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

In the Matter ☐ of the Marriage of:	)	
	)	
_____,	)	Case No. _____
Petitioner,	)	
	)	PETITIONER'S EX PARTE MOTION,
and	)	DECLARATION, AND ORDER OF DEFAULT
	)	AND FOR ENTRY OF JUDGMENT BY
_____,	)	DEFAULT (ORCP 69)
Respondent.	)	
	)	

MOTION

Based on the Declaration below, Petitioner requests that this court grant an Order entering the default of the Respondent under ORCP 69 C and allowing entry of the accompanying General Judgment of Dissolution of ☐ Marriage ☐ Registered Domestic Partnership under ORCP 69 D.

DECLARATION

I, _____, am the Petitioner in this proceeding.

1. The respondent was served with true copies of the Summons and Petition for Summary Dissolution of Marriage on the _____ day of _____, 20_____, in _____ County, State of _____. The manner of service on the Respondent is set out in the Declaration of Service filed in this case. Respondent has failed to appear by filing a motion or answer or to otherwise defend within the time prescribed by law.

2. *Check one of the following:*
   a. ☐ The respondent **is not** now, and was not at the time of the service of the Summons and Petition, in the active military service of the United States.
   b. ☐ The respondent **is** now, or was at the time of the service of the Summons and Petition, in the active military service of the United States.
      ☐ (*Check if applicable*) The respondent has waived his or her rights under the Service-members' Civil Relief Act, as shown by the attached affidavit, labeled as Exhibit _____.
   c. ☐ After diligent efforts, I am unable to determine whether or not the respondent is now, or was at the time of the service of the Summons and Petition, in the active military service of the United States.
      ☐ (*Check if applicable*) I have requested, but have not yet received, a determination from the Department of Defense regarding respondent's military status.

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3. REQUIRED: The following facts support my declaration regarding Respondent's military status (*provide specific information as to how you know that the respondent is not in the military service*):

_____

_____

_____

☐ See the attached determination of Respondent's military status provided by the Department of Defense and labeled as Exhibit _____.

4. To the best of my knowledge and belief, Respondent is not now and was not at the time of the service of the Summons and Petition a minor, incapacitated, a financially incapable person, a protected person, or a respondent in a fiduciary protective proceeding, as defined by Oregon law.

5. REQUIRED *(choose one of the following options)*:

☐ I have not received written notice of Respondent's intent to appear.

☐ I have received written notice of Respondent's intent to appear. I therefore filed and served Respondent with written notice of my intent to apply for an order default on_____ *(date)* which is a date at least ten days before I filed this motion.

6. I request entry of an order of default and that my judgment by default be signed.

7. Costs are allowable to either me or the state under ORS 107.490(4).

8. The relief I am requesting is dissolution of my marriage or Registered Domestic Partnership and other relief, including any amounts due, as set out in the accompanying General Judgment of Dissolution of Marriage or Registered Domestic Partnership. The General Judgment conforms to the relief requested in the Petition I filed in this matter.

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Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

☐ I selected this document for myself and I completed it without paid assistance.

☐ I paid or will pay money to _____ for assistance in preparing this document.

Submitted by:

_____

Petitioner's Name (Printed)

_____

Address or Contact Address City, State, Zip Telephone or Contact Telephone

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 IS SUBJECT TO PENALTY FOR PERJURY.

DATE: _____ _____

Petitioner (signature)

ORDER

☐ Motion Granted

☐ Motion Denied

DATED this _____ day of _____, 20_____.

_____

Circuit Court Judge

_____

Print Name