

UNIFORM TRIAL COURT RULES

Including Amendments

**Effective
August 1, 2005**

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In the Matter of the Adoption)
of Amendments to the)
Uniform Trial Court Rules)
)
)

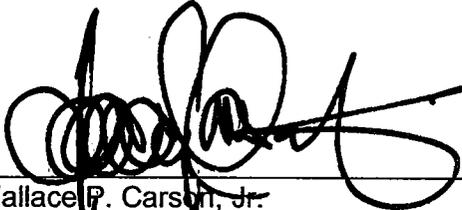
Chief Justice Order
No. 05-018

ADOPTING AMENDMENTS TO THE
UNIFORM TRIAL COURT RULES

I HEREBY ORDER, pursuant to ORS 1.002, UTCR 1.030, and UTCR 1.050, the following:

1. The Uniform Trial Court Rules, as amended below, are adopted and are effective August 1, 2005, pursuant to ORS 1.002.
2. All current local rules inconsistent with the Uniform Trial Court Rules as amended will be deemed ineffective on August 1, 2005. See UTCR 1.030.
3. Local rules that are not inconsistent remain in effect and are subject to review as provided under UTCR 1.050.
4. Those local rules that are not amended or repealed and are not disapproved on review under UTCR 1.050 remain in effect until so amended, repealed, or disapproved.

DATED this 17th day of May, 2005.



Wallace P. Carson, Jr.
Chief Justice

IN THE SUPREME COURT OF THE
STATE OF OREGON

In the Matter of Amendments to)
Uniform Trial Court Rule 3.170(1)) ORDER NO. 05-019
)
) AMENDING UTCR 3.170(1)

The Uniform Trial Court Rules Committee has recommended amendment of Uniform Trial Court Rule (UTCR) 3.170(1), a UTCR originally adopted by the Supreme Court which can be amended only with the consent of the Supreme Court.

IT HEREBY IS ORDERED, pursuant to ORS 9.241, that the amendment to UTCR 3.170(1), as shown below, is adopted and is effective August 1, 2005.

Material that has been added is **in bold and underlined>**:

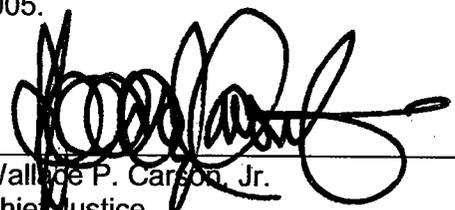
3.170 ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)

- (1) An attorney authorized to practice law before the highest court of record in any state or country ("out-of-state attorney") may appear on behalf of a party in any action, suit, or proceeding pending in this state before a court or administrative body even though that attorney is not licensed to practice law in this state, if the attorney satisfies all of the following requirements:
- (a) Shows that the attorney is an attorney in good standing in another state or country.
 - (b) Certifies that the attorney is not subject to pending disciplinary proceedings in any other jurisdiction or provides a description of the nature and status of any pending disciplinary proceedings.
 - (c) ***

- (2) ***

NOTE: UTCR 3.170 was adopted by the Oregon Supreme Court under ORS 9.241 and may be modified only by order of that Court.

DATED this 17th day of May, 2005.



Wallace P. Carson, Jr.
Chief Justice

2005 AMENDMENTS TO THE UNIFORM TRIAL COURT RULES

PREFACE

The Uniform Trial Court Rules (UTCRR), as amended, are effective August 1, 2005. The amendments are the result of suggestions and comments received from the public, bench, bar, and interested agencies. The proposed amendments were published in the Oregon Appellate Courts Advance Sheets and public comment was invited. This notice includes a summary outline of the major changes contained in the 2005 amendments followed by the actual amendments. Additional information on the UTCRR can be found at: <http://www.ojd.state.or.us/programs/utcr/index.htm>.

The UTCRR Committee members and staff who worked on these amendments are listed below. They deserve special recognition for their contribution of time, effort, and energy in performing the committee's work.

Tracey Cordes	Trial Court Administrator, Benton County
The Honorable Patricia Crain	Jackson County Circuit Court
Timothy M. Dolan	Attorney, Garibaldi
Sam Friedenberg	Attorney, Portland
The Honorable Eveleen Henry	Lane County Circuit Court
The Honorable William M. Horner	Polk County Circuit Court
Frederick Lenzser	Attorney, Portland
Russell Lipetzky	Attorney, Salem
The Honorable Marilyn E. Litzenberger	Multnomah County Circuit Court
The Honorable Lorenzo A. Mejia	Jackson County Circuit Court
The Honorable Rudy Murgio	Umatilla County Circuit Court
The Honorable Gayle A. Nachtigal	Washington County Circuit Court
The Honorable J. Burdette Pratt	Malheur County Circuit Court
Gregory F. Silver	Attorney, Portland
Bernard Vail, Chair	Attorney, Portland
Debra E. Velure	Attorney, Portland
Bradd A Swank	UTCRR Co-Reporter
Bruce C. Miller	UTCRR Co-Reporter

The 2005 UTCRR may be obtained in an 8-1/2" x 11" format for \$12 per copy from the OJD Publications Section, 1163 State Street, Salem, Oregon 97301-2563; (503) 986-5656. A PDF version of the UTCRR is also available on-line at:

<http://www.ojd.state.or.us/programs/utcr/utcrrules.htm>

LIST OF RULE CHANGES
Effective August 1, 2005
(The amendments are listed further below)

Table of Contents	Add new UTCR 2.110, 2.120, and 5.120. Delete UTCR 12.500 - 12.760. Add new forms 2.100.4c, 2.100.4d, 2.110.4a, 5.120.1, and 15.010.1e. Delete forms 12.540.1a and 12.540.2.
1.150	SLR to state where information on court business hours can be found; eliminate requirement that hours shall be listed in SLR.
2.080	Amended to reflect UTCR 2.110.
2.110	Procedures for protecting personal information in existing court files.
2.120	Affidavit need not be notarized unless required by statute.
4.050	Court not required to grant oral argument on a motion to postpone trial.
5.100	Serve proposed punitive damages judgment on Department of Justice.
5.120	Notice to Department of Justice of punitive damages.
9.160(3)(f)	Inaccurate reference to another UTCR corrected.
Ch. 12	UTCR Reporter's note.
Ch. 12	Repeal 12.500 - 12.760.
15.010	Notice of defendant's small claims election.
Various	Nonsubstantive grammatical and stylistic changes throughout the rules.
Appendix of Forms:	
2.100.4a	Add declaration under perjury, delete notary.
2.100.4c	Add declaration under perjury, delete notary.
2.100.8	Add declaration under perjury, delete notary.
2.110.4a	Request to redact protected personal information
5.080	Add declaration under perjury, delete notary, amend title, correct typo.
5.120.1	Notice of punitive damages.
8.010.5	Add declaration under perjury, delete notary.
9.160	Add declaration under perjury, delete notary.
12.540.1a	Repeal.
12.540.2	Repeal.
15.010.1a	Add declaration under perjury, delete notary.
15.010.1b	Add declaration under perjury, delete notary, conform to Servicemembers Civil Relief Act.
15.010.1c	Add declaration under perjury, delete notary.
15.010.1d	Add check boxes to designate judgment general, limited, or supplemental.
15.010.1e	Notice of defendant's election.

LIST OF OUT-OF-CYCLE RULES AND FORMS
Adopted, Amended, or Repealed Since August 1, 2004
(The full text of these rules is provided in the full UTCR)

2.100(4)	Process for segregating social security numbers, effective December 22, 2004.
4.080	Appearance at criminal proceedings by simultaneous electronic transmission.
4.090	Electronic filing of violation complaints and criminal citations (e-citations)
17.010	Repealed rule on electronic filing of parking complaints.
Appendix of Forms:	
2.100.4c	Request to segregate social security numbers only.
2.100.4d	Segregated information sheet, social security numbers only.

**UTCR REPORTER
SUMMARY OF 2005 UTCR CHANGES**

Future UTCR Committee Meetings

October 14, 2005, in Salem, at the Oregon Office of the State Court Administrator. The meeting will be carried over to the following day, October 15, 2005, if the business of the committee is not completed on the first day.

At the meeting the committee will review proposed SLR and make recommendations to the Chief Justice. This is the only meeting currently anticipated in the next UTCR cycle at which the committee intends to accept proposals for UTCR changes that would take effect August 1, 2006. Meeting dates for the following year will be scheduled at this meeting.

Additional information on the UTCR can be found at:
<http://www.ojd.state.or.us/programs/utcr/index.htm>.

Changes to the UTCR are listed below. **New wording is underlined and in bold** and [*deleted wording is italicized and in brackets*]. New rules are listed without underline and bold. The following changes take effect August 1, 2005.

Changes to Rules:

1. Amend UTCR 1.150:

1.150 [*SLR TO ANNOUNCE*] HOURS OF COURT OPERATION

Each judicial district must adopt an SLR to announce **where** the following **information can be found**: when each court location in the judicial district is open to conduct business; the hours when papers will be received and may be filed at each location, if different from when the court location is open to conduct business; **and** special arrangements, if any exist or may be made, for filing of documents at times when the court location is not open to conduct business. SLR 1.151 is reserved for SLR adopted under this section.

2. Amend UTCR 2.080:

2.080 COMMUNICATION WITH COURT

(1) Except as exempted by statute [*or*] , UTCR 2.100 , **or UTCR 2.110**, when written communication is made to the court, copies must simultaneously be mailed or delivered to all other parties and indication made on the original of such mailing or delivery.

(2) * * *

3. UTCR 2.100(4)(b) & (c) (this rule was amended out-of-cycle pursuant to CJO No. 04-054 which can be found at:
<http://www.ojd.state.or.us/programs/utcr/utcrrules.htm>)

2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) * * *

* * * * *

(4) Procedure to follow. A person may only request protected personal information be segregated and protected under this rule when submitting it to a court in a case. The procedures under this rule may be used to identify and separately present protected personal information from any submitted document or form that is used to give information to a court. To do so, a person must do *[all of]* the following:

(a) * * *

(b) Complete an affidavit in substantially the form provided in UTCR Form 2.100.4a. **If the person is requesting segregation of only social security numbers, the person may use the alternative form of affidavit provided in UTCR Form 2.100.4c.** The affidavit:

(i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.

(ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.

(c) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated and attach the information sheet to the affidavit. **If the person is requesting segregation of only social security numbers, the person may use the alternative information sheet form provided in UTCR Form 2.100.4d.**

(d) * * *

* * * * *

(5) * * *

* * * * *

4. New UTCR 2.110:

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

- (1) Purpose. This rule establishes:
 - (a) Procedures for a person to identify and segregate protected personal information when that information already exists in a document in a court case file and to request the information be kept from inspection by the general public.
 - (b) A process for a court, when it grants a request under this rule, to segregate and protect personal information from nonprotected information in the case file in a uniform way with an appropriate record.
- (2) Information Covered. This rule may be followed to segregate and protect the same information already existing in a case file that could be segregated and protected at the time of submission under UTCR 2.100. The definitions in UTCR 2.100 apply to this rule.
- (3) Relationship to Other Law. The following all apply to this rule:
 - (a) This rule is not the exclusive means for a court to protect personal information in case files from public inspection.
 - (b) Courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.111 is preserved for purposes of a court to:
 - (i) require use of forms or procedures under this rule to identify specific protected personal information so that a court can segregate the information and protect it from public inspection; and
 - (ii) establish requirements supplemental to this rule as necessary to help administer this rule.
 - (c) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:
 - (i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).
 - (ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.375, or 192.445.

- (4) Procedure to Follow. A person may only request protected personal information be segregated under this rule when the information is already in a document that has become part of a court case file. To do so, a person must do all the following:
- (a) Complete an affidavit in substantially the form provided in UTCR Form 2.110.4a. The affidavit:
 - (i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.
 - (ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.
 - (iii) Must specifically identify the case file, document in the case file, and the page number of the page that is sought to be redacted.
 - (iv) Must be accompanied by a copy of that page sought to be redacted showing specifically the protected personal information to be redacted.
 - (b) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated and attach the information sheet to the affidavit.
 - (c) File the completed forms and attachments with the court.
 - (d) Pay the required fee set by Chief Justice Order. *(Note: Fiscal analysis has shown this fee will need to be set at \$25.00 for each page sought to be redacted in order to recover court costs.)*
 - (e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only and not the information sheet or attachments to the information sheet.
- (5) Court Response. When a completed request is filed under this rule and granted by the court, the court will do the following:
- (a) Segregate and protect the specifically identified protected personal information from the specific location in the specific document that is the object of the request unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information may be kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically provided by law.

- (b) Separate and maintain the information sheet and any attachments as not subject to public inspection. Once the information sheet is separated, place the affidavit in the case file.
- (c) Replace any page from which the specific information is removed with a redacted copy of the page and keep the original, unmodified page with the information sheet and its attachments. Any substitute page from which the specific information is removed will include a notation of the date and responsible individual and that the redacting was done under this rule. Courts will separate information and redact documents under this rule according to the State Court Administrator’s direction, or as otherwise specifically provided by law.
- (d) Send a notice confirming completion of work, that work cannot be completed for some reason, or that a request is denied only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text to be filled in as indicated for the court to mail:

“Dear _____ (*person requesting print your name here*), Your request of _____ (*insert date of request*) to segregate specific personal information from information the general public can inspect in the case file for case number _____ (*insert case number*) in the Circuit Court for _____ (*insert county*) County (*court will check and complete the appropriate following response*):

Was completed on _____ (*insert date*). _____ (*initial of appropriate court employee*)

Could not be completed because (*explain and provide contact information for further action*): _____

 _____.

Was denied because (*explain and provide contact information for further action*): _____

 _____.”

- (6) Time Limits, Court Authority to Refuse Request Based on Resources. This rule sets no time limit for courts to segregate information from existing court records when requested under this rule. Courts have a reasonable time given their ordinary workload and resources available. And, notwithstanding other parts of this rule, a court is not required to segregate information from existing court records based on a request under this rule if the workload created would adversely affect the resources available for a court to perform its ordinary duties.
- (7) Parts of UTCR 2.100 that apply to this rule. The following subsections of UTCR 2.100 are applicable to this rule: (2), (5), (7), (8), and (9).

5. New UTCR 2.120:

2.120 AFFIDAVITS

Unless otherwise mandated by statute, an affidavit required by the UTCR need not be notarized, but it must be signed by the affiant and must include a sentence, in prominent letters immediately above the signature of the affiant, that is in substantially the same form as the sentence for a declaration under penalty of perjury as specified in ORCP 1E.

6. Amend UTCR 4.050(1):

4.050 ORAL ARGUMENT ON MOTIONS IN CRIMINAL CASES

(1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of a response, **except that the court is not required to grant oral argument on a motion to postpone trial.** The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested.

(2) * * *

* * * * *

7. Amend UTCR 5.100:

5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

(1) Any proposed judgment, except those subject to UTCR 10.090, or proposed order submitted in response to a ruling of the court must be:

[(1)](a) served on opposing counsel not less than [*three*] **3** days prior to submission to the court, or

[(2)](b) accompanied by a stipulation by opposing counsel that no objection exists as to the form of the judgment or order, or

[(3)](c) mailed to an unrepresented party at the party's last known address not less than 7 days prior to submission to the court, or

[(4)](d) presented in open court with the parties present.

(2) **Any proposed judgment containing an award of punitive damages shall be served on the Director of the Crime Victims' Assistance Section, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301, not less than 3 days prior to submission to the court.**

8. New UTCR 5.120:

5.120 NOTICE TO THE DEPARTMENT OF JUSTICE, CRIME VICTIMS' ASSISTANCE SECTION, OF PUNITIVE DAMAGES

- (1) The notices required by ORS 31.735(3), concerning verdicts and judgments that include punitive damages, shall substantially be in the form specified in Form 5.120.1 in the UTCR Appendix of Forms.
- (2) The prevailing party shall promptly file with the court a copy of each notice and the proof of service.

9. Amend UTCR 9.160(3)(f):

9.160 FORM OF ACCOUNTINGS

* * * * *

- (1) * * *

* * * * *

- (3) Receipts and Disbursements. The accounting of receipts and disbursements shall meet the following requirements for each depository account:

- (a) * * *

* * * * *

- (f) Any difference between the closing balance shown for the account in the accounting and the closing balance shown for the account in a depository statement filed [*under UTCR 9.060(2)*] **in accordance with these rules** shall be reconciled.

- (g) * * *

* * * * *

- (4) * * *

* * * * *

10. CHAPTER 12 - MEDIATION

NOTE: UTCR 12.500 - 12.760, Form 12.540.1a, and Form 12.540.2 were repealed effective August 1, 2005. Replacement rules will be adopted by Chief Justice Order as stand-alone mediation rules. These replacement rules will not be part of the UTCR nor will they be subject to the UTCR process. They will be posted at: <http://www.ojd.state.or.us/Web/OJDPublications.nsf/Mediation?OpenView&count=1000>

11. Amend UTCR 15.010:

15.010 SMALL CLAIMS FORMS

(1) The following small claims documents shall be accepted, when the proper fee is tendered, by all judicial districts that accept small claims filings:

(a) * * *

* * * * *

(e) Notice of Defendant's Election substantially in the form specified in Form 15.010.1e in the UTCR Appendix of Forms as a form for use to respond to a claim and notice of claim in a small claims action pursuant to ORS 46.455.

(2) * * *

12. Amend various UTCR to implement nonsubstantive grammatical and typographical changes. The changes are numerous, but are not substantive, so they will not be set out here to save space and paper. The changes occur at:

2.100
3.170
8.010
12.600
12.760
Form 2.100.4a
Form 2.100.4b
Form 2.100.8
Form 8.010.5

Changes to Forms:

1. Amend Form 2.100.4a:

* * * * *

[I knowingly give the information in this affidavit, the attached information sheet, and any attachments to the information sheet under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.]

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.

* * * * *

2. Amend Form 2.100.4c (this form was adopted out-of-cycle pursuant to CJO No. 04-054 which can be found at <http://www.ojd.state.or.us/programs/utcr/utcrrules.htm>)

4. Amend Form 2.100.8:

* * * * *

[I knowingly give the information in this request under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.]

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.

* * * * *

5. New Form 2.110.4a:

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

_____ Division - _____
(court's address and phone number)

Case name: _____)
_____))
Plaintiff Name _____)
 v. _____)
_____)
1st Defendant Name _____)

CASE No. _____

**UTCR 2.110 AFFIDAVIT, REQUEST TO
REDACT PROTECTED PERSONAL
INFORMATION FROM DOCUMENT EXISTING IN
CASE FILE**

IMPORTANT NOTE TO PERSON COMPLETING THIS AFFIDAVIT: Except as specifically ordered by a court, this affidavit and UTCR Form 2.100.4b **cannot be used for contact information** (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone, see *UTCRC 2.110*). The type of information that can be protected by this form is limited to what is listed in UTCR 2.100.

To the court: By this affidavit under UTCR 2.110, I request that the protected personal information in the form attached to this affidavit be redacted from a document in the case file for the case noted above that the general public can see.

The protected personal information I request to be segregated is as follows:

A. The following is a general description of the protected personal information (<i>example description, "my social security number" or "father's bank account number"</i>). <u>Do not include specific protected personal information here.</u>	B. The following is the legal authority by which I believe this information may be exempt from public inspection (<i>cite to statute, rule, case, etc.</i>). <i>Row numbers correspond to those in column A. Add rows in both columns as necessary.</i>
1.	1.
2.	2.
3.	3.
4.	4.

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____. The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.
2. The specific protected personal information is in the document in the case file that the following identifies:
 - a. Case file number where found: _____.
 - b. Description of document containing the information: _____.
 - c. Page number (*identification*) of the page(s) containing the information: _____.
 - d. A copy of the object page(s) showing specifically the information to be redacted is attached (*required*):
 Yes No
3. I have attached the required fee of \$_____ per page for all of the _____ (*number of pages*) pages I have requested be redacted for a total amount of \$_____ (*total amount of check or money order attached*).
 Yes No
4. I (*initial one*) _____ have OR _____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.110 so that the court can inform me of its response to this request.
5. *(Initial to confirm)* _____. I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies for purposes described in UTCR 2.100.
6. *(Initial to confirm, write "NA" if not applicable)* _____. If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this affidavit and the attached form as required by UTCR 2.010(7).
7. *(Initial to confirm)* _____. I have mailed or delivered copies of this request (*not including the attached UTCR Form 2.100.4b and its attachments*) to people required by UTCR 2.080.

I hereby declare that the above statement, the attached information sheet, and any attachments to the information sheet are 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 _____
OSB# (*if applicable*) _____

Signature _____
Type or print name _____

For office use:

Segregation ____ granted OR ____ denied (*state reason*) _____
_____.

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

6. Amend Form 5.080:

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

_____)	
_____)	
Plaintiff,)	CIVIL CASE NO. _____
)	
v.)	STATEMENT FOR ATTORNEY
)	FEEES AND COST BILL FOR
_____)	(PLAINTIFF/DEFENDANT)
_____)	JUDGE _____
Defendant.)	

STATE OF OREGON)
) ss.
County of _____)

The undersigned attorney represents to the Court, under penalties of perjury, the following facts offered in support of an award of reasonable and necessary attorney fees are true:

1. Plaintiff/Defendant is entitled to recover attorney fees pursuant to the following facts, statute or rule:

2. The number of hours and services rendered in this matter for each attorney, clerk, and legal assistant and the hourly rates for each are set forth in detail in Exhibit "1" attached. Exhibit "1" is summarized as follows:

<u>Name</u>	<u>Position</u>	<u>Hourly Rate</u>	<u>Number of Hours</u>	<u>Fees</u>
-------------	-----------------	--------------------	------------------------	-------------

3. Plaintiff/Respondent is entitled to the recovery of \$_____ for costs as authorized by _____ [cite ORCP 68A(2) and/or other authority]. As explained in Exhibit _____, such costs are billed directly to the client and are not overhead expenses already reflected in the hourly rate or fee.

4. Exhibit _____ sets forth the specific basis for the award and amount of fees as required by ORS 20.075.

5. In anticipation of efforts that will be spent in [postcollection] **postjudgment collection** proceedings, plaintiff/defendant seeks the additional sum of \$_____ as explained more fully in Exhibit _____ attached.

6. Based on the above, plaintiff/defendant is entitled to an award of reasonable and necessary attorney fees in the sum of \$_____.

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.

DATED this _____ day of _____, 20____.

[SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Notary Public for Oregon
My commission expires: _____]

7. New Form 5.120.1:

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

Case name:

_____ ,

Case No.

Plaintiff,

UNIFORM NOTICE OF ENTRY OF
VERDICT/JUDGMENT INCLUDING AN
AWARD OF PUNITIVE DAMAGES

v.

_____ ,

Defendant.

Written notification hereby is given to the Department of Justice, Crime Victims' Assistance
Section, 1162 Court St NE., Salem, Oregon 97301, that a [check appropriate box]

- verdict that includes an award of punitive damages
- judgment based on a verdict that includes an award of punitive damages

was entered in favor of _____, plaintiff/defendant/other [circle appropriate
designation] in the above-captioned matter, on _____ [insert date]. This
notice is given pursuant to ORS 31.735(3) and UTCR 5.120.

Date _____

Signature _____

OSB# (if applicable) _____

Type or print name _____

FORM 5.120.1 - UNIFORM NOTIFICATION OF ENTRY OF VERDICT/ENTRY OF JUDGMENT INCLUDING AN AWARD OF
PUNITIVE DAMAGES - UTCR 5.120(1)

8. Amend Form 8.010.5

* * * * *

This form is [a SWORN] **an AFFIDAVIT** (under [oath] **penalty of perjury**) required for support determinations. It must be signed [*before a notary public*], filed with the court, and served upon the other party (or their attorney). If no party seeks spousal support or a deviation (change) from the uniform child support guidelines, you need only complete the affidavit (pages 1 through 6) and any attachments requested on those pages. If any party seeks either spousal support or any deviation (change) from the uniform child support guidelines, you must complete not only the Affidavit (pages 1 through 6) and any attachments requested on those pages, but also the attached "Schedule 1 - Monthly Expenses and Rebutting Factors Required." In addition, certain documentation **MUST** be attached as indicated on page 2.

* * * * *

[I certify that my answers and the information on this affidavit and the attached schedules are true to the best of my knowledge and ability. I further certify that the information on the attached documents is true to the best of my knowledge and ability.]

I hereby declare that the above statement and the attached schedules are 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.

DATED this _____ day of _____, 20____.

Name

[SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, 20____.]

Notary Public for Oregon
My Commission Expires:_____]

9. Amend Form 9.160:

* * * * *

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.

Dated _____, 20____

[Print name of Fiduciary signing above]
[Mark one:] Conservator Personal representative

[STATE OF OREGON)
 : ss.
County of _____)

I, [Print name of Fiduciary], being first duly sworn or affirmed,
depose and say that I have read the foregoing [Title] Accounting, and the
same is true as I verily believe.

[Print name of Fiduciary signing above]

SUBSCRIBED AND SWORN TO or affirmed before me on
_____, 20__.

NOTARY PUBLIC FOR OREGON]

10. Amend Form 15.010.1a:

* * * * *

[STATE OF OREGON
_____ COUNTY ss.

I, the above-named plaintiff, having been duly sworn, state that I have read the above
claim and that it is true as I verily believe, and that I have made a bona fide effort to
collect the claim from the defendant before filing the claim with the clerk.]

**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.**

DATED: _____
_____ Plaintiff

[SUBSCRIBED AND SWORN to before me this _____ day of
_____, 200__.

NOTARY PUBLIC FOR OREGON

My Commission expires _____]

* * * * *

11. Amend Form 15.010.1b:

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

Small Claims Division - _____
(court's address and phone number)

Plaintiff

CASE No. _____

V.

**REQUEST FOR DEFAULT JUDGMENT;
DEFENDANT STATUS AFFIDAVIT**

Defendant(s)

(NOTE: Complete this and attach a completed Judgment you propose)

I, _____ request default judgment against _____
Name Other Party's Name

for the following :

A total judgment award of \$ _____, which total includes:

1. A money award of \$ _____,
2. Prejudgment interest of \$ _____,
3. Accrued arrearages of \$ _____, if any,
4. Costs and service expenses of \$ _____,
5. A prevailing party fee under ORS 20.190 of \$ _____

I request judgment include postjudgment interest at a rate of _____% per _____ based on _____
(authority for interest)

And, I request the following terms in addition to or in lieu of a money award: NONE, or _____

I have attached a completed proposed small claims judgment for purposes of this request.

In furtherance of this request [*and being duly sworn*], I state that:

1. The above-named defendant(s) was duly and regularly served with a copy of the claim and failed to pay the claim or demand a hearing or trial within 14 days;
2. [No] **The** person against whom I seek judgment by this request [*is, to the best of my knowledge and belief*]:
 - (a) **is not** one of the following defined by ORS 125.005 and protected by ORCP 69 B: a minor, incapacitated, a protected person, or a respondent;
 - (b) **is** **is not** **I am unable to determine whether this person is** a person protected by the [*Soldiers' and Sailors' Civil Relief Act or 1940, as amended (50 App.USC 501 to 593).*] **Servicemembers Civil Relief Act (50 U.S.C. App. 501 to 596). The facts that support this statement are:** _____

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.

Plaintiff's Name (print)

DATED: _____

Authorized Signature

[SUBSCRIBED AND SWORN to before me this _____ day of _____, 200__.

NOTARY PUBLIC FOR OREGON

My Commission expires _____]

Form 15.010.1b – REQUEST FOR DEFAULT JUDGMENT; DEFENDANT STATUS AFFIDAVIT – UTCR 15.010(1)(b)

12. Amend Form 15.010.1c:

* * * * *

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.

Plaintiff's Name (print)

DATED: _____

Authorized Signature

[SUBSCRIBED AND SWORN to before me this _____ day of _____, 200__.

NOTARY PUBLIC FOR OREGON

My Commission expires _____]

13. Amend Form 15.010.1d:

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

Small Claims Division - _____
(court's address and phone number)

Plaintiff

CASE No. _____

V.

**SMALL CLAIMS JUDGMENT;
MONEY AWARD**

General Limited Supplemental

Defendant(s)

Submitted by: _____ Plaintiff
 Defendant

JUDGMENT. I hereby give judgment in this case for the Judgment Creditor named in the money judgment/money award below and against the judgment debtor(s) named therein.

In addition to or in lieu of the money award below, this judgment establishes the following requirements: NONE, OR _____

MONEY JUDGMENT/MONEY AWARD

1. Judgment Creditor: _____
Name(s)/Address

2. Judgment Creditor's Attorney: None, OR _____
Name/Address/Phone No.

_____ in this case.

3. Judgment Debtor(s). Information for any additional debtor(s) is provided in attachments and incorporated herein by reference:

4a. Name: _____ 4b. Name: _____

5a. Address: _____ 5b. Address: _____

6a. DOB: _____ 6b. DOB: _____

7a. SSN or Tax ID: _____ 7b. SSN or Tax ID: _____

8a. Dr Lic. No./State: _____ 8b. Dr Lic. No./State: _____

9. Judgment Debtor's Attorney: None, OR _____
Name in this case.

10. I know the following person or public body is entitled to a portion of the money award: NO ONE, OR _____
Name

11. Judgment is for a total judgment award of \$ _____, which includes the following money amounts (and postjudgment interest at rate shown):

12. Money award of \$ _____

15. Accrued arrearages of \$ _____

13. Prejudgment interest of \$ _____

16. Costs and service expenses of \$ _____

14. Postjudgment interest on "11" will be at _____% per _____.

17. Prevailing party fee of \$ _____

DATED SIGNED: _____

Circuit Court Judge

Print Judge's Name

14. New form 15.010.1e:

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

Small Claims Division - _____
(court's address and phone number)

Plaintiff

CASE No. _____

V.

**NOTICE OF DEFENDANT'S
ELECTION**

Defendant(s)

PART I. Claim Received. On (date) _____ I was served a notice of claim under ORS 46.445 where the above-named plaintiff made a claim against me in the above-named court:

in the amount of: \$ _____

for the following property: _____

PART II. Defendant's Election. (Note: Each defendant listed above must sign and file a separate notice of defendant's election.) I elect to respond under ORS 46.455 as follows:

1. ___ I ADMIT the plaintiff's claim. I will pay the money or return any property claimed, together with the filing fees and service expenses, directly to the plaintiff and mail proof of that delivery and payment to the court within 14 calendar days of the date the claim was served on me.

2. ___ I DENY the claim and demand a Small Claims hearing. Enclosed are court fees of \$ _____ (see Part III, below).

3. ___ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. Enclosed are court fees of \$ _____ (see Part III, below). I claim that the plaintiff owes me \$ _____ because:

4. ___ I DENY the claim and demand a JURY TRIAL. (Only if the claim exceeds \$750.00.) I enclose court fees of \$ _____ (see Part III, below). This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint to me at:

Street/Apt. No. / PO Box No. City State Zip Code

PART III. Fees. I understand that:

Court fees required are based on the amount indicated in Part I, above, and may include other fees depending on how I respond in Part II, above. I must contact the court for the appropriate fee amount.

If the appropriate fees are not enclosed, the form will not be accepted for filing and may result in a default judgment against me.

PART IV. Signature. I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City State Zip Code

Phone No.

2005 UNIFORM TRIAL COURT RULES

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