

39-7-104 Reopening default judgments.

- (1) A default judgment rendered in any civil action against a service member during a period of military service or within 30 days after termination of the military service may be set aside if:
 - (a) it appears that the person was prejudiced by reason of his military service in making a defense to the action;
 - (b) application by the person or his legal representative is made to the court rendering the judgment not later than 60 days after the termination of the military service; and
 - (c) the application provides enough facts that it appears that the defendant has a meritorious or legal defense to the action or some part of the action.
- (2) Vacating, setting aside, or reversing any judgment because of any of the provisions of this chapter may not impair any right or title acquired by any bona fide purchaser for value under the judgment.

Enacted by Chapter 306, 1997 General Session