

VERIFIED MOTION TO SET ASIDE DEFAULT JUDGMENT

The defendant submits this Verified Motion to Set Aside Default Judgment, and in support thereof states the following:

1. The Plaintiff commenced this cause by filing a Complaint for Damages on _____.
2. On _____, the Plaintiff filed a “Motion for Default Judgment Against Defendant.
3. On _____, the Court entered an Order styled, “Order Granting Default Judgment Against Defendant _____.
4. The trial court has issued a wage garnishment hearing for January____, 2021.
5. The Defendant moves to set aside the “Order Granting Default Judgment Against Defendant _____ pursuant to Indiana Trial Rule 60(B)(6) on the grounds that on the grounds that it was the result of “mistake, surprise or excusable neglect” and the Defendant has a meritorious defense to the Complaint for Damages.
6. In support of this Motion to Set Aside Default Judgment, the undersigned Defendant submits that The Plaintiff (insert name of CREDIT CARD BANK) served a copy of its Complaint for Damages at the address of_____. However, the undersigned Defendant has not lived at that address for three years so was unaware of the summons case # 49d021908cc032997. Therefore, service of process was inadequate and this Court has not acquired personal jurisdiction over the Defendant.
7. The Defendant moves this Court to set aside the Default Judgment and further requests that this motion be set for a hearing.

WHEREFORE, the Defendant prays that the Court grant the requested relief and enter an Order Setting Aside Default Judgment, along with all other appropriate relief.

Respectfully submitted,

VERIFICATION

I hereby affirm that the foregoing statements are true and accurate to the best of my knowledge.
