

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

#5DC16

**IN THE DISTRICT COURT OF THE FIFTH CIRCUIT
LIHUE 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:

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 District Court Administration Office at PHONE NO. 482-2347, FAX 482-2509, or TTY 482-2533 at least ten (10) working days before your proceeding, hearing, or appointment date. **For all Civil related matters, please call 482-2303 DC Civil Division or visit the Self Help Center at 3970 Kā'ana Street, Lihu'e, Hawai'i 96766.**