



MARICOPA COUNTY JUSTICE COURTS

If you want to file a...

**MOTION TO
SET VACATE
JUDGMENT**

Small Claims



Maricopa County Justice Courts

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

1. Reasons for Vacating a Judgment:

On either party's motion, the court may relieve a party from a judgment for the following reasons: 1) mistake, inadvertence, surprise, or excusable neglect; 2) fraud, misrepresentation, or other misconduct of an opposing party; 3) the judgment is void; 4) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or 5) any other reason justifying relief. ARSCP 16(a)

A motion must be made within a reasonable time, and for reasons (1) and (2) above, no more than 6 months after the entry of the judgment or date of the proceedings, whichever is later. The filing of the motion does not affect the judgment's finality or suspend its operation. ARSCP 16

2. Complete the Motion form. Explain the reason why you feel the judgment should be vacated. 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.

3. Sign the motion form.

4. Return the completed form to the court and pay the appropriate filing fee. An application for waiver/deferral may be filed if applicable.

5. The moving party must deliver a copy of the motion to the other party on the date of filing. ARSCP 16(c)

6. The other party has 15 calendar days to file a written response, and must deliver a copy of the response to the moving party on the date the response is filed. ARSCP 16(c)

7. 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.

8. The court will consider your request with any supporting documentation offered and the opposing party's response. The court will rule on the motion with or without a hearing. If a hearing is set, the court will notify all parties of the hearing date; you must appear and be prepared to present your argument to the court.

9. The court will mail/deliver a copy of its ruling to all parties.

10. An attorney may represent a party on a Motion to Vacate a Judgment.



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

SMALL CLAIMS MOTION TO VACATE JUDGMENT

ARSCP 16

I am the Plaintiff Plaintiff's Attorney

I am the Defendant Defendant's Attorney

Pursuant to ARSCP 16(a), I would like the court to vacate the Judgment because (please attach additional page(s) if more room is needed):

Date: _____

Plaintiff Defendant

If you are filing this motion:

The motion is required to be delivered to the other party on the date of filing with the court.

If you were served this motion:

You have 15 calendar days from date of mailing of this motion to file a written response, if you wish to do so. If no response is given, the court will consider the relief requested and will enter an order without hearing any objection you may have.

I CERTIFY that I delivered / mailed a copy of this document to:

Plaintiff Plaintiff's attorney Defendant Defendant's attorney

Date: _____ By _____
Signature