

Forms and Instructions for Converting Separation Judgment to Dissolution Judgment

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*

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. Make two copies of the MOTION and AFFIDAVIT.

STEP 2 (CHOOSE OPTION A, B OR C)

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 file the original MOTION, AFFIDAVIT, ORDER TO SHOW CAUSE, and Vital Statistics form with the Court Clerk.

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, send a copy to the other party, and file the CONSENT, NOTICE OF PROPOSED JUDGMENT, and SUPPLEMENTAL JUDGMENT along with the papers in Step 2(A) above, with the Court Clerk.

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

After being served (see Step #3 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, send a copy to the other party, and file the CONSENT, NOTICE OF PROPOSED JUDGMENT, and SUPPLEMENTAL JUDGMENT with the Court Clerk.

STEP 3

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 copy from the Court Clerk.

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

STEP 4

After 30 days has passed from the date of service, file the MOTION, AFFIDAVIT and ORDER for DEFAULT along with the SUPPLEMENTAL JUDGMENT OF DISSOLUTION CONVERTED FROM JUDGMENT OF SEPARATION with the court. The court clerk will send you a notice after the judge signs your judgment.

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

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

Case No. _____

ORDER TO SHOW CAUSE REGARDING
CONVERSION OF JUDGMENT

Based upon the motion and affidavit of the Petitioner Respondent on file herein;

IT IS HEREBY ORDERED that Petitioner Respondent appear by written response within thirty (30) days after service of this order, to show cause, if any there be, why an order in conformity with said motion should not be entered, converting the General Judgment of Separation herein to a Supplemental Judgment of Dissolution of Marriage.

DATED this ____ day of _____, 20_____.

Circuit Court Judge

Print Name

Certificate of Readiness under UTCR 5.100

This proposed order is ready for judicial signature because service is not required under UTCR 5.100 or because this order is submitted ex parte as allowed by statute or rule.

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

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

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

Case No. _____

AFFIDAVIT OF SERVICE

- Personal Service (ORCP 7D(2)(a))**
- Substitute Service (ORCP 7D(2)(b))**
- Office Service (ORCP 7D(2)(c))**
- Service by Mail, Return Receipt Requested (ORCP 7D(2)(d))**

I, _____, being first duly sworn, state as follows:

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.

(Check one of the following):

Personal Service. On the _____ day of _____, 20____, at _____ a.m./p.m., I served true copies of the original 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 original 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 _____.

(If Substitute Service was used, you must complete the follow-up mailing section below as required by ORCP 7D(2)(b). If someone other than yourself completed the follow up mailing, s/he must use a separate Affidavit of Service).

On the _____ day of _____, 20____, I personally deposited a true copy

of the originals listed above 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 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. ***(If Office Service was used, you must complete the followup mailing section below as required by ORCP 7D(2)(c). If someone other than yourself completed the follow up mailing, s/he must use a separate Affidavit of Service.)***

On the _____ day of _____, 20____, I personally deposited a true copy of the originals listed above 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 a true copy of the 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 express mail, with postage on both copies fully paid, addressed to the party to be served: Petitioner Respondent _____ (name), at the party's: home address located at _____ (address).

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

In the Matter of <input type="checkbox"/> the Marriage of:)	
)	
_____ ,)	Case No. _____
Petitioner,)	
and)	CONSENT TO CONVERSION;
)	WAIVER OF RIGHT TO HEARING;
_____ ,)	AND WAIVER OF PERSONAL
Respondent.)	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 LINN

Petitioner,

and

Respondent.

)
)
)
)
)
)
)
)
)
)
)

Case No. _____

 PETITIONER'S RESPONDENT'S
**EX PARTE MOTION FOR
ORDER OF DEFAULT**

Motion

Based on the attached affidavit, petitioner/ respondent requests that this Court grant an order entering the default on the petitioner/ respondent for the reason that they were served with the Motion, Affidavit, and Order re: Conversion of Judgment required by law in _____ County, State of _____, on _____, 20____ and has not made an appearance within the time prescribed by law.

Statement of Points and Authorities

ORCP 69 requires the Court or Clerk to enter an order of default on a showing by affidavit or otherwise that a party against whom a judgment is sought has been served with Summons or is otherwise subject to the jurisdiction of the Court and has failed to plead or otherwise defend within the time set by law.

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:

Dated: _____, 20_____.

Petitioner Respondent, Signature Print Name

Contact Address City, State, Zip Contact Telephone

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

IN THE MATTER OF)
 THE MARRIAGE OF)
 SEPARATION OF)
 CUSTODY OF)
_____,)
Petitioner,)
and)
_____,)
Respondent.)

Case No. _____

PETITIONER'S RESPONDENT'S
EX PARTE ORDER OF DEFAULT

Based on the motion and affidavit of the petitioner/ respondent, the request to grant an Exparte Order of Default on the petitioner/ respondent who was served with the Motion, Affidavit, and Order re: Conversion of Judgment and other documents required by law and has not made an appearance within the time prescribed by law is hereby:

- Allowed.
- Denied.

DATED this _____ day of _____, 20_____.

Circuit Court Judge

Print Name

Certificate of Readiness under UTCR 5.100

This proposed order is ready for judicial signature because service is not required under UTCR 5.100 or because this order is submitted ex parte as allowed by statute or rule.

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: _____ Dated: _____, 20_____.

Petitioner Respondent, Signature

Print Name

Contact Address City, State, Zip Contact Telephone

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

_____,)
Petitioner,)
and) Case No. _____
_____,)
Respondent.)
SUPPLEMENTAL JUDGMENT OF
DISSOLUTION CONVERTED FROM
JUDGMENT OF SEPARATION

This matter coming before the court on the Motion and Affidavit of Petitioner
 Respondent requesting that the court convert the attached Judgment of Separation previously
entered on _____ (date), in this case to a Supplemental Judgment of Dissolution.
The court, having considered the:

- Evidence presented
- Default of the Petitioner Respondent.
- Written consent and waiver of the Petitioner Respondent.

and being fully advised, HEREBY:

CONVERTS the Judgment of Separation into a Supplemental Judgment of Dissolution. The
parties to this action shall be considered divorced as of the date of this Judgment, and all terms and
provisions of the previously entered Judgment of Separation attached hereto and incorporated by
reference shall remain in effect except those that declare the parties separated.

DENIES the conversion of the Judgment of Separation into a General Judgment of
Dissolution.

DATED this ____ day of _____, 20_____.

Circuit Court Judge

Print Name

Certificate of Readiness under UTCR 5.100

This proposed judgment is ready for judicial signature because *(check all that apply)*:

Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default**
or an order of default is being requested with this proposed judgment; because this judgment is

submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

Each party affected by this judgment has **stipulated** to or **approved** the judgment, as shown by the signatures on the judgment, or by written confirmation sent to me.

I have **served** a copy of this judgment and the *Notice of Proposed Judgment or Order* on all parties entitled to service. **And:**

No objection has been served on me within the 7-day time frame.

I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.

After conferring about objections, the other party (*name*) agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100 (if applicable)

I certify that on (*date*) _____: I placed a true and complete copy of this proposed

Judgment in the United States mail to (*name*) _____

at (*address*) _____

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

I selected this document for myself and I completed it without paid assistance.

I paid or will pay money to _____ for assistance in preparing this form.

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:
(Sign on copy only)**

Petitioner Respondent, Signature

NOTICE OF PROPOSED JUDGMENT OR ORDER

To be sent to all other parties before submitting proposed Judgment or Order to the court for signature. Send the Judgment or Order to the other party with this Notice at least 7 days before submitting it to the court. This does not apply to judgments submitted with a Motion for Order of Default or after and Order of Default has been granted.

This notice is to inform you that you can object to the attached proposed *Judgment* or *Order*.

Uniform Trial Court Rule (UTCRC) 5.100¹ allows you to object to the proposed judgment or order. If you have no objections, you can sign the last page and return it to me.

If you do object to any of the terms of the judgment or order, you may:

1) Contact me within 7 days of the date of this notice. If you contact me and we are not able to resolve your objections after reasonable efforts, I will include your objections with the proposed judgment or order when I submit it to the court.

or

2) Submit your objections directly to the court. If you intend to submit your objections directly to the court, notify me within 7 days of the date of this notice so that I can inform the court of your intentions when I submit the proposed judgment or order. If you do object to the proposed order or judgment, you must contact me within 7 days of the date of this notice.

Date

Signature

Name (printed)

Contact Address

City/State/Zip

Contact Phone

¹ <http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>