

REQUEST TO SET ASIDE A JUDGMENT OF DISMISSAL

What these forms do

A party wishing to “reinstate” a party or case after entry of a judgment of dismissal under UTCR 7.020 may use these forms to seek relief from the judgment of dismissal under ORCP 71.

Filling Out the Forms

- Fill out the *Motion to Set Aside Judgment of Dismissal*, *Declaration in Support of Motion to Set Aside Judgment of Dismissal*, and proposed *Order to Set Aside Judgment of Dismissal*. Per ORCP 71, the declaration in support of the motion must set for the reason(s) justifying the relief sought.
- Fill out the *Notice of Proposed Judgment or Order*.

Make Copies

- Make a set of copies of all the completed forms listed above for yourself and for each party to the case (including any adult children who have not filed a Waiver of Further Appearance if this is a domestic relations case).
- File the original *Motion* and *Declaration* with the court.
- Hold onto the original proposed *Order* for filing later.

Notifying Other Parties

- A copy of the *Motion*, *Declaration*, and proposed *Order* must be served on all parties as provided in ORCP 71 B.
- Other parties can object to the proposed *Order*. You must send the documents along with the *Notice of Proposed Judgment or Order* to the other parties in the case (including any adult children who have not filed a Waiver of Further Appearance if this is a domestic relations case).
- If anyone objects to the proposed *Order*, you have to discuss the objections and attempt to resolve them before you submit the proposed *Order* to the court. You must complete the Certificate of Readiness section of the proposed *Order* to tell the judge whether there are outstanding objections. See [UTCR 5.100\(1\)](#) for more information about notice and objections.
- If it’s been **less than one year** since you received notice of the *Judgment of Dismissal* in this case, you may mail a copy of all of the documents, as provided in Rule ORCP 9(B). Complete the Certificate of Service section at the end of the *Motion* to show you’ve complied with this requirement.
- If it’s been **more than one year** since you received notice of the *Judgment of Dismissal* in this case, you must have a copy of all of the documents served to the other parties in this case, as provided in ORCP 7. A proof of service form must be completed and filled out by whoever serves the other parties. The Certificate of Service must include the date of service and the name of the person served. A form is enclosed for your convenience.

Filing with the Court

- File the original proposed *Order* (with completed Certificate of Readiness section) with the court after the appropriate objection period has expired.
- The proposed *Order* will be reviewed by the Presiding Judge. The granted or denied *Order* will be entered into the court’s electronic case management system and be viewable on OEI. If you do not have access to OEI, you may call the court at 503-655-8447 to check the status of your *Order* with the Civil and Family Law Unit. Please wait at least 10 business days before calling.
- If an objection was filed, the court may hold a hearing. You will be notified by the court if this happens.

Note: Per ORCP 71 – A motion to set aside may only be served by mail per ORCP 9B, if the motion is being filed less than one year from receipt of notice of the judgment of dismissal.

Certificate of Mailing

I certify that on *(date)*: _____ I placed a true and complete copy of this
Motion and Declaration in the United States mail to *(name)*: _____
at *(address)*: _____

Dated

Signature

Name (printed)

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS**

Petitioner/Plaintiff,
v.
Respondent/Defendant.

CASE NO. _____

**DECLARATION IN SUPPORT OF MOTION
TO SET ASIDE JUDGMENT OF
DISMISSAL (ORCP 71)**

I, _____, Petitioner/Plaintiff Respondent/Defendant Attorney for party
in the above entitled case, declare that the following information in support of my Motion to Reinstate Case and
Order is true (*provide detailed information to support your request*):

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.

Date: _____

Signature

Printed Name

Submitted by:

Printed Name OSB # if Attorney

Contact Address City, State, Zip Contact Telephone Number

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 an 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 (UTCRR) 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)

Address City/State/Zip Phone

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS**

Petitioner/Plaintiff, v.

Respondent/Defendant.

CASE NO. _____

**ORDER TO SET ASIDE JUDGMENT OF
DISMISSAL (ORCP 71)**

IT IS HEREBY ORDERED:

Allowed

The General Judgment of Dismissal entered on _____ (*date*) is vacated, the case is reinstated, and:

- Continued under UTCR 7.020, subject to the condition that Petitioner/Plaintiff complete service on the respondent(s)/defendant(s), secure the necessary appearance(s) to place the case at issue, take default judgment(s), or move for further continuance no later than _____ (*specify date*).
- The trial date is set for _____.
- A trial date will be assigned in the regular course.
- The final judgment shall be submitted with this order and shall be entered forthwith.
- A copy of the motion, declaration and order must be served to the other party within 7 days of the date of this order being signed. Service should be pursuant to ORCP 7.
- Other: _____

Denied

Judicial Signature

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

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) _____

Submitted by: Petitioner Respondent

Signature

Print Name