

# CHANGING VENUE (COUNTY) FOR TRIAL



## What these forms do

This set of forms helps you ask the court to allow your trial to be held in a different county *if certain conditions exist*. If your request is granted, your case will be “moved” to the new county. Except in rare circumstances, each party is entitled to only one change in the trial county.

The place of trial can be changed only if:

- Another county is more convenient for the parties and witnesses
  - The lawsuit was filed in a county other than one the law requires
  - The judge is a party to your lawsuit, has a direct interest in the lawsuit, or is related to the other party
- or*
- You cannot get a fair trial in the original county due to prejudice of that county’s residents or the judge

### Important Contact Information

Oregon Judicial Department - [www.courts.oregon.gov](http://www.courts.oregon.gov)

Oregon State Bar Lawyer Referral Service - [www.oregonstatebar.org](http://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](http://www.osbar.org/docs/ris/militaryflier.pdf)) for information about special rights and rules that may apply to you.

## STEP 1: FILLING OUT FORMS



### **Fill out the following form:**

- *Motion to Change Venue for Trial and Affidavit in Support*

- MAKE SURE YOU COMPLETE THE **COUNTY NAME** AT THE TOP OF THE FIRST PAGE OF EACH FORM! Use the county that currently has your case.
- **DO NOT SIGN THE AFFIDAVIT!** The affidavit must be signed in front of a notary public or a court clerk.



### **Have your documents reviewed**

You may want to have your documents reviewed before you file. For information about how to find a lawyer, call the Oregon State Bar at the number on [Page 1](#). If you are low-income, you might be able to get your documents reviewed for a smaller fee through the Oregon State Bar’s Modest Means program. Your local Legal Aid office might review documents for free if you

qualify. Facilitators may be available for free in your court, but you may have to make an appointment. Call your court for information.



### **Make copies**

Make one copy of **all** the forms for your records, and one copy of the *Motion and Affidavit* to serve on the other party (*see below*).

## **STEP 2: FILING AND SERVICE**



### ***File your forms***

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File all the **original** forms with the court clerk. Ask the court how they handle “change of venue” matters. When you file your *Motion*, some courts will set a later hearing for you and the other party to appear. Other counties have rules requiring an objecting party to file paperwork in response to your motion.

- There is no filing fee for this *Motion*



### ***SERVICE***

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You must officially notify the other party of your *Motion*. Mail a true copy of the *Motion and Affidavit* by first class mail to the other party’s lawyer. If the other party is not represented, you can mail the papers to the party directly. If the judge makes specific orders about service, follow what the judge says. Once you have mailed the copies, complete the *Certificate of Service* that is included in the packet and file it with the court.

NOTE: If you already included your *Motion and Affidavit* in the packet of papers that was served on the other party to start the case (the packet that included the *Summons* and *Complaint, Claim, or Petition*), you do not have to mail the *Motion and Affidavit* again.

## **STEP 3: THE ORDER**

If the judge grants your request to change venue for trial, the current court will notify the new court and transfer your files. Contact your current court to find out how long it should take. The new court will notify you of future court dates. All further questions should be directed to the new court.

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

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

\_\_\_\_\_  
Petitioner/Plaintiff  
and/v.  
\_\_\_\_\_  
Respondent/Defendant

**MOTION TO  
CHANGE VENUE FOR TRIAL  
and AFFIDAVIT IN SUPPORT**

*No filing fee*

**Motion**

I am the  Petitioner/Plaintiff  Respondent/Defendant  Other: \_\_\_\_\_  
in this case

A *General Judgment* **HAS NOT** been entered in this case

I ask the court to change the place of trial to the following Oregon county: \_\_\_\_\_

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**Statement of Points and Authorities**

Oregon Revised Statutes 14.110 allows a court to change the place of trial on motion of either party under certain circumstances when it appears from the affidavit that the motion is not made for purpose of delay and the change is in the interests of fairness or convenience of the parties or witnesses.

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**Affidavit**

This *Motion* is not intended to delay the case

I have not been granted a change of venue for this case in the past *or*  
 I was previously granted a change of venue for this case. This request is based on facts that did not exist at the time of the prior change.

Transfer to the new court is appropriate because: (*check all that apply*):

The new venue is more convenient for parties or witnesses  
 This case should not have been filed in this county *and*  
 I have not yet filed an answer or response

The judge is a party to or directly interested in the events of this case, or is related to the other party

The judge or residents of this county are so prejudiced against me that I cannot expect an impartial trial here

*Explain:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_

Date

\_\_\_\_\_

Signature (*sign in front of the notary or court clerk*)

\_\_\_\_\_

Print Name

\_\_\_\_\_

Contact Address

\_\_\_\_\_

City, State, Zip

\_\_\_\_\_

Contact Phone

\_\_\_\_\_

State of \_\_\_\_\_, County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on (*date*) \_\_\_\_\_ by  
(*name*) \_\_\_\_\_

\_\_\_\_\_

Signature of notarial officer

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Title (*and rank, if military officer*)

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**Certificate of Mailing**

Service mailing is not required because this motion was filed at the same time as the initial case filing and served under ORCP 7 with the initial filing and summons  
*or*

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

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

\_\_\_\_\_

Name (printed)