

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

**EX PARTE MOTION FOR  
ORDER OF DEFAULT and  
DECLARATION IN SUPPORT**

**Motion**

Based on the attached *Declaration*,  Petitioner  Respondent requests that this court grant an *Order* entering the default of  Petitioner  Respondent and directing entry of judgment.

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**Statement of Points and Authorities**

ORCP 69 requires the court or clerk to enter an order of default on a showing by affidavit or declaration that a party against whom a judgment is sought has been served with Summons or is otherwise subject to the jurisdiction of the Court and has failed to plead or otherwise defend within the time set by law.

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**Declaration**

Petitioner  Respondent was served with the *Motion, Order to Show Cause* and other documents required by law in \_\_\_\_\_ County, State of \_\_\_\_\_, on (date) \_\_\_\_\_ and has not made an appearance within the time required by law.

Petitioner  Respondent has not provided me with written notice of intent to appear.

**or**

Petitioner  Respondent provided me with written notice of intent to appear **and** I filed and served written notice of intent to apply for default at least 10 days before filing this motion, or fewer days as permitted by the court.

Respondent is not now, and was not at the time of the 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** (check one of the following):

The  Petitioner  Respondent **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.  
*Provide facts supporting this statement:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Petitioner  Respondent **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. Respondent has waived his or her rights under the Servicemembers' Civil Relief Act, as shown by the attached waiver, labeled Exhibit \_\_\_\_\_ .

I am unable to determine whether or not Petitioner  Respondent is now, or was at the time of the service of the *Motion and Order to Show Cause*, in active military service of the United States. *Provide any facts you do know:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I request the relief specified in the attached *Judgment*.

Costs and fees are allowable under ORS 107.105(1)(j) or 107.490(4).

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**Certificate of Document Preparation.** Check all that apply:

- I chose this form for myself and completed it without paid help.  
 A legal help organization helped me choose or complete this form, but I did not pay money to anyone.  
 I paid (or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form.

**I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Contact Phone