

# **Motion and Affidavit to Set Aside Default**

(Form DC 99)

<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>MOTION AND AFFIDAVIT TO SET ASIDE DEFAULT</b>	<b>CASE NO.</b>
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

**MOTION AND AFFIDAVIT**

1.  a. A default was entered against me on \_\_\_\_\_ for failure to  answer.  appear.  

Date

 I was personally served with the default and a judgment has not been entered yet.
  - b. A default judgment was entered against me on \_\_\_\_\_ for failure to  answer.  appear.  

Date

 I was personally served with the default judgment.  21 days (General Civil)  
 21 days (Small Claims) has not yet passed since default entered.  
 10 days (Landlord-Tenant)
  - c. Bond in the amount of one month's rent \$ \_\_\_\_\_ is posted with the court.
2. I have good cause for my failure to appear/answer as follows: (Explain the reasons. Attach a separate sheet if needed.)
3. My defense to the complaint has merit as follows: (Specify the meritorious defense. Attach a separate sheet if needed.)
4. **I request** that the default/default judgment be set aside in this case and, if required, I agree to appear on the date scheduled by the court to state my reasons for this request.

\_\_\_\_\_  
Signature

5. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

\_\_\_\_\_  
Applicant/Attorney signature Bar no. \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  

Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  

Deputy clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**NOTICE OF HEARING**

A hearing is scheduled on this matter on \_\_\_\_\_ at \_\_\_\_\_  

Date Time

  
at \_\_\_\_\_ before Hon. \_\_\_\_\_  

Location Bar no.

\_\_\_\_\_  
Date Signature

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this motion and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

\_\_\_\_\_  
Date Signature

Approved, SCAO

**STATE OF MICHIGAN  
JUDICIAL DISTRICT**

**MOTION TO SET ASIDE DEFAULT**

**CASE NO.**

Plaintiff name

**v**

Defendant name

2. Reasons Continued.

3. Defense Continued.