

Motion and Judgment Dismissing Action Forms and Instructions

Instructions

I. General Instructions

A. Use black or dark blue ink and print or type when you fill out your forms.

B. Always file the original forms with the clerk. Be sure and make yourself an extra copy of each form before you file it with the clerk.

C. Case heading. The case heading (names and case number) at the top of each form will be the same as it is on the petition that started the case.

D. Address information. On most pages you are asked for your address and telephone number. You must give a contact address and telephone, which may be your own. However, if you do not wish the other side to know your address, you may give the address of some person who can be relied upon to get mail and messages to you promptly.

E. Representing yourself. We strongly recommend that you seek legal advice and representation to protect yourself. If you are unable to hire a lawyer, an explanation of the process you will go through is described below.

II. Completing the form

Enclosed in this packet are two types of dismissals:

A. Petitioner's Motion to Dismiss.

If you are the petitioner and you wish to dismiss your case, complete the Motion (Form 1), Declaration (Form 2), and proposed General Judgment of Dismissal (Form 4). When completing the Declaration, explain in clear detail why you want your domestic relations action dismissed. You must also send the respondent copies of your Motion, Declaration, and proposed General Judgment if he/she has previously been served. (See Form 5, Declaration of Service).

B. Both Parties Stipulate (Agree) to Dismiss.

If you both agree the case should be dismissed, fill out the Stipulated Motion (Form 3) and General Judgment of Dismissal (Form 4). Make sure both of you sign your names on the appropriate lines on both forms.

III. Review of Document

Make a copy of the form(s) for your own records. You may schedule an appointment with the Family Court Assistance Office to review your documents by calling 541-682-4302.

IV. Completion

You will need to attend an Ex parte hearing to have a judge make a decision on your Motion. Ex parte takes place Monday through Friday from 8:30 to 8:50 a.m., it is a hearing where judges are available to sign documents and you do not need to have an appointment to attend. Check in first with the Cashiers on the second floor of the courthouse.

If the judge grants your Motion for a dismissal of the action, your case will be closed.

FORM 1

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

In the Matter of the Marriage of:)
)
_____) Case No. _____
)
Petitioner,)
and) MOTION TO DISMISS
)
_____)
Respondent.)

Comes now Petitioner _____ and, based upon the attached
Declaration, moves the court for a Judgment dismissing the above-captioned case.

DATED this _____ day of _____, 20____.

Petitioner, signature

Submitted by:

Petitioner, Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

FORM 2

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

In the Matter of <input type="checkbox"/> the Marriage of:)	
)	Case No. _____
_____)	
Petitioner,)	DECLARATION IN SUPPORT OF
and)	MOTION TO DISMISS
)	
_____)	
Respondent.)	

I, _____, Petitioner in the above proceeding, make this declaration in support of my motion to dismiss the above-captioned case. I request the court dismiss this case for the following reasons: _____

Additional page attached

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

Name (printed)

_____	_____	_____
Address	City/State/Zip	Telephone

FORM 3

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

In the Matter of the Marriage of:)
)
_____)
)
Petitioner,)
and)
)
_____)
)
Respondent.)

Case No. _____

STIPULATED MOTION TO DISMISS

Comes now Petitioner _____ and Respondent _____, move the court for a Judgment dismissing the domestic relations action herein because we are attempting to reconcile all issues in this case have been resolved.

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.

DATED this _____ day of _____, 20____.

Petitioner, pro se (Signature)

(Print Name)

(Address or Contact Address)

(City, State, Zip)

(Telephone or Contact telephone)

Respondent, pro se (Signature)

(Print Name)

(Address or Contact Address)

(City, State, Zip)

(Telephone or Contact telephone)

Submitted by:

Petitioner Respondent, Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

FORM 4

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

In the Matter of <input type="checkbox"/> the Marriage of:)	
)	Case No. _____
_____)	
Petitioner,)	<input type="checkbox"/> STIPULATED
and)	GENERAL JUDGMENT OF
)	DISMISSAL; and MONEY AWARD
_____)	
Respondent.)	

Based on the following documents:

Motion and Declaration of Petitioner,

Stipulated Motion to Dismiss where both parties have agreed (stipulated) to dismiss this case without prejudice,

and good cause appearing therefor,

IT IS ORDERED that this case is dismissed without prejudice.

MOTION DENIED _____.

IT FURTHER APPEARING that filing fees, service fees and other costs were deferred by court order and have not been paid JUDGMENT IS HEREBY ENTERED in favor of the State of Oregon for deferred fees.

MONEY AWARD

JUDGMENT CREDITOR: STATE OF OREGON

JUDGMENT DEBTOR : _____

AMOUNT OF JUDGMENT: _____

Judge Signature:

Certificate of Readiness

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

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

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

Submitted by:

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

FORM 5

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

In the Matter of:)
)
_____,)
Petitioner,)
and)
_____,)
Respondent.)

Case No.

DECLARATION OF SERVICE

I, _____, declare that I am a resident of the County of _____, State of _____. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action.

I certify that on the ____ day of _____, 20____, I served true copies of the following:

- MOTION TO DISMISS
- DECLARATION IN SUPPORT OF MOTION TO DISMISS
- proposed GENERAL JUDGMENT OF DISMISSAL

upon Respondent by:

personally delivering at the following address _____
_____ within the County of _____ State of _____

Mailing by first class mail, with postage prepaid, addressed as follows: _____

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this _____ day of _____, 20____.

Signature of Server

Print Name

Address or Contact Address

City, State, Zip Telephone or Contact Telephone

Submitted by:

(Name) Petitioner, pro se

(Street Address)

(Mailing Address)

(City, State, Zip Code)

(Area Code, Telephone Number)