

MOTION TO SET ASIDE MAGISTRATE'S ORDER

You will need to fill out completely and submit all of the following documents:

- Motion to Set Aside Magistrate's Order with Notice of Hearing
- Praecipe for Transcript

***Please make sure ALL documents are completely filled out and are signed, dated & notarized (where required). Failure to submit filled out, signed forms could result in the dismissal of your case and loss of your deposit.



**IN THE COURT OF COMMON PLEAS
FAMILY COURT DIVISION
STARK COUNTY, OHIO**

	:	Case #
(Name of Plaintiff)	:	
	:	
	:	Judge
	:	
(Address)	:	
	:	
vs.	:	
	:	
	:	<u><i>Motion to Set Aside</i></u>
	:	
	:	<u><i>Magistrate's Order</i></u>
(Name of Defendant)	:	
	:	
	:	
	:	
	:	
(Address)	:	

******This Motion must be filed within 10 days of the date that the Magistrate's Order was filed, AND you must order and pay for a transcript of the hearing at the same time.***

I, _____ (name) being the ____ Plaintiff or ____ Defendant respectfully requests that the Magistrate's Order filed on _____ (date) be set aside under Civil Rule 53(D)(2)(b) for the following reasons: (give specific parts of the Order that you think are incorrect and why you think they are incorrect)

WHEREFORE, Movant respectfully requests that this Honorable Court set aside, reject or modify the Magistrate's Order and make such other orders as this Court deems equitable and just.

I verify that I have signed and delivered a written request to the Stark County Court Reported for a transcript of the related hearing and understand that I will be required to pay for said transcript.

Signature of Objecting Party

Telephone number _____

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of this Motion and any attachments to the following opposing Party / Counsel

_____ (name)

_____ (address)

_____ (city, state, zip)

by the following method:

_____ certified mail

_____ personal service

_____ other: _____

NOTICE OF HEARING

A hearing will be held on the above Motion to Set Aside Magistrate's Order
before the assigned Judge on _____ at _____.

No further Notice will be given.

**IN THE COURT OF COMMON PLEAS
FAMILY COURT DIVISION
STARK COUNTY, OHIO**

Plaintiff	:	Case # _____
	:	
	:	
	:	
v.	:	Judge _____
	:	
	:	
	:	
Defendant	:	<u>PRAECIPE FOR TRANSCRIPT</u>
	:	
	:	

Please prepare the Transcript of the Proceedings of the hearing in the above-captioned case, heard by Magistrate _____ on _____ (date). (Record # _____)

Deposit for said Transcript to be paid by _____.
If the deposit is not paid to the Court Transcriptionist within seven (7) days from the date of the filing of a Motion to Set Aside a Magistrate's Order or Objection to a Magistrate's Decision, the same may be dismissed.

I respectfully request that the Transcript be completed at least three (3) days prior to the hearing on the Motion/Objection.

Signature of Requesting Party

Telephone number _____

Acknowledgment of Transcriptionist

_____(date)