

STATE OF OREGON

13th JUDICIAL DISTRICT
Circuit Court for Klamath County

SUPPLEMENTAL LOCAL RULES

Effective February 1, 2013

Summary of Changes
effective February 1, 2013

<i>Document changes</i>	Changes to reflect effective year as 2013; changes to add Chapter headings to Table of Contents and to text; changes to improve grammar and punctuation
<i>Table of Contents</i>	Changed to reflect current page references (<i>to be added</i>)
5.006	Eliminate paragraph (4) requiring next scheduled hearing date to be included in pleadings
5.06	Repeal.
6.012(4)(a)	Clarify settlement judge is other than assigned judge.
6.031	Repeal.
6.135(1)	Consider eliminating provision stating trial comes on at 1:15 pm the day before the jury is to be called
7.005(2)	Repeal.
7.001	Clarify that pretrial information may be in form set forth in appendices A and B
8.012	Change location where parenting time schedules may be obtained
9.001	Add provisions relating to appointment and duties of Probate Commissioner
12.085	Conform rule to practice by specifying court mediation program will also provide up to 3 hours mediation in domestic relations modification matters

13.048

Allows request for arbitration by appropriate motion and order

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SUPPLEMENTAL LOCAL RULES

CHAPTER ONE—GENERAL PROVISIONS

1.151 Location and Hours of Court Operations

The Court is located at 316 Main Street, Klamath Falls, Oregon 97601. Unless otherwise ordered due to emergency conditions, information regarding business hours for the Thirteenth Judicial District may be found at <http://courts.oregon.gov/Klamath/>. The occasional exception will be posted at the Courthouse as far in advance as possible.

1.171 Website

The Court's website may be accessed at <http://courts.oregon.gov/Klamath/>.

CHAPTER FOUR—MOTIONS IN CRIMINAL CASES

4.015 (Repealed)

CHAPTER FIVE—MOTIONS IN CIVIL CASES

5.005 (Repealed 2012)

5.006 Hearing of Motions - Civil Cases

- (1) Except as may otherwise be ordered by the Court, all non-criminal Circuit Court motions shall be heard at the times scheduled by the judge assigned to hear the case. The civil motions schedule will be posted on the Court's website.
- (2) The time and date of the hearing shall be stated in the caption of the motion and in the copy served upon the opposing party.
- (3) Motions, other than *Motions to Continue* and motions pursuant to ORCP 47, will be heard on the next Motion Day that falls after twenty-one (21) days from the filing of the motion, unless a different hearing date is stipulated by the parties and approved by the Presiding Judge or designee.

5.007 Show Cause Orders and Call Date

All Orders to Show Cause shall be called at 8:30 a.m. on a Monday that is at least 14 days but not more than 60 days from date of the Order. This call date shall be entered on the Order by the party requesting the Order and shall be served upon the opposing party. If the matter is to be contested, the date and time of the hearing shall be set by the judge presiding at Show Cause call.

5.061 (Repealed.)

CHAPTER SIX--TRIALS

6.012 Mandatory Settlement Conference

- (1) All cases on the trial setting conference calendar assigned a time and place for trial shall be calendared for a mandatory settlement conference approximately four (4) weeks prior to the trial unless good cause is shown. The purpose of the mandatory settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court.
- (2) (a) At the mandatory settlement conference, the Court shall require the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company who has full authority to settle the case shall be in attendance.

(b) An attorney, party, or representative of a corporation or insurance company may apply to be excused from appearing at the mandatory settlement conference by initiating a conference call to the Assigned Judge in advance of the scheduled settlement conference. The Judge shall rule on said request and, if appropriate, excuse the party from appearing.
- (3) (a) Settlement conferences shall be held informally before a judge other than the assigned judge at a time and place provided by the Presiding Judge. The conference may be continued as part of a continuing settlement conference to another day before trial by the judge. Each case on the settlement conference calendar shall retain its place on the civil active list. If the case does not settle at such conference, no reference shall thereafter be made to any settlement discussion had under this rule, except in subsequent settlement proceedings.

(b) In the event that a settlement is not reached at the settlement conference, a judge, other than the one who participated in the settlement proceeding, shall be assigned to try the case. Any notes or materials submitted by the settlement parties or prepared by the settlement judge shall be sealed and remain so except by order of the Court.

- (4) A voluntary settlement conference may be requested by any party to an action at any stage of the proceeding by filing a request for a voluntary settlement conference with the Court. The assigned judge, or designee, shall rule on said request and, unless good cause is shown why such conference is not appropriate, calendar the matter for a voluntary settlement conference.
- (5) When the parties report to the Court that a civil case has been settled, the Court will remove the case from the trial calendar and cause a 63-day conditional notice of dismissal to be sent to all parties.

6.031 (Repealed.)

6.135 Trial Fees and Preliminary Matters

- (1) All civil matters for which a jury may be called and has not been waived will come on for trial at 1:15 p.m. the judicial day prior to the date the jury is to be called. At that time, the parties will notify the Court of any preliminary matters that need to be resolved, and the approximate time such matters will require. Trial memoranda and requested jury instructions will be submitted at that time. This appearance may be by telecommunication at the parties' option.
- (2) Preliminary matters will be resolved and jury selection will begin the next business day after the appearance in Paragraph 1 unless otherwise ordered by the Court.
- (3) Trial and jury fees will be payable in accordance with ORS 21.270.

CHAPTER SEVEN—CASE MANAGEMENT AND CALENDARING

7.005 Matters Involving Children

In all civil and criminal cases and juvenile fact-finding hearings involving a child victim, witness, or subject of custody, the Court and counsel shall take appropriate action to ensure a speedy trial. Such actions shall be given precedence over all others, except those in which a defendant in a criminal proceeding is being held in pretrial custody, or as may otherwise be required by law. In such actions, continuances shall be granted by the Court only after a hearing and a determination of the necessity thereof. In ruling on any motion or other request for a delay or continuation of a proceeding, the Court shall consider any adverse impact the delay or continuance may have on the child involved in the case.

7.011 Pretrial Conferences in Criminal Proceedings

- (1) At arraignment, if a guilty plea is not entered, the Court will set a further appearance, at which a negotiated settlement may be entered or the matter set for trial. Information required by UTCR 7.010(3) may be in a form substantially as set forth in **APPENDIX A** or **B**, as appropriate.
- (2) All defendants must personally appear at the second appearance unless specifically excused.

7.021 Trial Setting Conference

- (1) To facilitate trial date agreement under UTCR 7.020(6), a trial setting conference will be scheduled at the request of any party or as directed by the assigned judge.
- (2) The trial setting conference shall be conducted by the judge or designee. Insofar as feasible, the Court shall assign the same date for trial setting conferences to those cases in which the same attorney appears.
- (3) Each party appearing in any case shall attend the trial setting conference in person or by counsel. A conference call to set a date for mandatory settlement conference and trial will be sufficient compliance with this rule. The attorneys so attending shall have full authority to act in all matters pertaining to setting the case for trial or settlement conference.
- (4) At the trial setting conference, the Court shall determine the extent of discovery heretofore commenced or completed, what discovery proceedings remain to be performed, and whether the case is or will be ready for trial, and if so, shall set a time and place for trial and mandatory settlement conference, unless the Court is of the opinion a settlement conference would serve no useful purpose.

7.022 Assignment of Cases

- (1) The Klamath County Circuit Court maintains an individual assignment system, with cases being randomly assigned as described below on a relatively equal basis to all judges. Civil, domestic relations, juvenile and criminal cases are assigned to individual judges for management, control and case processing purposes.
- (2) The civil and domestic relations cases which are assigned to individual trial judges are randomly assigned at the point of filing. Subsequent hearings and involvement with the Court, except for settlement conferences under Rule 6.012(3), shall normally be with the judge assigned to the individual case.
- (3) Criminal cases shall be assigned to an individual Judge at the point of filing.

- (4) In order to promote judicial economy and consistency, a judge may request assignment of a new case involving one or more parties already assigned to that judge in another case or cases.
- (5) Issues regarding companion cases, affidavits of prejudice, reassignment of cases, and similar case management questions, should be raised with the assigned judge. If necessary, such issues will be referred to the Trial Court Administrator for subsequent handling or reassignment.
- (6) All issues regarding scheduling of appearances, including motions and trials for assigned cases, shall be resolved through contact directly with staff of the assigned judge.

CHAPTER EIGHT—DOMESTIC RELATIONS PROCEEDINGS

8.012 *Uniform Parenting Time/Visitation Schedule*

The Court will, from time to time, establish "standard" parenting time schedules. Copies of the current schedule will be posted on the Court's website and will be available free of charge from the Clerk's Office. The standard schedule will be adjusted to the needs of the parties and children in each case.

8.041 *Show Cause Order for Temporary Relief*

- (1) If the relief requested includes support, a blank Uniform Support Declaration shall be served on the adverse party with the Order to Show Cause for use of the adverse party should such party desire to respond.
- (2) Except where the matter has previously been specially set for hearing, the initial dates for appearance on an *Order to Show Cause* shall be noted in the *Order to Show Cause*, to be served on the person ordered to appear. Except in matters of temporary support, petitioner and respondent must personally appear. If there is no appearance by the respondent, the matter will be determined at the time of initial appearance. If the respondent appears and contests the order, a time for hearing will be set at that time.
- (3) **POLICY STATEMENT:** It will be the policy of the courts to attempt to set all hearings the week of the show cause date. If at the time of the initial call the parties so request, the matter will be set for an immediate settlement conference in lieu of a show cause hearing.

8.042 *Hearings for Pendente Lite Relief*

Except for good cause shown by affidavit and as may be permitted by the Court, temporary support *pendente lite* shall be determined without testimony, based on the affidavits filed by the parties. The moving party may respond to the adverse party's responding Uniform Support

Declaration. In any case involving temporary child support, the financial affidavits filed by the parties with the Court shall include applicable SED child support computation worksheets. When the matter is ready for decision, the moving party shall so notify the Court by filing a Notice of Readiness for Decision, a copy of which is attached to these Rules as **APPENDIX C**.

8.051 Modification of Domestic Relations Proceedings—Initiating Documents

In any matter wherein a party seeks a modification of a domestic relations judgment, the initiating document shall set forth immediately below the case number, on the first page, the date of the original judgment, and substantially conform the following: “Date of original judgment: _____.”

8.075 Parent Education Classes Required

All individuals who are parties to a case involving child custody or parenting time, whether or not contested, must attend a parent education class once unless otherwise ordered by the court. Requests to waive this requirement must be submitted as a separate document and not as a part of any other pleading. This rule does not apply to juvenile dependency or delinquency proceedings.

CHAPTER NINE—PROBATE AND ADOPTION PROCEEDINGS

9.001 Probate Commissioner

- (1) The Probate Commissioner appointed by the Presiding Judge of this court will assist in the administration of decedents’ estates, guardianships, conservatorships, trust estates, and name change proceedings.
- (2) The powers of the Probate Commissioner include the following:
 - (a) To act upon and make orders on behalf of the court for uncontested petitions for appointment of special administrators; for probate of wills; and for appointment of personal representatives, guardians and conservators.
 - (b) To set the amount of the fiduciary bond for special administrators, personal representatives, guardians and conservators.
 - (c) To approve such bonds.

9.011 Inventory Requirements: Probate

The inventory filed pursuant to ORS 113.165 shall list real property by legal description and with the county's tax account number and lot number in the same manner as required in a deed. All other assets shall be described with sufficient specificity to identify the asset(s).

9.041 Adult Guardianships; Appointment of Visitor

- (1) The court will appoint a visitor when required by ORS 125.150. A petition for guardianship shall designate in the caption that it is for guardianship of an adult, whether it is for a temporary or an indefinite time (or both), and whether a conservatorship is also being requested.
- (2) After the proof of service has been filed, copies of the petition, marked "VISITOR'S COPY," together with supporting documentation and the proof of service, should be deposited with the Clerk of the Court. After receipt of the copies, the Court will enter an order appointing the visitor.
- (3) The visitor shall not be appointed, nor undertake an investigation pursuant to ORS 125.155 or an interview as required for a temporary guardianship, until proof of service of the notice has been filed.
- (4) The fee for the visitor shall be paid directly to the visitor by the petitioner. The visitor need not undertake any investigation until satisfactory fee arrangements have been made.
- (5) The visitor will appear at the hearing on any objection to the appointment of a fiduciary. The objecting party shall pay the sum of \$25.00 to the visitor as compensation for the visitor's attendance at the hearing. However, if the objecting party is the respondent, the visitor's attendance fee shall be paid by the petitioner.

9.042 Temporary Guardianship/Conservatorship

- (1) Whether or not objections are filed to an order granting temporary fiduciary powers, the order appointing the temporary fiduciary shall set a date and time for a hearing within ten (10) days of the appointment for the purpose of determining whether the temporary appointment shall continue. Notice of the hearing must be given to all persons specified in ORS 125.060(2) in the manner provided by ORS 125.605. Nothing in this subsection shall obviate the need for compliance with ORS 125.605(2).
- (2) The court will require a bond for a temporary fiduciary exercising the powers of a conservator, unless the bond is waived upon a showing of good cause.

9.051 Settlement of Personal Injury or Wrongful Death Claims: Requirements

A petition for approval of a settlement of a personal injury claim or wrongful death claim shall be accompanied by an affidavit which sets forth the following:

- (i) a description of the incident causing the injury or death;
- (ii) a description of the injury;
- (iii) the amount of the prayer and settlement (if a structured settlement is requested, the present value of the future payments should be indicated);
- (iv) the amount of the attorney fees and costs;
- (v) the proposed disposition of the settlement proceeds, if known; and
- (vi) a concise statement (not more than 50 words) explaining the reasons for the settlement.

9.061 Delinquent Filing; Courtesy Notices

In the event of a delinquency or deficiency in filing any document required by statute or court order, the attorney of record shall be sent a courtesy notice. If there is no attorney of record, then the courtesy notice shall be sent to the personal representative, conservator, or guardian. The personal representative, conservator or guardian is expected to promptly cure the defect or delinquency. If the deficiency is not addressed within 30 days, the Court will issue an order to appear and show cause why the personal representative, conservator, or guardian, together with counsel of record, should not be removed or held in contempt. The personal representative, conservator, or guardian, together with counsel of record, must appear—whether or not the delinquency or defect has been subsequently corrected—unless otherwise ordered by the court. If the delinquency or defect has not been corrected by the time of the hearing, sanctions may be imposed.

9.081 Objection to Petition for Appointment of Guardian/Conservator

Any interested person, as described in ORS 125.075(1), who has an objection to a petition in a protective proceeding should submit a written objection on the form at **APPENDIX D**. The form may be submitted by mail or by filing it in person with the Clerk's Office at the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon. Upon receipt of the objection, the Court will schedule a hearing and notify the appropriate parties.

9.082 Alleged Incapacitated Persons—Notice Regarding Free or Low Cost Legal and Other Relevant Services

In a proceeding for the appointment of a fiduciary for a respondent who is not a minor, the notice required under ORS 125.070(2)(c) shall include the following language or its equivalent:

Free legal services for persons who are subject to a protective proceeding may be obtained by calling Legal Aid at 1-541-273-0533. Low cost legal consultation

may be obtained by calling the Oregon State Bar, attorney referral service, at 1-800-452-7636.

9.161 Forms of Accountings

Unless the Court waives the requirement, accountings in estates and conservatorships must be submitted either in the format specified in UTCR 9.160 or by the Court and posted on the Court's website <http://courts.oregon.gov/Klamath/>.

9.185 Vouchers and Depository Statements in Probate and Protective Proceedings

- (1) Original vouchers need not be filed with accountings unless ordered by the Court.
- (2) In lieu of original vouchers, depository statements for each depository account shall be filed with accountings and shall be accompanied by a list that sets out in chronological order the date, amount, check number, recipient and purpose of each disbursement. The list shall show each receipt into the account with a brief explanation of the source and the purpose of the receipt.

CHAPTER ELEVEN—JUVENILE COURT PROCEEDINGS

11.005 Appearance in Juvenile Court Dependency Cases

- (1) Pursuant to ORS 419B.819, parents shall respond to a summons for a petition for guardianship or termination of parental rights by filing a written answer to the petition within 30 days from the date on which the parent was served with the summons.
- (2) A parent who fails to appear shall be subject to entry of a default order and/or judgment granting the relief sought by the petitioner.

CHAPTER TWELVE—MEDIATION

12.005 Mandatory Mediation Program

Except for good cause shown, mediation shall be ordered in any civil case filed in Klamath County and involving a dispute over custody or visitation of a minor child or children. However, mediation is not required in any case arising under the Family Abuse Act, ORS 107.700–107.730.

12.045 Domestic Relations Mediators

To qualify as a Court-approved domestic relations mediator, a person must:

- (i) Meet all applicable requirements for domestic relations mediators established by the Oregon Judicial Department;
- (ii) Sign and submit to the Trial Court Administrator an original application setting forth the information required by the Oregon Judicial Department; and
- (iii) Receive approval by the Presiding Judge, after consultation with the Circuit Court Judges for the 13th Judicial District.

12.085 Domestic Relations Mediation Fees

- (1) For issues subject to mandatory mediation under this Chapter 12, Klamath County shall compensate the mediator at an hourly rate set by the Presiding Judge for up to a maximum of six (6) hours per new case and for up to an additional three (3) hours per modification petition. The funding source for this program shall be limited to funds available through the State Court Administrator and maintained by the County for that purpose.
- (2) For issues for which mandatory mediation is not required under these rules, the parties may agree to mediate with the court-appointed mediator. In that case, compensation arrangements shall be determined in writing between the mediator and the parties, and mediation fees will be negotiated and paid by the parties.
- (3) If the parties select a mediator who is not on the court-approved list, the compensation shall be fixed by agreement between the parties and the mediator, and payment shall be responsibility of the parties.

CHAPTER THIRTEEN--ARBITRATION

13.048 Indigent Parties

- 1) Indigent parties must seek waiver of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit, and must be presented to the Presiding Judge for approval.
- 2) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission to the Court of an appropriate motion and order.

CHAPTER SIXTEEN—TRAFFIC, BOATING AND VIOLATIONS

16.005 Testimony by Affidavit

If a signed waiver (**APPENDIX E**) is filed by the alleged violator, testimony in a traffic violation trial is allowable by affidavit pursuant to ORS 153.080. A copy of the witness' affidavit shall be provided to the alleged violator before trial.

**THIRTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
for KLAMATH COUNTY**

State of Oregon,
Plaintiff,

vs.

Defendant

State Trial Readiness Report

Case No. _____

DISCLOSURE

- A. Witness List: The State of Oregon presently intends to call the following witnesses at trial:
- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |
- B. The State presently intends to call the following out-of-state witnesses at trial:
- | | |
|----------|--------------------|
| 1. _____ | City & State _____ |
| 2. _____ | City & State _____ |
| 3. _____ | City & State _____ |
- C. Defense counsel has been provided with the addresses of the above persons: Yes No
- D. Defense counsel has been provided with a copy of all police reports, presently known by the State, in this case: Yes
 No (If "No," list those not provided: _____.)
- E. Defense counsel has been provided with copies of all written or recorded statements or memoranda of any oral statements of the above persons and of the defendant or co-defendant: Yes No (If "No," list those not provided: _____.)
- F. Defense counsel has been given complete criminal history reports on the following persons:
- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |
- G. The State has complied with ORS 135.815, requiring disclosure to the defense of expert witnesses, report of experts, documentary evidence or other statutory requirements subject to discovery: Yes No (If "No," list those not provided: _____.)
- H. The State asks the court for a pretrial hearing: Yes No
- I. The State estimates the probable length of the trial to require _____ judicial days.
- J. The following matters remain at issue: _____

- K. The State intends to file the following motions:
- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

(Deputy) District Attorney Date

7/12/04

**THIRTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
for KLAMATH COUNTY**

State of Oregon,
Plaintiff,
vs.

Defense Trial Readiness Report

Defendant

Case No. _____

DISCLOSURE

- A. Witness List: The defense presently intends to call the following witnesses at trial:
- | | |
|-----------|-----------|
| 9. _____ | 13. _____ |
| 10. _____ | 14. _____ |
| 11. _____ | 15. _____ |
| 12. _____ | 16. _____ |
- C. Defense counsel presently intends to call the following out-of-state witnesses at trial:
- | | |
|----------|--------------------|
| 4. _____ | City & State _____ |
| 5. _____ | City & State _____ |
| 6. _____ | City & State _____ |
- C. The State has been provided with the addresses of the above persons: Yes No
- D. The State has been provided with copies of all written or recorded statements or memoranda of any oral statements of the above persons (other than the defendant): Yes No (If "No," list those not provided: _____.)
- E. The defense has complied with ORS 135.835, requiring disclosure to the State of expert witnesses, report of experts, documentary evidence or other statutory requirements subject to discovery: Yes No (If "No," list those not provided: _____.)
- F. The defense asks the court for a pretrial hearing: Yes No
- G. The defense intends to waive a jury trial: Yes No
- H. The defense estimates the probable length of the trial to require _____ judicial days.
- I. The defense intends to file the following motions:
- | | |
|----------|----------|
| 5. _____ | 7. _____ |
| 6. _____ | 8. _____ |
- J. The following matters remain at issue: _____
- _____

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

Defense Counsel

Date

7/12/04

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

Petitioner &

Respondent

Case No.

**NOTICE OF READINESS
FOR DECISION OF**

Petitioner Respondent

The pending motion for temporary relief is at issue, and the moving party requests the Court decide the motion five (5) judicial days after filing this Notice. The motion should be decided upon the following documents:

1. Order to Show Cause regarding temporary support, payment of debts, and attorney fees.
2. Uniform Support Declaration of Petitioner.
3. Uniform Support Declaration of Respondent.
4. _____
5. _____
6. _____

Moving Party or Attorney for Moving Party

I certify that I served a true copy of the above notice upon the adverse party in the manner set forth in the Oregon Rules of Civil Procedure on _____, 20____.

Moving Party or Attorney for Moving Party

I certify the foregoing is a true copy of the original notice I am filing with the Court.

Moving Party or Attorney for Moving Party

Rule 8.042 Form

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

Guardianship/Conservatorship of

(Protected Person)

Case No. _____

**OBJECTION TO PETITION FOR
APPOINTMENT OF GUARDIAN/
CONSERVATOR**

I, _____,
(Objecting party's name and relationship to the Protected Person)

hereby object to the Protective proceeding or the proposed guardian or conservator for the following reasons *(state reasons below and use additional sheet if necessary)*:

(3)

Signature of Objecting Party

(4)

Printed or Typed Name of Objecting Party

(5)

Address or Contact Address

(6)

City State Zip

Telephone or Contact Telephone Number(s)

RETURN TO: CRIMINAL/TRAFFIC DIVISION
13th Judicial District
316 Main Street
Klamath Falls, Oregon 97601

DUE: _____

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

STATE OF OREGON,
v. _____,
Plaintiff,
Defendant.

Case No. _____
Waiver and affidavit

WAIVER

I, _____, have plead NOTGUILTY and requested a trial in the above-captioned case.

Pursuant to ORS 153.080, I hereby waive my right to have my testimony and the testimony of the officer presented orally in court, and I agree that testimony may be presented by sworn affidavit. I understand that, if I do choose to appear in person for trial after signing this affidavit, a copy of the police officer's affidavit will be presented to me at that time. The police officer may not be present.

I am not represented by an attorney in this matter. If I retain counsel, I will advise the Court immediately.

INSTRUCTIONS: If you waive your right to have testimony presented orally in court, please fill out the enclosed *Testimony by Affidavit* and return all documents to the Court at least two weeks prior to the trial date. The judge will give your affidavit the same consideration as a personal appearance.

STATE OF OREGON

County of _____

ss

TESTIMONY BY AFFIDAVIT

I, _____, being first duly sworn, state that I am the:

Police Officer

Defendant

Other

in the above traffic offense. Pursuant to ORS 153.080, my presence at trial has been waived. This affidavit represents my sworn testimony concerning the above traffic offense.

(Continued on reverse side.)

