INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM
12.922(c),
MOTION TO SET ASIDE DEFAULT OR DEFAULT JUDGMENT

When should this form be used?

If a **default** or default judgment has been entered against you, and you believe, because of a mistake, inadvertence, excusable neglect, newly discovered evidence, or fraud, that it should not have been entered against you, you can use this form to request that the court set aside the default or default judgment.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should **file** the original with the **clerk of the circuit court** in the county where the default was entered and keep a copy for your records.

What should I do next?

After you file this form with the clerk and serve a copy on the other party in the case, you must schedule a **hearing** so that the court can consider your motion. You should contact the clerk, **family law intake staff**, or **judicial assistant** to schedule a hearing. Once you have scheduled the hearing date and time, you will need to complete and send out a notice for that hearing. To do so, use **Notice of Hearing (General)**, ✎❏ Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. For further information, see rule 12.540, Florida Family Law Rules of Procedure, and rules 1.500(d) and 1.540(b), Florida Rules of Civil Procedure.

Special notes...

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, ✎❏ Florida Family Law Rules of Procedure Form 12.900 (a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

_____,
Petitioner,

and

_____,
Respondent.

MOTION TO SET ASIDE DEFAULT OR DEFAULT JUDGMENT

I, *{full legal name}* _____, request that the Court enter an order to set aside the (   ) Default (   ) Default Judgment entered against me and that I be given the opportunity to present my views.

The Court should do this because:

1.   I became aware of this Default/Default Judgment on *{date}* _____.

2.   I found out about this in the following manner *{explain how you found out}*: _____
_____
_____
_____
_____
_____

3.   I did not answer or appear at the hearing because: _____
_____
_____
_____
_____
_____

4.   If I am given an opportunity, these are the defenses and arguments that I would like to tell the court about: _____
_____
_____
_____
_____
_____

I certify that a copy of this document was [**√ one** only] ( ) mailed ( ) faxed and mailed ( ) hand delivered to the person(s) listed below on *{date}* _____.

Other party or his/her attorney:
Name: _____
Address: _____
City, State, Zip: _____
Fax Number: _____

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this motion and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

_____
Signature of Respondent
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

_____
NOTARY PUBLIC or DEPUTY CLERK

_____
[Print, type, or stamp commissioned name of notary or
  clerk.]

____ Personally known
____ Produced identification
  Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [✍ fill in **all** blanks]
I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the respondent, fill out this form.