

Generic Motion and Order

Josephine County Circuit Court

These forms can be used to ask the court to order something when other forms don't apply.

Filling out and submitting the forms

- **Fill out the following forms (see below for more information):**
 - *Motion & Declaration in Support of Motion to*
 - *Order on Motion to*
 - *Certification of Readiness (not required in Small Claims cases)*
- **Parties & Case Number** – the parties and the case number stay the same on this *Motion* as they are in the existing case. If the other party filed the *Petition/Complaint*, then you are still the *Respondent/Defendant*, even if you are the one filing this motion.

Have your documents reviewed

You may have your documents reviewed by a lawyer. For information about how to find a lawyer, call the Oregon State Bar at 1-800-452-7636. If you are low-income, you may get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program or call the Grants Pass Oregon Law Center at 541-476-1058.

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- **Make a copy** of all forms for your records. In many cases, a copy of the *Motion/Declaration* and *Order* must be mailed or delivered to the other party. If you did mail/deliver the *Motion*, then fill out the *Certificate of mailing* section.
 - **File**, after a waiting period if it applies, the original *Motion & Declaration* and *Order* with attached *Certificate of Readiness* (if needed) with the court clerk.

Motion and Order

- The “*Motion*” is the document filed asking the court for a particular action and supplying the reason why it should be ordered.
- The “*Order*” is a proposed order completed by the filing party that is consistent with the *Motion*. The judge will either check granted or denied and sign the document.

Certificate of Readiness

- A *Certificate of Readiness* tells a judge why an *Order* is ready to be signed. There are usually at least three main options on the form:
 - (1) Service is not required because:
 - The other party is in Default - meaning not filed a response/answer or
 - It is a Ex Parte matter - meaning a judge can decide based on one party filing without notifying the other party or
 - It is submitted in Open Court (during a hearing or trial).
 - (2) Stipulated – meaning the parties agree.
 - (3) A copy was served on the other party and after waiting 7 days (10 if mailed) either the:
 - The filing party received no objection, or the parties could not work out the objections.

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

Case No: _____

Plaintiff/Petitioner

v.

**MOTION AND DECLARATION IN
SUPPORT OF MOTION TO:**

Defendant/Respondent

I am the Plaintiff/Petitioner Defendant/Respondent in the above action. I move the court for an
Order to: _____

For the following reason(s):

(Attach additional sheet if necessary)

**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:

Plaintiff/Petitioner
 Defendant/Respondent

Signature

Print Name

Contact Address

City, State, Zip Code

Contact Phone

Certificate of Mailing

I certify that on (date): _____ I placed a true and complete copy of this Motion
and Declaration in Support of Motion to _____ in the United States
mail to Plaintiff/Petitioner at (address): _____

Date

Signature

Name (printed)

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

Case No: _____

Plaintiff/Petitioner

v.

ORDER ON MOTION TO:

Defendant/Respondent

I am the Plaintiff/Petitioner Defendant/Respondent in the above action. I move the court for an
Order to: _____

IT IS HEREBY ORDERED that the above motion is:

- Granted
- Denied

Submitted by: Plaintiff/Petitioner Defendant/Respondent Other: _____

Signature

Name (printed)

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

Case No: _____

Plaintiff/Petitioner

v.

**Certificate of Readiness
(UTCR 5.100)**

Defendant/Respondent

I certify this proposed order is ready for judicial signature because (*check all that apply*):

1. Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default** or an order of default is being requested with this proposed order; because this order is submitted **ex parte** as allowed by statute or rule; or this order is being submitted in **open court** with all parties present.
2. Each opposing party affected by this order has stipulated to the order, as shown by each opposing party's signature on the document being submitted.
3. Each opposing party affected by this order has approved the order, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
4. I have served a copy of this order on all parties entitled to service and: No objection has been served on me.
 I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 After conferring about objections, _____, agreed to independently file any remaining objection.
5. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

Certificate of Service under UTCR 5.100 (if applicable)

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

Date: _____

Plaintiff/Petitioner
 Defendant/Respondent

Signature

Print Name

Contact Address

City, State, Zip Code

Contact Phone