

CORRECTING A CLERICAL ERROR IN A JUDGMENT



What this packet does

This packet will help you to ask the court to correct a judgment from a court if the wording of the judgment does not match the Money Award or accurately state what the judge ordered

You cannot use this form to change (“modify”) the terms of the judgment. Forms for modification may be available at www.courts.oregon.gov/forms

STEP 1: FILLING OUT FORMS



Fill out the following forms:

- *Motion to Correct Clerical Error in Judgment and Declaration in Support*
- *Corrected Supplemental Judgment Correcting Judgment or Money Award*

MAKE SURE YOU COMPLETE THE COUNTY NAME AT THE TOP OF THE FIRST PAGE!

- **Parties:** Petitioner and Respondent are the same as they are on the judgment you are correcting



Have your documents reviewed

You may want to have your documents reviewed before you file. For information about how to find a lawyer, contact the Oregon State Bar at <https://www.osbar.org/public>. If you are low- income, you might be able to get your documents reviewed for a smaller fee through the Oregon State Bar’s Modest Means program. Your local Legal Aid office might review documents for free if you qualify. Facilitators are available for free through the Lane County Circuit Court, but you have to make an appointment. Call the Family Court Assistance Office at 541-682-4302 or email the office at LANFamilycourt@ojd.state.or.us to schedule an appointment.



Make copies

Make one copy of the *Motion and Declaration, and proposed Judgment* to serve on the other party (*see below*) and one copy for your records

STEP 2: FILING AND SERVICE



File your forms

File the **original** form with the court. There is no filing fee for this *Motion*.



SERVICE

Mail a copy of the *Motion and Declaration, and proposed Judgment* by first class mail to the other party's lawyer. Mail the document directly to the other party if they don't have a lawyer. If the other party was found in default, you do not have to serve that party.

You must also mail copies to any adult children (18, 19, or 20) who were not found in default or waived appearance

Once you have mailed the copies, complete the *Certificate of Service* that is included on the form and file it with the court

STEP 3: THE CORRECTED JUDGMENT

If the court grants your motion, the court will enter the corrected judgment into the court register. You will receive a notice when the judgment is entered.

If the corrected judgment changed **child support or spousal support**, the court will send a copy to the Division of Child Support. You can also send a copy if you want to.

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

Case No: _____

and Petitioner

Respondent

**MOTION TO
CORRECT CLERICAL
ERROR IN JUDGMENT
and DECLARATION IN SUPPORT**

No filing fee

and

Unmarried children 18, 19, or 20 years old (per ORS 107.108) (*full names*)

Motion

I am the Petitioner Respondent in this case

The judgment signed on (*date*) _____ in this case contains an error as explained below

The error occurs:

- in the money award section
- in page or section: _____

Statement of Points and Authorities

ORCP 71A provides that clerical mistakes in judgments, orders, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party and after such notice to all parties who have appeared, if any, as the court orders.

Declaration

The error that needs to be corrected is (*list page number or section and explain the error*):

I ask the court to enter a corrected judgment

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

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Certificate of Mailing

Service is not required by ORCP 9 because the other party was found in default

I certify that on *(date)*: _____ I placed a true and complete copy of this *Motion* in the United States mail to *(name)*: _____ at *(address)*: _____

Date

Signature

Name (printed)

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

Case No: _____

Petitioner
and

Respondent

**CORRECTED SUPPLEMENTAL
JUDGMENT CORRECTING
JUDGMENT OR MONEY AWARD
(ORCP 71A)**

This matter came before the court on the motion and declaration of
 Petitioner Respondent on the court's own motion

A hearing was held _____ (date), at which the following were present:

- Petitioner Petitioner's attorney
- Respondent Respondent's attorney
- Other: _____

The parties have stipulated (agreed) to the terms of this judgment as shown by their signatures at the end of this *Judgment*

THE COURT FINDS: _____

The court considered the: Documents on file herein; Stipulations; Evidence presented and found that due to a clerical mistake, the _____
(title of document) entered on _____ (date) should be amended to accurately reflect the court's ruling.

IT IS HEREBY ORDERED that the above-described judgment shall be corrected as set forth below. The judgment document is not otherwise modified and all other terms remain in full force and effect.

1. The body of the judgment should be corrected to read (*attach additional pages if necessary*): _____

(Additional pages labeled "Paragraph 1 - Corrections to Body of Judgment" attached.)

2. Money Award

Support obligation included and child support must be paid to Dept. of Justice

Additional information	PETITIONER	RESPONDENT
Full Name		
Contact Address		
Year of Birth		
Social Security # (last 4 digits)		
Driver License # (last 4 digits) and State		
Lawyer's Name, Address, Phone #		

The following information must be provided by any party entitled to receive a money award as listed in this Judgment	
	The following person or public body is known to be entitled to a portion of a payment made on the judgment (other than payee's lawyer):
Petitioner	<input type="checkbox"/> None <i>or</i> <input type="checkbox"/> Name: _____ _____
Respondent	<input type="checkbox"/> None <i>or</i> <input type="checkbox"/> Name: _____ _____
Adult Child Name: _____	<input type="checkbox"/> None <i>or</i> <input type="checkbox"/> Name: _____ _____

Type of Judgment		Amount	Beginning / Ending
<input type="checkbox"/> Child Support	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ Per month for child support	Beginning the first day of the month following: <input type="checkbox"/> entry of this judgment <i>or</i>

Type of Judgment		Amount	Beginning / Ending
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Adult Child	and \$ per month for cash medical support	<input type="checkbox"/> the date of service of the <i>Order to Show Cause</i> <i>(date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the same day of each month thereafter
<input type="checkbox"/> Spousal/ Partner Support	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ per month	Beginning: <input type="checkbox"/> the first <i>or</i> <input type="checkbox"/> _____ day of the month following entry of this judgment <i>or</i> <input type="checkbox"/> the date of service of the <i>Order to Show Cause</i> <i>(date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the same day of each month thereafter
		or	Ending the earlier of: <i>(date)</i> _____ <i>or</i> the death of either party
		A lump sum of \$	Paid by (date):
<input type="checkbox"/> Prejudgment Interest	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____	
<input type="checkbox"/> Postjudgment Interest	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	9% per year simple interest on the unpaid balance of the total judgment amount of \$	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid

**CORRECTED SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY
 AWARD**

<input type="checkbox"/> Court Costs and Service Fees already paid	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party reimburses the other party's costs and fees of: \$ _____ Directly to the awarded party
<input type="checkbox"/> Deferred Court Costs and Service Fees	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party must pay deferred costs and fees of: \$ _____ To the State of Oregon through this court

Judge Signature:

Certificate of Readiness under UTCR 5.100

This proposed judgment is ready for judicial signature after ruling on the motion to correct clerical error in judgment because:

Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

Each party affected by this judgment has **stipulated** to or **approved** the judgment, as shown by the signatures on the judgment, or by written confirmation sent to me.

I have **served** a copy of this judgment and the *Notice of Proposed Judgment or Order* on all parties entitled to service as listed below.

Certificate of Service under UTCR 5.100

I certify that on (*date*): _____ I placed a true and complete copy of this proposed *Judgment* in the United States mail to (*name*) _____ at (*address*) _____

Submitted by: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Signature _____	Print Name _____

I understand that I am subject to penalty for perjury for giving false information to the court. All factual information in this Judgment is true to the best of my knowledge and belief. I agree to the terms of this Judgment. I understand that this Judgment is enforceable by the court.

Petitioner, Signature

Date

Petitioner, Name (printed)

Respondent stipulates (agrees) to the terms of this judgment

Respondent, Signature

Date

Respondent, Name (printed)

Child 18, 19, or 20 years of age, stipulates to the terms of this judgment

Child, Signature

Date

Child, Name (printed)

Optional: APPLICATION FOR FULL CHILD SUPPORT PROGRAM SERVICES:

By signing below, I apply for child support services, including enforcement, from the Child Support Program (CSP). If you never received TANF, tribal TANF or AFDC in any state, an annual \$35 fee will apply if over \$550 is collected and distributed to the family each year.)

Petitioner, Signature

Date

Respondent, Signature

Date

Adult Child, Signature

Date

NOTICE OF PROPOSED JUDGMENT OR ORDER

To be sent to all other parties before submitting proposed Judgment or Order to the court for signature. Send the Judgment or Order to the other party with this Notice at least 7 days before submitting it to the court. This does not apply to judgments submitted with a Motion for Order of Default or after and Order of Default has been granted.

This notice is to inform you that you can object to the attached proposed *Judgment or Order*.

Uniform Trial Court Rule (UTCRC) 5.100¹ allows you to object to the proposed judgment or order. If you have no objections, you can sign the last page and return it to me.

If you do object to any of the terms of the judgment or order, you may:

1) Contact me within 7 days of the date of this notice. If you contact me and we are not able to resolve your objections after reasonable efforts, I will include your objections with the proposed judgment or order when I submit it to the court.

or

2) Submit your objections directly to the court. If you intend to submit your objections directly to the court, notify me within 7 days of the date of this notice so that I can inform the court of your intentions when I submit the proposed judgment or order. If you do object to the proposed order or judgment, you must contact me within 7 days of the date of this notice.

Date

Signature

Name (printed)

Address

City/State/Zip

Phone

¹ <http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>