

INSTRUCTIONS FOR FILING A REQUEST TO SET ASIDE A DEFAULT

This packet is to 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 packet to try to set aside the default or default judgment. The motion is filed in the case containing the default, and that case number should be reflected on all of the documents filed.

Procedure:

1. Complete the Motion to Set Aside Default, [Florida Supreme Court form 12.922(c)]. *Do not leave anything blank.*
2. Make 2 copies of the completed form.
3. Submit only the **original** to the Clerk of Court to file. You may submit the paperwork either by U.S. mail to P.O. Box 219, Titusville, FL 32781-0219 or by visiting one of the Clerk of Courts locations.

NORTH BREVARD SERVICE COMPLEX
400 South Street, 2nd Floor
Titusville, Florida

MELBOURNE COURTHOUSE
51 S. Nieman Avenue
Melbourne, Florida

MOORE JUSTICE CENTER
Viera Complex
2825 Judge Fran Jamieson Way
Viera, Florida

MERRITT ISLAND OFFICE
2575 North Courtenay Parkway
Room 129
Merritt Island, FL

PALM BAY OFFICE
450 Cogan Drive S. E.
Palm Bay, FL

4. Once the original motion has been filed, call the assigned judge's office and set a hearing on the Motion to Set Aside Default. The judge's office will not set your hearing until they see the motion has been filed.
5. Complete the Notice of Hearing, [Florida Supreme Court form 12.923].
6. Make 2 copies of the completed notice.
7. Submit only the **original** to the Clerk of Court to file.
8. Retain one copy of the completed motion and one copy of the completed hearing notice for your records.
9. Send one copy of each completed form to the other party either by mail or by hand delivery.
10. Attend the hearing and take detailed notes. The judge may have you draft the order reflecting his/her ruling.

If you would like to have someone notarize or look over the completed forms before you file them, contact the Family Pro Se Coordinator at 321-617-7254 or email prosecoordinator@brevardclerk.us to set an appointment.