

THIRTY-SEVENTH JUDICIAL CIRCUIT OF MICHIGAN

Calhoun County

Office of the Friend of the Court

Kristen L. Getting
Friend of the Court

Calhoun County Justice Center
161 E. Michigan Ave.
Battle Creek, MI 49014-4066
269-969-6500

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Deputy Friend of the Court

INSTRUCTIONS FOR USING FORM FOC 68A

“MOTION TO SET ASIDE REFEREE’S RECOMMENDATION AND NOTICE OF HEARING”

Use this form if your hearing was held before a referee and you do not agree with the referee’s decision. This motion requests that the judge review the referee’s decision for errors. You must specify which of the referee’s findings or conclusions you want the judge to review for error.

Objections should be based on good reasons - if your objection is made without grounds, is unreasonable, or is only intended to delay the entry of an order, the court can require you to pay the court costs or attorney fees to handle your objection.

If your reason for objecting to the referee’s order is that you were never served a Complaint and/or you have a good reason why you never answered the Complaint, please use the “Motion to Set Aside Default/Default Judgment (Domestic Relations) (Form CC 99d) instead of this form.

You must file your original motion with the Circuit Court Clerk within 21 days from the date that the recommendation was mailed to you if your case is a domestic case (divorce, custody, parenting time or support)(see the proof of service on your recommended order).

CAPTION: You must indicate the case number on the upper right hand corner. Clearly enter the name, address and telephone number of each of the parties. Check the box indicating “Moving Party” under your name and address.

MOTION: You must state the date of the recommended order and your reasons for objecting to its entry. You must sign and date your motion and print or type your name so that it is clear who is filing the motion.

NOTICE OF HEARING: It is your responsibility to contact the Friend of the Court and ask **which judge** will be hearing your motion. Once you have determined the name of the Judge, check that name on the notice and contact the **Circuit Court Clerk** for the date, time and place of the motion hearing. Make three copies of the motion.

SERVICE AND FILING: You are required to serve a copy of the Motion and Notice of Hearing on the opposite party by sending a copy to their mailing address by ordinary (first class) mail. You must then complete the Certificate of Mailing and file the original motion with the Circuit Court Clerk. *You must provide a copy of the motion designated “Friend of the Court” when you file your motion.* Keep a copy for your records.

YOU MUST ATTEND THE MOTION HEARING OR YOUR MOTION WILL BE DISMISSED AND THE REFEREE’S PROPOSED ORDER WILL ENTER.

State of Michigan
37th Judicial Circuit
Calhoun County

MOTION TO SET ASIDE
REFEREE'S RECOMMENDATION
AND NOTICE OF HEARING

Case No.

Calhoun County Justice Center, 161 E. Michigan Ave., Battle Creek, MI 49014

(269) 969-6500

Plaintiff's name, address and telephone number Moving Party

V.

Defendant's name, address, and telephone number Moving Party

Third Party's name, address and telephone number Moving Party

MOTION

I object to the entry of the referee's recommended order dated _____ and request a de novo hearing by the Court. My objection is based on the following reason(s): (ATTACH ADDITIONAL PAGE IF NEEDED)

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature of Moving Party

Name (type or print)

NOTICE OF HEARING

A hearing will be held on this motion before:

- Honorable Brian K. Kirkham
- Honorable Sarah S. Lincoln
- Honorable John A. Hallacy
- Honorable Tina Yost Johnson

on _____ at _____ at _____.
Date Time Location

If you require special accommodations to use the Court because of a disability, or if you require a foreign language interpreter, please contact the Court immediately to make arrangements.

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this motion and notice of hearing on the other party(ies) by ordinary mail at the above address(es).

Date

Signature of Moving Party