

FORM SUMMARY

Name of Form: Motion to Reopen Small Claims Judgment and Order

Form Number: SC - 515

Statutory Reference: Wis. Stats. §799.29

Benchbook Reference: CV 42

Purpose of Forms: Used by plaintiffs or defendants who failed to appear at a small claims court proceeding even though they had notice of the hearing. The form allows such defendants to petition for a hearing to reopen the default judgment.

Who Completes: Defendant

Distribution: Original to court; copies to other parties.

Accompanying Forms: None

New Form/Modification: Modification; last update 5/18/01.

Modifications: Modified the time to file motion from 6 months to 12 months (see 2003 Wisconsin Act 138).

Comments: This form should be used where notice of hearing is NOT an issue (see SC-511 when notice IS an issue). For example, where the plaintiff or defendant was ill or forgot about the hearing this form could be used. The notice of motion must be made within 20 days of judgment in ordinance cases and twelve months in small claims cases unless improper venue is alleged, then notice must be made within one year of judgment.

In order to reopen a default judgment, the defendant must show a meritorious defense (see J.L. Phillips & Associates v. E & H Plastic Corp., 217 Wis 2d 348, 577 N.W. 2nd 13 (1998)).

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference

If you have additional information that does not change the meaning of this form, attach it on a separate page. This form itself shall not be altered.