

Court of Washington, County of _____

Petitioner / Plaintiff:

No. _____

And Respondent / Defendant:

Motion for Hearing to Vacate Order/s
(*No mandatory form*)

Motion for Hearing to Vacate Order/s

Use this form with the Order to Go to Court for Vacate Hearing (NJP General 062) and the Order on Motion to Vacate (NJP General 063)

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

To schedule a hearing on this motion, you must ask the court to sign the **Order to Go to Court for Vacate Hearing (Show Cause)** (NJP General 062). This Order may be signed "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county. You must have this Motion and the Order to Go to Court personally served (by someone else) on the other party.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. **My name is** _____.

I am the (check one) [] Petitioner/Plaintiff [] Respondent/Defendant in this case.

2. **Request for Hearing (Show Cause)**

I ask the court to order the other party (*name*) _____ to go to court for a hearing and show why the court should not approve my motion to vacate.

3. **Motion to Vacate**

I ask the court to vacate the following order/s or parts of order/s
(*Name the order/s, if asking to vacate only part of an order, specify which part*):

This court entered these orders on (*date*) _____.

4. **Legal Authority**

My motion to vacate is based on one or more of these Civil Rules (CR) or other authority (check all that apply):

- [] **Clerical mistake/s** in the judgment, order, or other parts of the record. CR 60(a).
- [] **Mistake, inadvertence, surprise, excusable neglect or irregularity** in obtaining the judgment or order. CR 60(b)(1).
- [] Erroneous proceedings against a minor or person of **unsound mind** and the condition of the defendant/respondent did not appear in the record nor was the error discovered during proceedings. CR 60(b)(2).
- [] **Newly discovered evidence** which by due diligence could not have been discovered in time to move for a new trial under CR 59(b). CR 60(b)(3).
- [] **Fraud, misrepresentation or other misconduct** of an adverse party. CR 60(b)(4).
- [] The judgment or order is **void**. CR 60(b)(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 the judgment should have prospective application. CR 60(b)(6).
- [] If the defendant was served by **publication**, relief may be granted as prescribed in RCW 4.28.200. CR 60(b)(7).
- [] **Death** of one of the parties before the judgment in the action. CR 60(b)(8).
- [] **Unavoidable casualty or misfortune** preventing the party from prosecuting or defending. CR 60(b)(9).
- [] **Error in judgment shown by a minor**, within 12 months after arriving at full age. CR 60(b)(10).
- [] Any other reason justifying relief from the operation of the judgment. CR 60(b)(11).

[] Any other relevant legal authority (*specify*):

5. Reasons for request

The court should vacate these orders because (*explain how your request fits the legal authority you selected in section 4*):

6. Evidence relied upon

In addition to my statements on this form, the following evidence supports my motion
(check all that apply, if any):

[] Documents that have already been filed (*list the name of each document you are relying on and the date it was filed*):

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New supporting evidence (*list any new declarations or other documents you are filing now or that will be attached to this motion*):

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Person making this motion fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (city and state): _____ Date: _____



Person making this motion signs here

Print name here

I agree to accept legal papers for this case at (check all that apply):

[] the following address (*this does not have to be your home address*):

Email: info@papercity.com | www.papercity.com | www.papercity.com

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