

Filing a Motion for Relief from Failure to Appear Judgment on a Violation In the Circuit Court of the State of Oregon for Multnomah County

Under Oregon law, the court may enter judgment against a person who does not appear on a citation for a violation. ORS 153.102; Supplementary Local Rule 16.195. Judgments entered under ORS 153.102 are termed “**default**” judgments and the financial obligation imposed on the judgment is the presumptive fine amount. The judgment is owed to the State of Oregon.

A default judgment based on a violation citation can become a lien (i.e. encumbrance) on real property of the debtor. Failure to pay the judgment will result in referral of the judgment to the Oregon Department of Revenue (DOR) or to a private agency for collection.

Oregon law allows you to request that the default judgment be set aside. Pursuant to ORS 153.105, this request must be made within one year from the date of entry of the judgment. You must establish that your failure to appear was due to “mistake, inadvertence, surprise or excusable neglect” in order for the court to set aside the judgment. For a judge to consider whether relief should be granted you need to accomplish the following steps using the motion and affidavit supplied to you with these instructions.

- (1) You must file the motion requesting relief from the judgment and the motion must be supported by a sworn statement, an affidavit. The sworn statement must set out the reasons why you are entitled to relief from the judgment. When signing the sworn statement, you declare, to the best of your knowledge and belief, that the statement is true and can be used as evidence in court. The sworn statement is subject to penalty for perjury.
- (2) Complete the top portion of the Motion for Relief from Default Judgment and Order. Fill in all the blanks: citation number(s), your name, day, month, year and your signature.
- (3) Complete the Declaration in Support of the Motion for Relief from Default Judgment. Fill in your name and the citation number(s). Provide your sworn statement related to the specific citation(s) and any proof or documents you wish the court to consider.
- (4) Deposit with the court the full amount of the financial obligation which remains outstanding on the judgment. Payment may be made on-line at www.courts.oregon.gov/Multnomah or by check, money order or cash. [Note: cash payments must be made at the courthouse and not by mail.]
- (5) File the original motion and declaration, together with the required deposit of the remaining financial obligation, with the court, either by mail or by personally appearing:
 - For citations filed in the Multnomah County Courthouse: Traffic Department, Room 106, Multnomah County Courthouse, 1200 SW First Avenue, Portland, OR 97204, or by mail to Multnomah County Circuit Court, Traffic Department, P. O. Box No. 114, Portland, OR 97207.
 - For citations filed in the East County Courthouse (ECC): 18480 SE Stark Street, Portland, OR 97233, or by mail to East County Courthouse, 18480 SE Stark Street, Portland, OR 97233.

A judge will consider the motion. The judge may allow or deny the motion without a hearing, or may require a hearing. If the court requires a hearing you will be notified and must appear at the hearing to provide further information to the court in support of the motion.

The Court may deny the motion and leave the judgment in full force and effect.

Allow 15 days after filing the motion and declaration before inquiring with the Court regarding the judge’s decision on your motion.

The Multnomah County Courthouse telephone number for non-parking related violations is: (971) 274-0545.

For parking related matters call (971) 274-0590.

The East County Courthouse (ECC) telephone number is: (971) 274-0700.

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

State of Oregon _____

Citation No. _____

vs.

**MOTION FOR RELIEF FROM
DEFAULT JUDGMENT**

Defendant

Defendant moves this court for an order granting relief from a default judgment in the above case. This motion is supported by the attached declaration which states forth the defendant's grounds for relief from the judgment.

Dated this _____ day of _____ 20 _____

Respectfully submitted,

Defendant's signature

Points and Authorities:

ORS 153.102 (entry of default judgments)

SLR 16.195 (setting aside default judgments)

Defendant's Name - Please Print

Address

City/State/Zip

Phone No.

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

State of Oregon _____

Citation No. _____

vs.

**DECLARATION IN SUPPORT OF
MOTION FOR RELIEF FROM
DEFAULT JUDGMENT**

Defendant

I, _____, the above-named defendant, under oath,
depose and say:

I hereby declare that the above statement is true to the best of my knowledge and believe, and I understand it is made for use as evidence in court and subject to penalty of perjury.

Date

Signature

Print