUPPORT CAN BE LARGE. IT NORMALLY CONTINUES UNTIL THE CHILD IS 18.**
6 **YOU SHOULD SUPPLY THE COURT WITH INFORMATION ABOUT YOUR FINANCES.**
7 **OTHERWISE THE CHILD SUPPORT ORDER WILL BE BASED ON THE INFORMATION**
8 **SUPPLIED BY THE OTHER PARENT.**

9 COMES NOW (check one) Plaintiff / Defendant and files this Motion to Set Aside
10 Order or Judgment. This pleading is based upon the papers and pleadings on file and any evidence
11 or argument heard at the time of the hearing on this matter.

12 **POINTS AND AUTHORITIES**

13 **I.**

14 **LEGAL AUTHORITIES**

15 Nevada Rules of Civil Procedure 60(b) and (60)(c) state in pertinent part:

16 **(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud,**
17 **Etc.** On motion and upon such terms as are just, the court may relieve a party or a party's legal
18 representative from a final judgment, order, or proceeding for the following reasons: (1) mistake,
19 inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence
20 could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether
21 heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse
22 party; (4) the judgment is void; or (5) the judgment has been satisfied, released, or discharged, or a
23 prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer
24 equitable that an injunction should have prospective application. The motion shall be made within
25 a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was
26 taken or the date that written notice of entry of the judgment or order was served. A motion under
27 this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule
28 does not limit the power of a court to entertain an independent action to relieve a party from a
judgment, order or proceeding, or to set aside a judgment for fraud upon the court. ...

(c) Default judgments: Defendant not personally served. When a default judgment shall
have been taken against any party who was not personally served with summons and complaint,
either in the State of Nevada or in any other jurisdiction, and who has not entered a general
appearance in the action, the court, after notice to the adverse party, upon motion made within 6
months after the date of service of written notice of entry of such judgment, may vacate such
judgment and allow the party or the party's legal representatives to answer to the merits of the
original action. When, however, a party has been personally served with summons and complaint,

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WHEREFORE, (check one) Plaintiff/ Defendant respectfully requests that this Court grant this motion and for such other relief as the Court deems appropriate.

By:

(Your signature) _____

(Your name) _____

(Address) _____

(Telephone) _____

In Proper Person

AFFIDAVIT IN SUPPORT OF MOTION TO SET ASIDE

JUDGMENT OR ORDER

STATE OF NEVADA)

) ss:

COUNTY OF CLARK)

(Your name) _____, being first duly sworn upon oath, deposes and says as follows:

1. I am the Plaintiff / Defendant in the above-entitled action. I have personal knowledge of the facts contained in my motion and in this affidavit and am competent to testify to these facts. The statements in this motion and affidavit are true and correct to the best of my knowledge.

2. Additional facts to support my request to set aside the order filed on (date) _____ are: (write "N/A" if no additional facts)

1 ROC
2 (Your name) _____
3 (Address) _____
4 _____
5 (Telephone) _____

6 In Proper Person

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9
10 _____)
11 Plaintiff)
12 vs.)
13 _____)
14 Defendant.)
15 _____)

CASE NO.: _____
DEPT. NO.: _____

16 **RECEIPT OF COPY**

17 RECEIPT OF COPY of (name of document served) _____

18 _____ is hereby acknowledged this (day) _____ day of (month)
19 _____, (year) _____.

21 (Other party's/attorney's signature) _____

23 (Other party's/attorney's name) _____

24 ///
25 ///
26 ///
27 ///
28 ///

1 CERT
2 (Your Name) _____
3 (Address) _____
4 _____
5 (Telephone) _____
6 In Proper Person

7 DISTRICT COURT
8 CLARK COUNT, NEVADA

9 _____,) Case No. _____
10 Plaintiff,)
11 vs.) Dept No. _____
12 _____,)
13 Defendant.)

14 **CERTIFICATE OF MAILING**

15 I HEREBY CERTIFY that service of the (name of document) _____
16 _____ was made on (date) _____ pursuant to
17 NRCP 5(b) by depositing a copy of same in the United States Mail in Las Vegas, Nevada,
18 postage prepaid, addressed as follows:

19 (Other party's name) _____
20 (Other party's address) _____
21 (Address) _____
22 (Address) _____

23 DATED this _____ day of _____, (year) _____.

24 (Signature of person who mailed document) _____
25 (Name of person who mailed document) _____

26 SUBSCRIBED and SWORN to before
27 me this _____ day of
28 (month) _____, (year) _____.

NOTARY PUBLIC

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Plaintiff/Petitioner)
-vs-)

Defendant/Respondent)
_____)

CASE NO. _____
DEPT. _____

**FAMILY COURT MOTION/OPPOSITION
FEE INFORMATION SHEET (NRS 19.0312)**

Party Filing Motion/Opposition: Plaintiff/Petitioner Defendant/Respondent

MOTION FOR/OPPOSITION TO _____

Motions and Oppositions to Motions filed after entry of final Decree or Judgment are subject to the Re-open filing fee of \$25.00, unless specifically excluded. (NRS 19.0312)	Mark correct answer with an "X."	
	1. A final Decree/Custody Order has NOT been entered.	___ YES ___ NO
	2. This document is filed <u>solely to adjust the amount of support for a child.</u> No other request is made.	___ YES ___ NO
	3. This motion is <u>made for reconsideration</u> or a new trial and is filed within 10 days of the Judge's Order. If YES, provide file date of Order: _____.	___ YES ___ NO
	4. This is a UIFSA case.	___ YES ___ NO
If you answered YES to any of the questions above, you are <u>not</u> subject to the \$25 fee.		

Motion/Opp IS subject to \$25.00 filing fee Motion/Opp IS NOT subject to filing fee

NOTICE
If it is determined that a motion or opposition is filed without payment of the appropriate fee, the matter may be taken off the Court's calendar or may remain undecided until payment is made.

Date: _____, 200_____

Printed Name of Preparer

Signature of Preparer

New Policy at the Clerk's Office

Please....

bring a blank 10X13 envelope when you file your documents. The clerk will mail your documents to you after they are reviewed by the judge. The clerk's office will pay the postage.

1 AFRM
2 (Your name) _____
3 (Address) _____
4 _____
5 (Telephone) _____
6 In Proper Person

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 _____) CASE NO.: _____
10 Plaintiff,)
11 vs.) DEPT. NO.: _____
12 _____)
13 Defendant.)

14 **AFFIRMATION - MOTION**
15 **Pursuant to NRS 239.030**

16 The undersigned does hereby affirm that the following documents do not contain the
17 social security number of any person: **(check the documents being filed at this time)**

- 18 Motion Opposition/Counter-motion Receipt of Copy
19 UCCJA Declaration Affidavit of Financial Condition Affidavit of Service
20 Affidavit of Service Certificate of Mailing
21 Family Court Motion/Opposition Fee Information Sheet
22 Other _____

23 The undersigned does hereby affirm that the following documents contain the social
24 security number of a person as required by state or federal law or for the administration of a
25 public program or for an application for a federal or state grant: **(check the documents being
26 filed at this time)**

27 Other (name of document) _____

28 (your signature) _____ (date) _____