

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

and

Petitioner
Respondent

Case No: _____

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

Motion

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

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.

Declaration

Respondent was served with the Summons, Petition and other documents required by law in _____ County, State of _____, on (date) _____ and has not filed an appearance within the time required by law.

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

or

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.

Respondent is not now, and was not at the time of the service of the Petition and Summons, 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 Respondent **is not** now, and was not at the time of service of the Petition and Summons, in active military service of the United States. *Provide facts supporting this statement:* _____

The Respondent **is** now, or was at the time of service of the Petition and Summons, 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 Respondent is now, or was at the time of the service of the Petition and Summons, 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).

Certificate of Document Preparation. Check all that apply:

I chose this form for myself, and I completed it without paid help.

I paid (or will pay) _____ for help choosing, completing, or reviewing this form/document.

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.

DATED: _____

Petitioner Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone