

EX PARTE MOTION TO STAY EXECUTION OF WRIT OF POSSESSION; DECLARATION; ORDER

#2DC16

**IN THE DISTRICT COURT OF THE SECOND CIRCUIT
_____ DIVISION
STATE OF HAWAI'I**

Plaintiff

Reserved for Court Use

Civil No.

Defendant

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number

EX PARTE MOTION TO STAY EXECUTION OF WRIT OF POSSESSION

Filing Party requests that this Motion be granted for the reasons stated in the Declaration below and is made pursuant to:

- Rules of the District Courts of the State of Hawai'i, Rule _____;
- District Court Rules of Civil Procedure, Rule _____;
- Hawai'i Revised Statutes § _____.

DECLARATION

1. I am the Moving Party or associated with the Moving Party as _____;
2. I did not attend my summary possession hearing because:
 - I was not served with a Summons and Complaint for this eviction proceeding and did not know that I had a hearing scheduled.
 - I was in the District Court building, but I went to the wrong courtroom and missed my hearing. (Explain below.)
 - I was unexpectedly delayed and was a few minutes late for my hearing. I checked in with the court clerk, who advised me that I had just missed my hearing. (Explain below.)
 - There was a medical emergency in my family and I was unable to make it to court on time.
 - I was ill or hurt and unable to attend court.
 - The date that I was supposed to attend my hearing was not clear to me. (Explain below.)

Please use the following lines for your further explanations:

I certify that this is a full, true, and correct copy of the original on filed in this office.

Clerk, District Court of the above Circuit, State of Hawai'i

3. I believe that the Writ of Possession should be stayed because:

- I did not receive proper written notice from my landlord giving me the correct amount of days to correct the problem.
- My landlord claims non-payment of rent, but I have proof that I have paid the rent.
- My landlord refused to accept my payment
- I have valid defenses/reasons. Explain below.

Please use the following lines for your explanations:

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Date:	Signature of Declarant: Print/Type Name:
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CERTIFICATE OF SERVICE

I mailed or hand-delivered a copy of this Motion to my landlord or their attorney on (date) _____ at the following address:

Reserved for Court Use

COURT ORDER

This Motion is: **GRANTED** **DENIED**
 PARTIALLY GRANTED as follows:

Date:	Judge
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In accordance with the *Americans with Disabilities Act* and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO. 244-2800, FAX 244-2849, or email adarequest@courts.hawaii.gov at least ten (10) working days before your proceeding, hearing, or appointment date.

For all Civil related matters, please call 244-2706 or visit the Service Center at 2145 Main St, Room 141, Wailuku, Hawai'i.