Converting Separation Judgment to Dissolution Judgment Forms and Instructions

This packet is for parties who have obtained a Judgment of Separation within the <u>last two years</u>.

STEP 1

Fill out the following forms:

- Petitioner's/Respondent's Ex Parte Motion for Order to Show Cause Regarding Conversion of Judgment and Declaration (MOTION)
- Record of Dissolution of Marriage/Registered Domestic Partnership

The case heading (names and case number) on each form will be the same as it was on the Separation Judgment. Make two copies of the **MOTION**.

STEP 2 (CHOOSE OPTION A, B OR C)

A. IF YOUR SPOUSE/PARTNER HAS <u>NOT</u> CONSENTED TO THE CONVERSION: Also fill out the following form:

• Order to Show Cause Regarding Conversion of Judgment (ORDER)
Make copies the MOTION ORDER, and Record of Dissolution of Marriage

File the MOTION, ORDER, and Record of Dissolution of Marriage/Registered Domestic Partnership

B. IF YOUR SPOUSE/PARTNER CONSENTED TO THE CONVERSION <u>BEFORE</u> FILING YOUR PAPERS:

Have your spouse/partner fill out and sign the following form:

Consent to Conversion and Waiver of Right to Hearing (CONSENT)

Fill out the following form:

• Supplemental Judgment of Dissolution Converted from Judgment of Separation (JUDGMENT)

Make copies of the **JUDGMENT**.

Mail the **JUDGMENT** copy and the *Notice of Proposed Judgment* (**NOTICE**) to the other party

Wait 7 days and file the MOTION, CONSENT, Record of Dissolution of Marriage/Registered Domestic Partnership, and JUDGMENT

C. IF YOUR SPOUSE/PARTNER CONSENTS TO THE CONVERSION <u>AFTER BEING</u> <u>SERVED</u> WITH THE PAPERS IN STEP #3:

After being served (see Step #3 below), your spouse/partner may **CONSENT** to your request. The law allows your spouse/partner to file a written **CONSENT** at any time before the hearing.

Have your spouse/partner fill out and sign the following form:

• Consent to Conversion and Waiver of Right to Hearing (CONSENT).

Fill out the following form:

Supplemental Judgment of Dissolution Converted from Judgment of Separation (JUDGMENT)

Make copies of the **JUDGMENT**.

Mail the **JUDGMENT** copy and the *Notice of Proposed Judgment* (**NOTICE**) to the other

Wait 7 days from the date of mailing and the file the **JUDGMENT**

STEP 3

THE INSTRUCTIONS BELOW ARE TO BE FOLLOWED IF YOUR SPOUSE/PARTNER HAS NOT CONSENTED TO THE CONVERSION BEFORE YOU FILE THE PAPERS IN **STEPS #1 and #2(A).**

Once the judge signs the **ORDER**, obtain a court copy from the copy center for a fee or conform your own order by placing /s/ on the judges' signature line and print the judge's name who signed your order.

Serve the other party with copies of the **MOTION** and **ORDER**. You may have the other party served through the sheriff's office, a private process server, or someone over the age of 18. You cannot serve documents to the other party.

Have your server complete the following form:

Certificate of Service (SERVICE)

File the completed **SERVICE** form

STEP 4

After 30 days has passed from the date of service, you may file a default. The judgment may also be filed at this time.

File the following forms:

- Exparte Motion for Order of Default and Declaration
- Order of Default
- Supplemental Judgment of Dissolution Converted from Judgment of Separation (JUDGMENT)

The court will send a Notice of Entry of Judgment after your judgment is signed by the judge. This process may take a week to 10 days. After receiving your notice, you may purchase a copy of the signed judgment by contacting the Copy Center at (541) 812-8770.

		Case No:
	Petitioner	
	and	☐PETITIONER'S ☐RESPONDENT'S EX PARTE MOTION FOR ORDER TO SHOW CAUSE REGARDING CONVERSTION OF JUDGMENT and DECLARATION
	Respondent	
	MOTIO:	N
	I, Petitioner Respondent, request that the content to this case to appear for court at the Linn cause why the Court should not convert the Judgment to a General Judgment of Dissolution	County Courthouse in Albany, Oregon to nent of Separation granted on
	Points and Aut	<u>horities</u>
withi	ORS 107.465 allows the Court to convert a judgm n two years after the entry of the judgment of separ	
	DECLARAT	TION
1.	A Judgment of Separation was entered onago. I am requesting that the Judgment of Separation because irreconcilable differences has marriage/partnership.	ration be converted to a General Judgment of
2.	The General Judgment of Dissolution that I am part of the Judgment of Separation which has cr	
3.	Marriage Only: The \Box Petitioner \Box Respondent it this state continuously for the past six months.	s an Oregon resident and has been a resident of
	<u>Domestic Partnership Only</u> : I certify that one or the county in which this motion is being filed, or I certify that this motion is filed in the county wh	neither party currently resides in Oregon but

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 subject to penalty for perjury.

Certificate of Document Preparation.	You are required to truthfu	ally complete this certificate				
regarding the document you are filing with the court. Check all boxes and complete all blanks that						
apply:						
🗋 I chose this form for myself and completed it without paid help						
☐ A legal help organization helped me choo						
☐ I paid (or will pay)	_ for help choosing, comple	eting, or reviewing this form				
Submitted by:						
Date	Petitioner Responde	ent signature				
	Print Name					
Contact Address	City, State, Zip	Contact Phone				

	Case No:	
Petitioner		
and	ORDER TO SHOW CAUSE REGARDING CONVERSION OF JUDGMENT	
Respondent		
Based upon the Motion and Declaration of the Petitioner Respondent on file herein, the request for an Order to Show Cause is: allowed. denied. IT IS ORDERED that Petitioner Respondent appear by written response within thirty (30) days after service of this order to show cause why an order should not be entered granting the relief requested in the attached motion.		
Dated		
<u>-</u>	Circuit Court Judge	
Certificate of Readiness. This proposed order is rebecause this order is submitted ex parte as allowed by		
NOTICE TO Petitioner Respondent: I	READ THESE PAPERS CAREFULLY!	

The other party to this case has filed a request to convert your *Judgment of Separation* to a *Judgment of Dissolution*. If you do not file the appropriate legal paper with the court in the time required, the other party may ask the court for a Judgment of Dissolution.

If you object and want to "appear," you must file with the Court a legal paper called a "Response". These forms may be available through the Linn County Circuit Court or at www.courts.oregon.gov/linn.

A Response must be filed with the court within thirty (30) days along with the required filing fee. It must be in proper form and you must show that the moving party's attorney (or the moving party if he/she does not have an attorney) was mailed a copy of the "Response".

You must pay any filing fee required by law, or obtain a Court Order waiving or deferring the fee when you file the response.

If you have questions, you should see an attorney immediately.

If you need help finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (800) 452-7636.

If special accommodation under the Americans with Disabilities Act is needed, please contact your local court at the address above; telephone number: (541) 967-3802.

Certificate of Document Preparation.	J 1	
the document you are filing with the court. I chose this form for myself and completed it.		iks that apply:
☐ A legal help organization helped me choose or		nnev to anyone
☐ I paid (or will pay)		
		· ·
6.1 11		
Submitted by:		
Date	☐Petitioner ☐ Respondent signatur	re
	Print Name	
	Fillit Name	
Contact Address	City, State, Zip	Contact Phone

		Case No:
and	Petitioner Respondent	CERTIFICATE OF SERVICE (ORCP 7D(2)) ☐ (a) Personal Service ☐ (b) Substitute Service ☐ (c) Office Service ☐ (d) Service by Mail
	ompetent person 1 e of a party. I cert	8 years of age or older. I am not a party to or ify that the person served is the person named
 ☐ Petition and Summons ☐ Information about mediation ☐ Notice of Confidential Informati ☐ Notice of Statutory Restraining (☐ Order to Show Cause re: Modific ☐ Information about continuing in ☐ Uniform Support Declaration ☐ Other information provided by to 	ion Form (CIF) Fil Order Preventing cation with Motion nsurance coverage the court clerk <i>(na</i>	ing Dissipation of Assets n and Declaration (COBRA) me all forms or documents served)
☐ Other (name all forms or docum	nents served)	
Petitioner Respondent (<i>name</i>)	nte)	, at a.m./p.m., to {\bigcup in person at the following address in the County of
to the following address, State of, who is a person age 14 or older (Complete the section below only if the section below).	Delivered to and who lives the server also did tho ver did the follow	re.
served with the U.S. Postal Service, via f	irst class mail, in a Respondent (<i>nam</i> h a statement of th	deposited a true copy of the same documents a sealed envelope, postage paid, addressed to e), at the party's ne date, time and place that the documents were

(c) Office Service on (date)	, at	a.m./p.m., by delivering them
(c) Office Service on (date)	s for that office, who is a person a	here I left the documents with apparently in charge, to give the
(Complete the section below only if the server also d If a person other than the server did the follow-up n Certificate of Service Mailing.)	id the follow-up n	nailing required by ORCP 7D(2)(c).
☐On (date), I perso served with the U.S. Postal Service, via first class main the party to be served: ☐Petitioner ☐Respondent (the party's: ☐ home address at:	il, in a sealed enve <i>name</i>)	elope, postage paid, addressed to , at
the party's: □ home address at:	nent of the date, t	ime and place that the documents
(d) Service by Mail, Return Receipt Repersonally deposited two true copies with the U.S. P by certified or registered mail, Return Receipt Request the party to be served: Petitioner Respondent (name), at the party's (address return receipt must be attached to this Certificate of	ostal Service. One ested, or by expres	e by first class mail, and the other is mail, postage paid, addressed to
Certificate of Document Preparation. Check all ☐ I chose this form for myself and completed it with ☐ A legal help organization helped me choose or cor ☐ I paid (or will pay) for help	out paid help. nplete this form, l choosing, comple	eting, or reviewing this form.
I hereby declare that the above statements are and that I understand they are made for use a penalty for perjury.		
Date S	Signature of Serve	r
Ī	Print Name	
If person serving is NOT a sheriff or sheriff's deputy	, address and pho	one number of server:

	C	ase No:
and	V	ONSENT TO CONVERSION; /AIVER OF RIGHT TO HEARING; ERSONAL SERVICE
	Respondent	
For purposes of ORS 107.	465, I hereby consent to	☐Petitioner's ☐Respondent's request that
the Judgment of Separation prev	riously entered in this ca	se be converted to a General Judgment of
Dissolution.		
☐Further, I waive any rig	ht I have to a hearing o	n this issue.
\square I also waive any right I	have to personal service	e of the Order Regarding Conversion of
Judgment and agree to accept se	rvice by regular mail.	
	nd completed it without	
anyone ☐I paid (or will pay) to form.		for assistance in preparing this
Submitted by:		
Date	Petitioner 🔲	Respondent signature
	Print Name	
Contact Address	City, State, Zip	Contact Phone

		Case No:
and	Petitioner Respondent	EX PARTE MOTION FOR ORDER OF DEFAULT and DECLARATION IN SUPPORT
	Motion	
	WIOTION	
Based on the attached <i>Declaration</i> , entering the default of Petitioner		dent requests that this court grant an <i>Order</i> cting entry of judgment.
Sta	tement of Points an	d Authorities
that a party against whom a judgme	ent is sought has been ser	ault on a showing by affidavit or declaration rved with Summons or is otherwise subject to wise defend within the time set by law.
	Declaration	<u>n</u>
☐Petitioner ☐ Respondent was se required by law in and has not made an appearance with	County, State of	rder to Show Cause and other documents, on (date) y law.
☐Petitioner ☐ Respondent has no	ot provided me with writte	en notice of intent to appear.
		e of intent to appear and I filed and served efore filing this motion, or fewer days as
	y incapable person, a prot	e of the <i>Motion</i> and <i>Order to Show Cause</i> , tected person, or a Respondent in a fiduciary
and (check one of the following): ☐The ☐Petitioner ☐Resp Order to Show Cause, in ac statement:	ctive military service of th	was not at the time of service of the <i>Motion</i> and the United States. <i>Provide facts supporting this</i>
		_
Show Cause, in active milita	ary service of the United S	the time of service of the <i>Motion</i> and <i>Order to</i> States. Respondent has waived his or her rights by the attached waiver, labeled Exhibit

the service of the <i>Mot</i>	mine whether or not Petitioner Respion and Order to Show Cause, in active mid do know:	ilitary service of the United States.
I request the relief specified in	n the attached <i>Judgment</i> .	
Costs and fees are allowable u	ınder ORS 107.105(1)(j) or 107.490(4).	
☐ I chose this form for mysel☐ A legal help organization h☐ I paid(or will pay) I hereby declare that the a	Preparation. Check all that apply: If and completed it without paid help. It is also being the choose or complete this form, being the choosing, complete the complete that are true to the best by are made for use as evidence in complete that are true to the best by are made for use as evidence in complete that are true to the best by are made for use as evidence in complete that apply:	t of my knowledge and belief,
Submitted by:		
Date	Petitioner Responde	nt signature
	Print Name	
Contact Address	City, State, Zip	Contact Phone

	Case No:
Petitioner	ORDER ON MOTION FOR DEFAULT
Respondent	
☐Petitioner's ☐Respondent's Motion for Order of Defau	lt is:
\square Allowed.	
☐Denied.	
Certificate of Readiness under UTCR 5.100 This proposed judgment is ready for judicial signature bec because this judgment is submitted ex parte as allowed by Judge Signature:	

	Case No:
Petiti	oner
and	SUPPLEMENTAL JUDGMENT OF DISSOLUTION CONVERTED FROM JUDGMENT OF SEPARATION
Respon	ndent
Respondent requesting that the court conv	n the Motion and Affidavit of Petitioner rert the attached Judgment of Separation previously e), in this case to a Supplemental Judgment of e:
☐ Evidence presented☐ Default of the ☐ Petitioner ☐ Res☐ Written consent and waiver of the [spondent. Petitioner Respondent.
and being fully advised, HEREBY:	
parties to this action shall be considered divor	ation into a Supplemental Judgment of Dissolution. The reed as of the date of this Judgment, and all terms and it of Separation attached hereto and incorporated by hat declare the parties separated.
☐DENIES the conversion of the Judg Dissolution.	ment of Separation into a General Judgment of
DATED this day of	, 20
Ō	Circuit Court Judge
F	Print Name
Certificate of Readiness under UTCR 5.	100
This proposed judgment is ready for judicial s	signature because (check all that apply):
or an order of default is being requested with	(1) (c) because the other party has been found in default this proposed judgment; because this judgment is rule; or this judgment is being submitted in open court

Each party affected by this judgment has stipulated to or approved the judgment, as shown by the signatures on the judgment, or by written confirmation sent to me.					
entitled to service. And: No objection has been so I received objections the to do so. I have filed with objections remain unresolutions.	dgment and the <i>Notice of Proposed</i> asserved on me within the 7-day time from at I could not resolve with the other particle court a copy of the objections I reved. The court a copy of the party (name) against the other party (name) against the ot	rame. party despite reasonable efforts ceived and indicated which			
Certificate of Service under U	JTCR 5.100 (if applicable)				
	certify that on (date): I placed a true and complete copy of this proposed				
•	ail to <i>(name)</i>				
at (address)					
regarding the document you are fapply: I selected this document for m	paration . You are required to truthf iling with the court. Check all boxes a yself and I completed it without paid	and complete all blanks that assistance.			
Submitted by:					
Date	Petitioner Responde	ent signature			
	Print Name	·			
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 and 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 (UTCR) 5.100¹ 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:

or judgment, you must contact me within 7 days of the date of this notice.

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.

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

2) Submit your objections directly to the court. If you intend to submit your objections

or

Contact Address	City/State/Zip	Contact Phone			
	Name (printed)	Name (printed)			
Date	Signature				
J 8 / J	J				

¹ http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx



RECORD OF DISSOLUTION OF MARRIAGE, ANNULMENT <u>OR</u>

State file number:

136

REGISTERED DOMESTIC PARTNERSHIP

The petitioner or legal representative of the petitioner is responsible for completing the personal information on this form and shall present this form to the clerk of the court with the petition. In all cases the completed record shall be a prerequisite to the granting of the final judgment.

Case number:	court with the petition. In all cas		20014 3114	an be a prerequente to	o and granting or and r	mai jaagineni.	
Judgment type:	☐ Dissolution of marriage	☐ Annulmer	nt	☐ Dissolution of re	gistered domestic pa	rtnership(RDP)	
Spouse/Partner A		iddle, last, suffix)		name at birth: (not red		,	
3. Residence or lega	al address: (street and number	er) (city or town)	(county)	(state)		
4. Other legal last na	ames used:						
			6 Dirth	place: (atata tarritan	or foreign country		
	5. Date of birth: (mm/dd/yyyy)			6. Birthplace: (state, territory or foreign country)			
7. Spouse/Partner B	7. Spouse/Partner B – Legal name: (first, middle, last, suffix)			8. Last name at birth: (not required for RDP)			
9. Residence or legal address: (street and number) (city or town) (county) (state)							
10. Other legal last na	ames used:						
11. Date of birth: (mm/dd/yyyy)			12. Birthplace: (state, territory or foreign country)				
13. Date of marriage / filing of RDP declaration: (mm/dd/yyyy)		14. Date couple last resided in same household: (mm/dd/yyyy)					
15a.Place of marriage/RDP: (city, town or location) 15b.County:			1 1	15c.State or foreign country:			
				·			
16. Number of children under 18 in this household as of the date in item Number: None			14: 17.Petitioner: ■ Spouse/Partner A □ Spouse/Partner B □ Both				
18a.Name of petitione		18b. Address: (str	eet and n	umber or rural route i	-		
19a.Name of respondent's attorney: (print) 19b. Address: (street and number or rural route number, city or town, state, ZIP code)							
	, (,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	(·•···, ··· y ····,		
20. Marriage/RDP declaration of the above named persons was dissolved on: (mm/dd/yyyy)							
	n under 18 whose physical cus	tody was awarded to	D:				
Spouse/Partner	ASpouse/Partner B	Joint (shared	custody)	Other (spec	ify)	_□ No children	
23. County of decree:	LINN		2	24. Title of court: CIR	CUIT		
25. Signature of court	25. Signature of court official:		fficial:	27.	27. Date signed: (mm/dd/yyyy)		
=							
	appear on the certified copies of		T -				
28. Spouse A's Social	Security number: (not required	for RDP)	29. Spou	use B's Social Securit	y number: (not requi	red for RDP)	
30. Number of this marriage/RDP –	31. If previously married or in a RDP date last marriage/RDF	32. Hispanic of Cuban, Me		3. Race(s): Black, White, etc.	34. Education – S grade complet	pecify only highest ed:	
first, second, etc.: ended: Puerto Ri By death, divorce, dissolution Date: List all that appl			cify List all that apply (specify Elementary/Secondary: College: (1-4		/: College: (1-4 or 5+)		
	or annulment (specify below) (mm/dd. 31a. 31b.	/yyyy) below) 32a.	33	pelow) Ba.	(grades 0-12) 34a.	34b.	
30c. 30d. 3	31c. 31d.	32b.	33	Bb.	34c.	34d.	
:	!				1	!	