

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

#3DC16

**IN THE DISTRICT COURT OF THE THIRD 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 file in this office.

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

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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:

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

Signature of Declarant:

Date:

Print/Type Name:

**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



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 Disability Accommodations Coordinator at PHONE NO. (808) 961-7629, FAX (808) 961-7577, or email [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov) at least ten (10) working days before your proceeding, hearing, or appointment date. **For all Civil related matters, please call or visit the District Court Civil Section at Hilo Division, 777 Kilauea Avenue, Hilo, Ph. (808) 961-7515 • Kohala Division, 67-5187 Kamamalu St., Kamuela, Ph. (808) 443-2030 • Kona Division, 79-1020 Haukapila St., Kealahou, Ph. (808) 322-8700.**