

## **INSTRUCTIONS AND FORM FOR NOTICE OF HEARING**

Please note that court staff cannot provide you with legal advice or assist you in completing these forms. The use of these forms does not guarantee you will be successful in court. It is highly encouraged that you speak with an attorney if you are needing assistance. If you have specific questions regarding the forms, you may contact the legal form helpline at 1-855-784-0004 or email UJS staff at [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us). Additionally, for more information on South Dakota laws, you can also visit the South Dakota Legislature website.

### **IMPORTANT NOTICE**

If a hearing is set on your Motion, the Notice of Hearing must be mailed to the opposing party at least twenty days before the hearing is held.

### **Complete this form by:**

1. Complete the caption by filling in the county name, judicial circuit number, Plaintiff and Defendant name, and file number. All of this can be found on any previous filing completed in your case. Leave the remainder of the form blank for the Court to fill out.
  - a. You can also contact the Clerk of Court, legal help line, or email UJS staff for this information.
2. File the original copies of the Notice of Hearing (UJS-336), Motion (UJS-335), Affidavit in Support (UJS-337), if you completed one, and any supporting documents with the Clerk of Court. Remember to retain copies for your records.
3. The Court will provide you with a completed Notice of Hearing (UJS-336) which will set the date, time, and location of the hearing.
4. Mail copies of the Notice of Hearing (UJS-336), Motion and Request for Hearing (UJS-335), and Affidavit in Support (UJS-337), if you complete one, and any supporting documents to the opposing party at least twenty days before the hearing.
5. Complete an Affidavit of Mailing (UJS-338) and file with the Clerk of Court.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff</p> <p>v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;"><b>NOTICE OF HEARING</b></p>
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NOTICE IS HEREBY GIVEN THAT A HEARING will be held on the following date and time: \_\_\_\_\_ before the Honorable \_\_\_\_\_, in Court Room \_\_\_\_\_ located in the \_\_\_\_\_ County Courthouse, in the City of \_\_\_\_\_ South Dakota, or as soon thereafter as is convenient for the court. Both parties shall personally appear and bring any witness and evidence with them that they plan to present to the Court. This Notice of Hearing must be mailed to the opposing party at least twenty days before the stated hearing date. The opposing party may appear at the time and date set to show reasons, if any, why the Court should not grant the above Motion as requested.

BY THE COURT:

\_\_\_\_\_

Circuit Court Judge/Clerk of Court

ATTEST:

CLERK OF COURT

BY \_\_\_\_\_

Clerk/Deputy Clerk

(SEAL)