

Clatsop County Prejudgment Relief Packet

OPPOSING (ANSWERING) PARTY

Legal Advice

Please remember that Court staff cannot give you legal advice. Legal advice should be obtained from an attorney. You are strongly encouraged to seek legal advice regarding any issue that is of importance to you.

All Cases

If you are attaching an exhibit to any document and that exhibit contains confidential personal information, you must redact – black out or erase – that information.

Instructions

STEP 1

Complete documents #1 and #2 (*See top left corner of all documents for document number*):

- Response to Motion for Prejudgment Relief (Motion for Temporary Orders)
- Affidavit in Support of Response/Answer and Cross Motion/s to Motion for Prejudgment (Motion for Temporary Orders)

Wait to sign the documents until you are in the presence of a court clerk or notary public.

STEP 2

Once you have completed and signed the above documents, copy them for service to the other party and file the original documents with the court. Serve the other party. To inform the court that you have served the other party use document #3:

- Certificate of Service

STEP 3

Wait. The opposing party has 5 days to reply to your response.

“If the opposing party responds to the show cause order, the moving party shall have five days from the date of service to file a reply affidavit. No further pleadings will be considered. Either party may notify the Court in writing when the matter is ready for determination, and the Court shall decide the matter and promptly notify the parties of any decision.” Clatsop County SLR 8.045(4)

STEP 4

If after five days the moving party has not filed a Request for Determination with the court, you may choose to do so by completing documents #4 and #5:

- Request for Determination
- Certificate of Service

STEP 5

Once the correct documents have been filed with the court, a judge will review the case. The judge will complete a Memorandum: Summary of Rulings Regarding Prejudgment Relief. Both parties will receive a copy of the Memorandum. **On page 1 of the Memorandum, the Judge directs one of the parties to complete the Limited Judgment and Money Award (Temporary Orders)** which is document #6 of your packet:

- Limited Judgment and Money Award (Temporary Orders)

A Limited Judgment and Money Award should accurately reflect the Judge's rulings as they are worded in the Memorandum: Summary of Rulings Regarding Prejudgment Relief. The Limited Judgment and Money Award **is not** a place to bring up new issues or argue the Judge's decisions.

If you are the party who is asked to complete and submit the Limited Judgment and Money Award, for the Judge's signature, you must send a copy of the document to the other party or the other party's attorney if they have one. Also complete and file with the court document #7:

- Certificate of Service

If you are the party who receives a copy of the Limited Judgment and Money Award you have **7 days** to file any objections you have to the information in the document. Your objections must relate to the way the Limited Judgment and Money Award was completed not the Judge's decisions.

Legal Advice

Please remember that Court staff cannot give you legal advice. Legal advice should be obtained from an attorney. You are strongly encouraged to seek legal advice regarding any issue that is of importance to you.

Petitioner Respondent, the purpose of a Response/Answer is to address the issues raised by the opposing party by agreeing with the opposing party, stating your response to the requests, or presenting your cross motions. **New issues should not be raised in this document.** If you have questions regarding is matter, seek legal counsel.

Petitioner Respondent, you have the right to Reply to this Response. Your Reply must be filed in writing within **5 days** from the date this Response is served upon you.

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

In the Matter of:)
)
_____,)
)
 Petitioner,)
)
 and)
)
_____,)
)
 Respondent.)

Case No. _____

PETITIONER'S RESPONDENT'S
RESPONSE/ANSWER TO
 PETITIONER'S RESPONDENT'S
MOTION FOR PREJUDGMENT RELIEF
(Temporary Orders)

1.
 TEMPORARY CUSTODY

I agree with Petitioner's Respondent's proposed temporary order.
I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

Additional page is attached and labeled "Custody Continued".

2.

TEMPORARY PARENTING TIME

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

Additional page is attached and labeled "Parenting Time Continued".

[OR]

Parenting time cross motion attached as Exhibit _____.

3.

TEMPORARY CHILD SUPPORT

(Child Support Guidelines and Worksheets may be found at <http://www.oregonchildsupport.gov/calculator/index.shtml>)

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion:

Petitioner Respondent to pay to Petitioner Respondent \$_____ each month for _____ child/ren as reflected in the worksheets attached as Exhibit_____, with the first payment due on _____ and continuing on the same day of each month thereafter while this proceeding is pending.

[OR]

Requiring a reasonable sum each month for the support of the minor children in an amount determined by the Court using Oregon's Uniform Child Support Guidelines and the Uniform Support Declarations provided by Petitioner and Respondent.

[OR]

Other _____

If a specific amount is indicated above, that amount (choose one of the following):

DOES NOT deviate from the Support Guidelines set out in Oregon's Administrative Rules.

[OR]

DOES deviate from the Support Guidelines set out in Oregon's Administrative Rules.

4.

TEMPORARY SPOUSAL SUPPORT

(Separation, Divorce, Annulment or Domestic Partnership cases only)

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

5.

UNIFORM SUPPORT DECLARATION

(Required if temporary Spousal Support or Child Support is an issue)

Petitioner's Respondent's Uniform Support Declaration is attached as Exhibit ____.

6.

TEMPORARY USE OF FAMILY HOME

(Separation, Divorce, Annulment or Domestic Partnership cases only)

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

7.

TEMPORARY USE OF PERSONAL PROPERTY (INCLUDING VEHICLES)

(Separation, Divorce, Annulment or Domestic Partnership cases only)

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

8.

MUTUAL RESTRAINTS

(Separation, Divorce, Annulment or Domestic Partnership cases only)

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

9.

DEBTS AND EXPENSES

(Separation, Divorce, Annulment or Domestic Partnership cases only)

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion:

Name of Creditor (who debt is owed to)	What debt is for	Amount Due	Who should pay while case is pending (Petitioner or Respondent)

Additional page is attached and labeled "Debts and Expenses Continued".

10.

ATTORNEY FEES AND/OR SUIT MONEY

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

11.

OTHER TEMPORARY ORDERS

I agree with Petitioner's Respondent's proposed temporary order.

I disagree with Petitioner's Respondent's proposed temporary order and make the following response or cross motion _____

DATED _____, 20____.

 Petitioner Respondent, Signature

I certify that this is a true copy.

 Petitioner Respondent, Signature

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.

Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

3.

TEMPORARY CHILD SUPPORT

4.

TEMPORARY SPOUSAL SUPPORT

(Separation, Divorce, Annulment or Domestic Partnership cases only)

5.

UNIFORM SUPPORT DECLARATION

(Required if temporary Spousal Support or Child Support is an issue)

6.

TEMPORARY USE OF FAMILY HOME

7.

TEMPORARY USE OF PERSONAL PROPERTY (INCLUDING VEHICLES)

8.

MUTUAL RESTRAINTS

(Separation, Divorce, Annulment or Domestic Partnership cases only)

9.

DEBTS AND EXPENSES

(Separation, Divorce, Annulment or Domestic Partnership cases only)

10.

ATTORNEY FEES AND/OR SUIT MONEY

11.

OTHER TEMPORARY ORDERS

 Petitioner Respondent, Signature

STATE OF OREGON
County of Clatsop

SIGNED AND SWORN to before me this _____ day of _____, 20 ____, by,

Notary Public for _____/Court Clerk
My Commission Expires: _____

I certify that this is a true copy.

 Petitioner Respondent, Signature

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.

Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

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

In the Matter of:

and

Petitioner,
Respondent.
Case No. _____
CERTIFICATE OF SERVICE

I []Petitioner []Respondent certify that on _____, 20____, I placed a true copy of the Response/Answer to Motion for Prejudgment Relief and Cross Motion/s and Affidavit in Support of Response/Answer and Cross Motion/s to Motion for Prejudgment Relief in the above case in the:

[]Hands of the []Petitioner []Respondent []Attorney for _____ directly at (list address)_____

[OR]

[]United States mail in a sealed envelope with postage paid addressed to []Petitioner []Respondent []Attorney for _____ at (list address):_____

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.

Signature _____ Print Name _____
Address or Contact Address _____ City, State, Zip _____ Telephone or Contact Telephone _____

REQUEST FOR DETERMINATION

To: Clatsop County Circuit Court

From: _____

Date: _____

Re: Case No. _____

I filed a Response to a Motion for Prejudgment Relief on _____.

Petitioner Respondent was served on _____.

Petitioner Respondent did not file a Reply to my Response to Motion for Prejudgment and/or a Request for Determination. Five days from service of the Response to Motion for Prejudgment Relief has lapsed.

This matter is ready for decision. Petitioner Respondent _____ requests the file be presented to the Judge as soon as possible.

DATED _____, 20____.

Petitioner Respondent Signature

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

In the Matter of:

Petitioner,
and

Respondent.
Case No. _____
CERTIFICATE OF SERVICE

I [] Petitioner [] Respondent certify that on _____, 20____, I placed a true copy of the Request for Determination in the above case in the:

[] Hands of the [] Petitioner [] Respondent [] Attorney for _____ directly at (list address) _____

[OR]

[] United States mail in a sealed envelope with postage paid addressed to [] Petitioner [] Respondent [] Attorney for _____ directly at (list address) _____

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.

Signature _____ Print Name _____
Address or Contact Address _____ City, State, Zip _____ Telephone or Contact Telephone _____

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

In the Matter of:)
)
_____,)
Petitioner,)
and)
_____,)
Respondent.)

Case No. _____

LIMITED JUDGMENT AND
MONEY AWARD
(Temporary Orders)

Petitioner Respondent requested prejudgment relief. The Court reviewed the documents submitted by parties and issued a Prejudgment Summary of Rulings. Thus, IT IS HEREBY ORDERED during the pendency of this case as follows:

1.

TEMPORARY CUSTODY

Petitioner Respondent shall have temporary sole custody joint custody of (names) _____

2.

TEMPORARY PARENTING TIME

Petitioner Respondent shall have temporary parenting time as listed in the attached parenting plan marked as Exhibit_____.

Petitioner Respondent shall have parenting time as follows _____

3.

TEMPORARY CHILD SUPPORT

Petitioner Respondent shall pay Petitioner Respondent \$_____ per month for _____ child/ren with the first payment due on _____ and continuing on the same day of each month until further order of the court

[OR]

A child support order is in effect and that order should continue while this case is pending.

4.

TEMPORARY SPOUSAL SUPPORT

(Separation, Divorce, Annulment or Domestic Partnership cases only)

Petitioner Respondent shall pay to Petitioner Respondent spousal support, in the amount of \$_____ per month, with the first payment due on _____ and continuing on the same day of each month until further order of the court.

5.

UNIFORM SUPPORT DECLARATION

Petitioner has provided to the Court his/her Uniform Support Declaration and has given a copy to the opposing party.

[OR]

Petitioner has not provided to the Court his/her Uniform Support Declaration.

[OR]

Respondent has provided to the Court his/her Uniform Support Declaration and has given a copy to the opposing party.

[OR]

Respondent has not provided to the Court his/her Uniform Support Declaration.

6.

TEMPORARY USE OF FAMILY HOME

(Separation, Divorce, Annulment or Domestic Partnership cases only)

Petitioner Respondent shall have temporary use of the family home located at _____, while this case is pending and Petitioner Respondent shall be not enter without Petitioner's Respondent's written permission.

Petitioner Respondent shall be responsible for maintaining fire and liability insurance while this case is pending.

Petitioner Respondent shall be responsible for making all payments associated with the mortgage property taxes while this case is pending.

7.

TEMPORARY USE OF PERSONAL PROPERTY (INCLUDING VEHICLES)

(Separation, Divorce, Annulment or Domestic Partnership cases only)

Petitioner shall have temporary use of the following personal property: _____

Petitioner Respondent shall pay the _____ monthly payment/s for the above personal property while this case is pending.

Petitioner Respondent shall maintain insurance on the above mentioned vehicle while this case is pending.

Respondent should have temporary use of the following personal property _____

Petitioner Respondent shall pay the _____ monthly payment/s for the above personal property while this case is pending.

Petitioner Respondent shall maintain insurance on the above mentioned vehicle while this case is pending.

8.

MUTUAL RESTRAINTS/ASSETS

(Separation, Divorce, Annulment or Domestic Partnership cases only)

Both parties are restrained (prohibited) from encumbering or disposing of any of the parties' real or personal property while this case is pending.

List any exceptions here:

Except in the ordinary course of business.

Except reasonable and necessary living expenses.

The statutory restraining order in ORS 107.093 should remain in effect while this case is pending. (Applies to all cases.)

Other _____

9.

MUTUAL RESTRAINTS/PARTIES AND CHILDREN

(Applies to all cases.)

Petitioner Respondent should be restrained from molesting or interfering in any manner with the other party or the minor children.

Other _____

10.

DEBTS AND EXPENSES

(Separation, Divorce, Annulment or Domestic Partnership cases only)

Both parties are restrained (prohibited) and enjoined from charging on the credit of the other (or with the expectation that the other party will pay) without written permission to do so.

There are no debts.

[OR]

The debts shall be temporarily paid as follows:

Petitioner shall pay _____

Respondent shall pay _____

11.

ATTORNEY FEES AND/OR SUIT MONEY

Attorney fees and/or suit money shall be determined at trial.

[OR]

Petitioner Respondent shall pay \$_____, to Petitioner Respondent to allow Petitioner Respondent to prosecute or defend the suit including costs of expert witnesses; to be paid as follows____

12.

OTHER TEMPORARY ORDERS

Petitioner Respondent should be ordered to _____

MONEY AWARD

Temporary Child Support Award	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____per month until further order of the Court. Starting on _____and continuing to be due on the same day each month until further order of the Court.
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Temporary Spousal Support Award	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____per month until further order of the Court. Starting on _____and continuing to be due on the same day each month until further order of the Court.
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Temporary Support Award	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____per month until further order of the Court. Starting on _____and continuing to be due on the same day each month until further order of the Court
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Attorney Fees and/or Suit Money	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	<input type="checkbox"/> \$_____per month, starting on _____ until further order of the Court or until the total sum of \$_____is paid in full. <input type="checkbox"/> A lump sum payment of \$_____to be paid by _____ (date)
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

DATED _____

Circuit Court Judge

This document presented by

 Petitioner Respondent, Signature

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.

Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone

I Petitioner Respondent certify that on _____, 20____, I placed a true copy of this document in the:

Hands of the Petitioner Respondent Attorney for _____
directly at (list address): _____

[OR]

United States mail in a sealed envelope with postage paid addressed to Petitioner Respondent
 Attorney for _____ directly at (list address): _____

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

In the Matter of:

Petitioner,
and

Respondent.
Case No. _____
CERTIFICATE OF SERVICE

I [] Petitioner [] Respondent certify that on _____, 20____, I placed a true copy of the Limited Judgment and Money Award in the:

[] Hands of the [] Petitioner [] Respondent [] Attorney for _____ directly at (list address) _____

[OR]

[] United States mail in a sealed envelope with postage paid addressed to [] Petitioner [] Respondent [] Attorney for _____ directly at (list address) _____

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.

Signature _____ Print Name _____
Address or Contact Address _____ City, State, Zip _____ Telephone or Contact Telephone _____