

Filing a Motion for Relief from Default Judgment on a Violation

In the Municipal Court for the City of Oregon City

Under Oregon law, the court may enter judgment against a person who does not appear on a citation for a violation. Judgments entered under ORS 153.102 are termed “**default**” judgments and the financial obligation imposed on the judgment is set by the court plus any court fees. The judgment is owed to the City of Oregon City.

Failure to pay the judgment will result in referral of the judgment to a private agency for collections.

Oregon law allows you to request that the default judgment be set aside. Pursuant to ORS 153.105, this request must be made within a reasonable time, and in no event more than 1 year from the date of the judgment. You must establish that your failure to appear was due to “mistake, inadvertence, surprise or excusable neglect” in order for the court to set aside the judgment. For a judge to consider whether relief should be granted you need to accomplish the following steps using the motion and affidavit supplied to you with these instructions.

- 1) You must file the motion requesting relief from the judgment and the motion must be supported by a sworn statement, an affidavit. The sworn statement must set out the reasons why you are entitled to relief from the judgment. When signing the sworn statement, you declare, to the best of your knowledge and belief, that the statement is true and can be used as evidence in court. The sworn statement is subject to penalty for perjury.
- 2) Complete the top portion of the Motion for Relief from Default Judgment and Order. Fill in all the blanks: citation number(s), your name, day, month, year, and your signature
- 3) Complete the Declaration in Support of the Motion for Relief from Default Judgment. Fill in your name and the citation number(s). Provide your sworn statement related to the specific citation(s) and any proof or documents you wish the court to consider.
- 4) Deposit with the court the full amount of the financial obligation which remains outstanding on the judgment. Payment may be made by check, money order, credit card or cash. Note: cash payments must be made at the courthouse and not by mail
- 5) File the original motion and declaration, together with the required deposit of the remaining financial obligation, with the court, either by mail or by personally appearing:

The Oregon City Municipal Court is located at: 1234 Linn Ave, Oregon City, OR 97045

A judge will consider the motion. The judge may allow or deny the motion without a hearing or may require a hearing. If the court requires a hearing, you will be notified and must appear at the hearing to provide further information to the court in support of the motion.

The Court may deny the motion and leave the judgment in full force and effect.

Allow at least 15 days after filing the motion and declaration before inquiring with the Court regarding the judge's decision on your motion.

The Oregon City Municipal Court telephone number is 503-905-3675

IN THE MUNICIPAL COURT FOR THE CITY OF OREGON CITY

FOR THE COUNTY OF CLACKAMAS, STATE OF OREGON

City of Oregon City) Citation No. _____
)
)
)
 vs.) MOTION FOR RELIEF FROM
) DEFAULT JUDGMENT
)
 _____)
 Defendant.)

Defendant moves this court for an order granting relief from a default judgment in the above-entitled case. The motion is supported by the attached declaration which sets forth the defendant's ground for relief from the judgment.

Dated this _____ day of _____, 20____

Respectfully submitted,

Defendant's signature

Points and Authorities: ORS 153.102 (entry of default judgments), ORS 153.105 (relief from default judgment)

Defendant's Name – Printed

Address

City/State/ZIP

Phone Number AND E-mail Address

COURT USE ONLY: _____

DEFENDANT'S MOTION FOR RELIEF FROM DEFAULT JUDGMENT IS HEREBY:

GRANTED. Schedule the case for _____. Defendant must personally appear.
 GRANTED in Part: _____
 DENIED

Dated this _____ day of _____, 20____.

Amy B. Lindgren
Oregon City Municipal Court Judge

**IN THE MUNICIPAL COURT FOR THE CITY OF OREGON CITY
FOR THE COUNTY OF CLACKAMAS, STATE OF OREGON**

City of Oregon City) Citation No. _____
vs.)
Defendant.) DECLARATION IN SUPPORT OF
) MOTION FOR RELIEF FROM
) DEFAULT JUDGMENT

I, _____, depose and say that I am the defendant in the above traffic violation. Pursuant to ORS.080, this declaration represents my sworn testimony concerning the above traffic violation:

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 subject to penalty for perjury.

Date

Signature

Print name