

Municipal Civil RULE XXIX

PROCEDURE TO SET ASIDE MAGISTRATE'S ORDER DENYING REQUEST TO WAIVE FEES AND/OR COSTS PURSUANT TO AFFIDAVIT OF INDIGENCY

1. OBJECTIONS:

A party may file a motion with the Court to set aside a magistrate's order denying party's request for a waiver of filing fees and/or costs made pursuant to an affidavit of indigency. The motion shall state the moving party's reasons with particularity and shall be filed not later than ten days after the magistrate's order is filed. The pendency of a motion to set aside **does not stay the effectiveness of the magistrate's order**, though the magistrate or the Court may by order stay the effectiveness of a magistrate's order.

2. REQUESTS FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Requests For Findings of Fact and Conclusions of Law regarding a magistrate's decision denying an Affidavit of Indigency **are deemed unnecessary** upon Motions made pursuant to this Rule.

3. RULING ON OBJECTIONS:

The court shall promptly rule on any objections. The court may adopt, reject or modify the magistrate's decision, hear additional evidence, or try the matter *de novo*. The court may refuse to consider additional evidence proffered upon objections unless the objecting party demonstrates that with reasonable diligence the party could not have produced the evidence for the magistrate's consideration.