

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
) : ss
 COUNTY OF _____) _____ JUDICIAL CIRCUIT

_____, Plaintiff, vs. _____, Defendant	CASE # _____ - _____ MOTION AND NOTICE FOR HEARING
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The initiating documents in the above title matter already have been filed and served upon the Defendant, I, _____, the Plaintiff Defendant in the above-named case, desire a hearing to: *(describe in detail what you are asking the Court to do.)* _____

_____. I am requesting a hearing as soon as practicable to hear the parties and present testimony and/or evidence regarding the above stated issue/s. An **Affidavit in Support of Motion** is is not attached to this Motion. The opposing party may file a Responding Affidavit (UJS-339) if they disagree with any of the statements above.

(Have the Clerk of Court or Court Administration, depending on the county your case is filed in, complete the section below) (After Court staff has completed the section, mail a copy of this form to the other party at least ten days before the hearing date. Next, complete the Affidavit of Mailing and take the originals of both forms to the Clerk of Courts office to be filed.)

NOTICE IS HEREBY GIVEN THAT A HEARING will be held on the ____ day of _____ 20____, at the hour of ____:____ am/pm before the Honorable _____, at the 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 witnesses and evidence with them that they plan to present to the Court. **The above-named Motion and Notice of Hearing must be mailed to the opposing party at least ten 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.

Dated this ____ day of _____, 20____ at _____, South Dakota.

ATTEST: _____, Clerk of Court

 Judge/Clerk of Court /Court Administration

_____, Plaintiff, vs. _____, Defendant	CASE # _____ - _____ AFFIDAVIT IN SUPPORT OF MOTION
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(OPTIONAL FORM: You are not required to file an Affidavit in support of your Motion and Notice of Hearing. If you do want to provide one complete this form. You will have to swear under oath that all the information you provide is the truth. When you have completed the form do not sign or date it until you are in front of a Notary or the Clerk of Court. Make sure to bring identification. A Notary can usually be found at a bank or the courthouse. Mail a copy to the other party, complete an Affidavit of Mailing, and file the originals with the Clerk of Court.)

I, _____ the Plaintiff Defendant in the above-named case, swear under oath and under penalty of law that following is true:

1. I submit this Affidavit in support of my **Motion and Notice for Hearing** that was filed on this date: _____ with the Clerk of Courts office.
2. The facts that support my Motion are as follows: _____

I am am not attaching an additional page with more information to this Affidavit.

3. I am requesting that the Court: _____

The opposing party may file a Responding Affidavit (UJS-339) if they disagree with any of the statements above.

Dated this _____ day of _____, 20____.

 Signature (*Date and Sign only in front of a Notary or Clerk of Courts*)

Sworn/affirmed before me this _____ day of _____, 20____.

Name: (Print) _____
 Address: _____
 City/State/Zip: _____
 Phone #: (_____) _____

 (Notary Public/Clerk of Courts)
 If Notary, my commission expires: _____

(SEAL)

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
) : ss
 COUNTY OF _____) _____ JUDICIAL CIRCUIT

_____, Plaintiff, vs. _____, Defendant	CASE # _____ - _____ AFFIDAVIT OF SERVICE BY MAILING
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(Complete this Affidavit of Service by Mail only after you have mailed a copy of the Motion and Notice for Hearing, and the Affidavit in Support of Motion if you completed one, to the other party. Make sure to make a copy of all documents for your file. The originals will be filed with the Clerk of Courts. You must sign and date this Affidavit in front of a Notary or the Clerk of Court. Make sure to bring identification. A Notary can usually be found at a bank or the courthouse.)

I, _____ the Plaintiff Defendant in the above-named case, swear under oath that on the _____ day of _____, 20____, I served the **Motion and Notice of Hearing** **Affidavit in Support of Motion** on the opposing party by placing a true and correct copy of the document/s in an envelope addressed to _____, the Plaintiff Defendant in this matter, at this address _____, in the City of _____, State of _____, Zip Code _____, and depositing the envelope, with sufficient postage, in the United States Mail at the City of _____, State of _____.

Dated this _____ day of _____, 20_____.

 Signature *(Date and Sign only in front of a Notary or Clerk of Courts)*

Name: (Print) _____
 Address: _____
 City/State/Zip: _____
 Phone #: (_____) _____

Sworn/affirmed before me this _____ day of _____, 20_____.

 (Notary Public/Clerk of Courts)
 If Notary, my commission expires: _____
 (SEAL)