

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 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 made 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, or fewer days as permitted by the court.

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).

---

---

**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