

\_\_\_\_\_  
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. \_\_\_\_\_

ORDER RE: MOTION TO SET  
ASIDE DEFAULT JUDGMENT ON  
CIVIL INFRACTION

Having considered Defendant's Motion and Affidavit To Set Aside Default Judgment On Civil Infraction,

**The Motion is denied:**

because it seeks relief pursuant to I.R.C.P. 60(b)(1), (2) or (3) and it was not brought within six (6) months after judgment was entered or it seeks relief pursuant to other provisions of I.R.C.P. 60(b) and it was not brought within a reasonable time. **or**

because the Defendant has not stated grounds sufficient for relief from the judgment pursuant to I.R.C.P. 60(b). **or**

**The Motion is granted and the following relief is ordered:**

- The default judgment for the specified infraction is set aside. Any penalties already paid by the Defendant for the specified infraction are ordered refunded. If the Defendant's driver's license has been suspended on account of the default judgment, it shall be reinstated and if any suspension proceedings are pending they shall be dismissed.

**and**

The citation for the specified infraction is dismissed based on the proof provided with Defendant's Motion.

**or**

- Defendant's Motion will be heard at \_\_\_\_\_ o'clock \_\_\_\_\_ m. on \_\_\_\_\_, 20\_\_\_\_, in courtroom number \_\_\_\_\_ at the \_\_\_\_\_ County Courthouse, whose address is \_\_\_\_\_.

Defendant must be present in person or through counsel at that time to present argument on the Motion.

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

\_\_\_\_\_  
Magistrate Judge