

FRANKLIN COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION
HOW TO FILE A MOTION FOR RELIEF FROM JUDGMENT

What is the purpose of a Motion for Relief from Judgment?

After a judgment is filed a party may ask the court for relief from the judgment for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial;
- (3) fraud, misrepresentation, or other misconduct of an adverse party;
- (4) 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 the judgment should have prospective application; or
- (5) any other reason justifying relief from judgment. (Civil Rule 60 B)

When may this motion be filed?

The motion must be filed within a reasonable amount of time, and for reasons (1), (2), and (3) above, not more than one year after the date of judgment.

How do I file this motion?

Write the names of the parties and the case number in the blanks provided at the top. Write the specific reason(s) for your motion. Extra pages may be added if more space is needed. You may also attach supporting memoranda.

The motion may be mailed or hand-delivered to the court with the \$20.00 court cost. The party who files the motion has the duty to notify the other parties by mailing copies to them. Complete the certificate of service at the bottom of the motion. You may instead ask the Clerk of Courts to serve the copies. The service cost is \$3.00 for regular mail, \$6.00 for certified mail, and \$25.00 for personal service by court bailiff.

Will there be a hearing?

You may request an oral hearing by including the following the form:

“AN ORAL HEARING OF APPROXIMATELY 15 MINUTES IS REQUESTED”

It is entirely within the discretion of the judge to grant your request.

What happens after I file the motion?

A judge will be assigned to review the motion. The judge, after considering the arguments presented, will make a ruling and notify all parties of the decision in writing. If you disagree with the ruling you have the option to appeal to the 10th District Court of Appeals.

IN THE FRANKLIN COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION

Plaintiff, :
 :
v. : Case No. _____ CV I _____
 :

Defendant. :

MOTION FOR RELIEF FROM JUDGMENT

Pursuant to Civil Rule 60(B) Plaintiff / Defendant (circle one) _____ (name)
moves the court for an order vacating and setting aside the judgment filed on the following date,
_____, _____, for the following reasons:

Signature of Plaintiff / Defendant

CERTIFICATE OF SERVICE

_____ (name) served a copy of the foregoing motion upon
all other parties herein, or to their attorneys, if represented, at their last known addresses by ordinary
U.S. mail on the following date: _____, _____.

Signature of Plaintiff / Defendant

**INSTRUCTIONS TO THE CLERK
LORI M. TYACK, CLERK OF COURTS
FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO**

Case No. _____ CV _____

Signature_____

Attorney Code_____

Attorney for _____

To the Clerk: Please issue

_____ DOCKET TRANSCRIPT - \$20.00

_____ **Out of County Sheriff - \$41.00**
County Name _____

 Post Judgment Motion - \$20.00

 Objection to Magistrates Report - \$20.00

_____ **Amended Complaint - \$20.00**
(plus service fees)

_____ **Third Party Complaint - \$20.00**
(plus service fees)

_____ **Counterclaim/Crossclaim - \$20.00**
(plus service fees)

Order to Show Cause - \$50.00

 Ordinary Mail Service - \$3.00

Certified Mail Service - \$10.00

Bailiff Service - \$25.00

Personal/Residence Process Server \$25.00

FedEx - \$22.00

Jury Demand Fee - \$10.00

Jury Demand Deposit - \$500.00

New Address

Street

City	State	Zip code
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City	State	Zip code
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City	State	Zip code
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