Generic Motion and Order Forms Jackson 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):
 - Ex Parte Motion & Declaration in Support of Motion to
 - Order on Motion to
 - *Certificate 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 or a court facilitator before you file. 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 your local Legal Aid office at 541-779-7292. For Court Facilitators call 541-776-7171 ext. 35034.

- 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 Service sections.
- ➢ File, after a waiting period if it applies, <u>the original</u> 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 or Judgment 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 (= other party has not appeared on the case meaning not filed a response/answer) or
 - It is an 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 = 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 objections, or the parties could not work out the objections.

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

| | | Case No: |
|---|-------------------------------|--|
| V | Plaintiff/Petitioner | MOTION AND DECLARATION IN SUPPORT OF MOTION TO: |
| | Defendant/Respondent | |
| | ioner □ Defendant/Respond | lent in the above action. I move the court for a |
| For the following reason(| s): | |
| | | |
| | | |
| | | |
| I hereby declare that the belief. I understand the perjury. | e above statements are true | e and complete to the best of my knowledge a nce in court and I am subject to penalty for |
| Date | Signature | |
| | | |
| | Name (pri | inted) |
| Contact Address | Name (pri City, State, Zip | Contact Phone |
| | - | |
| | City, State, Zip | |

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

| | | Case No: |
|----|----------------------|---------------------|
| V. | Plaintiff/Petitioner | 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 ADJUDGED that the above motion is:

 \Box Granted

 \Box Denied

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

Signature

Name (printed)

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

| | Case No | : | | |
|--|---|---|--|--|
| P vs. | | te of Readiness CCR 5.100) | | |
| Defe | endant/Respondent | | | |
| I certify this proposed order or | judgment is ready for judicial signature b | ecause (<i>check all that apply</i>): | | |
| default or an order of this judgment/order is judgment/order is beir 2. [] Each opposing party judgment, as shown by 3. [] Each opposing party judgment, as shown confirmation of a 4. [] I have served a copy [] No objection h [] I received objection for the served of the | red under UTCR 5.100 (1)(c) because the c default is being requested with this propo submitted ex parte as allowed by statute ing submitted in open court with all parti- y affected by this order or judgment has st each opposing party's signature on the door y affected by this order or judgment has ap vn by signature on the document being sub- pproval sent to me. of this order or judgment on all parties en as been served on me. ctions that I could not resolve with the op have filed a copy of the objections I receiv d. gabout objections, e any remaining objection. | sed judgment/order; because e or rule; or this les present. ipulated to the order or cument being submitted. oproved the order or omitted or by written titled to service and: posing party despite reasonable ed and indicated which objections | | |
| | against an opposing party who has been fo | und in default. | | |
| 6. [] An order of default i | [] An order of default is being requested with this proposed judgment. | | | |
| 7. [] Service is not require otherwise. | [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. | | | |
| Certificate of Service under U I certify that on (<i>date</i>) Judgment/order in the United S at (<i>address</i>) | TCR 5.100 (if applicable) : I placed a true and complet tates mail to (<i>name</i>) | e copy of this proposed | | |
| Date: | | | | |
| [] Attorney/Plaintiff/Petitioner | [] Attorney/Defendant/Respondent | Signature Print Name | | |
| Contact Address | City, State, Zip Code | Contact Telephone | | |