

## PACKET 6

### INSTRUCTIONS FOR MOTION, AFFIDAVIT AND NOTICE FOR EVIDENTIARY HEARING POST-JUDGMENT

This packet may be used to request modification of a judgment concerning all issues **other** than those involving custody, parenting time and/or child support. It includes a Motion for an Evidentiary Hearing, an Affidavit, and a Notice of Hearing; a Certificate of Document Preparation; a Certificate of Mailing; a Proof of Service by Certified Mail; and an Affidavit of Service.

#### **PREPARING THE DOCUMENTS**

- 1.) Complete the case captions (names and case number) as they appear on the petition.
- 2.) Most of the forms also require your name, address and phone number. Please **print** that information.

**Motion:** Indicate the issue(s) you wish to be addressed in court. Date and sign the motion.

**Affidavit:** An affidavit is a sworn statement and must be true and accurate to the best of your knowledge. Explain in your own words the issue(s) you want the court to rule on and why. You may attach an additional page if necessary. Do not date nor sign the affidavit until your signature can be witnessed by a notary or court clerk at which time you must provide proper photo identification which includes your signature, for example a driver's license.

**Notice of Hearing:** Determine whether you wish to have your hearing reported (recorded.) If yes, a fee will be due at the time you file the paperwork.

Indicate the issue(s) you wish to be addressed in court as stated in your motion.

Leave the hearing date blank. It will be set by court staff at the time you file the motion.

Date and sign the notice.

#### **FILING THE DOCUMENTS**

Make two or three copies of the original Motion, Affidavit and Notice after you have completed them. Take the originals and both copies to the court clerk, who can witness your signature, file the originals and process the copies. The court clerk will set the hearing date at that time and return the copies to you. One set is for your records; the other set(s) must be served on the other party. Please note: A filing fee will be due at this time.

#### **SERVING THE DOCUMENTS**

Personal service may be made by a competent person, 18 years of age or older, who is not a party to this action. You may wish to make arrangements for service with the Sheriff's department or a private process server. Service by mail may be done by First Class Mail and either Certified or Registered (return receipt requested) or Express Mail.



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

In the Matter of:	)	CASE NO. _____
	)	
	)	AFFIDAVIT IN SUPPORT OF MOTION
Petitioner,	)	FOR EVIDENTIARY HEARING TO
	)	MODIFY JUDGMENT
and	)	
	)	
	)	
Respondent.	)	
_____	)	

STATE OF OREGON )  
 ) ss  
 County of Jackson )

I, \_\_\_\_\_,  Petitioner  Respondent

being first duly sworn, do depose and state as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Subscribed and Sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk of the Court/Notary Public

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

In the Matter of:	)	CASE NO. _____
	)	
	)	
	)	CIVIL EVIDENTIARY MOTION
Petitioner,	)	NOTICE OF HEARING
	)	
and	)	
	)	
	)	
Respondent.	)	
_____	)	

**REPORTING REQUESTED: No\_\_ Yes\_\_ Estimated Length \_\_\_\_\_ (Reporting fees are due at the time your motion is filed. ORS 21.275(4) and (5)).**

TO THE CLERK OF THE COURT AND TO: \_\_\_\_\_  
(The other party's name)

The undersigned has scheduled for hearing the following: Motion for Evidentiary Hearing  
Re: \_\_\_\_\_  
\_\_\_\_\_ a copy of which is attached.

**The evidentiary hearing is scheduled at \_\_\_\_\_ a.m. on \_\_\_\_\_, 20\_\_\_\_  
in Courtroom No. \_\_\_\_\_, Jackson County Justice Building, 100 South Oakdale,  
Medford, Oregon.**

YOU SHOULD APPEAR AT THE TIME AND PLACE DESIGNATED.

Failure to appear, unless good cause is established, may result in relief being granted in accord with the motion filed, if consistent with Oregon law.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

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

In the Matter of:	)	CASE NO. _____
	)	
	)	
	)	CERTIFICATE OF
Petitioner,	)	DOCUMENT PREPARATION
	)	
and	)	
	)	
	)	
Respondent.	)	
_____	)	

You are required to truthfully complete this certificate regarding the document(s) you are filing with the court.

Check the boxes and complete the blanks that apply.

- I selected this packet of documents for Motion for Evidentiary Hearing for myself and I completed them without paid assistance.
- I paid, or will pay, money to \_\_\_\_\_ for assistance in preparing this document.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Name: \_\_\_\_\_

(Please Print)

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_



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

In the Matter of:	)	CASE NO. _____
<input type="checkbox"/> the Marriage of	)	
<input type="checkbox"/> the Domestic Partnership of	)	PROOF OF SERVICE BY
_____	)	CERTIFIED/REGISTERED/EXPRESS MAIL
Petitioner,	)	
	)	
vs.	)	
	)	
_____	)	
Respondent.	)	
_____	)	

I, the undersigned, certify that on \_\_\_\_\_, 20\_\_\_\_,

I did serve the:

- Petition, Summons (with attached Notice of Statutory Restraining Order Preventing Dissipation of Assets) and other information provided by the court clerk
- Motion, Affidavit and Notice of Evidentiary Hearing
- Other: \_\_\_\_\_

by certified, registered or express mail. The return receipt card or other proof provided by the Post Office, electric or otherwise, showing the signature of the  Petitioner  Respondent and the date signed is attached below.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

(Please Print)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

