Filing For Separation, Cases with No Child/ren
Instructions for Packet 2B

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated divorce cases. For legal information, please talk to a lawyer and/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.

Each court has local rules, programs and procedures that may not be explained in these instructions. Please refer to the "Local Family Law Practices and Programs" form for your court, attached to these instructions. If it is not attached, consult your local court directly. Information about how to contact your local court may be found at the Oregon Judicial Department website: http://courts.oregon.gov.

This set of forms and instructions will allow you to file for and obtain a separation. Legal separation may be for a set period of time, or may be for an unlimited duration. Even in a separation of unlimited duration, the parties still may get divorced or reconcile (live together as husband and wife/domestic partners), but further court proceedings may be necessary to legally change the relationship. Keep in mind that the final judgment in this case will create rights and obligations that may vest (become permanent). Generally speaking, child custody, parenting time and support may be modified at a later date in certain situations. Property divisions usually can't be modified. You should talk to a lawyer if you have questions about these issues.

The instructions are broken down into four basic steps. The forms that go with each step are listed below.

Steps	Page (Instructions)
1. Starting your Case	2
Acknowledgment about Dissolution (Divorce)/Separation Petition for Separation Summons Notice of Statutory Restraining Order Preventing Dissipation of Assets UTCR 2.130 Confidential Information Form (CIF) *(one for each party)* (REQUIRED) Notice of CIF Filing Declaration/Acceptance of Service	
2. Waiting for a Response; Taking a Default	4
Ex Parte Motion for Order of Default and Entry of Judgment by Default Declaration in Support of Motion for Order of Default and Entry of Judgment by Default Order of Default	
3. Resolving Your Case	5
4. The Final Paperwork	6
Petitioner's Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing Order Allowing Judgment on Affidavit in Lieu of Hearing Affidavit Supporting Judgment of Separation Judgment of Separation Attachments: Uniform Support Declaration	

When filling out the forms, follow these directions:

- You are the named "Petitioner" on all court forms and your spouse is the "Respondent." Use full names (first, middle or middle initial, last) and print the names the same on all forms.
- The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.
- Some forms have to be notarized or signed in the presence of a court clerk. You will need your picture ID for this. Many banks provide notary services.
- Many forms say on the bottom, "I certify that this is a true copy," and provide a place to sign. Don't sign this line on the original form or on your own copy. You need to sign this line only on the copies that are served on your spouse.
- Make yourself a copy of any document you are filing with the court. File the original with the court clerk.
- Keep the court informed of your current address so you get notice of all court dates. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. **Your contact address will become public information.** Please make sure that you use an address that is ok for other people, including the respondent, to know. It must be an address in the state where you live where you can receive mail. If you use a contact address, the court will assume that you will receive all notices sent to that address. **Note: If you fear for your safety, you may be able to obtain a non-disclosure order.** Consult with your local court for instructions as well as the appropriate forms.

STEP 1: STARTING YOUR CASE

Legal Issues to Consider.

A separation case starts with a "petition" which lists the items you are asking the court order in the "judgment." The judgment is the document that finalizes your case, and contains your rights and responsibilities. Oregon law provides that a number of issues must be addressed in the judgment. Before you fill out the petition, you should think about how you want to handle these issues.

You may not know what real or personal property to ask for in the beginning because you are not sure what property you own either alone or together with the other party. Or you may not know how much spousal support to ask for in the beginning because you do not know how much the other party earns. The Petition provides options for either indicating a specific amount or distribution of property or, where you do not know, you may ask that these be made "equitably" (i.e., fairly) or "prior to judgment" so that you have time after filing the petition to find out what property you own or how much the other party earns. **HOWEVER:**

- if you do NOT ask for a specific amount or distribution in the Petition, or
- what you ask for in the Judgment is different from what you asked for in the Petition, **the court may require you to re-serve documents on the other party** before it will enter a final judgment. This is so that the other parent knows what is being asked for in the Judgment is different from what was in the Petition.

Spousal Support. Oregon law provides for three different categories of spousal support: transitional, compensatory and spousal maintenance. Transitional support may be ordered for a spouse to get work related education and training. Compensatory spousal support may be ordered if one party has significantly contributed to the education, training, vocational skills, career or earning capacity of the other spouse. Spousal maintenance may be ordered for the support of one spouse. The judge will consider a number of factors when making the

award, and may order more than one type of support. For more information on what the judge will consider, please refer to ORS 107.105 (to view, visit your local law library or *www.leg.state.or.us/ors*).

Property and Debts. – Statutory Restraining Order. Oregon law requires both Petitioner and Respondent to obey a restraining order preventing *either party* from dissipating (selling, destroying, removing, disposing of) real or personal property, making unilateral (without the agreement of the other party) changes to insurance policies, and making extraordinary expenditures. Expenditures that are necessary for the safety or welfare of the parties are not prohibited. **By filing your petition, you agree to be bound by the terms of this order.** The order is effective on both the Petitioner and the Respondent once the notice has been served on the Respondent. If you violate the order, you may be subject to sanctions. You must attach a copy of the "*Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions*" (see Packet 2AB) to the Summons and serve it on the Respondent.

If Both Spouses Already Agree.

There are two ways to handle your case if both spouses agree on all issues: (1) one spouse can file as Petitioner, the other spouse can accept service of the petition and not file a response (if there is no disagreement with what the Petitioner requested in the petition) and judgment will be entered based on what was stated in the petition, or (2) the parties can file as co-Petitioners (see Packet #9). Forms to file as co-Petitioners may also be available through your local court, courthouse facilitator and/or attorney.

If your spouse (the Respondent) does not agree with you at first and files a response, then later decides that what you requested in the petition is okay, s/he can file a Waiver of Further Appearance and Consent to Entry of Judgment form to avoid having to go through the court process further. Your local courthouse facilitator can help you with this process.

To get the case started, fill out the first set of forms, file them with the clerk and have your spouse "served" (have the papers delivered to your spouse).

Fill out the following forms.

- *Acknowledgment about Separation*
- *Petition for Separation*
- *Summons*
- *UTCR 2.130 CIF, one for each party* (REQUIRED)
- *Notice of CIF Filing*

See the Confidential Information Form (CIF) information sheet about how the CIF protects certain information from being disclosed to the public.

Make copies.

Make one copy of all of the forms for your records and one copy of the *petition, summons, and Notice of CIF Filing* to serve on (deliver to) your spouse.

Have your documents reviewed.

You may have your documents reviewed by a lawyer or a courthouse facilitator (if your court has one) before you file. For information about how to find a lawyer, call the Oregon State Bar Lawyer Referral Service. 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 you may call your local Legal Aid office. Contact numbers are listed in the additional resources section at the end of these instructions, and in the "Local Family Law Practices and Procedures" for your court attached to these instructions.

File the forms.

File all of the original forms that are listed above with the court clerk except the summons. The court clerk will ask you for a filing fee when you file your papers. Check with your local court to learn the amount of the filing fee. If you feel you can't afford to pay the fee, you may ask the court to waive or defer your filing fee. Use Packet #10 of these forms, or **check with your local court to see if they require a different form**. This form needs to be filled out and filed with the court. If the fee is waived, you don't have to pay the fee. If the fee is deferred, most courts will require that you pay the fee at a later date.

The clerk will give you a number of handouts when you file your papers. The handouts usually include a notice regarding continuation of health coverage, a copy of ORS 107.089 (documents parties may have to give each other), notice regarding mediation, family law guidelines and services, and a family law resource list. The clerk will give you two copies of each handout: one for you and one to be served on your spouse. You aren't required to serve the copy of ORS 107.089 on your spouse, but if you do, both spouses must follow what it says.

Have your spouse served.

You are required to have your spouse served (have papers delivered to) with (a) copies of the documents given to you by the clerk, including the Statutory Restraining Order described above, and (b) certified copies of the petition and summons (you may certify the copies by signing your name where it says "I certify this is a true copy").

If your spouse is willing to accept service, s/he must fill out the Acceptance of Service form, sign it in front of a notary or court clerk, then file it with the court. It is not necessary that your spouse agree with what is in the papers, just that s/he is willing to acknowledge receipt of them.

If the other party will not complete the Acceptance of Service form, YOU CANNOT SERVE THE PAPERS YOURSELF. You may have service completed by the Sheriff in the county where your spouse lives, by a private process server, or by another individual who is a competent person 18 years or older, an Oregon resident (or of the state where service is made) and not a party nor an attorney for a party. Caution should be used before asking a friend or relative to serve the papers if your spouse might react angrily or violently. A Declaration of Service along with the original summons must be filed with the court after service has been made.

The best way to serve the other party is to have the person serving the papers hand them directly to the Respondent (personal service). If personal service cannot be done, there are other ways to serve the papers including "substitute service," "office service," and "service by mail" — see the Table below. You may ask the Sheriff or a private process server about these other options or consult an attorney.

Standard Methods of Service	
Personal Service	Delivery of papers directly to the other party
Substitute Service	Delivery of papers to a person living at the other party's home who is at least 14 years old, PLUS mailing of the documents to the other party's home address by first class regular mail
Office Service	Delivery of papers to a person who appears to be in charge at the other party's place of employment (who has a business duty to give the documents to the other party), done during working hours, PLUS mailing of the document to the home or business address of the other party by first class regular mail
Service by Mail (Return Receipt Requested)	Delivery by mailing the documents certified or registered, return-receipt requested, or by Express mail, PLUS mailing of documents to home or business address of the other party by first class regular mail, PROVIDED the other party signs the "return receipt."

If you are not able to have your spouse served by any of the methods described above, you may ask a judge to allow you to use another service method. The judge might allow you to publish, post, or mail the documents. In order to make this request, check with your local court for the appropriate form or use Packet 6A-Alternative Form of Service.

STEP 2: WAITING FOR A RESPONSE; TAKING A DEFAULT

Oregon law gives your spouse 30 days to respond to your petition. The time starts running from the date of service. The response must be written, and must be filed with the required filing fee. Your spouse may ask the court to waive or defer the fee.

If your Spouse is in the Military.

If your spouse is in the active military service of the United States and has not responded to the petition, you may have to go through some extra steps. The court won't go further with your case until one of the following things has happened: (1) your spouse is no longer in the active military, (2) your spouse has waived his/her rights using the Waiver of Right to Stay of Proceedings form, or (3) the judge holds a special hearing in your case. You may get a Waiver of Right to Stay of Proceedings form from the courthouse facilitator or use Form #6G. You may need to talk to an attorney if your spouse is not willing to sign the waiver.

Check for Response.

Your spouse should mail or deliver a copy of his/her response to you when it is filed with the court. If you haven't received a copy of a response after 30 days (from the date of service), you may check with the court clerk to see if one has been filed. If no response has been filed, you may request a "default order." A default means that you may ask the court to enter a judgment giving you the items you asked for in your petition, with no input from your spouse. If a response has been filed, you will not be allowed to take a default and you will

skip the next two sections about requesting a default and go straight to step 3.

No Response Filed; Requesting a Default.

To ask the court to enter a default, you must fill out the following form:

- *Ex Parte Motion for Order of Default and Entry of Judgment by Default*
- *Declaration in Support of Motion for Order of Default and Entry of Judgment by Default*
- *Order of Default*

After you make yourself a copy of the filled out form, you may file the original with the court anytime after 30 days have expired from the date of service.

STEP 3: RESOLVING YOUR CASE

Temporary Orders.

You may ask the court to make temporary orders after the petition is filed. Temporary orders are in effect once signed by the judge and last until changed by the judge, until the final judgment is signed by a judge, or the case is dismissed. For example, either spouse may request an order for spousal support, an order preventing one or both parties from getting rid of property owned by both spouses, or an order requiring one spouse to move out of the family home. To make any of these requests, you file a "motion" (request) asking the court to do what you want. You may need the assistance of an attorney to file these requests.

In addition, all courts have restraining order forms for cases involving domestic violence. A restraining order can usually be obtained within a day or two of filing if there has been abuse in the last 180 days, and if there is further danger of abuse. Check with your local court about forms and filing instructions.

Conferences with the Judge.

Many courts will schedule a "status," "pretrial," or "settlement" conference if a response has been filed. These meetings usually take place with a judge with both spouses present, along with their attorneys if they are represented. You must attend any conferences that are scheduled unless you have received permission from the judge not to attend.

At the conference, the judge will probably talk to you about how the case is going to be resolved, may consider requests for temporary orders and will probably set future court dates.

Working Toward Agreement.

The court wants to help you resolve the issues that you and your spouse disagree on. You may discuss these issues with your spouse directly if it is safe for you to do so and if no court order prohibits that contact. You may also discuss them with your spouse's attorney. If you can't resolve the issues on your own, the court may provide a number of options to help you, including mediation and arbitration.

Mediation. A mediator is a person trained to help people resolve disagreements. You may meet with a mediator to resolve the financial issues in your case. You may ask to meet with the mediator alone if you are uncomfortable meeting with the other parent for any reason. Many courts have a list of mediators qualified to mediate these cases. Check with your local court clerk to see if there is a fee for this service.

Arbitration. Some courts refer spouses who disagree on how to divide their property to an arbitrator. The court may also ask the arbitrator to resolve spousal support issues. An arbitrator is a lawyer appointed by

the court who meets with both spouses and their lawyers, if they are represented, and makes a decision about how the property should be divided. Both spouses are required to pay for this service unless the court has specifically waived or deferred the arbitrator's fee. If either spouse disagrees with the arbitrator's decision, s/he can ask the court for a trial. If a trial is not requested, the arbitrator's decision is final unless both spouses agree on another resolution.

STEP 4: THE FINAL PAPERWORK

Your case is finished the date the judgment of separation is signed by a judge. If there are still items that you don't agree on, the court will probably set a date for a "final hearing" or trial. Some judges may want you to attend a "settlement conference" (a meeting between the parties to discuss settlement, usually led by a different judge than your trial judge) to help you come to agreement.

The following forms are required to finalize your case:

- *Judgment of Separation*
- *Affidavit Supporting Judgment of Separation*

If your spouse did not file a response and the court has entered an Order for Default, or if your spouse responded and then filed a Waiver of Further Appearance and Consent to Entry of Judgment form, or if your spouse has **signed the Judgment**, you may also need the following:

- *Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing*
- *Order Allowing Judgment on Affidavit in Lieu of Hearing*

You may also need to file the following additional forms, depending on your circumstances.

Uniform Support Declaration. This form is only required if a response was filed, and you and your spouse do not agree on spousal support.

Waiver of Personal Service. After the judgment is signed, if one spouse doesn't do what it says, the other spouse may ask the judge to enforce the judgment. The spouse asking for enforcement is required to personally serve (deliver) the other spouse with notice of this request. If you would like to keep your home address confidential, you may file this form listing another address for service. You are responsible for making sure you get all papers delivered to the address you list.

The Final Judgment.

The judgment finalizes your divorce and contains all of the issues decided in mediation, arbitration, hearing, or through your agreement. Check with your local court to determine whether you should complete this form, or whether the judge will fill it out. If both spouses agree on all issues, it may be prepared by either spouse as long as it is reviewed and signed by both spouses. If the spouses don't agree on all issues, the judge may direct one spouse to fill out the judgment.

If your spouse didn't file a response, the information you fill out in the final judgment should be the same as what you requested in the petition. If your spouse filed a response, the information should be the same as was decided in mediation, arbitration, hearing, or through your agreement.

If you are responsible for filling out and filing the final judgment, make a copy for yourself and one for your spouse (unless s/he didn't file a response), and file the original with the court. **If your case involves spousal support, file an extra copy of the proposed judgment with the court.**

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

In the matter of ☐the Marriage/ Separation of:	)	
_____, Petitioner	)	Case No. _____
and	)	ACKNOWLEDGMENT ABOUT DISSOLUTION/SEPARATION
_____, Respondent.	)	

I, _____, am filing for dissolution/separation without full representation of an attorney.

I understand that I must pay all filing, service or hearing fees which are not deferred or waived by the court.

I understand that I should seek an attorney's help if my case involves any of the following issues:

- Custody/parenting time of minor children <u>who have not been living</u> in Oregon for the last six months;
- Pensions, retirement benefits or profit-sharing plans;
- a pending personal injury case involving me or my spouse/partner;
- real estate that my spouse/partner or I own along with someone else, or real estate located outside of Oregon;
- a family business;
- a bankruptcy case filed by me or my spouse;
- complex tax issues; or
- domestic violence.

I understand that I am responsible for all information that I provide on these forms and any changes I make to the printed language.

I understand that if my spouse/partner contests the dissolution/separation (files court papers disagreeing with what I ask for), I should see an attorney immediately.

I understand that laws and legal procedures change and I should not use these forms unless they were recently approved by the court.

_____

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 LANE

In the Matter of ☐ the Marriage of:	)	
	)	
_____	)	
	)	Case No. _____
Petitioner,	)	PETITION FOR SEPARATION
	)	
and	)	DOMESTIC RELATIONS CASE SUBJECT
	)	TO FEE UNDER ORS 21.111
_____	)	
Respondent.	)	CLAIM ☐ SUBJECT ☐ NOT SUBJECT TO
	)	MANDATORY ARBITRATION

1. Date of marriage/domestic partnership: _____. Place of marriage/domestic partnership: _____.
(*County, State*)

2. (*Check the box/es that apply*)
☐ Irreconcilable differences between the Petitioner and Respondent have caused a temporary or unlimited breakdown of the marriage/domestic partnership.
☐ The parties have entered into an agreement that will be filed with the court suspending for a period of not less than one year our obligation to live together as husband and wife/domestic partners.
☐ Irreconcilable differences exist between the parties and the continuation of the marriage/domestic partnership preserves or protects their legal, financial, social or religious interests.

3. **Certificate of Residency.**
Marriage Only: ☐ I certify that one or both of the parties to this case currently live in the county in which this petition is being filed.
Domestic Partnership Only: ☐ I certify that one or both of the parties to this case currently live in the county in which this petition is being filed, or ☐ neither party currently resides in Oregon but I certify that this petition is filed in the county where ☐ Petitioner or ☐ Respondent last resided.

4. No other domestic relations suit or support proceeding involving this marriage is pending in this or any other state

5. **By filing this petition, I acknowledge that I am bound by the terms of the statutory restraining order prohibiting either party from disposing of marital/partnership assets, a copy of which I have received and read, and understand that this restraining order is effective immediately upon service of this petition and the summons upon the Respondent.**

6. There are no children under the age of 18 to this marriage, OR no child of this marriage is age 18 to 21 and a "child attending school" as defined in ORS 107.108.

7. Spousal Support and Life Insurance.

☐ No spousal support or life insurance claims are made in this case (skip the rest of paragraph 7).

Spousal Support.
Support should be paid by ☐ Petitioner to Respondent ☐ Respondent to Petitioner:
☐ In the amount of $_____ per month for the following period of time:_____
_____ , OR
☐ In the amount of $_____ by _____(*date*), or
☐ In an amount to be determined before trial or entry of judgment.

List reason(s) support should be paid: _____
_____
_____

The support shall be called (*check one or more*): ☐ transitional ☐compensatory ☐ maintenance based on consideration of the following factors (*list*): _____
_____
_____

Spousal support payments are taxable to the obligee spouse and deductible to the obligor spouse. All payments terminate upon the death of either party.

Payments.
The judgment entered in this case should provide that ☐ Petitioner ☐ Respondent make spousal support payments on:
☐ The first day or_____*(day)* day of the month following the date of the judgment and continuing on the same day of each month thereafter. **or**
☐ The date Respondent was served with this petition and continuing on the same day of each month thereafter.

All payments of spousal support should be made:
☐ Directly into _____'s checking or savings account. A receipt of deposit should be kept by the paying spouse/domestic partner as proof of payment. The spouse/partner receiving support should provide the paying spouse/partner with current deposit slips and/or bank name, account name, and account number.

Life Insurance.
☐ Petitioner ☐ Respondent should buy and maintain life insurance for the benefit of ☐ Petitioner ☐ Respondent throughout the period of the spousal support obligation, in the amount of $_____.

8. Real Property.
☐ Neither Petitioner nor Respondent has any interest in any real property located in this or any other state.
☐ Petitioner ☐ Respondent has/have an interest in real property located at the address of:_____
_____

This property should be distributed: ☐ equitably, or ☐ as follows: _____

_____

_____

☐ Additional page labeled "Paragraph 8 - Real Property continued" attached.

☐ The legal description of the real property is attached as Exhibit ___ and incorporated in this petition.
☐ Distribution of this property is not within the jurisdiction of this court.

9. Personal Property (including motor vehicles).

☐ The Petitioner and Respondent have divided between them all personal effects, household goods, and other personal property they own separately or together, and neither should claim those items now in possession of the other.

The Petitioner should be awarded: ☐ an equitable distribution of the parties' personal property, or ☐ the following personal property: _____

_____

_____

☐ Additional page labeled "Paragraph 9 - Petitioner's Personal Property Distribution continued" attached.

☐ The Petitioner should be awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred-compensation plan, and /or stock option plan held by Petitioner's employer, free of any interest in the Respondent.

The Respondent should be awarded: ☐ an equitable distribution of the parties' personal property, or ☐ the following personal property: _____

_____

_____

☐ Additional page labeled "Paragraph 9 - Respondent's Personal Property Distribution continued" attached.

☐ The Respondent should be awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred-compensation plan, and/or stock option plan held by Respondent's employer, free of any interest in the Petitioner.

☐ Additional page attached; see section labeled "paragraph 9 continued."

10. Distribution of Debts.

☐ There are no outstanding debts of this marriage/domestic partnership.

☐ The debts should be paid as follows:

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

☐ Additional page attached, labeled, "Paragraph 10 continued."

Each spouse/partner should be responsible for the payment of all debts incurred by him/her individually since the date of their separation; all debts which are distributed to him/her by the court; and all debts which are secured by property distributed to that spouse/partner. Also, if any creditor asks the spouse/partner not responsible for a debt to pay all or a portion of it, and he/she does so, the spouse/partner responsible for that debt should reimburse the other spouse/partner for any monies he/she paid to the creditor after the date of the judgment.

11. Transfer of Debts and Property.

Within 30 days of the date of judgment, each party should execute, acknowledge, and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. The judgment should operate to convey title to the spouse/partner awarded the property if the other spouse/partner fails to comply with this requirement.

12. Former Name.

☐ _____'s former name of _____should be restored.

13. Duration.

☐ The separation should be ☐ unlimited ☐ for a period of _____

(*fill in amount of time*)

14. Information Required by ORS 25.020 and ORS 107.085.

☐ Disclosure of the following information would unreasonably put to risk the health, safety, or liberty of ☐ Petitioner ☐ Respondent or a child _____ for the following reasons: _____

_____

_____

☐ Otherwise: *(Fill out the information in the table below)*

	Petitioner	Respondent
Full Name		
Former Legal Name(s)	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Age		
Address or Contact Address		
Telephone Number		
Social Security Number	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Drivers License Number	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Employer Name	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Employer Address	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Employer Telephone	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.

☐ Additional page labeled "Paragraph 14 continued" attached.

15. Court Costs and Fees.

A. **Deferred Costs and Fees**

Any court costs and service fees (if service is completed by the Sheriff) that are deferred (required to be paid at a later date) by the court should be paid by: ☐ Petitioner ☐ Respondent

☐ Both parties equally ☐ Other: _____

B. **Costs and Fees Paid by the Parties**

☐ Each party should be responsible for paying his or her own court costs and service fees for this case.

☐ To be paid by both parties equally

☐ Petitioner ☐ Respondent should reimburse the other party for his/her court costs and service fees for this case.

☐ Other: _____

Judgment should be entered according to the cost and fee allocation listed above.

16. 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.

WHEREFORE, Petitioner requests a Judgment granting the relief asked for above, and other equitable relief that the Court thinks is just.

STATE OF _____)
) ss.
County of _____)

I, _____, being duly sworn, say that I am the petitioner in this matter and that the foregoing petition is true and correct to the best of my knowledge.

_____
Petitioner (signature)

_____
Print Name

_____
Address or Contact Address

_____
City, State, Zip Code

_____
Telephone or Contact Telephone

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 (signature)

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

In the Matter of ☐ the Marriage of:	)	
	)	
_____,	)	Case No. _____
Petitioner,	)	
	)	
and	)	SUMMONS
	)	
_____,	)	DOMESTIC RELATIONS SUIT
Respondent.	)	

TO: _____, Respondent.

Home Address	Work Address
_____	_____
_____	_____

Your spouse/partner has filed a Petition asking for separation of your marriage/domestic partnership (and possibly related relief). If you do not file the appropriate legal paper with the court in the time required (see below), your spouse/partner may ask the court for a judgment against you that orders the relief requested.

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear," you must file with the Court a legal paper called a "Response" or "Motion." Response forms may be available through the court located at: _____. This Response must be filed with the court clerk or administrator within thirty (30) days along with the required filing fee. It must be in proper form and you must show that the Petitioner's attorney (or the Petitioner if he/she does not have an attorney) was served with a copy of the "Response" or "Motion." The location to file your response is at the court address indicated above.

If you have questions, you should see an attorney immediately. If you need help finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll free elsewhere in Oregon at (800) 452-7636.

If special accommodation under the Americans with Disabilities Act is needed, please contact your local court at the address above; telephone number: _____.

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.

_____
Petitioner, Signature Print Name

_____
Address or Contact Address City, State, Zip

_____
Telephone or Contact Telephone

I certify that this is a true copy

_____
Petitioner's Signature

[Attach to Summons per ORS 107.093(5)]
NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS

TO THE PETITIONER AND RESPONDENT:

REVIEW THIS NOTICE CAREFULLY. **BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW.** SEE INFORMATION ON YOUR RIGHTS TO A HEARING BELOW.

Pursuant to ORS 107.093 and UTCR 8.080, Petitioner and Respondent are restrained from:

(1) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

(2) Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

(3) Transferring, encumbering, concealing or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life. This paragraph (3) does not apply to the payment by either party of:

(a) Attorney fees in the existing action;
(b) Real estate and income taxes;
(c) Mental health therapy expenses for either party or a minor child of the parties; or
(d) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

(4) Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. The paragraph (4) does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

PETITIONER'S/RESPONDENT'S RIGHT TO REQUEST A HEARING

Either petitioner or respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of the automatic mutual restraining order, by filing with the court the Request for Hearing form specified in Form 8.080.2 in the UTCR Appendix of Forms.

Information about the Confidential Information Form (CIF)

What is a CIF?
Most court files may be viewed by the public. Uniform Trial Court Rule (UTCR) 2.130 requires certain confidential personal information to be protected from public disclosure. That is done by providing the information in a separate form. After you file your papers, the court keeps the form separate from the part of the court file that may be viewed by the public. The form is UTCR Form 2.130.1, known as the Confidential Information Form, or CIF.

What information does a CIF make confidential?
The information protected by the CIF is social security numbers, birth dates, driver license numbers, and former legal names. Also protected are the name, address, and telephone number of a party's employer.

The CIF should only be used to protect the information described above. There may be other information in your court papers that you do not want the public to be able to see, such as bank account or credit card numbers. The separate process for protecting that information is described in UTCR 2.100, which can be read at:

http://courts.oregon.gov/OJD/programs/utcr/utcrrules.page?.

How do I know when I need to put information in the CIF?
When a document filed with the court requires you to include information protected by a CIF, that information must **only** be provided to the court in a CIF and must not be listed in any other document to be filed. Where you would otherwise provide the information in the document to be filed you must make a note that the information has been provided in the CIF. For example, if a document requires a party's full social security number to be listed, you must not list the social security number, but must instead make a note on the document that the information has been filed under UTCR 2.130. **The online court forms already have that note on the form.**

Do I need to file more than one CIF?
In most cases, yes. You must fill out a CIF for yourself, and if the documents you are filing with the court require confidential personal information about the other party, you must also fill out a separate CIF with the other party's information. If your case involves children, you should include their information in *your* CIF. You do not need a separate CIF for your children.

If there is CIF information you do not know when you file your papers, or if the information changes during your case, you must file an amended CIF that provides the new or updated information.

The CIF rule requires you to redact – black out or erase – confidential personal information from any attachments to documents you file with the court and to make a note on the attachment that the information has been provided in the CIF. The only exception is when you are required to attach a court-certified document. Documents that are required to be court certified should not be altered in any way.

Does the other party get copies of a CIF I file?
You are not required to serve the CIFs on the other party, though you may share a CIF with the other party if you chose to do so. You *are* required to serve the other party with UTCR Form 2.130.2, which is a notice that a CIF has been filed. You must also file a certificate with the court showing that you served the other party with the notice that a CIF was filed.

There are steps the other party and other people can go through to ask the court to allow them access to a CIF that you have filed. UTCR 2.130 explains that process in detail, and also describes the circumstances under which the court must deny a request by someone else to view a CIF you have filed.

The CIF rule (UTCR 2.130) can be read at:
http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?
and you can find additional information about the rule at:
http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?

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

In the Matter of:	)	Case No.:_____
_____	)	
☐Petitioner ☐Co-Petitioner, and	)	**FAMILY LAW CONFIDENTIAL INFORMATION FORM (CIF)**
	)	☐ **Amended**
_____	)	
☐Respondent ☐ Co-Petitioner.	)	**This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.**
	)	
_____	)	
☐ Child At Least 18 But Under 21	)	

<u>ATTENTION COURT STAFF:</u> THIS IS A RESTRICTED ACCESS DOCUMENT.

The information below is about: ☐ Petitioner ☐ Respondent ☐ Co-Petitioner: _____

☐ Child At Least 18 But Under 21:_____

☐ Other:_____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Former Legal Name (s) (if applicable):
Date of Birth:
Social Security Number:
Driver License (Number and State):
Name, Address, and Telephone Number of Employer:

Children's Names (Last, First, Middle)	Date of Birth	Social Security No.

Please attach an additional sheet if there are more than five children involved in the proceeding.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date:_____ **Signature:**_____
Type or Print Name:_____

COMPLETED AND SUBMITTED BY:

☐ **Petitioner** ☐ **Respondent** ☐ **Co-Petitioner:**_____

☐ **Child who is at least 18 and under 21:**_____

☐ **Other:**_____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is <u>not available</u> to the <u>opposing party or his/her attorney</u>, or to the <u>public</u>; except for the state.

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

In the Matter of:	)	Case No.:_____
_____	)	
☐Petitioner ☐Co-Petitioner, and	)	**FAMILY LAW CONFIDENTIAL INFORMATION FORM (CIF)**
	)	☐ **Amended**
_____	)	
☐Respondent ☐ Co-Petitioner.	)	**This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.**
	)	
_____	)	
☐ Child At Least 18 But Under 21	)	

<u>ATTENTION COURT STAFF:</u> THIS IS A RESTRICTED ACCESS DOCUMENT.

The information below is about: ☐ Petitioner ☐ Respondent ☐ Co-Petitioner: _____

☐ Child At Least 18 But Under 21:_____

☐ Other:_____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Former Legal Name (s) (if applicable):
Date of Birth:
Social Security Number:
Driver License (Number and State):
Name, Address, and Telephone Number of Employer:

Children's Names (Last, First, Middle)	Date of Birth	Social Security No.

Please attach an additional sheet if there are more than five children involved in the proceeding.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date:_____ **Signature:**_____
Type or Print Name:_____

COMPLETED AND SUBMITTED BY:

☐ **Petitioner** ☐ **Respondent** ☐ **Co-Petitioner:**_____

☐ **Child who is at least 18 and under 21:**_____

☐ **Other:**_____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is <u>not available</u> to the <u>opposing party or his/her attorney</u>, or to the <u>public</u>; except for the state.

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

In the Matter of:	)	Case No.:_____
_____	)	
☐Petitioner ☐Co-Petitioner,	)	**NOTICE OF FILING OF**
and	)	☐ **CONFIDENTIAL INFORMATION FORM (CIF)**
	)	☐ **Amended CIF**
_____	)	
☐Respondent ☐ Co-Petitioner.	)	
	)	
	)	
_____	)	
☐ Child At Least 18 But Under 21	)	

NOTICE: Confidential Information Form Has Been Filed

- Uniform Trial Court Rule (UTCR) 2.130 requires that parties to domestic relations cases place certain information about themselves and other parties in a CIF when such information is required in a document filed with the court.
- The CIF is not available for public inspection except as authorized by law.
- Parties are allowed to see a CIF that contains information about them.
- A party who wants to see a CIF that contains information about another party must ask for permission from the court or the other party by following the procedures set out in UTCR 2.130.

I am the (check one box):

☐ Petitioner ☐ Respondent ☐ Co-Petitioner:_____

☐ Child At Least 18 But Under 21:_____

☐ Other:_____

I filed Confidential Information Forms with the court about the following parties to this case:
(complete a section for each party for whom you have filled out a CIF)

1) Name (Last, First, Middle):_____
   ☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

   Confidential Personal Information contained in CIF (check all that apply):

   ☐party's social security number, ☐party's date of birth, ☐children's social security number, ☐children's date(s) of birth, ☐employer's name, address, and telephone number, ☐driver license number, ☐former legal name(s).

2) Name (Last, First, Middle):_____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

Confidential Personal Information contained in CIF (check all that apply):

☐party's social security number, ☐party's date of birth, ☐children's social security number, ☐children's date(s) of birth, ☐employer's name, address, and telephone number, ☐driver license number, ☐former legal name(s).

3) Name (Last, First, Middle):_____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

Confidential Personal Information contained in CIF (check all that apply):

☐party's social security number, ☐party's date of birth, ☐children's social security number, ☐children's date(s) of birth, ☐employer's name, address, and telephone number, ☐driver license number, ☐former legal name(s).

4) Name (Last, First, Middle):_____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

Confidential Personal Information contained in CIF (check all that apply):

☐party's social security number, ☐party's date of birth, ☐children's social security number, ☐children's date(s) of birth, ☐employer's name, address, and telephone number, ☐driver license number, ☐former legal name(s).

Dated this_____day of_____, 20____.

_____

Signature Print Name

_____

Contact Address City, State, Zip Contact Telephone

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

In the Matter of ☐ the Marriage of:	)	Case No. _____
	)	
_____,	)	DECLARATION OF SERVICE
Petitioner,	)	☐ Personal Service (ORCP 7D(2)(a))
and	)	☐ Substitute Service (ORCP 7D(2)(b))
	)	☐ Office Service (ORCP 7D(2)(c))
_____,	)	☐ Service by Mail, Return Receipt Requested
Respondent.	)	(ORCP 7D(2)(d))

I, _____, declare I am a resident of the County of _____, State of _____. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action.

(Check one of the following):

1. ☐ **Personal Service.** On the _____day of _____, 20___, at _____ a.m./p.m., I served true copies of the original Petition and Summons (with attached **Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions, Notice of CIF Filing** and notices on mediation and other information provided by the court clerk) by delivering them to ☐ Petitioner ☐ Respondent _____ (name) in person at the following address: _____ within the County of _____, State of _____.

2. ☐ **Substitute Service.** On the _____ day of _____, 20____, at _____ a.m./p.m., I served true copies of the original Petition and Summons (with attached **Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions, Notice of CIF Filing,** and notices on mediation and other information provided by the court clerk) by delivering them to _____within the County of _____, State of _____

(*Complete the section below only if the undersigned performed the followup mailing required by ORCP 7D(2)(b). If a party or other person other than the undersigned did the follow up mailing, s/he must use a separate Declaration/Certificate of Mailing.)*

☐ On the _____ day of _____, 20___, I personally deposited a true copy of the Petition and Summons (with attached **Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions, Notice of CIF Filing** and notices on mediation and other information provided by the court clerk) with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, addressed to the party to be served: ☐ Petitioner ☐ Respondent

_____(*name*), at the party's home address listed above, together with a statement of the date, time and place that the documents were hand-delivered to the party's dwelling (residence).

3. ☐ **Office Service.** On the _____ day of _____, 20____, at _____ a.m./p.m., I served true copies of the original Petition and Summons (with attached **Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions, Notice of CIF Filing** and notices on mediation and other information provided by the court clerk) by delivering them, in person, to the office of the party to be served, located at: _____ (*address*), during normal working hours for that office, where I left the documents with _____ (*name*), who is a person apparently in charge and who has a business duty to provide the documents to the party to be served. *(Complete the section below only if the undersigned performed the followup mailing required by ORCP 7D(2)(c). If a party or other person other than the undersigned did the follow up mailing, s/he must use a separate Declaration/Certificate of Mailing.)*

☐ On the _____ day of _____, 20___, I personally deposited a true copy of the Petition and Summons (with attached **Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions, Notice of CIF Filing,** and notices on mediation and other information provided by the court clerk) with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, addressed to the party to be served: ☐ Petitioner ☐ Respondent (*name*) _____, at the party's: ☐ home address located at: _____ (address), OR ☐ business address, listed above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

4. ☐ **Service by Mail, Return Receipt Requested.** On the _____ day of _____, 20___, I personally deposited **two true copies** of the Petition and Summons (with attached **Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions, Notice of CIF Filing** and notices on mediation and other information provided by the court clerk) with the United States Postal Service, one via first class mail, and the other by certified or registered, return receipt requested, or by express mail, with postage on both copies fully paid, addressed to the party to be served: ☐ Petitioner or ☐ Respondent _____ (*name*), at the party's: ☐ home address located at: _____(*address*). *(NOTE: If mailed return receipt requested, the return receipt should be attached to this Declaration of Service.)*

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.

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

Dated this _____ day of _____, 20 _____.

_____
Signature of Server 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 LANE

In the Matter of ☐ the Marriage of:	)	
	)	
_____,	)	Case No. _____
Petitioner,	)	
and	)	
	)	
	)	ACCEPTANCE OF SERVICE
	)	
_____,	)	
Respondent.	)	
STATE OF _____	)	
	)ss.	
County of _____	)	

I, _____, being first duly sworn, say: I am the Respondent in this matter and on _____ I received a true copy of the Petition and Summons, Notice of CIF Filing, with attached notices of statutory restraining order preventing dissipation of assets, continuation of health coverage, mediation and other information provided by the court clerk in the County of _____, State of _____.

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 of Respondent Print Name

_____

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

SIGNED AND SWORN to before me this _____day of _____, 20_____, by _____.

_____

Notary Public for _____/Court Clerk

My Commission Expires: _____

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

In the Matter of ☐ the Marriage of: _____ Petitioner, and _____ Respondent.	Case No. _____ PETITIONER'S EX PARTE MOTION FOR ORDER OF DEFAULT AND ENTRY OF JUDGMENT BY DEFAULT (ORCP 69)

Motion

Based on the attached Declaration, Petitioner requests that this Court grant an Order entering the default of Respondent under ORCP 69C for the reason that Respondent was served with the Summons, Petition for Separation and other documents required by law in _____ County, State of_____, on _____, 20_____ and has not made an appearance within the time prescribed by law. Petitioner also requests that this Court grant an Order allowing entry of the accompanying General Judgment of Separation under ORCP 69D.

Statement of Points and Authorities

ORCP 69 C. A party seeking default must file a motion for order of default and a supporting declaration providing the court with required factual information establishing that entry of such order is proper.

ORCP 69 D. A party seeking a judgment by default must file a motion and supporting declaration.

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.

DATED this _____ day of _____, 20_____.

_____
Petitioner, Signature

Submitted by:

_____
Petitioner, 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 LANE

In the Matter of ☐ the Marriage of:	)	
	)	
_____,	)	Case No. _____
Petitioner,	)	
and	)	PETITIONER'S DECLARATION IN SUPPORT
	)	OF MOTION FOR ORDER OF DEFAULT AND
_____,	)	ENTRY OF JUDGMENT BY DEFAULT
Respondent.	)	

I, _____, am the Petitioner in this proceeding.

1. *Check one of the following:*

A. ☐ The Respondent **is not** now, and was not at the time of the service of the Summons and Petition, in the active military service of the United States.

B. ☐ The Respondent **is** now, or was at the time of the service of the Summons and Petition, in the active military service of the United States.

☐ (*check if applicable*) The Respondent has waived his/her rights under the Service-members' Civil Relief Act, as shown by the attached affidavit, labeled as Exhibit _____.

C. ☐ After diligent efforts, I am unable to determine whether or not the Respondent is now, or was at the time of the service of the Summons and Petition, in the active military service of the United States. ☐ The moving party shall be required to post bond pursuant to 50 U.S.C. App. § 521(b)(3).

☐ (*check if applicable*) I have requested, but have not yet received, a determination from the Department of Defense regarding Respondent's military status.

2. REQUIRED: The following facts support my declaration regarding Respondent's military status:

_____

_____

3. Respondent is not now and was not at the time of the service of the Summons and Petition a minor, incapacitated, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by Oregon law.

4. ☐ **Neither** the Respondent nor his/her Attorney **has filed appearance, appeared in court or provided** written notice of intent to file an appearance in this proceeding.

☐ The Respondent or his/her Attorney **has** filed an appearance, appeared in court or provided written notice of intent to file an appearance and I ☐have ☐have not served written notice of the application for an order of default on the Respondent or his/her Attorney at least 10 days before seeking this order of default pursuant to ORCP 69A(1).

5. ☐ An Order of Default is being applied for contemporaneously.

6. ☐ I still seek the relief requested in my Petition *except*:_____
_____

7. ☐ I do not seek the award of costs and disbursements. ☐ I seek the award of costs and disbursements pursuant to ORCP 68B and_____(Cite any other basis you have for the right to seek costs and disbursements). ☐ I asked for the award of costs and disbursements in my Petition. The amounts sought are: *(itemize)*_____
_____

8. ☐ I do ☐ do not seek the award of attorney fees. (If you check the first box you must comply with ORCP 68 and UTCR 5.080.) ☐ I asked for attorney fees in my Petition.

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 document.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED this _____ day of _____, 20_____.

_____
Signature Print Name

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

I certify this is a true copy:

_____
Petitioner's Signature

THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE

In the Matter of ☐ the Marriage of: _____ Petitioner, and _____ Respondent.	Case No. _____ ORDER OF DEFAULT

Petitioner's Motion for Order of Default and Entry of Judgment by Default is:

☐ Allowed.

☐ Denied_____.

DATED this _____ day of _____, 20_____.

_____
Circuit Court Judge

_____
Print Name

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

In the Matter of: ☐ the Marriage of: _____ Petitioner, and _____ Respondent.	Case No. _____ MOTION FOR ORDER ALLOWING JUDGMENT ON AFFIDAVIT IN LIEU OF HEARING

Motion

Based on ORS 107.095(4) and

☐ the co-petition of the parties (or)
☐ the Order of Default and Entry of Judgment by Default on record (or)
☐ the appearance of Respondent and waiver of the right to further appearance (or)
☐ the stipulation of the parties to the entry of a general judgment,

☐ Petitioner ☐ Respondent requests that this Court grant an Order allowing entry of judgment based on the attached Affidavit in lieu of a hearing.

Statement of Points and Authorities

In a suit for dissolution of marriage where the parties are co-petitioners, or respondent is found by the Court to be in default, or the respondent appeared but waived further appearance, or the parties stipulate to the entry of a decree, ORS 107.095(4) authorizes the Court to enter a judgment of dissolution upon affidavit without a hearing.

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.

Date:_____ ☐ Petitioner's ☐ Respondent's Signature:_____

Submitted by:

_____

☐ Petitioner ☐ Respondent (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 LANE

In the Matter of ☐ the Marriage of: _____ Petitioner, and _____ Respondent.	Case No. _____ ORDER ALLOWING JUDGMENT ON AFFIDAVIT IN LIEU OF HEARING

Petitioner's Motion for Order Allowing Judgment on Affidavit in Lieu of Hearing is:

☐ Allowed.

☐ Denied_____.

DATED this _____ day of _____, 20_____.

_____
Circuit Court Judge

_____
Print Name

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

In the Matter of ☐ the Marriage of:	)	
	)	
_____,	)	Case No. _____
Petitioner,	)	
and	)	PETITIONER'S AFFIDAVIT SUPPORTING
	)	GENERAL JUDGMENT OF SEPARATION
_____,	)	
Respondent.	)	
STATE OF _____	)	
	) ss.	
County of _____	)	

I, _____, being first duly sworn, say: I am the petitioner in this proceeding. The parties were married/registered on (*date*): _____, in the County of _____, State of _____.

☐ Irreconcilable differences between us have caused a temporary or unlimited breakdown of our marriage/domestic partnership.

☐ The parties have entered into an agreement that will be filed with the Court suspending for a period of not less than one year our obligation to live together as husband and wife/domestic partners.

☐ Irreconcilable differences exist between the parties and the continuation of the marriage/domestic partnership preserves or protects their legal, financial, social or religious interests.

Marriage Only: ☐ I certify that one or both of the parties to this case currently live in the county in which this petition is being filed.

Domestic Partnership Only ☐ I certify that one or both of the parties to this case currently live in the county in which this petition is being filed, or ☐ neither party currently resides in Oregon but I certify that this petition is filed in the county where ☐ Petitioner or ☐ Respondent last resided.

☐ No domestic relations suits involving this marriage/domestic partnership of Petitioner and Respondent are pending in any other court.

☐ There are no unemancipated child/ren under the age of 18 to this marriage/domestic partnership, and no child of this marriage/domestic partnership is age 18 to 21 and a "child attending school" as defined in ORS 107.108.

☐ Neither party is now pregnant.

///

☐ Respondent has not appeared in this matter and an Order of Default has been entered.

☐ Respondent filed a response and later ☐ signed and filed a Waiver of Further Appearance and Consent to Entry of Judgment, (or) ☐ has waived further hearing by stipulating to the terms of the Judgment.

This case is now ready for a hearing on the merits. I make this affidavit in support of a Judgment of Separation without a hearing. The allegations in my Petition are true and it is just and reasonable that the relief requested be granted in the proposed judgment.

☐ The request for spousal support is supported by the following facts:_____
_____
_____

☐ I request that personal information, such as telephone number, address and employment information, not be disclosed in the court's judgment as otherwise required by ORS 25.020 and ORS 107.085 because my health, safety or liberty, or that of my child/ren _____ would unreasonably be put at risk by such disclosure. **State supporting facts:** _____
_____
_____

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.

Dated: _____, 20_____.

_____
Petitioner's Signature Print Name

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

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 Signature

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

In the Matter ☐ of the Marriage of:	)	
	)	Case No. _____
_____,	)	
Petitioner,	)	
	)	GENERAL JUDGMENT OF SEPARATION
and	)	and MONEY AWARD
	)	
_____,	)	
Respondent	)	

1. **This matter came before the Court:**
   - ☐ On the motion and affidavit of Petitioner, the default of Respondent having been found.
   - ☐ On the motion of Petitioner, the default of Respondent having been found, and Respondent being represented by a guardian ad litem or another person described in Rule 27.
   - ☐ On the motion and affidavit of Petitioner, Respondent having filed a Waiver of Further Appearance.
   - ☐ On the stipulations of the parties, as shown by the signatures below.
   - ☐ At a hearing held _____, at which the following persons were present:
     (*date*)
   - ☐ Petitioner ☐ Petitioner's attorney _____
   - ☐ Respondent ☐ Respondent's attorney _____

2. Findings. The Court considered the: ☐ Affidavit ☐ Affidavit and stipulations ☐ Evidence presented and found that:

A. Irreconcilable differences between the parties have caused the temporary or unlimited breakdown of their marriage/domestic partnership.
☐ The parties have entered into an agreement (the terms of this judgment) suspending for a period of not less than one year their obligation to live together as husband and wife/domestic partners, as evidenced by the parties' signatures on page 8 of this judgment.
☐ Irreconcilable differences exist between the parties and the continuation of the marriage/domestic partnership preserves or protects their legal, financial, social or religious interests.

B. ☐ <u>Spouses Only</u>: ☐ Petitioner ☐ Respondent has/have been a resident of and domiciled in the state of Oregon continuously for six months immediately prior to the filing of the Petition for Dissolution of Marriage.
☐ <u>Domestic Partnership Only</u>: One or both of the parties to this case currently live in the county where this petition has been filed, or ☐ neither party currently resides in Oregon but the petition has been filed in the county where ☐ Petitioner or ☐ Respondent last resided.

///

NOW, THEREFORE, IT IS HEREBY ORDERED:

The terms of this judgment are effective immediately. The parties are hereby legally separated as of the date this Judgment is signed, to continue for the period of time specified in Section 9 below.

3. Spousal Support and Life Insurance.

☐ No spousal support or spousal life insurance is ordered in this case (skip the rest of paragraph 3).

Spousal Support.

Support shall be paid by: ☐ Petitioner to Respondent (or) ☐ Respondent to Petitioner

In the amount of: $_____per month, or $_____ by _____(*date*).

Period support payments shall last: _____, or the death of either party, whichever comes first.

The support shall be called (*check one or more*): ☐ transitional ☐ compensatory ☐ spousal maintenance, based on consideration of the following factors: _____

_____

Spousal support payments are taxable to the obligee spouse/domestic partner and deductible to the obligor spouse/domestic partner. All payments terminate upon the death of either party. Judgment is entered accordingly.

Payments.

☐ Petitioner ☐Respondent shall pay spousal support beginning on:

☐ The first (or_____) day of the month following the date of the judgment and continuing on the same day of each month thereafter. **or**

☐ The date Respondent was served with the petition and continuing on the same day of each month thereafter *(check this option only of requested in the Petition or agreed to by the parties)*.

All payments of spousal support shall be made:

☐ Directly into _____'s checking or savings account. A receipt of deposit shall be kept by the paying spouse/domestic partner as proof of payment. The spouse/domestic partner receiving support should provide the paying spouse/domestic partner with current deposit slips and/or bank name, account name, and account number.

Life Insurance.

☐ Petitioner ☐ Respondent shall buy and maintain life insurance for the benefit of ☐ Petitioner ☐ Respondent throughout the period of the spousal support obligation in the amount of $_____

4. Real Property Distribution.

☐ Neither Petitioner nor Respondent has any interest in any real property located in this or in any other state.

☐ Petitioner ☐ Respondent has/have an interest in real property located at the address of _____

_____

☐ This property shall be distributed as follows:_____

_____

_____

☐ Additional page labeled "Paragraph 4 - Real Property Distribution continued" attached.

☐ The legal description of the property is attached as "Exhibit _____" and incorporated into this Judgment.

☐ Petitioner ☐ Respondent shall be responsible for the preparation, signing and recording of a deed,

transferring the real property as required by this judgment.

☐ Distribution of this property is not within the jurisdiction of this court.

5. Personal Property Distribution (including motor vehicles).

☐ The Petitioner and Respondent have divided between them all personal effects, household goods and other personal property they own separately or together, and each shall be awarded those items now in their possession.

☐ The Petitioner is awarded the following personal property:_____

_____

_____

☐ Additional page labeled "Paragraph 5 - Petitioner's Personal Property Distribution continued" attached.

☐ The Petitioner is awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred compensation plan, and/or stock option plan held by Petitioner's current or past employer, free of any interest in the Respondent.

☐ The Respondent is awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred compensation plan, and/or stock option plan held by Respondent's current or past employer, free of any interest in the Petitioner.

☐ The Respondent is awarded the following personal property:_____

_____

_____

☐ Additional page labeled "Paragraph 5 - Respondent's Personal Property Distribution continued" attached.

6. Distribution of Debts.

☐ The debts shall be paid as follows:

Name of Creditor (who money is owed to)	What debt is for	Amount	Who shall pay (Petitioner or Respondent)

☐ Additional page attached, labeled "Paragraph 6 continued."

Each party shall be responsible for the payment of all debts incurred by him or her individually since the date of the separation; all debts which are distributed to him or her by the court; and all debts which are secured by property distributed to that party. Also, if any creditor asks the spouse/domestic partner not responsible for a debt to pay all or a portion of it, and he or she does so, the spouse/domestic partner responsible for that debt shall reimburse the other spouse/domestic partner for any monies he/she paid to the creditor after the date this judgment was entered.

The date of separation (*when you began living apart*) was: _____

7. Transfer of Property and Debts.

Within thirty (30) days of the date of this judgment, each party shall execute, acknowledge and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court.

The judgment shall operate to convey title to the party awarded the property if the other party fails to comply with this requirement.

8. Former Name.

☐ Petitioner's ☐ Respondent's former name of _____ is restored.

9. Duration.

The length of the separation shall be ☐ unlimited ☐ for a period of _____
(*length of time*)

10. Additional Provisions: _____

_____

☐ Additional page attached labeled "Paragraph 10 - Additional Provisions continued."

11. Court Costs and Fees.

A. Deferred Costs and Fees

Any court costs and service fees (if service was completed by the Sheriff) that were deferred (required to be paid at a later date) by the court shall be paid by:

☐ Petitioner
☐ Respondent.
☐ Both parties equally
☐ Other:_____.

B. Costs and Fees Paid by the Parties

☐ Each party shall be responsible for paying his/her own court costs and service fees for this case.
☐ To be paid by both parties equally
☐ Petitioner ☐ Respondent shall reimburse the other spouse/domestic partner for his/her court costs and service fees for this case.
Other: _____.

Judgment shall be entered according to the cost and fee allocation listed above.

12. Information Required by ORS 25.020 and ORS 107.085.

☐ Based on a finding that the health, safety, or liberty of ☐ Petitioner ☐ Respondent or a child, _____, would unreasonably be put at risk by disclosure of the following information, ☐ Petitioner ☐ Respondent has been allowed not to disclose this information.
☐ Otherwise:

	Petitioner	Respondent
Full Name		
Former Legal Name(s)	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Age		
Address or Contact Address		
Telephone Number		
Social Security Number	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.

	Petitioner	Respondent
Drivers License Number	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Employer Name	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Employer Address	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.
Employer Telephone	Do not list. Provide by UTCR 2.130 CIF.	Do not list. Provide by UTCR 2.130 CIF.

☐ Additional page labeled "Paragraph 12 continued" attached.

Both parties shall inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the above information required by ORS 25.020 within ten (10) days of such change, unless a finding of unreasonable risk has been made in this case. If the court has ordered that a party be allowed not to disclose information by means of this Judgment in Paragraph 12 above, the Department of Justice or the District Attorney shall not disclose the information in the preceding section to the other parent.

Date of marriage/domestic partnership: _____.
Place of marriage/domestic partnership: _____.

13. Money Award. Child Support Obligation ☐ included ☐ not included.
Spousal Support ☐ included ☐ not included.

Additional information required by ORS 18.042	**PETITIONER**	**RESPONDENT**
Full Name		
Address or Contact Address		
Attorney's Name, Telephone Number and Address (if applicable)		
Year of Birth		
Last Four Digits of Driver's License Number and State of Issuance		

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The following information is to be provided by any party entitled to receive a money award (a "judgment creditor") as listed in this Judgment.	
Others Entitled to Portions of Judgment Payable to PETITIONER	The following person(s) or public bod(ies) are known by Petitioner to be entitled to a portion of a payment made on the judgment (other than Petitioner's attorney): ☐ None or ☐ _____ _____
Others Entitled to Portions of Judgment Payable to RESPONDENT	The following person(s) or public bod(ies) are known by Respondent to be entitled to a portion of a payment made on the judgment (other than the Respondent's attorney): ☐ None or ☐ _____ _____ _____ _____

Type of Judgment		**Amount of Judgment**
Spousal Support Award	WHO PAYS ☐ Petitioner ☐ Respondent WHO RECEIVES ☐ Petitioner ☐ Respondent	1. $_____ per month starting on: ☐ the first (or_____) *day* of the month following the date of the judgment and continuing on the same day of each month thereafter, **or** ☐_____, the date Respondent was served with the Petition, and continuing on the same day of each month thereafter. Support will last until_____*(date)* or the death of either party, whichever comes first. **or** 2. A lump sum payment of $_____ to be paid by (date): _____
SPOUSAL SUPPORT PAYMENTS ARE TAXABLE TO THE OBLIGEE SPOUSE/DOMESTIC PARTNER AND DEDUCTIBLE TO THE OBLIGOR SPOUSE/DOMESTIC PARTNER. ALL PAYMENTS TERMINATE UPON THE DEATH OF EITHER PARTY.		
Property Division (if applicable)	WHO PAYS ☐ Petitioner ☐ Respondent WHO RECEIVES ☐ Petitioner ☐ Respondent	1. $_____ per month, starting on the ☐ first day or ☐ Other: _____ of the month following the date of the judgment until the total amount of $_____ is paid in full; **or** 2. A lump sum payment of $_____ to be paid by: _____ (date).

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☐Prejudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.)	WHO PAYS ☐ Petitioner ☐ Respondent WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____
Postjudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.)	WHO PAYS ☐ Petitioner ☐ Respondent WHO RECEIVES ☐ Petitioner ☐ Respondent	Nine percent (9 %) per annum simple interest on the unpaid balance of the total judgment amount(s) of $_____. Interest accrues from the date the judgment is entered and continues until fully paid.
Accrued Arrears (if any, on judgments to be paid on a periodic basis)	WHO PAYS ☐ Petitioner ☐ Respondent WHO RECEIVES ☐ Petitioner ☐ Respondent	1. $_____ per month, starting on the ☐ first day or ☐ Other: _____ of the month following the date of the judgment until the total amount of $_____ is paid in full; **or** 2. A lump sum payment of $_____ to be paid by: _____ (date).
Costs and Service Expenses (e.g., filing fees, hearing fees, trial fees, process fees)	WHO PAYS ☐ Petitioner ☐ Respondent WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____

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Attorneys Fees (if any)	WHO PAYS ☐ Petitioner ☐ Respondent	$_____
	WHO RECEIVES ☐ Petitioner ☐ Respondent	

DATED this _____ day of _____, 20_____

_____
Circuit Court Judge

_____
Print Name

☐ **All parties have agreed (stipulated) to the terms of this judgment. Sign before a Notary Public or Court Clerk only.**

_____
Petitioner, Signature

State of _____)
County of _____)

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

by _____ (name of person).

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

_____
Respondent, Signature

State of _____)
County of _____)

This instrument was acknowledged before me on_____, 20_____, (date)
by _____ (name of person).

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

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 ☐ Respondent, Signature Print Name

_____

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

Certificate of Mailing. I certify that I mailed a copy of this judgment and attachments thereto by U.S. Mail with postage paid to the other party at the following address: _____ on the following date:_____

_____

☐ Petitioner ☐ Respondent, Signature Print Name

I certify that this is a true copy:

_____

☐ Petitioner ☐ Respondent, Signature