

## **Filing a Motion for Relief from Failure to Appear Judgment on a Parking Citation In the Circuit Court of the State of Oregon for Multnomah County**

Under Oregon law, the court may enter judgment against a person who does not appear on a parking citation. ORS 153.820. Because the bail amount **doubles** if the defendant does not appear within 30 days from issuance of the ticket, a person who posts only the **original** bail amount after the 30 day period has expired and the bail has doubled has not made an “appearance” as required by court rule. Supplementary Local Rule 17.015 and 17.067. Judgments entered under ORS 153.820 are termed “failure to appear” judgments and the financial obligation imposed on the judgment is the full amount of the bail due. The judgment is owed to the State of Oregon.

A failure to appear judgment based on a parking citation does not become a lien on real property of the debtor, but failure to pay the judgment will result in referral of the judgment to the Oregon Department of Revenue (DOR) or to a private agency for collection.

Oregon allows you to request that the failure to appear judgment be set aside. Pursuant to ORS 153.820(7), this request must be made within one year from the date of entry of the judgment. You must establish good cause for the court to set aside the judgment. For a judge to consider whether relief should be granted you need to accomplish the following steps using the form of motion and declaration supplied to you with these instructions.

- (1) You must file the motion requesting relief from the judgment and the motion must be supported by a sworn statement, a declaration. The sworn statement must set out the reasons why you are entitled to relief from the judgment. When signing the sworn statement, you declare, to the best of your knowledge and belief, that the statement is true and can be used as evidence in court. The sworn statement is subject to penalty for perjury. (2).
- (2) Complete the Motion for Relief from Default Judgment and Order. Fill in the blanks on the top portion of the motion: your name, citation number(s), date and sign.
- (3) Complete the Declaration in Support of Motion for Relief from Default Judgment. Fill in your name and the citation number(s). Provide your sworn statement, related to the specific citation(s), that you wish the court to consider.
- (4) Deposit with the court the full amount of the financial obligation which remains outstanding in the judgment. This payment must accompany the motion and declaration for relief at the time of filing with the court. The motion and declaration will not be submitted to a judge for review unless the full amount of the financial obligation is deposited into court at the time the motion is filed. Payment may be made on-line at [www.courts.oregon.gov/Multnomah](http://www.courts.oregon.gov/Multnomah) or by check, money order or cash [Note: Cash payments must be made at the courthouse, not by mail].
- (5) File the original motion and declaration, together with the required deposit for the remaining financial obligation (if payment is made on-line, court staff will identify that your payment has been made). For in-person payment, go to Parking Citation Office, Room 106, Multnomah County Courthouse, 1021 S.W. 4th Avenue, Portland, OR, 97204. The mailing address is: Multnomah County Circuit Court, Parking Citation Office, P. O. Box 78, Portland, OR 97207-0178.

When payment is confirmed, the clerk will forward the motion and declaration to the judge. The court may allow or deny the motion without a hearing or may require a hearing. If the court requires a hearing you will be notified and must appear at the hearing to provide further information to the court in support of the motion.

If the court allows the motion, the court will set aside the failure to appear judgment and order the clerk to set the case(s) for trial and notify the parties (the officer and defendant) of the trial date. The money posted with the motion will be held by the court until the conclusion of the case.

The court may deny the motion and leave the judgment in full force and effect. In addition, if the court denies the motion, the court may order that money posted with the motion is to be applied to the judgment owed the State.

Allow 60 days after filing the motion and declaration before inquiring with the Parking Citation Office, regarding the judge's decision on your motion. The telephone number to the Parking Citation Office is: (503) 988-3235, Option 2.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY  
1021 SW 4<sup>th</sup> Avenue  
Portland, OR 97204  
503.988.3235**

STATE OF OREGON,	)	Citation No. _____
	)	
Plaintiff,	)	
vs.	)	DECLARATION IN SUPPORT OF MOTION
	)	FOR RELIEF FROM DEFAULT FAILURE TO
_____ ,	)	APPEAR JUDGMENT
Defendant.	)	

I, \_\_\_\_\_, the above-named defendant, under oath, depose and say:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and subject to penalty for perjury.

Date \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

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FOR MULTNOMAH COUNTY  
1021 SW 4<sup>th</sup> Avenue  
Portland, OR 97204  
503.988.3235**

STATE OF OREGON,	)	Citation No. _____
	)	
vs.	)	MOTION FOR RELIEF FROM
	)	FAILURE TO APPEAR JUDGMENT
_____	)	AND ORDER
Defendant.	)	

Defendant moves this court for an Order granting relief from a failure to appear judgment in the above-entitled case. The motion is supported by the attached declaration which sets forth the defendant's ground for relief from the judgment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Respectfully submitted,  
  
\_\_\_\_\_  
Defendant's signature

Points and Authorities:  
ORS 153.820(7) [parking statute]:  
Supplemental Local Rule 17.067 [parking court rules].

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**ORDER ON MOTION FOR RELIEF FROM JUDGMENT**

The Court, having reviewed the declaration of the defendant, FINDS:

- The declaration set forth sufficient grounds upon which relief from the judgment entered under ORS 153.820 and the motion is granted.
- The declaration does not set forth sufficient grounds required by ORS 153.820(7) for relief from the judgment, the motion is denied.
- The defendant's motion was not filed within one year of the entry of judgment under ORS 153.820, relief from the judgment is not permitted by law, and the motion is denied.

NOW, THEREFORE, THE COURT ORDERS that:

- The judgment is set aside, the clerk shall set the action for trial and notify the parties of the date set and the bail posted is continued, pending final resolution of this action.
- The judgment remains in full force and effect and the bail posted is to be applied to the judgment.
- Fine(s) reduced to \$\_\_\_\_\_ plus any late payment fees and collections fees required by statute, ORS 1.202, which cannot be waived or suspended by the court.
- Other \_\_\_\_\_

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge's Signature