MOTION TO VACATE JUDGMENT

TO THE HONORABLE COURT:

COMES NOW, _____, the [Defendant/Plaintiff] in the above-entitled action, by and through undersigned counsel, and respectfully moves this Honorable Court to vacate the Judgment entered on the _____ day of _____, 20_____, and in support thereof states as follows:

I. STATEMENT OF FACTS

1. On the _____ day of _____, 20_____, a Judgment was entered in the above-captioned matter against the Moving Party, _____.
2. The nature of the judgment was:

_____

3. The Moving Party was not present at the hearing or trial that resulted in the aforementioned Judgment.
4. The Moving Party was not properly served with notice of the proceedings leading to the Judgment. The specific defect in service was:

_____

5. The Moving Party became aware of the Judgment on the _____ day of _____, 20_____.
6. The Moving Party has a meritorious defense to the action, which includes:

_____

II. GROUNDS FOR VACATING JUDGMENT

This Motion is made pursuant to [State Statute, e.g., Rule 60(b) of the Federal Rules of Civil Procedure, or specific state civil procedure rule, if known, otherwise omit specific citation and rely on common law principles of due process and equity] and upon the following grounds:

1. **Lack of Proper Service/Notice:** The Judgment was entered without proper service of process upon the Moving Party, thereby depriving the Moving Party of due process and an opportunity to be heard. The Moving Party was not given adequate notice of the proceedings, which is a fundamental requirement for a valid judgment.
2. **Excusable Neglect:** The Moving Party's failure to appear or respond to the action was due to excusable neglect, specifically:
3. **Meritorious Defense:** The Moving Party possesses a meritorious defense to the claims asserted in this action, which, if presented, would likely result in a different outcome. The specific facts constituting this defense are detailed in the Statement of Facts above.
4. **Other Justifiable Reason:** [If applicable, describe any other compelling reason for vacating the judgment, e.g., fraud, misrepresentation, newly discovered evidence, etc.]

III. ARGUMENT

A judgment entered without proper notice or an opportunity to be heard violates fundamental principles of due process. Courts have inherent power, as well as statutory authority, to vacate judgments entered under such circumstances to ensure fairness and prevent injustice. The Moving Party has acted diligently upon discovering the Judgment and seeks to present a valid defense that was not previously adjudicated. Vacating the Judgment would serve the interests of justice and allow for a determination of the case on its merits.

IV. CONCLUSION

For the foregoing reasons, the Moving Party respectfully requests that this Honorable Court grant this Motion, vacate the Judgment entered on the _____ day of _____, 20_____, and allow the Moving Party to present a defense to the action.

Dated this _____ day of _____, 20_____.

Respectfully submitted,

_____

[Signature of Attorney or Moving Party]

Print Name: _____

Bar Number (if applicable): _____

Attorney for [Defendant/Plaintiff] / Moving Party

Address: _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Email: _____

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____, a true and correct copy of the foregoing MOTION TO VACATE JUDGMENT was served upon the following parties by [Method of Service, e.g., U.S. Mail, email, hand delivery]:

_____

[Name of Opposing Counsel/Party]

_____

[Address of Opposing Counsel/Party]

_____

[Signature]

Print Name: _____