

\_\_\_\_\_  
Full Name of Defendant

\_\_\_\_\_  
Mailing Address (Street or Post Office Box)

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone

IN THE DISTRICT COURT FOR THE \_\_\_\_\_ JUDICIAL DISTRICT  
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF \_\_\_\_\_

STATE OF IDAHO,

Plaintiff,

vs.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date of Birth)

\_\_\_\_\_  
(Driver's License Number)

\_\_\_\_\_  
(State Issuing D.L.)

Defendant.

Case No. \_\_\_\_\_

Citation No. \_\_\_\_\_

MOTION AND AFFIDAVIT TO SET  
ASIDE DEFAULT JUDGMENT ON  
CIVIL INFRACTION

Under Rule 8.1 of the Idaho Infraction Rules and Rule 60(b) of the Idaho Rules of Civil Procedure, I ask the Court to set aside the Default Judgment on Civil Infraction entered in this case. I state under oath:

1. A Default Judgment was entered in this case on Citation No. \_\_\_\_\_. The infraction was for the following offense:

- Failure to produce certificate of liability insurance (I.C. § 49-1232)
- Failure to carry and produce vehicle registration card (I.C. § 49-427)
- Failure of vehicle owner to maintain liability insurance (I.C. § 49-1229)
- Operating a vehicle not covered by liability insurance (I.C. § 49-1428)

2. I failed to appear on this citation, or failed to appear after making a first appearance.  
The reason I failed to appear was:

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This constitutes mistake, inadvertence, surprise or excusable neglect, or is a sufficient other reason to set aside the default judgment under Rule 60(b) of the Idaho Rules of Civil Procedure.

**It has not been more than six months from the date the default judgment was entered.**

3. I have a meritorious defense to the infraction. I am attaching proof to this Motion which shows that at the time the citation was issued, I had:

- A valid certificate of insurance
- A valid registration card
- Liability insurance on my car
- Liability insurance on the car I was driving

I ask the Court to:

- a. Set aside the Default Judgment
- b. Order any penalties paid be refunded
- c. Set aside any driver's license suspension which resulted solely from the entry of the Default Judgment or terminate any pending suspension proceeding
- d. Dismiss the citation on the civil infraction based on the proof presented with this Motion

I swear I have read this Motion and all facts included are true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Typed/printed

\_\_\_\_\_  
Signature

STATE OF IDAHO )  
 ) ss.  
County of \_\_\_\_\_)

SUBSCRIBED AND SWORN before me on this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
Commission expires \_\_\_\_\_