

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

\_\_\_\_\_, )  
Petitioner, )  
and )  
\_\_\_\_\_, )  
Respondent. )

Case No. \_\_\_\_\_

**MOTION AND ORDER TO VACATE ORDER OF**

**DISMISSAL (WITH AFFIDAVIT)**

**DEFAULT (WITH AFFIDAVIT)**

**Motion**

This matter came before the court on \_\_\_\_\_ and at that time the court gave the parties \_\_\_\_\_ days to file a proposed order or judgment to resolve this matter. The time allowed for filing the proposed judgment expired and the court then **dismissed the petition/motion;**

OR

This matter came before the court on \_\_\_\_\_ and at that time the court gave the parties \_\_\_\_\_ days to file the required documents to comply with legal requirements. The time allowed for filing such documents expired and the court then **dismissed the petition/motion;**

OR

This matter came before the court on \_\_\_\_\_ and at that time the court granted the **Motion for Default;**

The petitioner  respondent had since moved the court for an order vacating the **Order of** Dismissal Default and has set forth good cause for a finding of excusable neglect;

**The court finds that:**

the moving party requested this relief less than 30 days after the Order of Dismissal/Default and has set forth good cause for a finding of excusable neglect;

the moving party requested this relief more than 30 days after the Order of Dismissal/Default and has set forth good cause for a finding of excusable neglect; and the court further finds that there is good cause to grant the relief despite the passage of more than 30 days since the dismissal/default in this case;

**Order**

NOW, THEREFORE, the  Order of Dismissal  Order of Default entered on \_\_\_\_\_ is hereby vacated and the proceeding is reinstated.

The motion is **denied.**

Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

**IT IS SO MOVED.**

Petitioner  Respondent Signature

Address or Contact Address

City, State, Zip

Telephone

STATE OF OREGON )

County of Linn ) ss.

I, \_\_\_\_\_, being first duly sworn swear as follows:  
The reason why appropriate documents were not filed with the court by the agreed or ordered deadline and/or the reason why the court should vacate the subsequent dismissal/default is that:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional information attached and labeled "Affidavit Continued"

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Affiant Signature Print Name

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

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Notary Public for \_\_\_\_\_/Court Clerk  
My Commission Expires: \_\_\_\_\_

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

IN THE MATTER OF )  
 THE MARRIAGE OF )  
 SEPARATION OF )  
 CUSTODY PROCEEDING )  
 OTHER )  
 \_\_\_\_\_ )  
 PETITIONER, )  
 AND )  
 \_\_\_\_\_ )  
 RESPONDENT. )

Case No. \_\_\_\_\_

CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 20\_\_\_\_\_, I mailed a true copy of: \_\_\_\_\_  
 \_\_\_\_\_ previously filed in this case:

(List documents)

to the other party directly, at the following address, because s/he has no attorney:

to the other party's attorney \_\_\_\_\_ at the following address  
 (Name of other party's attorney)

Mailing was done by  first class mail and by  certified or  registered mail, return receipt requested, or  express 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 form myself, and I completed it without paid assistance.

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

Dated: \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Petitioner, Signature

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Address or Contact Address

\_\_\_\_\_  
 City, State, Zip

\_\_\_\_\_  
 Telephone or Contact Telephone