

Checklist to Respond to Motion to Stay Execution of Judgment (Decided by a Commissioner)

- You must complete a form before you file it. These instructions will help you complete the forms.
- Court staff cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Contact the Self Help Center if you need more help:
<http://www.utcourts.gov/selfhelp/contact/>.

Motions decided by a commissioner are governed by [Utah Rule of Civil Procedure 101](#).

Motions decided by a judge and motions decided by a commissioner follow different procedures. The documents are not different, but the time for filing them and the procedures for a hearing are.

- If a motion will be decided by a **judge**, a hearing is not scheduled until after all of the documents have been filed. Also, a Request to Submit must be filed before the judge can consider the motion.
- If a motion will be decided by a **commissioner**, a hearing is scheduled when the motion is filed, and the documents have to be filed and served before the hearing. A Request to Submit is not filed for motions considered by a commissioner.

If you are not sure whether your motion will be decided by a judge or a commissioner, call the court to find out.

(1) Stipulation or Opposition?

- Decide whether you agree with the motion filed by the other party.
- If you agree with the motion, work with the other party to complete and file a Stipulation.
- If you decide that you oppose the motion (or some part of it) complete and file a Statement Opposing the Motion and its supporting documents.

(2) Stipulation

If you and the other party agree about the motion, work with the other party to complete and file the Stipulation to Enter Order.

- Check the District Court box. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the Motion to Stay Execution of Judgment.
- Paragraph (1): Write “Stay Execution of Judgment” on the blank line after “Motion to.” If you understand and agree with Paragraph (1), check the box.
- Paragraph (2): If you understand and agree with Paragraph (2), check the box.
- Paragraph (3): If you understand and agree with Paragraph (3), check the box.
- Attach any required documents and forms.
- Date and sign the form.
- Send the original form and attachments to the other party to attach to and file with the motion.

(3) Statement Opposing the Motion

Some commissioners require a written Statement Opposing the Motion. Some do not. You should contact the commissioner's judicial assistant to find out whether a Statement Opposing the Motion must be filed. Even if a commissioner does not require a written Statement Opposing the Motion, it may be to your advantage to file one.

If you do not agree with the motion and want to file a statement opposing it, you must file and serve the Statement Opposing the Motion at least 7 business days before the hearing.

- Print your name and contact information at the top of the first page. Check whether you are the Plaintiff/Petitioner or Defendant/Respondent.
- Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the blank lines.
- Complete the heading exactly as it appears in the Motion to Stay Execution of Judgment. Check the box next to “Statement [] Opposing” and write “Stay Execution of Judgment” on the blank line after “Motion to.”
- If you want to ask for a hearing, check the box next to "hearing requested."
- Paragraph (1): Explain why you oppose the motion. Make your statements in clear, simple sentences. Make each point a separate paragraph. Number the

- paragraphs. Arrange the paragraphs logically. Type your statements or print them clearly. The person signing this document must have first-hand knowledge of the facts stated.
- Paragraph (2): If you want to ask for a hearing, check the box next to "hearing requested."
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. URCP 5 governs service. You must file and serve a Statement Opposing the Motion at least 7 business days before the hearing.
- File the original form, attachments and certificate of service with court staff.

(4) Attend the Hearing

Motions decided by a commissioner are generally decided after a hearing. Be sure to attend any hearing scheduled by the court.

(5) Order on Motion to Stay Execution of Judgment

If there is a hearing, the commissioner will decide the issues and will tell one of the parties to prepare the Order on Motion to Stay Execution of Judgment. Listen carefully to the commissioner's decision. The documents must agree with that decision, and you may have to prepare them.

- If you are told to prepare the Order on Motion to Stay Execution of Judgment, complete all of them except the commissioner's signature. What you write in the documents must agree with what the judge decided.
- Date and sign the proposed Order on Motion to Stay Execution of Judgment under the phrase: "approved as to form."
- Within 21 days after being told to prepare the documents, serve them on the other party by one of the methods described in the certificate of service. URCP 5 governs service.
- The other party has 7 days in which to object.
- File the original Findings of Order on Motion to Stay Execution of Judgment and the Certificate of Service with court staff after the time to object has ended.

(6) Notice of Order

If you prepared the order, or if the commissioner says you have to serve the signed order:

- Complete the top part of the form the same as the Motion to Stay Execution of Judgment.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and attachments with court staff.