

Instructions for Ex Parte Stay of Execution

The Ex Parte Motion for Stay of Execution is used to request a temporary stay of the execution of a judgment for eviction and allows you to request an extension of time before you are permanently locked out of the premises.

You should file this request at least 48 hours before your lock out date to ensure you will get a timely hearing. The hearing will be set by the Clerk's Office at the time you file your documents.

NOTE: This is not automatically granted. It will be up to the judge to decide at your hearing. You must be prepared to pay rent for each day you are requesting to delay your move out date. You can only ask for up to 40 days from the date of the entry of Judgment. The court will order you to pay rent directly to the plaintiff or deposit it with the Court. The amount will be the daily rate times the amount of days you are requesting to extend the move out date.

1. **GIVE 24-HOUR NOTICE:** You must give the plaintiff or plaintiff's attorney 24 hours' notice of your intent to seek an order to Stay the Execution of Judgment. You do this by contacting the plaintiff or their attorney by telephone and stating:

"I will be submitting a request to Stay the Execution of Judgment 24 hours from the time of this call."

Note: Remember the date and time of the call and any response you received.

2. **PREPARE THE DOCUMENTS:** Complete the paperwork. Refer to the instructions. EACH defendant filing the stay must sign it.

NOTE - FILING FEES: There will be a filing fee due at the time you present your documents for filing unless you qualify for a fee waiver. Please contact the clerk's office for questions regarding the filing fee as it changes periodically. If you need a Fee Waiver Packet, you can obtain one from the Clerk's Office or download it from the Court's website.

3. **FILING YOUR DOCUMENTS:** Take the original and 2 copies (copies will be made for you if you have a fee waiver) to the Clerk's Office. The clerk will file mark your Ex Parte Motion and set a hearing date.
4. **SERVING YOUR DOCUMENTS:** A copy of the file marked documents must be given to the Plaintiff or Plaintiff's Attorney before your hearing date. Someone other than you and over the age of 18 must HAND DELIVER a copy of the documents to them. The person serving the documents to the Plaintiff or Plaintiff's attorney cannot live in the home with your or be named as a defendant in the case.
5. **FILE THE PROOF OF SERVICE:** If possible, file the Proof of Service with the Clerk's Office before your hearing date. Otherwise, bring it with you to your hearing.
6. **BE SURE TO ATTEND YOUR HEARING:** if the judge grants the stay, the courtroom clerk will notify the Sheriff's Office that the lock out date has been delayed.

Ex Parte Stay of Execution

Type or print legibly in blue or black ink. DO NOT USE GEL PENS.

1. Write your name, address and phone number.
2. Write the name of the Plaintiff and the Defendant as they appear on the Complaint.
3. Write in your case number as it appears on the Complaint.
4. Write in name.
5. Write in the date you wish are requesting the Court temporary state the lockout. You can ask for up to 40 days from the date of entry of the judgment.

NOTE: You will be required to pay rent for each day you request for the extension of time to move out.

6. Write in the date, print your name and sign.
7. Write in your name.
8. Write in the date the Judgment was entered.
9. Write the length of time you have lived at the residence.
10. Write in who else resides there with you . (Example: My two children or M y boyfriend, etc.)
11. Write in from what source you earn your monthly income. (Example: *Employment or Unemployment or social security, etc.*)
12. Write in the amount of your monthly earnings.
13. Write in the date the Sheriff posted the lockout notice.
14. Write in the date scheduled for the lockout. (You can find this on the lockout notice.)
15. Write in the date the Judgment was entered . (Same as Item No . 8 above .)
16. Write in the date you are requested the lockout be extended to. (Same as Item No. 5 on previous page.)
17. *You must tell the court was hardship you would suffer. (Example: You are elderly, a single parent with children, very low income, disable or ill.)*
18. Write in the date you are requesting the extension to.
19. Write in how you contacted the plaintiff or plaintiff's attorney, along with the date and time you contacted the plaintiff or plaintiff's attorney
20. Write in any responses made by the plaintiff or plaintiff's attorney.
21. Write in the date, print your name and sign.
22. Write in the date, print your name and sign again on the next page.
23. A copy of all documents must be hand delivered to the Plaintiff or Plaintiffs Attorney by someone over 18 years of age and NOT YOU and not a party to the action. Write in the address of the person who will be hand delivering a copy of the documents to the Plaintiff or Plaintiff's Attorney.
24. Write in the name and address of the plaintiff or plaintiff's attorney where the documents are to be delivered.
25. Have the person who will be delivering the copy date and sign. Make a complete 2 copies and have the person deliver one copy to the plaintiff or the plaintiff's attorney.
26. Take the original and one copy to the Clerk's office for filing.

Order on Ex Parte Stay of Execution

1. Write in your name, address and telephone number.
2. Write the name of the Plaintiff and the Defendant as they appear on the Complaint .
3. Write in your case number as it appears on the Complaint .
4. Leave blank and the Court will complete the rest on the date of the hearing