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_____ In Pro Per

**In and of the Superior Court of California
County of Butte**

In re the Marriage of:)	Case No.:
_____)	
Petitioner,)	Memorandum of Points and
)	Authorities in Support of Motion
and)	to Set Aside Default and Default
)	Judgment.
_____)	
Respondent)	
_____)	

The Court should set aside the Default and Default Judgment on the ground of _____ pursuant to code of civil procedure section 473.

Statutory Requirements. The court has authority to relieve, on any terms as may be just, a party or a party's legal representative from a judgment, order, or other proceeding taken against the party because of mistake, inadvertence, surprise, and/or excusable neglect. (C.C.P. § 473(b)).

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Grounds for Relief from Judgment, Order, or Other Proceeding.

On Application, the court may, on any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. (CCP § 473(b)).

Policy of Law Favors Trial on Merits. The policy of the law is that controversies should be heard and disposed of on their merits (Berman v. Klassman (1971) Cal App. 3d 900, 909, 95 Cal Rptr 417).

Court has Wide Discretion in granting relief. A trial court has a wide discretion to grant relief under Code of Civil Procedure Section 473 (Berman v. Klassman (1971) Cal App. 3d 900, 909, 95 Cal Rptr 417).

