

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

STATE OF IDAHO  
Plaintiff,

v.

Defendant.

Case No.

Citation No.

Motion and Affidavit to Set Aside Default  
Judgment on Civil Infraction

DOB:

DL #:

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:

\_\_\_\_\_  
\_\_\_\_\_

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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
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 \_\_\_\_\_

