

Forms and Instructions for Converting Separation Judgment to Dissolution Judgment Packet No. 2F

This packet is for parties who have obtained a Judgment of Separation within the last two years.

STEP 1

Fill out the following forms:

- *Petitioner's/Respondent's Ex Parte Motion for Order to Show Cause Regarding Conversion of Judgment (MOTION)*
- *Affidavit in Support of Motion for Order to Show Cause Re: Conversion of Judgment (AFFIDAVIT)*
- *Record of Dissolution of Marriage (NCR Vital Statistics form); available from the Family Court Assistance Office or the Cashiers*

The case heading (names and case number) on each form will be the same as it was on the Separation Judgment. Fill out each form completely except the date and signature lines for the judge on the JUDGMENT. Make two copies of the MOTION and AFFIDAVIT.

STEP 2

A. IF YOUR SPOUSE/PARTNER HAS NOT CONSENTED TO THE CONVERSION:

Also fill out the following form:

- *Order to Show Cause Regarding Conversion of Judgment (ORDER TO SHOW CAUSE)*
- Make copies and submit the original MOTION, AFFIDAVIT, ORDER TO SHOW CAUSE, and NCR Vital Statistics form with the Court Clerk. Skip to step 3 for instructions regarding how to submit the forms to the Court.

B. IF YOUR SPOUSE/PARTNER CONSENTED TO THE CONVERSION BEFORE FILING YOUR PAPERS:

Have your spouse/partner fill out and sign the following form:

- *Consent to Conversion and Waiver of Right to Hearing (CONSENT)*
- Make copies. Submit the CONSENT and the JUDGMENT, together with the papers in Step 2(A) above, with the Court. Once the JUDGMENT has been signed, obtain a court-certified copy of it and serve your spouse/partner by mailing him/her a copy. After service, you will be finished and a hearing is not required because your spouse/partner consented to your request. Skip to step 3 for instructions regarding how to submit the forms to the Court.

C. IF YOUR SPOUSE/PARTNER CONSENTS TO THE CONVERSION AFTER BEING SERVED WITH THE PAPERS IN STEP #3:

After being served (see Step #4 below), your spouse/partner may CONSENT to your request. The law allows your spouse/partner to file a written CONSENT at any time before the hearing. **If your spouse/partner CONSENTS** after being served with the papers, have your spouse/partner fill out and sign the form called "*Consent to Conversion and Waiver of Right to Hearing (CONSENT)*." Make copies and submit the CONSENT and JUDGMENT with the Court. Once the JUDGMENT has been signed, obtain a court-certified copy of it and serve your spouse/partner by mailing him/her a copy.

After service, you will be finished and a hearing is not required because your spouse/partner consented to your request. Skip to step 3 for instructions regarding how to submit the forms to the Court.

STEP 3

Attend an Ex Parte proceeding. Ex Parte is a time when you can present papers to a judge. You do not need an appointment to attend. It is held between 8:30 a.m. and 8:50 a.m. Monday through Friday except legal holidays. You must check in beforehand with the cashiers on the second floor of the courthouse. There is a fee to have a Judge sign the Order and it must be paid on the morning you check in to attend Ex Parte. Fee schedules are available on the Lane County Circuit Court's website, at the Cashiers, and the Family Court Assistance Office.

STEP 4

THE INSTRUCTIONS BELOW ARE TO BE FOLLOWED IF YOUR SPOUSE/PARTNER HAS NOT CONSENTED TO THE CONVERSION BEFORE YOU FILE THE PAPERS IN STEPS #1 and #2(A).

Once the judge signs the ORDER TO SHOW CAUSE, obtain a court certified copy from the Court Clerk.

Serve your spouse/partner with certified copies of the AFFIDAVIT, MOTION and ORDER TO SHOW CAUSE. You may do this through the sheriff's office or through a private process server.

STEP 5

Attend the hearing at the time stated in the Order. Bring the final judgment (GENERAL JUDGMENT OF DISSOLUTION CONVERTED FROM JUDGMENT OF SEPARATION) with the original Judgment of Separation to the hearing. **The Judgment of Separation can't be changed in any way and must be attached to the final judgment.** If the court grants your request at the hearing, the judgment will be signed and a General Judgment of Dissolution will be entered.

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 RESPONDENT'S
EX PARTE MOTION FOR ORDER TO SHOW
CAUSE REGARDING CONVERSION OF
JUDGMENT

Motion

I, Petitioner Respondent, request that the court issue an Order to Show Cause requiring the other party to this case to appear in Circuit Court in the _____ County Courthouse in _____, Oregon to show cause why the Court should not convert the Judgment of Separation granted on _____ to a General Judgment of Dissolution.
(Date)

Points and Authorities

ORS 107.465 allows the Court to convert a judgment of separation to a judgment of dissolution within two years after the entry of the judgment of separation.

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 Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy:

Petitioner Respondent, Signature

PETITIONER'S RESPONDENT'S EX PARTE MOTION FOR ORDER TO SHOW CAUSE REGARDING
CONVERSION OF JUDGMENT - Page 1 of 1

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. _____

AFFIDAVIT IN SUPPORT OF MOTION
FOR ORDER TO SHOW CAUSE RE:
CONVERSION OF JUDGMENT

STATE OF _____)
) ss.
County of _____)

I, Petitioner Respondent, being first duly sworn, say that the following is true:

1. A Judgment of Separation was entered on _____ (date), less than two years ago. I am requesting that the Judgment of Separation be converted to a General Judgment of Dissolution because irreconcilable differences have caused the irremediable breakdown of the marriage/partnership.
2. The General Judgment of Dissolution that I am requesting will not set aside, alter, or modify any part of the Judgment of Separation which has created or granted rights that have vested.
3. Marriage Only: The Petitioner Respondent is an Oregon resident and has been a resident of this state continuously for the past six months.

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

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 Respondent, Signature Print Name

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

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

I certify that this is a true copy:

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

 Petitioner Respondent, Signature

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

In the Matter of the Marriage of:)

_____)

_____)

and Petitioner,)

_____)

and Respondent.)

_____)

Respondent.)

Case No. _____

CONSENT TO CONVERSION;
WAIVER OF RIGHT TO HEARING;
AND WAIVER OF PERSONAL
SERVICE

For purposes of ORS 107.465, I hereby consent to Petitioner's Respondent's request that the Judgment of Separation previously entered in this case be converted to a General Judgment of Dissolution.

Further, I waive any right I have to a hearing on this issue.

I also waive any right I have to personal service of the Order Regarding Conversion of Judgment and agree to accept service by regular mail.

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 Respondent, 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 <input type="checkbox"/> the Marriage of:)	Case No. _____
)	
_____, Petitioner,)	<input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> DECLARATION OF SERVICE
and)	<input type="checkbox"/> Personal Service (ORCP 7D(2)(a))
)	<input type="checkbox"/> Substitute Service (ORCP 7D(2)(b))
)	<input type="checkbox"/> Office Service (ORCP 7D(2)(c))
_____, Respondent.)	<input type="checkbox"/> Service by Mail, Return Receipt Requested (ORCP 7D(2)(d))

I, _____, being first duly sworn, say 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 **Ex Parte Motion, Affidavit, and Order to Show Cause Re: Conversion of Judgment** 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 **Ex Parte Motion, Affidavit, and Order to Show Cause Re: Conversion of Judgment** by delivering them to _____ (*name*), who is a person age 14 or older and a member of the household of the party to be served, at the following address _____ within the County of _____, State of _____.

(Complete the section below only if the undersigned performed the follow-up 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 Affidavit/Certificate of Mailing.)

On the _____ day of _____, 20____, I personally deposited a true copy of the **Ex Parte Motion, Affidavit, and Order to Show Cause Re: Conversion of Judgment** 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 **Ex Parte Motion, Affidavit, and Order to Show Cause Re: Conversion of Judgment** 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 follow-up 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 Affidavit/Certificate of Mailing.)*

On the _____ day of _____, 20____, I personally deposited a true copy of the **Ex Parte Motion, Affidavit, and Order to Show Cause Re: Conversion of Judgment** 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 **Ex Parte Motion, Affidavit, and Order to Show Cause Re: Conversion of Judgment** 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 Affidavit 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.

Complete ONE of the following:

IF AFFIDAVIT:

Dated this _____ day of _____, 20_____.

Signature of Server

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: _____

OR

IF DECLARATION:

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

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

I certify that this is a true copy.

Petitioner Respondent, Signature