

General Judgment of Dismissal

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated family law cases. For legal information, please talk to a lawyer or visit your local law library.

The instructions may refer to some forms not included in this packet. If you have a question about a form you cannot locate, you should consult your local court which may have the form available.

IMPORTANT: Check with your local court or your court's family law facilitator to make sure you have followed the procedures and used the correct forms for your court. Many courts have their own forms and rules. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.

GENERAL INFORMATION ABOUT THESE FORMS

*There may be some circumstances in which you want to dismiss your family law case after you have filed the initial paperwork (petition) but before a judgment has been signed. **IMPORTANT:** These forms are to be used **ONLY** where a judgment has not been entered in your case.*

The phrase "without prejudice" means that, even though the current case may be dismissed by the court, you can file another family law case if you wish to in the future.

If you and the Respondent (other party) do not agree about dismissing the case, follow the directions in part A. If you and the Respondent are in agreement about dismissing the case, follow the directions in part B.

A. IF YOU AND THE RESPONDENT (OTHER PARTY) DO NOT AGREE

1. Fill out the *Notice of Voluntary Dismissal Without Prejudice* and the *Notice of Proposed Order or Judgment* (NOTICES), and the *General Judgment of Voluntary Dismissal Without Prejudice*. 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 divorce, separation, or other family law case. All of the conditions listed in a) through d) must be true for you to be able to sign the NOTICES.
2. File the *Notice of Voluntary Dismissal Without Prejudice* with the court.
3. Mail a copy of the NOTICES and JUDGMENT on the Respondent.
3. Wait 7 days from the date of mailing to file the JUDGMENT with the court. Once the JUDGMENT has been signed by a judge, the clerk will send a *Notice of Entry of Judgment*. This process may take up to 10 days.

B. IF YOU AND THE RESPONDENT (OTHER PARTY) AGREE

1. Fill out the *Voluntary Stipulation to Dismiss Without Prejudice (STIPULATION)*. Make sure both of you sign your names on the appropriate lines and have your signatures notarized. 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 divorce, separation, or other family law case.
2. File the signed STIPULATION and *General Judgment of Voluntary Dismissal Without Prejudice* (JUDGMENT) with the court. Once the JUDGMENT has been signed by a judge, the clerk will send a *Notice of Entry of Judgment*. This process may take up to 10 days.

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

Case No: _____

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

_____ and _____

Petitioner

_____ Respondent

and

☐

Unmarried children 18, 19, or 20 years old (per ORS 107.108) (*full names*)

☐ **Notice of Dismissal by Petitioner**

Petitioner files notice of dismissal of this case without prejudice as to Respondent and certifies, under penalty of perjury, that:

- (a) This notice is the first dismissal filed by Petitioner in this case;
- (b) Filing and notice of dismissal have been served upon Respondent at least 5 days prior to the day of trial;
- (c) All costs and filing of service have been paid; and
- (d) No response or motion has been served upon Petitioner by Respondent as of the date of this notice.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

☐ I selected this document for myself and I completed it without paid assistance.

☐ I paid or will pay money to _____ for assistance in preparing this form.

Submitted by:

Petitioner, Signature

Print Name

Address or Contact Address

City, State, Zip

Contact Telephone

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 (UTCRC) 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:

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

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

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

Case No: _____

**VOLUNTARY STIPULATION TO
DISMISS WITHOUT PREJUDICE**

Petitioner

and

Respondent

and



Unmarried children 18, 19, or 20 years old (per ORS 107.108) (*full names*)

Stipulation to Dismiss

Both parties have agreed (stipulated) to dismiss this case without prejudice certifying that:

(a) This notice is the first dismissal filed by Petitioner in this case; and;

(b) All costs and filing of service have been paid.

Both parties have agreed (stipulated) to the terms of this Voluntary Dismissal as evidenced by the signatures below (signatures must be notarized):

Petitioner, Signature

Respondent, Signature

State of _____)

County of _____)

This instrument was acknowledged before me on _____, 20____, (date)

by _____.

(*Petitioner's Name*)

Notary Public for _____/Court Clerk

My Commission Expires: _____

State of _____)

County of _____)

This instrument was acknowledged before me on _____, 20____, (date)

by _____

(*Respondent's Name*)

Notary Public for _____/Court Clerk

My Commission Expires: _____

Certificate of Readiness

This proposed judgment is ready for judicial signature because each party affected by this judgment has **stipulated** to or approved the judgment, as shown by the signatures on the judgment.

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form
☐ Guide & File selected and completed this form and I did not pay anyone to review the completed forms

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.

Submitted by:

Date

☐ Petitioner ☐ Respondent

Print Name

Contact Address

City, State, Zip

Contact Phone

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

Case No: _____

Petitioner

and

Respondent

and

☐

Unmarried children 18, 19, or 20 years old (per ORS 107.108) (*full names*)

**GENERAL JUDGMENT OF
VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

Based on the following documents:

☐ **Notice of Voluntary Dismissal without Prejudice** served on the Respondent no later than 5 days before trial.

☐ **Stipulation to Dismiss** where both parties have agreed (stipulated) to dismiss this case without prejudice.

IT IS ORDERED that this case is dismissed without prejudice.

DATED

Circuit Court Judge

Print Name

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.

☐ 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*) _____

Certificate of Document Preparation. Check all that apply:

☐ I chose this form for myself and completed it without paid help

☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone

☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

☐ Guide & File selected and completed this form and I did not pay anyone to review the completed forms

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.

Submitted by:

Date

Petitioner

Print Name

Contact Address

City, State, Zip

Contact Phone