

Correcting Clerical Error in Judgment and Amending Judgment or Money Award

Instructions for Packet 12

About the forms in Packet #12: This set of forms and instructions will allow you to ask the court to correct a clerical error in either the body of your judgment or the “money judgment” or “money award” portion of your judgment, or to respond to a request made by the other party. The forms in Packet #12 may be used in dissolution, separation, modification, custody, parenting time, and/or child support proceedings. Instructions on how to respond to a motion or order to show cause to correct a clerical error are also included in the section entitled “IF YOU ARE THE RESPONDING PARTY.”

These forms should *only* be used where the terms of the court’s orders in the body of the judgment are *different from* those indicated in the “money judgment/money award” portion of the judgment. The forms allow you to ask the court to change either the body of the judgment, or the “money judgment” or “money award” portions of the judgment, so each accurately reflects the correct judgment of the court. ***The forms cannot be used to introduce new evidence or request something other than what the court ordered.*** The forms may also be used if you are notified by the Division of Child Support that the child/ren or spousal support provisions in the “money judgment” or “money award” sections do not match the provisions for child/ren or spousal support in the body of the judgment.

IF YOU ARE THE REQUESTING PARTY:

STEP 1 - FILLING OUT THE FORMS

- Fill out the forms called “ Ex Parte Motion For Order to Show Cause To Correct Clerical Error in Judgment (MOTION).

NOTE: You will have to contact your local court to determine which checkbox you need to check, whether Ex Parte Motion or For Order to Show Cause. courts differ on which procedure should be used for this type of a proceeding. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.

- If your local court does require an Order to Show Cause, mark **BOTH** check boxes for *Ex Parte Motion* and *For Order to Show Cause* on the MOTION form, **AND** fill out the form called “Order to Show Cause Regarding Correction of Clerical Error in Judgment and/or To Amend Money Judgment (ORDER TO SHOW CAUSE).
- If your local court does NOT require an Order to Show Cause, mark the checkbox for “*Ex Parte Motion*” **ONLY**. You will **NOT** need to fill out the ORDER TO SHOW CAUSE form.
- Fill out the form called “CORRECTED SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A)” (CORRECTED JUDGMENT) but leave blank the signature lines for the judge to sign.
- Make two copies of each of the forms. One is for your records and the other is to send to the other party (unless the other party has defaulted). Sign the copies for the other party where it says “I certify this is a true copy.”

STEP 2 – FILING, MAILING OR SERVING THE FORMS

Your request should be filed in the circuit court that entered the judgment you are asking the court to correct.

- **If your local court requires the Order to Show Cause proceeding:** File the original MOTION, ORDER TO SHOW CAUSE, and CORRECTED JUDGMENT with the court. Once the court has signed the ORDER TO SHOW CAUSE, you are required to serve the other party or his/her attorney (have papers deliver to) with certified copies of the MOTION, ORDER TO SHOW CAUSE, and the CORRECTED JUDGMENT(unless the other party has defaulted).

If the other party or his/her attorney 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 the other parent 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 the other parent 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 the other parent might react angrily or violently. An Affidavit of Service must be filed with the court after service has been made.

- **If your local court does NOT require the Order to Show Cause proceeding:** Send the copies of the MOTION and CORRECTED JUDGMENT to the other party, or his/her attorney, by mail (unless the other party has defaulted). Fill out the CERTIFICATE OF MAILING form. Then file the original MOTION, CORRECTED JUDGMENT and CERTIFICATE OF MAILING with the court.

STEP 3 - THE COURT’S RULING ON THE MOTION

- Check back when the local court clerk indicates you should (this may be several days or weeks) to see if your request was granted and if the CORRECTED JUDGMENT has been signed by a judge, or if it was denied.

- If the request was granted, the body of the judgment, and/or “money award” section of your judgment, will be as set forth in the CORRECTED JUDGMENT. **If child/ren or spousal support was ordered, provide a copy of the signed CORRECTED JUDGMENT to the Division of Child Support.**

- If the request was denied, the judgment will remain as it was originally entered.

IF YOU ARE THE RESPONDING PARTY:

STEP 1 - FILLING OUT THE FORMS

- Fill out the form called “Response to Ex Parte Motion For Order to Show Cause To Correct Clerical Error in Judgment” (RESPONSE).

- If you AGREE with the requested relief, complete Paragraph 1 but do not mark the check box before or fill in the blank lines after “ except as follows:_____.” Do NOT complete Paragraph 2.

- If you DO NOT AGREE with the requested relief, complete Paragraph 1 and mark the check box before and fill in the blank lines after “ except as follows:_____.” Also, complete Paragraph 2 and fill out the form called “CORRECTED SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A)” (CORRECTED JUDGMENT) with the relief you would agree to, but leave blank the signature lines for the judge to sign.

- Make two copies of your forms. One is for your records and the other is to send to the other party. Sign the copies for the other party where it says “I certify this is a true copy.”

STEP 2 - MAILING AND FILING THE FORMS

File your response with the circuit court. Mail copies of your documents to the other party, or his/her attorney, by mail. Fill out the CERTIFICATE OF MAILING form and file it with the court.

STEP 3 - THE COURT'S RULING ON THE MOTION

- Check back when the local court clerk indicates you should (this may be several days or weeks) to see what relief the court has ordered. The court may schedule a hearing for the parties to appear at.
- If the court orders relief, the body of the judgment, and/or “money award” section of your judgment, will be as set forth in the CORRECTED JUDGMENT granted by the court. **If child/ren or spousal support was ordered, provide a copy of the signed CORRECTED JUDGMENT to the Division of Child Support.**
- If the court does NOT order relief, the judgment will remain as it was originally entered.

The "money judgment" or "money award" portion of the judgment

correctly incorrect

states (attach additional sheets if necessary): _____

4. REQUESTED RELIEF (Check the appropriate box below):

The body of the judgment or The "money judgment" or "money award" portion of the judgment should be corrected to read as set forth in the attached "SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A)."

Points and Authorities

ORCP 71A provides that clerical mistakes in judgments, orders, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party and after such notice to all parties who have appeared, if any, as the court orders.

In Sea-Air Handling Services, Inc. v. Reed, 327 Or 25 (1998), the Supreme court stated that "in the absence of anything to the contrary in the record, a judgment entered in the register is regarded as stating an 'absolute verity'". The purpose of correcting a clerical error is to make the record speak the truth and conform it to what actually occurred. Marriage of Hopkins, 102 Or App 655, 658 (1990) (citing Hubbard v. Hubbard, 213 Or 482, 487 (1958)).

DATED this _____ day of _____, 20_____.

Petitioner Respondent State of Oregon, Signature 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.

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

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

In the Matter of the Marriage of:

_____)	
)	Case No. _____
Petitioner,)	
)	ORDER TO SHOW CAUSE REGARDING
and)	CORRECTION OF CLERICAL ERROR
)	IN JUDGMENT (ORCP 71A)
_____)	
Respondent.)	

Based upon the Motion of Petitioner Respondent State of Oregon on file herein, the request for an Order to Show Cause is hereby:

- allowed
- denied, because: _____.

IT IS HEREBY ORDERED that Petitioner Respondent appear by written response within _____ days after service of this order, to show cause why an order should not be entered granting the relief requested in the attached motion.

NOTICE TO Petitioner Respondent

IF YOU OBJECT TO ANY OF THE REQUESTS IN THE ATTACHED MOTION, YOU MUST FILE A WRITTEN RESPONSE SETTING OUT WHAT REQUEST(S) YOU OPPOSE WITH THE COURT AND SERVE IT ON THE OTHER PARTY. YOU MUST PAY ANY FILING FEE REQUIRED BY LAW, OR OBTAIN A COURT ORDER WAIVING OR DEFERRING THE FEE WHEN YOU FILE THE RESPONSE.

THE WRITTEN RESPONSE MUST BE FILED NO LATER THAN _____ DAYS AFTER THIS ORDER HAS BEEN SERVED ON YOU.

IF YOU DO NOT FILE THE RESPONSE WITHIN THE TIME ALLOWED, THE COURT MAY ORDER THE RELIEF REQUESTED WITHOUT FURTHER NOTICE TO YOU.

A NOTICE ABOUT THE WRITTEN RESPONSE (IF REQUIRED BY LOCAL RULE):

- IS ATTACHED AND MADE A PART OF THIS ORDER, or
- IS NOT ATTACHED.

DATED this _____ day of _____, 20_____.

Circuit Court Judge

Print Name

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____.

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

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

In the Matter of the Marriage of: _____) Case No. _____
_____)
_____)
_____) AFFIDAVIT 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 (list name of all documents served) _____
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 (list name of all documents served) _____
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 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 Affidavit/Certificate of Mailing.)

On the _____ day of _____, 20____, I personally deposited a true copy
of (list name of all documents served) _____ 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 (list name of all documents served) _____
_____ 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 Affidavit/Certificate of Mailing.)

On the _____ day of _____, 20____, I personally deposited a true copy of (list name of all documents served) _____ 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 (list name of all documents served) _____

_____ 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.

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	
<hr/>		
Address or Contact Address	City, State, Zip	Telephone or Contact Telephone

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

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 Petitioner
 Respondent in this matter and on _____ I received a true copy of the Ex Parte
Motion For Order To Show Cause to Correct Clerical Error in Judgment (ORCP 71A) and Supplemental
Judgment Correcting Judgment or Money Award (ORCP 71A), and a Notice About a Written Response to a
Motion to Modify, with attached notices on mediation and other information (*list other documents received*):
_____ in the County
of _____, State of Oregon.

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 Petitioner 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 _____

In the Matter of: the Marriage of:)
)
_____,) Case No. _____
)
Petitioner,)
and) CERTIFICATE OF MAILING
)
_____,)
)
Respondent.)

I certify that on _____, 20____, I placed a true copy of the following:

(Check all that apply:)

- Ex Parte Motion For Order To Show Cause To Correct Clerical Error in Judgment (ORCP 71A),
- Order to Show Cause, and
- Supplemental Judgment Correcting Judgment or Money Award (ORCP 71A) in the above case in the

United States mail addressed to Petitioner Respondent at (list address): _____

_____ in a sealed envelope with postage paid.

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 State of Oregon, Signature Print Name

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

Signature

Print name

2. **Money Award.** Child Support Obligation included not included.

Spousal Support included not included.

Additional information	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 License Number and State of Issuance		
Last Four Digits of the Support Obligor's Social Security Number		

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): <input type="checkbox"/> None or <input type="checkbox"/> _____ _____
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): <input type="checkbox"/> None or <input type="checkbox"/> _____ _____

Type of Judgment		Amount of Judgment
Child Support Award	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ <input type="checkbox"/> per month, of which \$ _____ is cash medical support. Starting on <input type="checkbox"/> the first day or (day) _____ of the month following the date of the judgment
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

Spousal Support Award	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	1. \$_____ per month starting on <input type="checkbox"/> the first day or <input type="checkbox"/> Other: _____ of the month following the date of the judgment, lasting until (date)_____, or the death of either party, whichever comes first; or 2. A lump sum payment of \$_____ to be paid by (date):
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

SPOUSAL SUPPORT PAYMENTS ARE TAXABLE TO THE OBLIGEE SPOUSE AND DEDUCTIBLE TO THE OBLIGOR SPOUSE. ALL PAYMENTS TERMINATE UPON THE DEATH OF EITHER PARTY.

Property Division (if applicable)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	1. \$_____ per month, starting on the <input type="checkbox"/> first day or <input type="checkbox"/> 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).
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

Prejudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

Postjudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> 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.
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Accrued Arrears (if any, on judgments to be paid on a periodic basis)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	1. \$_____ per month, starting on the <input type="checkbox"/> first day or <input type="checkbox"/> 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).
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Costs and Service Expenses (e.g., filing fees, hearing fees, trial fees, process fees)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Attorneys Fees (if any)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

DATED this ____ day of _____, 20____.

Circuit Court Judge

Print Name

APPLICATION FOR CHILD SUPPORT PROGRAM SERVICES: By signing below, I apply for child support services from the Child Support Program(CSP). (Note: If you never received TANF, tribal TANF or AFDC in any state, an annual \$25 fee will apply if over \$500 is collected and distributed to the family each year.)

 Petitioner, Signature

Date

 Respondent, Signature

Date

CORRECTED SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A) - Page 4 of 5

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 _____ of _____, 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 _____ of _____, 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.

Dated this _____ day of _____, 20_____.

Submitted by:

 Petitioner Respondent, State of Oregon, Signature Print Name

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

I certify that this is a true copy:

 Petitioner Respondent, State of Oregon, Signature