



## Maricopa County Justice Courts

### INSTRUCTIONS FOR FILING AND SERVING A SMALL CLAIMS MOTION TO VACATE JUDGMENT

1. Complete the Motion form. Explain the reason why you feel the judgment should be vacated. If you defaulted, you must show a blameless defense for your failure to appear. You may attach any supporting documents. (*NOTE: Now is not the time to explain your allegations or defenses of the case-only why the judgment should be vacated*).
2. Sign the motion form.
3. Return the completed form to the court and pay the appropriate filing fee (if applicable).
4. Serving the Motion on the other party. The other party must be served with a copy of the motion. Generally a licensed process server is used to serve court papers. Proof of service must be filed with the court. Your process server is required to file an affidavit with the court stating the date, the time, where and upon who service was made. and to provide you with a copy of the affidavit.
5. If you want to stay enforcement of the judgment you must post a supersedeas bond(s). The stay becomes effective when the bond(s) is posted. The amount of the supersedeas bond will be set by the court.
6. The opposing party has ten (10) working days after service of the motion to file a written response. Any response filed must also be served upon you by first class mail. If the opposing party does not file a written response the court will consider the relief requested and enter an appropriate order.
7. The court will consider your request and any supporting documentation offered and the opposing party's response, if any.
8. The court will rule on the motion without a hearing, or will set the matter for hearing and oral argument. If a hearing is set the court will notice all parties of the hearing date and you must appear and be prepared to present your argument to the court as to why the judgment should (or should not) be vacated as requested.
9. The court will mail a copy of its ruling to all parties.

