

## TRCP 306a. PERIODS TO RUN FROM SIGNING OF JUDGMENT

1. **Beginning of Periods.** No change

2. **Date to Be Shown.** No change.

3. **Notice of Judgment.** No change.

4. **No Notice of Judgment.** No change.

5. **Motion, Notice and Hearing.** In order to establish the application of paragraph (4) of this rule, ~~the party adversely affected is required to prove in the trial court, on sworn motion and notice, the date on which the party or his attorney first either received a notice of the judgment or acquired actual knowledge of the signing and that this date was more than twenty days after the judgment was signed.~~

a. **Requisites of Motion, Amendment.** The party adversely affected must file a verified motion in the trial court setting forth:

(1) The date judgment or appealable order was signed;

(2) That neither the party nor its attorney received the notice required by paragraph (3) of this rule or acquired actual knowledge of the judgment or order within twenty days after the date the judgment or appealable order was signed; and

(3) The earliest date upon which either the party or its attorney first

(a) received the notice required by paragraph (3) of this rule; or

(b) acquired actual knowledge that the judgment or appealable order had been signed.

If an unverified motion is filed and the respondent does not object to the lack of a verification at any time before the hearing on the motion commences, the absence of a verification is waived. If an objection is timely made, the court must afford the movant a reasonable opportunity to cure the defect. In all other respects, a motion that is filed pursuant to but not in compliance with this paragraph may be amended with permission of the court at any time before an order determining the motion is signed.

b. **Time to File Motion.** A motion seeking to establish the application of paragraph (4) may be filed at any time.

c. **Hearing.** [See attachment]

d. **Order.** After hearing the motion, the court must promptly sign a written order expressly finding:

(1) whether the movant or its attorney received the notice required by paragraph (3) of this rule or acquired actual knowledge of the signing of the judgment or appealable order within twenty days after the date the judgment or appealable order was signed; and

(2) the earliest date upon which the party or its attorney first either received the notice required by paragraph (3) or acquired actual knowledge that the judgment or appealable order was signed.