

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CLACKAMAS

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

and

**ORDER ON MOTION  
FOR DEFAULT**

\_\_\_\_\_  
Respondent

Based on the motion and declaration of the  Petitioner  Respondent in this case,

The court **GRANTS** the *Ex Parte Motion for Order of Default* and directs entry of judgment because the court finds that:

- 1) The responding party was properly served with the *Motion and Order to Show Cause* and other necessary documents and has not filed an appearance,
- 2) The responding party is not now and was not, at the time of service of the *Motion and Order to Show Cause*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005, **and**
- 3) The responding party:
  - Is not now and was not, at the time of service of the *Motion and Order to Show Cause*, in active military service of the United States, or
  - Is in active military service of the United States and has waived protection against default judgments under the Servicemembers Civil Relief Act.

The court **DENIES** the *Ex Parte Motion for Order of Default* because:

- The responding party was not properly served with the *Motion and Order to Show Cause*, or other necessary documents, or no proof of service has been filed with the court.
  - The responding party has filed an appearance.
  - The responding party is now or was, at the time of service of the *Motion and Order to Show Cause*, in active military service of the United States and has not waived protection under the Servicemembers Civil Relief Act.
  - The responding party is now, or was, at the time of service of the *Motion and Order to Show Cause*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005.
  - Other: \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_

**Certificate of Readiness under UTCR 5.100**

This proposed judgment is ready for judicial signature because service is not required under UTCR 5.100 because this judgment is submitted ex parte as allowed by statute or rule

*Judge Signature:*

\_\_\_\_\_