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(Form #1)

_____ COURT OF WASHINGTON
COUNTY OF _____

_____,
Plaintiff,

v.

_____,
Defendant.

No.
ORDER TO SHOW CAUSE
(VACATE JUDGMENT/ORDER)

IT IS ORDERED:

_____ shall appear personally before the court and show
[other party's name]
cause, if any, why this Court should not vacate the order(s) dated _____
_____ as requested in the attached Motion for Order to Show Cause Regarding the Vacate
Judgment/Order.

A hearing shall occur on:

Date: _____ Time: _____ a.m. / p.m.

Place: _____ Room: _____

Courthouse

FAILURE TO APPEAR IN PERSON AND DEFEND MAY RESULT IN AN ORDER BEING ENTERED BY THE COURT WHICH GRANTS THE RELIEF REQUESTED IN THE ACCOMPANYING MOTION WITHOUT FURTHER NOTICE TO YOU.

Other:

DATED: _____

JUDGE/COMMISSIONER

Presented by:

Signature (your name)

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(Form # 2)

_____ COURT OF WASHINGTON
_____ COUNTY

_____,
Plaintiff,

v.

_____,
Defendant.

No.

MOTION FOR ORDER TO SHOW CAUSE
Re: VACATION OF JUDGMENT/ORDER

I. RELIEF REQUESTED

_____ respectfully moves the Court for an Order requiring
[Your name]

_____ to appear and show cause why this Court should not grant the
Motion to Vacate
[Other party]
Judgment/Order(s) requested.

II. STATEMENT OF THE CASE AND GROUNDS TO VACATE THE ORDER

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I am asking the Court to vacate the following Order(s) or parts of Order(s):

This Court entered this/these Order(s) on _____ [date(s)]

The Court should vacate this/these Order(s) because: _____

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____ [City and state] on _____ [Date]

Signature

Print or type name

1
2 **III. EVIDENCE RELIED UPON IN ADDITION TO EVIDENCE IN COURT FILE**

_____ 's Motion to Vacate Judgment/Order.

[Your Name]

3 Declaration by: _____
[Writer's name]

4 Declaration by: _____
[Writer's name]

5 Other: _____
[other supporting documents/evidence]

6 [These documents are attached.]

7
8 **IV. AUTHORITY**

9 _____ 's Motion to Vacate Judgment/Order is made pursuant to one or
10 more of these:

- 11 Civil Rule 60(a): Clerical mistake(s) in the Judgment, Order, or other parts of the record;
- 12 Civil Rule 60(b)(1): Mistake, inadvertence, surprise, excusable neglect or irregularity in obtaining
the Judgment/Order;
- 13 Civil Rule 60(b)(2): Erroneous proceedings against a minor or person of unsound mind and the
14 condition of the defendant/respondent did not appear in the record nor was the error discovered
15 during proceedings;
- 16 Civil Rule 60(b)(3): Newly discovered evidence which by due diligence could not have been
discovered in time to move for a new trial under CR 59(b);
- 17 Civil Rule 60(b)(4): Fraud, misrepresentation or other misconduct of an adverse party;
- 18 Civil Rule 60(b)(5): The Judgment/Order is void;

- 1 Civil Rule 60(b)(6): The judgment has been satisfied, released, or discharged, or a prior judgment
2 upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the
3 judgment should have prospective application;
- 4 Civil Rule 60(b)(7): If the defendant was served by publication, relief may be granted as prescribed
5 in RCW 4.28.200;
- 6 Civil Rule 60(b)(8): Death of one of the parties before the Judgment in the action;
- 7 Civil Rule 60(b)(9): Unavoidable casualty or misfortune preventing the party from prosecuting or
8 defending;
- 9 Civil Rule 60(b)(10): Error in judgment shown by a minor, within 12 months after arriving at full
10 age;
- 11 Civil Rule 60(b)(11): Any other reason justifying relief from the operation of the judgment;
- 12 [Any other relevant legal authority: specify]

11 **V. PROPOSED ORDER**

12 A proposed order accompanies this motion.

13 DATED: _____

14 Respectfully Submitted,

15 _____
[Your Signature]

16 _____
[Print or Type Name]

1 (Form #3)

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_____ COURT OF WASHINGTON
_____ COUNTY

6

7

No.

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DECLARATION IN SUPPORT OF
MOTION TO VACATE

Plaintiff,

9

v.

10

Defendant.

11

12

This declaration is made by:

13

Name: _____

14

Address: _____

15

Telephone: _____

16

Age: _____

17

Occupation: _____

Relationship to the parties in this action:

18

I DECLARE that:

19

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1 (Form # 4)

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_____ COURT OF WASHINGTON
_____ COUNTY

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No.

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ORDER ON MOTION TO VACATE
JUDGMENT/ORDER

8

_____,
Plaintiff,

9

v.

10

_____,
Defendant.

11

The above-entitled Court, having heard a Motion to Vacate the Judgment/Order entered on

_____;

(Date)

12

HEREBY ORDERS that the _____'s Motion to Vacate Judgment/Order
is granted. The Order(s) or parts of Order(s) entered for this matter on _____ (date) shall
be vacated as follows:

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DATED: _____

JUDGE/COURT COMMISSIONER

PRESENTED BY:

APPROVED BY:

[Your Name]

1 (Form #6)

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_____ COURT OF WASHINGTON
_____ COUNTY

6

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No.

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RETURN OF SERVICE

_____,
Plaintiff,

9

v.

10

_____,
Defendant.

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I DECLARE:

13

1. I am 18 years of age or over. I am not a party to this action.

14

2. I served _____ [other party's name] with:

15

an Order to Show Cause re: Motion to Vacate dated _____.

other:

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3. The date, time and place of service were (if by mail, refer to Paragraph 4 below):

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Date: _____ Time: _____ a.m./p.m.

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Address: _____

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4. Service was made pursuant to Civil Rule 4(d)

- by delivery to the person named in paragraph 2 above.
- by delivery to _____ [Name], a person of suitable age and discretion residing at the respondent's usual abode.
- by publication as provided in RCW 4.28.100. (A copy of the summons is attached.)
- (check only if there is a court order authorizing service by mail) by mailing two copies postage prepaid to the person named in the order entered by the court on _____ [Date]. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Attach return receipt below.) The copies were mailed on _____ [Date].

5. Other:

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

Signed at _____, on _____.
[Place] [Date]

Signature

Print or Type Name

Fees:

Service	_____
Mileage	_____
Total	_____

(Attach Return Receipt here, if service was by mail)

CIVIL RULE 60

RELIEF FROM JUDGMENT OR ORDER

- (a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by an appellate court, and thereafter may be corrected pursuant to RAP 7.2(e).
- (b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:
 - (1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;
 - (2) For erroneous proceedings against a minor or person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings;
 - (3) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 59(b);
 - (4) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
 - (5) The judgment is void;
 - (6) The judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application;
 - (7) If the defendant was served by publication, relief may be granted as prescribed in RCW 4.28.200;
 - (8) Death of one of the parties before the judgment in the action;
 - (9) Unavoidable casualty or misfortune preventing the party from prosecuting or defending;
 - (10) Error in judgment shown by a minor, within 12 months after arriving at full age; or
 - (11) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1), (2) or (3) not more than 1 year after the judgment, order, or proceeding was entered or taken. If the party entitled to relief is a minor or a person of unsound mind, the motion shall be made within 1 year after the disability ceases. A motion under this section (b) does not affect the finality of the judgment or suspend its operation.
- (c) Other Remedies. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding.
- (d) Writs Abolished--Procedure. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review are abolished. The procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.
- (e) Procedure on Vacation of Judgment.
 - (1) Motion. Application shall be made by motion filed in the cause stating the grounds upon which relief is asked, and supported by the affidavit of the applicant or his attorney setting forth a concise statement of the facts or errors upon which the motion is based, and if the moving party be a defendant, the facts constituting a defense to the action or proceeding.
 - (2) Notice. Upon the filing of the motion and affidavit, the court shall enter an order fixing the time and place of the hearing thereof and directing all parties to the action or proceeding who may be affected thereby to appear and show cause why the relief asked for should not be granted.

- (3) Service. The motion, affidavit, and the order to show cause shall be served upon all parties affected in the same manner as in the case of summons in a civil action at such time before the date fixed for the hearing as the order shall provide; but in case such service cannot be made, the order shall be published in the manner and for such time as may be ordered by the court, and in such case a copy of the motion, affidavit, and order shall be mailed to such parties at their last known post office address and a copy thereof served upon the attorneys of record of such parties in such action or proceeding such time prior to the hearing as the court may direct.

Statutes. Except as modified by this rule, RCW 4.72.010-.090 shall remain in full force and effect.