

What You Can Do If You Lose A Civil Court Trial-- Supplement

This supplement includes a forms guide as well as forms. The forms guide is for use only in filling out the forms. For more information about what these forms mean or are used for, consult the appropriate Self Help packet.

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Forms that are included in this supplement:

Motion For New Trial

Motion to Vacate Judgment

Motion to Vacate Default Judgment

Motion to Reconsider

Affidavit

Certificate of Mailing

FORMS GUIDE

ALL FORMS:

At the top of each form is the "caption". It is completed as follows:

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE **(number of circuit)** JUDICIAL CIRCUIT
(name of county) COUNTY

(from original case))	
)	
Plaintiff,)	
)	
and)	No. (from original case)
)	
(from original case))	
)	
Defendant.)	

Determine the number of the "Circuit" according to the chart on the next page. If your county does not appear in the chart, call the Circuit Clerk in the county in which you will be filing your case and ask for the number of the Circuit.

Circuit Courts in Illinois

Cook County is its own judicial circuit. The rest of the counties in Illinois fall into one of 22 circuits.

First Circuit -	The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.
Second Circuit -	The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.
Third Circuit -	The counties of Madison and Bond.
Fourth Circuit -	The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.
Fifth Circuit -	The counties of Vermilion, Edgar, Clark, Cumberland and Coles.
Sixth Circuit -	The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.
Seventh Circuit -	The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.
Eighth Circuit -	The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.
Ninth Circuit -	The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.
Tenth Circuit -	The counties of Peoria, Marshall, Putnam, Stark and Tazewell.
Eleventh Circuit -	The counties of McLean, Livingston, Logan, Ford and Woodford.
Twelfth Circuit -	The County of Will.
Thirteenth Circuit	The counties of Bureau, LaSalle and Grundy.
Fourteenth Circuit -	The counties of Rock Island, Mercer, Whiteside and Henry.
Fifteenth Circuit -	The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.
Sixteenth Circuit -	The counties of Kane, DeKalb and Kendall.
Seventeenth Circuit -	The counties of Winnebago and Boone.
Eighteenth Circuit -	The county of DuPage.
Nineteenth Circuit -	The county of Lake.
Twentieth Circuit -	The counties of Randolph, Monroe, St. Clair, Washington and Perry.
Twenty-first Circuit -	The counties of Iroquois and Kankakee.
Twenty-second Circuit -	The county of McHenry

FORM: MOTION FOR A NEW TRIAL

Paragraph 1: Check Plaintiff or Defendant, whichever you were in the first case.

Paragraph 2: The date that the judgment was entered.

Paragraph 3: State why you believe the judgment is in error.

Paragraph 5: The date that the error was discovered.

Sign your name on both signature lines and print your name below each. Do not forget to attach a copy of the judgment and a copy of the affidavit to the Motion.

FORM: MOTION TO VACATE JUDGMENT

Paragraph 1: Check Plaintiff or Defendant, whichever you were in the first case.

Paragraph 2: The date the judgment was entered.

Paragraph 3: State the reason you are requesting to vacate the judgment.

Sign your name on both signature lines and print your name below each. Do not forget to attach a copy of the judgment and a copy of the affidavit to the Motion.

FORM: MOTION TO VACATE DEFAULT JUDGMENT

Paragraph 1: Check Plaintiff or Defendant, whichever you were in the first case.

Paragraph 2: The date that the judgment was entered.

Paragraph 3: First decide which box you would like checked and check that box. If you check the first box then write in the date of the hearing that you failed to appear for. If you checked the second box then write in the date that your answer was due to the court.

Paragraph 4: State the reason why you did not appear or file an answer.

Sign your name on both signature lines and print your name below each. Do not forget to attach a copy of the judgment and a copy of the affidavit to the Motion.

FORM: MOTION TO RECONSIDER

Paragraph 1: Check Plaintiff or Defendant, whichever you were in the first case.

Paragraph 2: The date that the judgment was entered.

Paragraph 3: Check the box that applies to your situation and then enter a reason after the word "because."

Sign your name on both signature lines and print your name below each. Do not forget to attach a copy of the judgment and a copy of the affidavit to the Motion.

FORM: AFFIDAVIT

Introduction: Fill in your name here.

Paragraph 1: Check Plaintiff or Defendant, which ever you were in the first case.

Paragraph 2: Explain why you want the relief that you are requesting. Include times, dates and names. Be specific.

Sign your name in the blank **in the presence of a notary public**. A notary public is usually available at the Circuit Clerk's office, but you would want to call the Circuit Clerk of the county you will file in to make sure one is available when you go to file.

FORM: Certificate of Mailing

First blank: Your name. Then check the appropriate motion.

Second blank: Write in Plaintiff or Defendant, whichever you are not.

Third blank: Write in the other persons address.

Fourth blank: The city of the post office where you mailed the Motion.

Fifth blank: Date you mailed a copy of the Petition to the Department

Sign your name on both signature lines and print your name below each.

In the lower left hand corner, print your name before where it says "pro se" and put your address and telephone number on the lines below.

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,)
 _____,)
 _____,)
 vs. Petitioner,) Case No. _____ - SC - _____
 _____,)
 _____,)
 Respondent.)

MOTION FOR NEW TRIAL

1. I am the _____ in this cause of action.
2. A judgment was entered against me in this court on _____, 20____, a copy of which is attached.
3. The judgment was in error and should be set aside and vacated because:

4. At the time of the entry of judgment, the above error was unknown to the court and myself; and the judgment was entered without fault or negligence on my part.
5. I did not know or discover this error until _____.
6. In support of this motion, I am attaching an affidavit.

WHEREFORE, I request that the judgment be set aside and vacated, and for such other relief that this Court deems equitable and proper.

Signature

Print Name

Under the penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Signature

Print Name

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____ ,)	
)	
)	
)	
vs.)	Case No. _____ - SC - _____
)	
_____ ,)	
)	
)	
Respondent.)	

MOTION TO VACATE JUDGMENT

1. I am the _____ in this cause of action.
2. A judgment was entered against me in this court on _____, 20____, a copy of which is attached.
3. The reason why I am requesting to vacate the judgment in this case is:

4. In support of this motion, I am attaching an affidavit.

WHEREFORE, I request that the judgment be set aside and vacated, and for such other relief that this Court deems equitable and proper.

Signature

Print Name

Under the penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Signature

Print Name

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,)
 _____,)
)
 Petitioner,)
 vs.) Case No. _____ - SC - _____
)
 _____,)
)
 Respondent.)

MOTION TO VACATE DEFAULT JUDGMENT

1. I am the _____ in this cause of action.
2. A default judgment was entered against me in this court on _____, 20____, a copy of which is attached.
3. I was held in default because I failed _____.
4. The reason I did not appear or did not file an answer in this case was:

5. In support of this motion, I am attaching an affidavit.

WHEREFORE, I request that the judgment be set aside and vacated, and for such other relief that this Court deems equitable and proper.

Signature

Print Name

Under the penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Signature

Print Name

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,)
 _____,)
)
 Petitioner,)
 vs.) Case No. _____ - SC - _____
)
 _____,)
)
 Respondent.)

MOTION TO RECONSIDER

1. I am the _____ in this cause of action.
2. A judgment was entered against me in this court on _____, 20____, a copy of which is attached.
3. The judgment was in error and the judge should reconsider their decision and enter a judgment for myself because: _____

4. In support of this motion, I am attaching an affidavit.

WHEREFORE, I request that the judgment be set aside and vacated, and for such other relief that this Court deems equitable and proper.

Signature

Print Name

Under the penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Signature

Print Name

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,)
 _____,)
)
 Petitioner,)
 vs.) Case No. _____ - SC - _____
)
 _____,)
)
 Respondent.)

AFFIDAVIT

I, _____, on oath state:

1. I am the _____ in this cause of action.
2. That the following facts are true to the best of my belief or knowledge: _____

Signature

Signed and sworn to before me this _____ day of _____, 20____.

Notary Public

My commission expires _____

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,)
 _____,)
)
 Petitioner,)
 vs.) Case No. _____ - SC - _____
)
 _____,)
)
 Respondent.)

CERTIFICATE OF MAILING

I, _____, hereby certify that I mailed a copy of the:

- Motion for New Trail
- Motion to Vacate Default Judgment
- Motion to Reconsider

To the _____ at _____ by depositing the same in the United States mail at _____, Illinois, postage fully prepaid on _____, 20____.

Signature

Print Name

Under the penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Signature

Print Name