ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Telephone Number ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA ☐ LIMITED CIVIL CASE ☐ 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 ☐ 3855 – F ALAMO ST. SIMI VALLEY, CA 93063-2110	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
NOTICE OF MOTION AND MOTION FOR ORDER ☐ SETTING ASIDE DEFAULT ☐ VACATING DEFAULT JUDGMENT ☐ STAYING EXECUTION OF JUDGMENT ☐ EXPARTE	CASE NUMBER: HEARING DATE: _____ TIME: _____ COURTROOM: _____ COMPLAINT DATE: _____

☐ **MOTION FOR ORDER SETTING ASIDE DEFAULT/VACATING DEFAULT JUDGMENT**

1. Defendant _____ does hereby move the court, pursuant to Section 473 of Code of Civil Procedure, for an order:
   ☐ setting aside the default entered in this action on _____
   ☐ vacating default judgment entered in this action on _____

2. Defendant further moves for an order permitting defendant to:
   ☐ file an Answer, a true and correct copy of which is attached to this motion and incorporated by reference.
   ☐ appear at a trial on the merits.

3. This motion is brought because ☐ default ☐ default judgment was/were taken against defendant:
   ☐ Defendant was mistaken as to some material fact or law relating to defendant's duty to respond.
   ☐ Through inadvertence and/or oversight defendant failed to timely respond.
   ☐ Defendant was prevented from responding due to an unexpected condition or situation which arose, without any default or negligence on his /her part, and which ordinary care could not have prevented.
   ☐ Other _____

4. Defendant possesses a meritorious defense against the unlawful detainer or other civil action.

Short Title:	Case Number:

☐ **MOTION FOR ORDER STAYING EXECUTION**

5. Defendant, _____ , respectfully applies under Section 918 of the Code of Civil Procedure, for an order from this court directed to the Sheriff of Ventura County, to plaintiff, and to any other persons acting on behalf of or together with plaintiff, staying execution of the judgment entered in this action on the grounds that:

☐ Defendant would suffer hardship if the judgment were to be executed at this time.

☐ The judgment may be set aside or modified as requested in defendant's motion to vacate default judgment.

☐ The judgment may be set aside or modified in accordance with defendant's motion for a new trial.

☐ The judgment may be set aside or modified in accordance with defendant's motion for judgment not withstanding the verdict.

☐ The judgment may be set aside or modified in accordance with defendant's motion for relief from forfeiture and restoration of the tenancy under Section 1179 of the Code of Civil Procedure.

6. The motion filed above is filed with this application, and is now pending before this Court.

DECLARATION

7. I am the defendant in this action. I am asking the court to set aside ☐ default ☐ default judgment in this case.

8. I did not ☐ file a response to the summons and complaint ☐ appear at the trial in the case

because ☐ I did not receive the summons and complaint until _____ .

☐ I was unable to come to the court because of the following medical emergency:

_____

_____

☐ Other:

_____

_____

_____

_____

_____

9. I have the following defense to ☐ eviction ☐ civil complaint for damages

_____

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____
Signature of Defendant