

FILING FOR SEPARATION



Important Contact Information

Oregon Judicial Department - <http://courts.oregon.gov>

Oregon State Bar Lawyer Referral Service - www.oregonstatebar.org

Phone: 503.684.3763 or toll-free in Oregon at 800.452.7636



If you are deployed or about to be deployed, contact the Oregon State Bar Military Assistance Panel (www.osbar.org/docs/ris/militaryflier.pdf) for information about special rights and rules that may apply to you.

Symbols used in this form:



Important Note



STOP! You may not be able to use this form



Caution! You may need a lawyer



Concerns money



Timing requirement



Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple separation cases with no children under 21. If you have complicated issues or questions about the law, talk to a lawyer.

All of the necessary forms should be online. If you cannot find a form, ask your local court.

Each court has local rules, programs, and procedures that may not be explained in these instructions. Refer to the Supplementary Local Rules for your county. These rules are available online or at your local court or law library. Forms and information about your local court are on the Oregon Judicial Department website.

Table of Contents

| | |
|--|----|
| STEP 1: STARTING YOUR CASE | 4 |
| Information about Separation..... | 4 |
| Statutory Restraining Order | 4 |
| STEP 2: FILING AND SERVICE | 4 |
| SERVICE | 5 |
| Acceptance of Service | 5 |
| Formal Service..... | 5 |
| STEP 3: TEMPORARY ORDERS | 8 |
| Domestic Violence | 8 |
| STEP 4: RESOLVING YOUR CASE | 9 |
| By Agreement..... | 9 |
| By Default..... | 9 |
| By Trial | 10 |
| THE JUDGMENT | 11 |

Additional Forms:

- Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions
- Notice to Parties in a Suit for Marriage Dissolution or Legal Separation Regarding Continuation of Health Coverage
- Summons for Family Law Case
- Acceptance of Service
- Certificate of Service
- Waiver of Further Appearance and Consent to Entry of Judgment
- Default forms (Motion and Declaration, Order, Declaration in Support of Judgment, General Judgment)

TABLE OF FORMS

1. Starting your Case *(See the last box of this table for additional forms you may need)*

Guide and File prepared these forms for you:

- Petition for Separation
- Confidential Information Form (CIF) *(one for each party)*
- Notice of CIF Filing

All other forms in this table are included in this Next Steps document or can be found online at <http://courts.oregon.gov>

- Notice of Statutory Restraining Order Preventing Dissipation of Assets
- Summons

Optional:

- Fee Deferral or Waiver Application and Declaration

2. Notifying the Other Party

- Acceptance of Service *(if possible)*
- Certificate of Service

3. Temporary Orders

4. Resolving Your Case

By Agreement:

- Declaration in Support of Judgment
- General Judgment of Separation

Or

By Default:

- Ex Parte Motion for Order of Default and Declaration in Support
- Order on Motion for Default
- Declaration in Support of Judgment
- General Judgment of Separation

Or

By Hearing:

- General Judgment of Separation

Additional forms you may need:

You may have completed these forms through Guide and File. If you did not, you can find them online at <http://courts.oregon.gov>

- Uniform Support Declaration
- Statement of Assets and Liabilities
- Waiver of Personal Service
- End-of-case Fee Waiver Application & Declaration

STEP 1: STARTING YOUR CASE



Information about Separation



- ❖ **Contact Information** - Keep the court and the other party informed of your current address so you get notice of all court dates. **You don't have to use your home address on any court form.** You may use any contact address where you regularly check in, as long as it is in the same state as your home. The court will assume that you receive all notices sent to that address. **It is YOUR responsibility to let the court and the other party know if you move or want to get mail at a different address.**

Statutory Restraining Order

By filing your *Petition*, you agree to follow the terms of an automatic restraining order. The order is effective once notice has been served on the respondent (*see below for service information*). If you don't follow the order, you can be held in contempt of court and subject to penalties.

- You must attach a copy of the restraining order (called “**Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions**”) to the *Summons* and serve it on the respondent.
- The statutory restraining order prevents *either party* from:
 - Dissipating (transferring, selling, destroying, removing, disposing of) real or personal property.
 - Making changes to insurance policies without the agreement of the other party.
 - Making extraordinary expenditures (unusual or high-dollar payments or purchases). Expenditures that are necessary for the safety or welfare of the parties, ordinary business activities, or related to this court case are allowed.

STEP 2: FILING AND SERVICE

Make copies

Keep one copy of **all** of the completed forms for your records. See below for additional copies you will need.

File your forms



If you eFiled your forms in Guide and File, skip to “Service”, below

File all of the original forms *except* the *Summons* and *Notice of Statutory Restraining Order* with the court clerk. The clerk will give you a **case number** when you file. Put the case number on all copies and originals. See below for a list of the forms you will need to copy to serve on the respondent.



You have to pay the filing fees when you file your papers. Go to <http://courts.oregon.gov> for the filing fee.

- If you are low income, you may ask the court to defer (postpone) or waive your filing fee. You must complete an ***Application and Declaration for Deferral or Waiver of Fees*** and an ***Order Regarding Deferral or Waiver of Fees*** and file them with your papers. If the fee is deferred, you will have to pay the fee later. If the fee is waived, you don't have to pay it now. However, the judge may reconsider waived and deferred fees at the end of the case.

The clerk may give you some papers. A copy of these papers must be included with the *Petition* that you serve on Respondent (see below regarding service). **NOTE:** You are not required to serve the *List Of Documents Parties May Have To Give Each Other (ORS 107.089)* on Respondent, but if you do, then you both have to follow it.

Make a copy of the following forms to serve on the respondent:

- *Petition*
- *Summons*
- *Notice of CIF Filing*
- *Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions*
- *Uniform Support Declaration* and *Statement of Assets and Liabilities* (if you are filing these documents with your *Petition*)



SERVICE

You must officially notify Respondent that you have filed a case. This is called “service.”

Acceptance of Service – If it is safe for you to give the respondent the papers yourself, you can use an ***Acceptance of Service*** form. If the respondent signs an *Acceptance of Service*, no other kind of service is required. Signing the *Acceptance of Service* does *not* mean the respondent agrees with anything in your *Petition*, only that he or she received the papers. **You must file the papers with the court before you give the copies to the respondent.**

Formal Service

If the respondent does not want to sign the ***Acceptance of Service***, you must use another method. There are four ways you can serve. Service must be done **after** your *Petition* is filed.

****3 CRITICAL POINTS****

1. If you serve before you file, you will have to pay to serve the papers again
2. You *CANNOT* serve the papers yourself
3. If Respondent has a lawyer, you should also send a courtesy copy of the papers to the lawyer

1. **Personal Service:**

- a. **By Process Server:** Take a copy of your papers to the sheriff's office in the county where Respondent is located and have a sheriff's officer serve the papers. The sheriff's office charges a fee for service. You can also hire a private process server of your choice.
- b. **By a Non-Party:** Have a competent* person 18 years or older who is a resident of Oregon **and who is not a party** to the case (Petitioner or Respondent), **nor** the lawyer of a party, serve the papers. The server cannot be an employee of any party. If the respondent is outside of Oregon, the server can be a resident of the state where the respondent is. If you have safety concerns, have the sheriff perform service.
*competent means a person who can understand, remember, and tell others about an event.

A ***Certificate of Service*** must be filed with the court by whoever serves the respondent. The certificate must include the date of service and the name of the person served.

2. **Substituted Service:** The process server may leave the papers at the respondent's residence (where he or she normally lives) with someone 14 years or older who lives there. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the respondent by first class mail. Make sure the process server completes a ***Certificate of Service***. The date of service is the day the first class mailing is put in the mail.
3. **Office Service:** The process server may leave the papers with someone *in charge* of the respondent's office or normal workplace. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the respondent by first class mail. Make sure the process server completes a ***Certificate of Service***. The date of service is the day the first class mailing is put in the mail.
4. **By Mail:** First, the process server must send the papers to the respondent's home or business address by first class mail. Second, the server must send a copy by certified mail, return receipt requested. The process server **must** file proof of service with the court, including the signed green card, date of receipt, and item number along with a ***Certificate of Service***. If the green card is not returned or if someone other than the respondent signed for it, then service by mail was not effective and you must try another type of service. The date of service is the day the respondent signs the returned green card.

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | | | |
|--|--|--|---------------------------------------|---------------------|
| <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. | <table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">A. Received by (Please Print Clearly)</td> <td style="width: 30%;">B. Date of Delivery</td> </tr> </table> | | A. Received by (Please Print Clearly) | B. Date of Delivery |
| A. Received by (Please Print Clearly) | B. Date of Delivery | | | |
| 1. Article Addressed to: | C. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee | | | |
| 2. Article Number (Copy from service label) | D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No | | | |
| | 3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | | | |
| | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | | | |
| PS Form 3811, July 1999 Domestic Return Receipt 102395-00-M-0952 | | | | |

Proof of Service

The Certificates are your proof of service. An original *Certificate of Service* or *Acceptance of Service* must be filed with the court for your case to proceed, regardless of the method of service.



If proof of service is not files within **63 days** of filing your *Petition*, the court may send you a notice of dismissal. Your case may be dismissed if proof of service is not filed within 28 days of the notice.

If you are not able to have Respondent served by any of the methods listed above, you may ask a judge to allow you to use another service method. The judge might allow you to publish or post the documents. Forms to make this request are available online at <http://courts.oregon.gov>.

NOTE: Some courts have extra papers you have to serve with your filing. If you eFile your *Petition*, the court will email you the papers after your filing is accepted. If you do not include these papers with service, your case may be delayed and you may have to pay additional service fees.

STEP 3: TEMPORARY ORDERS



You can ask the court to make temporary orders after you file the *Petition*. Temporary orders are effective as soon as a judge signs the order. They last until a judge changes the terms, signs the *General Judgment*, or dismisses the case. For example, either party may request an order for spousal/partner support, or an order requiring one party to move out of the family home. To make any of these requests, you must file a “motion” (request) asking the court to do what you want. You may need a lawyer to file these requests.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

Go to <http://courts.oregon.gov> for the forms to request temporary orders. The forms may not cover all temporary orders you need. Talk to a lawyer for more information.

Domestic Violence

All courts have restraining order forms for cases involving domestic violence. A judge will usually hear your request within a day or two of filing. Check with your local court for filing times and procedures.

Refer to <http://courts.oregon.gov/fapa> for Family Abuse Prevention Act (FAPA) forms and information.

Forms for other types of protective order are available at <http://courts.oregon.gov>

STEP 4: RESOLVING YOUR CASE

There are three ways your case can be resolved: by agreement between the parties, by default if the respondent doesn't respond, or by a judge in a hearing.



By Agreement

It is always better to resolve issues yourselves, since you know what's important to you. Once the case goes to a judge, it is out of your control. If you can't resolve the issues on your own, or if it is not safe for you to talk to Respondent, the court may provide options to help you, including mediation and arbitration. For information about arbitration, see "By Trial" section below.

Mediation: A mediator is a person trained to help people resolve disagreements. Mediation is confidential. You may ask to meet with the mediator alone if you are uncomfortable meeting with the other party for any reason. Check with your local court clerk to see if there is a fee for this service. Mediators are *not* judges – they cannot impose their decisions on you. Their job is to help *you* reach an agreement. This may be your last chance to retain control over the outcome of the case. Agreements incorporated into a *Judgment* are fully enforceable (*see below*).

Some courts may require that you mediate before you have a hearing. Check your court's Supplemental Local Rules for more information. If mediation has not yet been ordered in your case and you would like to request it, you may file a **Request for Mediation** form. If your court requires mediation, you may request that the court waive mediation if you have a good reason by filing a **Motion and Declaration for Waiver of Mediation**. Talk to your court if you have safety concerns.

If you and Respondent have agreed to all of the issues, fill out and file:

- **Declaration in Support of Judgment**
- **General Judgment of Separation**

Note: The *Judgment* must be signed by both parties before being submitted to the court.



By Default



Respondent has 30 days to respond to your *Petition*. The time starts running from the day *after* the date of service. The response must be in writing and must be filed with the court and mailed to you. If the respondent does not file a response within 30 days, you may request an *Order of Default*.

Forms and instructions for getting an *Order of Default* are included at the end of this document.



By Trial

If Respondent has filed a response and the parties are unable to agree on the terms of a judgment, your case may go to trial

Conferences with the Judge

Many courts will schedule a “status,” “pretrial,” or “settlement” conference before a case goes to trial. These meetings usually take place with a judge with both parties present, along with their lawyers (if any). You must attend any conferences that are scheduled unless you have received permission from the judge not to attend. At the conference, the judge may talk to you about how your case is going to be handled, consider requests for temporary orders, or set future court dates.

Some courts may refer certain cases to arbitration. You will receive information from the court if that happens.

Informal Domestic Relations Trials (IDRTs) are available in all courts if both parties agree. See UTCR 8.120 for more information. Each court handles IDRTs differently. Contact your court for more information.

- Many courts require that you mediate before you can get a trial. See the **BY AGREEMENT** section above.



NOTE: You must give the other party an opportunity to review the judgment before you submit it to the court. See [UTCRC 5.100](#) for information.

You can represent yourself at trial. Some courts provide information about representing yourself on their websites. Go to www.courts.oregon.gov to find your court’s website.

The State Family Law Advisory Committee has written a guide that may help you prepare for trial. This guide is NOT a substitute for legal advice! The rules of court can be technical and complex. You may damage your case if you are not properly informed. If your case goes to trial, you are strongly advised to talk to a lawyer. To read the guide, go to:

<http://www.courts.oregon.gov/help/Documents/famlawtrialbrochure.pdf>

THE JUDGMENT



Regardless of how you resolve your case, a **General Judgment of Separation** must be signed by a judge. One of you may be ordered to fill out the judgment form and give it to the court to be signed.

The judgment finalizes your separation and contains all of the issues decided in the mediation, arbitration, trial, or by agreement.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

If the respondent DID NOT file a response, the information you fill out in the final judgment should be *exactly* the same as what you requested in the *Petition*.

If the respondent DID file a response, the information should be the *exactly* the same as what was decided in mediation, arbitration, hearing, trial, or through your agreement. All parties must review the *Judgment* before you submit it to the court. You must send the *Judgment* document along with the *Notice of Proposed Judgment or Order* to the respondent.

The respondent can object to the *Judgment*. If that happens, you have to discuss the objections and attempt to resolve them before you submit the *Judgment* to the court. If you are not able to resolve the objections, the respondent can either send you a written statement explaining the objections, or they can submit the objections directly to the court. You must complete the *Certificate of Readiness* section of the *Judgment* to tell the judge whether there are outstanding objections. See [UTCR 5.100\(1\)](#) for more information about notice and objections.¹

If the respondent is responsible for preparing the judgment, the respondent must send the proposed judgment to you before submitting it to the court. Then you can review it and object to it within 7 days of the date it was sent to you. If you and the respondent are not able to resolve your objections after reasonable efforts, you can either send a written explanation of your objections to the respondent or directly to the court. You must notify the respondent of your intentions so that they can advise the judge that there are outstanding issues. The judge may make a decision after reviewing the documents, or the court may contact you with further information.

If you are responsible for preparing the final judgment, make a copy for yourself and one for Respondent (unless you got an *Order of Default*). File the original with the court.

¹ www.courts.oregon.gov/utcr

Your separation is effective the date the *Judgment* is signed by the judge. NOTE: the terms of your judgment are not enforceable until the court enters the judgment. You will receive a *Notice of Entry of Judgment*.

NOTE: Every document you file must have a mailing address where you will receive documents related to this case. You do NOT need to use your home address. You can use any contact address in the same state as your home. You are responsible for checking your contact address. Notify the court and the other party in writing if your contact address changes.

[Attach to Summons per ORS 107.093(5)]

**NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE
DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS**

**REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH
PROVISION OF THIS ORDER TO AVOID VIOLATING THE LAW.
SEE INFORMATION ON YOUR RIGHT TO A HEARING BELOW.**

TO THE PETITIONER AND RESPONDENT:

Under ORS 107.093 and UTCR 8.080, neither Petitioner nor Respondent may:

Insurance Policies

(1) Cancel, modify, terminate, or allow to lapse for nonpayment of premiums, any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

Insurance Beneficiaries

(2) Change beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

Property

(3) Transfer, encumber, conceal, or dispose of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.

(A) Paragraph (3) does not apply to payment by either party of:

- (i) Attorney fees in this action;
- (ii) Real estate and income taxes;
- (iii) Mental health therapy expenses for either party or a minor child of the parties; or
- (iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

Expenses

(4) Make extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. This does not apply to payment of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

EFFECTIVE DATE:

The above provisions are in effect immediately upon service of the *Petition* and *Summons* on the respondent. They remain in effect until a final judgment is issued, until the petition is dismissed, or until further order of the court.

RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to modify or revoke one or more terms of this restraining order by filing with the court the *Request for Hearing re: Statutory Restraining Order* form specified in Form 8.080.2 in the UTCR Appendix of Forms.



Department of Consumer and Business Services
Insurance Division

P.O. Box 14480, Salem, OR 97309-0405
Phone: 503-947-7891, Fax: 503-378-4351
350 Winter St. NE, Salem, OR 97301-3883
Email: dcbs.inmail@state.or.us
www.insurance.oregon.gov

Notice to parties in a suit for marriage dissolution or legal separation regarding continuation of health coverage

If you or your spouse have filed for divorce or legal separation and currently hold group health insurance coverage through your spouse, your coverage may end when the court grants your divorce or separation. Oregon law offers options that may enable you to continue your coverage. This notice outlines continued coverage options available under Oregon law. Federal law commonly known as COBRA may also enable you to continue coverage. *Note:* You must act promptly to continue coverage.

Applying for individual coverage may also be an option. Insurers can no longer deny enrollment to individuals because of health or pre-existing conditions. You may be eligible to enroll in a plan through healthcare.gov or directly from an insurer. If you apply for coverage through healthcare.gov, you may qualify for financial assistance.

For more information about Oregon and federal law, consult your health insurer, the plan administrator for your insurance coverage, the employer through whom your insurance is provided, or your attorney.

The following is a summary of options under Oregon law:

1. Continuation of existing coverage for a divorced or legally separated spouse who is 55 years of age or older (ORS 743.600 to 743.602). If you are a divorced or legally separated spouse and if you are 55 years of age or older when the dissolution or legal separation occurs, you may continue your existing group coverage until you obtain other group coverage or become eligible for Medicare. In order to continue coverage, you must do both of the following:

- A. You must notify the group health insurance plan administrator in writing of the dissolution or legal separation within 60 days of the entry of the decree of divorce or legal separation.
- B. You must elect to continue and pay for the group coverage. You must make the election on a form provided by the plan administrator.

Note: This provision applies only if your coverage is provided through an employer who employs 20 or more employees or if your coverage is provided by a group health insurance plan that covers 20 or more employees.

2. Continuation of existing coverage for a divorced spouse when federal law does not provide for continued coverage (ORS 743.610). If you are not able to continue your group health coverage under federal law (COBRA), you may continue your existing group coverage upon dissolution of your marriage for a period not exceeding nine months. The following requirements apply:

- A. You must have been continuously covered by the group policy for at least three months prior to your divorce.
- B. You must ask the insurer or the group policyholder, in writing, to continue your coverage. You must also pay the required premiums.
- C. You must make your request by the latter of the following dates:
 - (1) Ten days after the date that your coverage under the group policy as a qualified family member ends;
 - or
 - (2) Ten days after the date on which the employer or group policyholder gives notice of the right to continue coverage.

3. Apply for individual coverage. If you were covered by a group health plan and you lost that coverage because of a legal separation or divorce, you may qualify for a special enrollment and be eligible to purchase an individual plan through healthcare.gov or from an insurer. To qualify for this special enrollment:

(1) Apply through healthcare.gov and pay your premium within 60 days of the date you lost your group coverage;

or

(2) Apply for individual coverage from an insurer within 60 days of the date you lost your group coverage.

Remember: The longer you wait to apply, the later your coverage will start. Financial help is available only if you apply for insurance through healthcare.gov. Your insurance agent can also help you apply through healthcare.gov.

*Prepared by Insurance Division, Department of Consumer and Business Services, under ORS 107.092.
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

Petitioner
and

Respondent

**SUMMONS FOR FAMILY LAW
CASE**

- Marriage**
 **Registered Domestic
Partnership (RDP)**
 Unmarried & Unregistered

To (name): _____

Address:

Your spouse or partner has filed a *Petition* asking for a legal separation.

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear,” you must file a legal paper called a “*Response*” or a motion. *Response* forms are available through the court at the address above or online at www.courts.oregon.gov. Talk to a lawyer for information about appearing by motion.

Your *Response* must be filed with the court clerk at the court listed above **within 30 days of the day you received this *Summons***, along with the required filing fee (go to www.courts.oregon.gov for fee information). It must be in proper form and you must show that the Petitioner’s lawyer (or the Petitioner if he or she does not have a lawyer) was formally served with a copy of the *Response* according to the service rules. Service rules are included in *Instructions for Respondents*, available at www.courts.oregon.gov.

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar’s Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7636, or go to www.oregonstatebar.org.

Date

Petitioner Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

Case No: _____

Petitioner
and

Respondent

**ACCEPTANCE OF
SERVICE**

I am the Respondent in this case

On (date) _____ I received a true copy of (check all that apply):

- Petition
 - Summons
 - Information on mediation
 - Notice of Statutory Restraining Order Preventing Dissipation of Assets
 - Notice of CIF (*Confidential Information Form*) Filing
 - Information on continuation of insurance coverage (COBRA)
 - Statement of Assets and Liabilities
 - Uniform Support Declaration
 - Other forms: _____
- _____

I hereby declare that the above statements are true 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

Name (printed)

Address City/State/Zip Telephone

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

Case No: _____

and

Petitioner
Respondent

CERTIFICATE OF SERVICE
(ORCP 7D(2))

- (a) Personal Service
 (b) Substitute Service
 (c) Office Service
 (d) Service by Mail

I, *(name)* _____, declare that I am a resident of the state of _____ . I am a competent person 18 years of age or older. I am not a party to or lawyer in this case, and not the employee of a party. I certify that the person served is the person named below. I served true copies of the original *(check all that apply)*:

- Petition and Summons
 Information about mediation
 Notice of Confidential Information Form (CIF) Filing
 Notice of Statutory Restraining Order Preventing Dissipation of Assets
 Order to Show Cause re: Modification with Motion and Declaration
 Information about continuing insurance coverage (COBRA)
 Uniform Support Declaration
 Other *(name all forms or documents served)* _____

by *(check a, b, c, or d and complete all information)*:

(a) **Personal Service** on *(date)* _____, at _____ a.m./p.m., to
{ Petitioner Respondent } *(name)* _____ in person at the
following address _____ in the
County of _____, State of _____.

(b) **Substitute Service** on *(date)* _____, at _____ a.m./p.m., by
delivering them to the following address _____
in the County of _____, State of _____ . Delivered to *(name)* _____
_____, who is a person age 14 or older and who lives there.

(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(b). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)

On *(date)* _____, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served: Petitioner Respondent *(name)* _____, at the party's home address listed above, together with a statement of the date, time and place that the documents were hand-delivered to the party's dwelling (residence).

(c) **Office Service** on (date) _____, at _____ a.m./p.m., by delivering them to the office of the party to be served, located at: (address) _____, during normal working hours for that office, where I left the documents with (name) _____, who is a person apparently in charge, to give the documents to the party to be served. (Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(c). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)

On (date) _____, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served: Petitioner Respondent (name) _____, at the party's: home address at: _____, **OR** business address above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

(d) **Service by Mail, Return Receipt Requested** on (date) _____, I personally deposited **two** true copies with the U.S. Postal Service. **One** by first class mail, and the **other** by certified or registered mail, Return Receipt Requested, or by express mail, postage paid, addressed to the party to be served: Petitioner Respondent (name) _____, at the party's home address located at: _____ (address). (NOTE: If mailed Return Receipt Requested, the return receipt must be attached to this Certificate of Service.)

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

Date

Signature of Server

Print Name

If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:

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

Case No: _____

Petitioner
and

Respondent

**WAIVER OF FURTHER
APPEARANCE AND CONSENT
TO ENTRY OF JUDGMENT**

I am the respondent in this case. I waive (give up) my right to further appearance and consent (agree) to entry of judgment according to the terms of the *Petition*.

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 as evidence in court and I am subject to penalty for perjury.

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Statement of Assets and Liabilities

You will need to file a *Statement of Assets and Liabilities* if the respondent files a *Response* **and** you have not reached an agreement as your trial date nears. Each party's *Statement* must be filed with the court and served on the other party at least 14 days before your trial. Check your local court's [Supplementary Local Rules](#), Chapter 8 for other time limits and requirements. Give or mail a copy to the other party and complete the *Certificate of Service* at the end of the form before filing with the court.

Most courts prefer that you complete ONE joint form so that you don't have one form listing "house 1" and the other calling it "123 Main St." Your *Statement* should name the asset as specifically as possible. You and the other party should do everything you can to agree on the value of your assets and liabilities. Then list who the court should give each asset or liability to. You can use one of the formats below. NOTE: if there is a restraining order, protective order, or no-contact order between you and the other party, submit separate forms.

Tax debts, student loans, and support arrears can be totaled for each party, details are not required.

~~~~~

In the examples below, the parties disagree about the value of the Ford Ranger but agree that it should be awarded to Petitioner. The parties agree about the value of the Kia Soul but disagree about who it should be awarded to. Leave the last 2 columns blank – the judge will make a final decision about the value of each asset and who it is awarded to.

| <u>DESCRIPTION OF ASSETS</u> | <u>PETITIONER</u> |                                        | <u>RESPONDENT</u> |                                        | <u>COURT</u> |                               |
|------------------------------|-------------------|----------------------------------------|-------------------|----------------------------------------|--------------|-------------------------------|
|                              | Name:             |                                        | Name:             |                                        |              |                               |
|                              | Claimed Value     | Proposed Distribution<br>(Pet or Resp) | Claimed Value     | Proposed Distribution<br>(Pet or Resp) | Value        | Distribution<br>(Pet or Resp) |
| 2008 Ford Ranger             | \$12,000          | Petitioner                             | \$6,000           | Petitioner                             |              |                               |
| 2011 Kia Soul                | \$5,000           | Petitioner                             | \$5,000           | Respondent                             |              |                               |

**Statement of Assets and Liabilities**

Case # \_\_\_\_\_

Submitted by: *(name)* \_\_\_\_\_

Petitioner  Respondent

| <u>DESCRIPTION</u><br><u>OF ASSETS</u>                                   | <u>PETITIONER</u><br>Name: |                                           | <u>RESPONDENT</u><br>Name: |                                           | <u>COURT</u> |                               |
|--------------------------------------------------------------------------|----------------------------|-------------------------------------------|----------------------------|-------------------------------------------|--------------|-------------------------------|
|                                                                          | Claimed Value              | Proposed<br>Distribution<br>(Pet or Resp) | Claimed Value              | Proposed<br>Distribution<br>(Pet or Resp) | Value        | Distribution<br>(Pet or Resp) |
| <b><u>1. Real Property</u></b><br>(address)                              |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
| <b><u>2. Vehicles</u></b> (car, truck,<br>boat, ATV, etc.)               |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
| <b><u>3. Bank Accounts</u></b> (bank,<br>type, & name on the<br>account) |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
| <b><u>4. Cash on Hand</u></b>                                            |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
| <b><u>5. Furniture/Appliances</u></b>                                    |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
| <b><u>6. Personal Property</u></b><br>(by type)                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |
| <b><u>7. Business Interests</u></b>                                      |                            |                                           |                            |                                           |              |                               |
|                                                                          |                            |                                           |                            |                                           |              |                               |

|                                                                          | Claimed Value | Proposed Distribution (Pet or Resp) | Claimed Value | Proposed Distribution (Pet or Resp) | Value | Distribution (Pet or Resp) |
|--------------------------------------------------------------------------|---------------|-------------------------------------|---------------|-------------------------------------|-------|----------------------------|
|                                                                          |               |                                     |               |                                     |       |                            |
| <b>8. Insurance Policies</b><br>(with cash surrender or loan value)      |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
| <b>9. Pensions and Investments</b>                                       |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
| <b>10. Expected Assets</b><br>(inheritance, tax refund, pending lawsuit) |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
| <b>11. Other assets</b>                                                  |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
|                                                                          |               |                                     |               |                                     |       |                            |
| <b>TOTAL ASSETS:</b>                                                     |               |                                     |               |                                     |       |                            |

Additional page attached

| <u>DESCRIPTION OF LIABILITIES</u> | <u>PETITIONER</u> |                                     | <u>RESPONDENT</u> |                                     | <u>COURT</u> |                            |
|-----------------------------------|-------------------|-------------------------------------|-------------------|-------------------------------------|--------------|----------------------------|
|                                   | Claimed Value     | Proposed Distribution (Pet or Resp) | Claimed Value     | Proposed Distribution (Pet or Resp) | Value        | Distribution (Pet or Resp) |
| <b>12. Mortgages</b>              |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
| <b>13. Vehicle loans</b>          |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
| <b>14. Tax Debt</b>               |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
|                                   |                   |                                     |                   |                                     |              |                            |
| <b>15. Student Loans</b>          |                   |                                     |                   |                                     |              |                            |

|                                                                  | Claimed Value | Proposed Distribution (Pet or Resp) | Claimed Value | Proposed Distribution (Pet or Resp) | Value | Distribution (Pet or Resp) |
|------------------------------------------------------------------|---------------|-------------------------------------|---------------|-------------------------------------|-------|----------------------------|
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
| <b>16. Credit Card Debt</b>                                      |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
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|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
| <b>17. Support Arrears</b>                                       |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
| <b>18. Court Fines</b>                                           |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
| <b>19. Expected Liabilities</b> (college costs, pending lawsuit) |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
| <b>20. Other Debt/Loans</b>                                      |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
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|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
|                                                                  |               |                                     |               |                                     |       |                            |
| <b>TOTAL LIABILITIES:</b>                                        |               |                                     |               |                                     |       |                            |

Additional page attached



**USE THIS PAGE FOR ADDITIONAL ASSETS & LIABILITIES NOT LISTED ABOVE**

| <u>DESCRIPTION</u>                                  | <u>PETITIONER</u>                                                              |                                           | <u>RESPONDENT</u>                                                              |                                           | <u>COURT</u> |                               |
|-----------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------|--------------|-------------------------------|
|                                                     | <i>Claimed Value<br/>(mark "+" for<br/>assets and "-" for<br/>liabilities)</i> | Proposed<br>Distribution<br>(Pet or Resp) | <i>Claimed Value<br/>(mark "+" for<br/>assets and "-" for<br/>liabilities)</i> | Proposed<br>Distribution<br>(Pet or Resp) | Value        | Distribution<br>(Pet or Resp) |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
|                                                     |                                                                                |                                           |                                                                                |                                           |              |                               |
| <b><u>TOTAL<br/>ADDITIONAL<br/>ASSETS:</u></b>      |                                                                                |                                           |                                                                                |                                           |              |                               |
| <b><u>TOTAL<br/>ADDITIONAL<br/>LIABILITIES:</u></b> |                                                                                |                                           |                                                                                |                                           |              |                               |

## If Respondent Does Not Respond:

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The respondent has 30 days to respond to your *Petition*. The time starts running from the day *after* the date of service. The response must be in writing and must be filed with the court and mailed to you. If the respondent does not file a response within 30 days of the date of service, you can request an *Order of Default*.

### Default

Default means that you are asking the judge to award you what you asked for in your *Petition* because the respondent did not file a response. Look at [Oregon Rules of Civil Procedure](#) (ORCP) rule 69 for more detailed information.

- NOTE: If the respondent has given you written notice that he or she intends to appear, you have to give written notice that you intend to apply for a default order at least 10 days before you file your motion. See [Uniform Trial Court Rule 2.010](#) for the form your notice must be in. File your notice of intent with the court and serve it on the respondent. See [Oregon Rules of Civil Procedure Rule 9](#) for information about how to serve documents after the *Petition*.

The judge may not grant a default if the respondent is incapacitated, a minor, a financially incapable person, a protected person, or a respondent in a fiduciary protective proceeding, as defined by [ORS 125.005](#).



You must also show that the respondent is not in active military service before the court can enter an order of default. This is part of the ***Ex Parte Motion for Order of Default & Declaration in Support***. If the respondent is in active military service, you cannot get an order of default unless the servicemember waives protection under the Servicemembers Civil Relief Act (SCRA). This federal law starts at 50 U.S.C. 3901. Your local law librarian can help you find it, or go to [www.law.cornell.edu](http://www.law.cornell.edu)\* (under *Get the Law* click *U.S.Code*, then click *Title 50* and go to *Chapter 50*). This law has strict rules about what “active military service” means. This protection does not apply to all servicemembers at all times.



If the respondent is in the military, you should see a lawyer before trying to get an order of default. If a default is not done properly, the respondent can re-open the case after returning from service. **Be aware** that if you knowingly make false statements about the respondent’s status, you may face both federal and state penalties.

If you know the respondent is *not* in the military, you must state *facts* that explain how you know.

If you have the respondent’s Social Security Number or date of birth, go to the Department of Defense website (<https://scra.dmdc.osd.mil/>) to find out if the respondent is in active service. This site can give you a free statement of service status that you can print out (called a “certificate of service” on the website). Attach this statement or a printout of the screen

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\* This is an outside site maintained by Cornell University. The Oregon Judicial Department is not responsible for any information on this site. Links may have moved.

to your motion. You can also call 571.372.1100 for military verification. Put the date and the name of the person you spoke with on your motion. If you don't have the Social Security Number or date of birth, commercial sites may be able to provide information.

If you don't know whether the respondent is in the military and have checked the website, or don't have the necessary information, mark "I am unable to determine whether this person is in military service" and add any facts that you *do* know. The judge will decide whether to grant the default.

➤ **If Respondent is in the military**

If the respondent is in active military service of the United States and has not responded to the *Petition*, the court won't go ahead with your case until one of the following things happens:

- (1) Respondent is no longer in active military service,
- (2) Respondent waives, in writing, the right to avoid default, or
- (3) the judge holds a special hearing in your case.

Talk to a lawyer if the respondent will not sign the waiver and you do not want to wait for military service to end. The SCRA rules are technical and complex. Contact the Oregon State Bar for help (contact information is on Page 1). The court does not provide blank waivers for this purpose.

\* \* \* \* \*

**Requesting a Default** - fill out the following forms (*included below*):

- *Ex Parte Motion for Order of Default and Declaration in Support*
- *Order on Motion for Default*
- *Declaration in Support of Judgment*
- *General Judgment of Dissolution of Marriage/RDP*

Read your *Petition* CAREFULLY! The ***Declaration in Support of Judgment*** allows you to note any information that has changed since you filed the *Petition*. Read **each** section of the *Petition* you filed and note any changes in the spaces provided. You must complete the rest of the *Declaration* in all cases. Guide & File has completed some information for you, but you need to check all of the information to make sure it is complete and nothing has changed.

## **The Judgment**

Guide & File has pre-completed most of the *General Judgment* form. **It is VERY important that you check ALL of the information!** Some information cannot be completed by the system. If you leave required fields blank or do not correct inaccurate or changed entries, your judgment may be delayed or returned to you.

After you make yourself a copy of the completed forms, file the originals with the court any time *after* 30 days from the date of service. You must file the *Motion for Order of Default* by the **91<sup>st</sup> day** after you filed the *Petition* (NOT the proof of service!). If not, your case may be dismissed.

The court will send you notice when your judgment has been entered.

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.

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**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.

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**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).

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**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

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

and

**ORDER ON MOTION  
FOR DEFAULT**

\_\_\_\_\_  
Respondent

Based on the motion and declaration of the Petitioner in this case,

- The court **DENIES** the *Ex Parte Motion for Order of Default* because:
- the respondent was not properly served with the *Petition* and *Summons* or other necessary documents, or no proof of service has been filed with the court.
  - the respondent has filed an appearance.
  - the respondent is now or was, at the time of service of the *Petition* and *Summons*, in active military service of the United States and has not waived protection under the Servicemembers Civil Relief Act.
  - the respondent is now, or was, at the time of 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.
  - Other:

The court **GRANTS** the *Ex Parte Motion for Order of Default* and directs entry of judgment because the court finds that:

- 1) The respondent was properly served with the *Petition* and other necessary documents and has not filed an appearance,
- 2) The respondent is not now and was not, at the time of 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**
- 3) 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, *or*
  - is in active military service of the United States and has waived protection against default judgments under the Servicemembers Civil Relief Act.

*Judge Signature:*

\_\_\_\_\_

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

\_\_\_\_\_  
Petitioner  
and  
\_\_\_\_\_  
Respondent

Case No: \_\_\_\_\_

**DECLARATION  
SUPPORTING GENERAL  
JUDGMENT OF SEPARATION  
OF  MARRIAGE  RDP**

The statements made in the Petition remain true and accurate *except*:

| Section Number | Explain |
|----------------|---------|
|                |         |
|                |         |
|                |         |

Additional page attached

Petitioner  Respondent is pregnant (and) the other party  is  is not the parent of this child. The expected date of the child's birth is \_\_\_\_\_

I ask the court to enter judgment without a hearing under ORS 107.095(4) *because*:

- Respondent has not appeared and an *Order of Default* has been entered  
 Respondent has stipulated (agreed) to the terms of the *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 as evidence in court and I am subject to penalty for perjury.**

Submitted by  Petitioner  Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Phone

## 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 an 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 (UTC) 5.100<sup>1</sup> 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

<sup>1</sup> [www.courts.oregon.gov/utc](http://www.courts.oregon.gov/utc)



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner  
and  
\_\_\_\_\_  
Respondent

**GENERAL JUDGMENT OF  
SEPARATION OF**  
 MARRIAGE    RDP

**This document was presented to the court:**

- On the motion and declaration of Petitioner, the default of Respondent having been found  
 and Respondent being represented by a guardian ad litem or other person described in Rule 27
- On the stipulation of the parties, as shown by the signatures at the end of this *Judgment*
- After a hearing held \_\_\_\_\_ (date), at which the following persons were present:
  - Petitioner    Petitioner's attorney \_\_\_\_\_
  - Respondent    Respondent's attorney \_\_\_\_\_
  - Other \_\_\_\_\_

**FINDINGS:** \_\_\_\_\_

**A.** The court considered the  Declaration  Stipulations  Evidence presented and finds that: (*Check one*)

- I.  Irreconcilable differences have caused the breakdown of this marriage or domestic partnership  
 The parties have entered into an agreement (the terms of this judgment) suspending for at least one year their rights and obligations as spouses or domestic partners, as evidenced by their signatures on this judgment

II. At the time the *Petition* was filed:

Marriage Only:  At least one spouse lived in the county in which the *Petition* was filed

Registered Domestic Partnership Only:

at least one partner lived in the county in which the *Petition* was filed,

**or**

neither partner lived in Oregon and the *Petition* was filed in the county where  
{Petitioner Respondent} last resided

**B. Party and Marriage/RDP Information:**

Date of Marriage or registration of RDP: \_\_\_\_\_

Place of Marriage or registration of RDP: \_\_\_\_\_ (County, State)

Current age of parties:    Petitioner \_\_\_\_\_                      Respondent \_\_\_\_\_

**C. Pregnancy**

- Neither party is now pregnant (*or*)
- Petitioner  Respondent is now pregnant
- The other party is not the parent of the child due \_\_\_\_\_ (*date*)

**The court grants judgment as follows:**

The parties are legally separated as of the date this Judgment is signed, to continue for the period of time specified in Section 9B below. The terms of this judgment are effective upon entry in the court register.

**SPOUSAL/PARTNER SUPPORT**

There is an existing Limited Judgment for temporary spousal/partner support. Temporary support under the limited judgment ends as of the date of entry of the General Judgment, but any arrears accrued under the Limited Judgment remain enforceable under the Limited Judgment.

**1. SPOUSAL/PARTNER SUPPORT**

No spousal/partner support or life insurance for the benefit of either party is ordered in this case

***or***

Spousal support must be paid by  Petitioner to Respondent (*or*)  Respondent to Petitioner

| <i>Type:</i>                            | <i>Terms:</i>                                                                                                                                                                                                                                                                                                                                                                                                                 | <i>Factors:</i> |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <p><i>Transitional</i></p> <p>_____</p> | <p><input type="checkbox"/> monthly payments beginning the month following:</p> <ul style="list-style-type: none"> <li>➤ <input type="checkbox"/> entry of this judgment <i>or</i></li> <li>➤ <input type="checkbox"/> the date of service of this <i>Petition</i></li> <li>➤ <input type="checkbox"/> <i>or</i> _____</li> </ul> <p>Ending*:</p> <p><i>Or</i> <input type="checkbox"/> lump sum payable by (date): _____</p> |                 |
| <p><i>Compensatory</i></p> <p>_____</p> | <p><input type="checkbox"/> monthly payments beginning the month following:</p> <ul style="list-style-type: none"> <li>➤ <input type="checkbox"/> entry of this judgment <i>or</i></li> <li>➤ <input type="checkbox"/> the date of service of this <i>Petition</i></li> <li>➤ <input type="checkbox"/> <i>or</i> _____</li> </ul> <p>Ending*:</p> <p><i>Or</i> <input type="checkbox"/> lump sum payable by (date): _____</p> |                 |
| <p><i>Maintenance</i></p> <p>_____</p>  | <p><input type="checkbox"/> monthly payments beginning the month following:</p> <ul style="list-style-type: none"> <li>➤ <input type="checkbox"/> entry of this judgment <i>or</i></li> <li>➤ <input type="checkbox"/> the date of service of this <i>Petition</i></li> <li>➤ <input type="checkbox"/> <i>or</i> _____</li> </ul> <p>Ending*:</p> <p><i>Or</i> <input type="checkbox"/> lump sum payable by (date): _____</p> |                 |

*\*All monthly payments are due by the 1<sup>st</sup> of the month. All payments end on the death of either party (unless an earlier event is specified above)*

All payments of spousal/partner support must be made:

Directly into \_\_\_\_\_'s bank account. The paying spouse/partner should keep a receipt of deposit as proof of payment. The person receiving support must provide the person paying support with current deposit slips or bank name, account name, and account number.

**or**

To the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309. Petitioner requests that collection, accounting, and disbursement services be provided through the Department of Justice. *(NOTE: services are only available through DOJ if the receiving party is on public assistance or if your county provides services locally. DOJ will notify you if your case does not qualify for services. Talk to a lawyer for more information)*

## **2. Withholding.**

If enforcement services are provided through the State of Oregon's Department of Justice, the support order is enforceable by income withholding under ORS 25.311

## **3. Life Insurance.**

The party paying support must carry life insurance for the benefit of the other party throughout the period of the support obligation if he or she is insurable. The coverage must be at least \$\_\_\_\_\_. The party paying support must provide to the party receiving support a true copy of the policy. The party paying support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.

Neither party is ordered to carry life insurance for the benefit of the other party

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## **PROPERTY AND DEBTS**

### **4. Real Property**

Neither party has any interest in any real property in Oregon or any other place

Both parties have *or* { Petitioner  Respondent has} an interest in real property at: *(address)* \_\_\_\_\_

This property is awarded as follows:

Additional page attached

The legal description of the property is attached as Exhibit \_\_\_\_\_ and incorporated into this Judgment

Petitioner  Respondent is responsible for preparing, signing, and recording a deed transferring the real property as required by this judgment

Other: \_\_\_\_\_

### **5. Personal Property**

The Petitioner and Respondent have divided between them all personal property that they own separately or together, and each is awarded those items now in their possession *except that:*

A.  The Petitioner is awarded the following personal property:

The Petitioner is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Petitioner's current and past employers, free of any interest by the Respondent

The Respondent is awarded the following personal property:

The Respondent is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Respondent's current and past employers, free of any interest by the Petitioner

**6. Distribution of Debts** The debts will be paid as follows:

| Name of creditor (who money is owed to) | What the debt is for | Amount | Who pays (Petitioner or Respondent) |
|-----------------------------------------|----------------------|--------|-------------------------------------|
|                                         |                      |        |                                     |
|                                         |                      |        |                                     |
|                                         |                      |        |                                     |
|                                         |                      |        |                                     |
|                                         |                      |        |                                     |
|                                         |                      |        |                                     |

Additional page attached

Unless otherwise specified above, each party is responsible for the payment of all debts incurred by him or her individually since the date of separation, all debts distributed to him or her by the court, and all debts which are secured by property distributed to that party. If any creditor asks the party not responsible for a debt to pay any portion of it, and he or she does so, the party responsible for that debt must reimburse the paying party for any amount paid to the creditor after the date this judgment is entered.

Debts are divided between the parties as of *(date)*: \_\_\_\_\_

**7. Transfer of Property and Debts**

Within thirty (30) days of the date of this judgment, each party must execute, acknowledge and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. This judgment operates to convey title to the party awarded the property if the other party fails to comply with this requirement.

**8. Other Provisions:**

**A. Former Name**

Petitioner's  Respondent's former name of \_\_\_\_\_  
is restored *(use FULL name – first, middle, last)*

**B. Duration**

The length of the separation is  unlimited  for a period of \_\_\_\_\_

**Additional Provisions:**

**D. Court Costs and Fees, Whether Paid Or Deferred**

- Each party is responsible for paying his or her own court costs and service fees
- Petitioner  Respondent will reimburse the other party \$\_\_\_\_\_ for costs and fees
- Judgment is awarded to the State of Oregon for deferred costs or fees of \$\_\_\_\_\_
- Other: \_\_\_\_\_

**9. Information Required by ORS 25.020 and 107.085**

As required by UTCR 2.130, a *Confidential Information Form* has been completed for each party and filed with the court. The CIF contains all information required by ORS 25.020 and 107.085 that is identified as confidential by UTCR 2.130.

Both parties must inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the information within ten (10) days of such change. The Department of Justice or the District Attorney shall not disclose the information in the CIF to the other party.

**Money Award**      Support Obligation  included  not included

|                                            | <b>PETITIONER</b> | <b>RESPONDENT</b> |
|--------------------------------------------|-------------------|-------------------|
| Full Name                                  |                   |                   |
| Contact Address                            |                   |                   |
| Year of Birth                              |                   |                   |
| Social Security # (last 4 digits)          |                   |                   |
| Driver License # (last 4 digits) and State |                   |                   |
| Lawyer Name, Address, Phone #              |                   |                   |

NOTE: a party RECEIVING a money award is the JUDGMENT CREDITOR; a party PAYING a money award is the JUDGMENT DEBTOR

**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 or <input type="checkbox"/> Name: _____<br>_____                                                          |
| Respondent | <input type="checkbox"/> None or <input type="checkbox"/> Name: _____<br>_____                                                          |

| Type of Judgment                                     |                                                                                            | Amount                                                                                                         | Beginning / Ending                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Spousal/<br>Partner Support | WHO RECEIVES<br><input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent | <i>Transitional</i><br>_____<br><br><input type="checkbox"/> per month<br>or<br><input type="checkbox"/> total | <i>Payable on the first of every month beginning the month following:</i><br><input type="checkbox"/> entry of this judgment or<br><input type="checkbox"/> the date of service of this <i>Petition</i><br><input type="checkbox"/> or: _____<br>Ending:<br><i>or due in full by:</i><br><i>(date):</i> _____<br>Other: |
|                                                      |                                                                                            | <i>Compensatory</i><br>_____<br><br><input type="checkbox"/> per month<br>or<br><input type="checkbox"/> total | <i>Payable on the first of every month beginning the month following:</i><br><input type="checkbox"/> entry of this judgment or<br><input type="checkbox"/> the date of service of this <i>Petition</i><br><input type="checkbox"/> or: _____<br>Ending:<br><i>or due in full by:</i><br><i>(date):</i> _____<br>Other: |
|                                                      |                                                                                            | <i>Maintenance</i><br>_____<br><br><input type="checkbox"/> per month<br>or<br><input type="checkbox"/> total  | <i>Payable on the first of every month beginning the month following:</i><br><input type="checkbox"/> entry of this judgment or<br><input type="checkbox"/> the date of service of this <i>Petition</i><br><input type="checkbox"/> or: _____<br>Ending:<br><i>or due in full by:</i><br><i>(date):</i> _____<br>Other: |

| Type of Judgment                                                                          |                                                                                            | Amount                                             | Beginning / Ending                                                       |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------|
| <i>All payments end on the death of either party unless an earlier event is specified</i> |                                                                                            |                                                    |                                                                          |
| <input type="checkbox"/> Property Division                                                | WHO RECEIVES<br><input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent | \$_____ per month until a total of \$_____ is paid | Beginning the <u>(day)_____</u> of the month following entry of judgment |
|                                                                                           |                                                                                            | <b>or</b>                                          |                                                                          |
|                                                                                           |                                                                                            | A lump sum of \$_____                              | Paid by <i>(date)</i> : _____                                            |

|                                                |                                                                                            |                                                                                           |                                                                                       |
|------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <input type="checkbox"/> Prejudgment Interest  | WHO RECEIVES<br><input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent | \$_____                                                                                   |                                                                                       |
| <input type="checkbox"/> Postjudgment Interest | WHO RECEIVES<br><input type="checkbox"/> Petitioner<br><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 fully paid |

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

*Judge Signature:*

\_\_\_\_\_

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**Certificate of Readiness**

This proposed judgment is ready for judicial signature because *(check all that apply)*:

- Service is not required under UTCR 5.100.  The other party has been found in **default** or an order of default is being requested with this proposed judgment;  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.

I have **served** a copy of this judgment and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service (*complete service information below*). **And:**

No objection has been served on me within that time frame.

I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.

After conferring about objections, the other party agreed to file any remaining objection with the court.

**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:  Petitioner  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)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Phone