

**INSTRUCTIONS AND FORMS FOR
SUMMARY DISSOLUTION OF MARRIAGE PROCEDURE**

Office of the State Court Administrator
Salem, Oregon

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**INSTRUCTIONS AND FORMS FOR
SUMMARY DISSOLUTION OF MARRIAGE PROCEDURE**

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INSTRUCTIONS FOR SUMMARY DISSOLUTION OF MARRIAGE PROCEDURE

I. INTRODUCTION

This packet contains forms and instructions to help you obtain a divorce through a procedure called **summary dissolution of marriage**. ("Summary" means without a hearing and "dissolution of marriage" means divorce.) The procedure is a legal proceeding that enables some married persons to obtain a divorce without having to go through a hearing. **Not everyone is eligible for a divorce through this procedure.** Check carefully the eligibility list in the next section to determine whether you may use the summary dissolution procedure to get a divorce. The instructions are designed to give you complete, line-by-line information about how to fill out the forms. You can use the Table of Contents to find quickly the page number in the instructions where the form you are filling out is described.

Although this procedure allows eligible people to obtain a divorce without using lawyers, you have the right to be represented or assisted by a lawyer if you wish. It is often helpful to see a lawyer before using the summary marriage dissolution procedure. The lawyer can:

- determine whether you have filled out the forms correctly and whether the petition says what you intended it to say,
- answer any questions you may have about the procedure, and
- advise you generally concerning your rights and duties in a divorce proceeding.

The court clerk cannot give you any legal advice. Therefore, if you have any questions about how the law works or what it means, you may need to see a lawyer. If your spouse is in military service, you should consult with a lawyer before you file to determine whether you will be able to obtain a summary dissolution of your marriage. Even if you do not see a lawyer before you file, you should seek a lawyer's advice if your spouse files a response to your petition, such as a "motion" or "answer." (See further explanations on pages 17 and 18 of these instructions.)

If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll free in Oregon at 1-800-452-7636. If you believe you are unable to afford an attorney, ask the court staff if your area has a legal services (legal aid) program that might be able to assist you.

II. ELIGIBILITY

You are eligible to use the summary dissolution of marriage procedure if all the following statements are true for you:

A. Residency

You are a resident of Oregon and have been continuously for the past six months before filing the petition for dissolution **OR** your spouse is a resident of Oregon and has been continuously for the past six months before you file the petition for dissolution.

B. Length of Marriage

You have been married to your present spouse no more than ten (10) years.

C. Children

You and your spouse have no minor children born to or adopted by you and your spouse during or before the marriage. You and your spouse do not have any children age 18 years or older attending school. The wife is not pregnant.

D. Real Property

Neither you nor your spouse owns any interest in real property (land or buildings) in Oregon or elsewhere. (Mobile homes on rented land are not real property.)

E. Personal Property

The personal property that you and your spouse own, individually or together, is worth less than \$30,000 after deducting any money you owe on that property (like a car loan).

F. Debts

The unpaid debts that you and your spouse, individually or together, incurred during the marriage do not exceed \$15,000.

G. Spousal Support

You, as the petitioner, give up all rights to spousal support (alimony).

H. Temporary Orders

You, as the petitioner, give up all rights to any temporary orders as part of this dissolution proceeding (such as support payments or exclusive use of marital property) except restraining orders and orders that allow exclusive use of the residence under the Family Abuse Prevention Act (ORS 107.700 to 107.730) or under the Elderly and Disabled Person Abuse Prevention Act (ORS 124.005 to 124.040).

I. Other Divorce Actions

You are not aware of any other pending (not yet decided) divorce, annulment, or separation proceedings involving your marriage and filed in Oregon or in any other state.

If all the statements above are true as to you and your spouse, you are eligible to use the summary marriage dissolution procedure. Follow the instructions below for completing the forms and filing them with the clerk of the court to start the dissolution procedure.

III. COMPLETING THE FORMS

A. Required Forms

There are eight forms you will need to complete:

1. **Petition for Summary Dissolution of Marriage** (Form 1)
2. **Petitioner's Certificate of Residency** (Form 2)
3. **Record of Dissolution of Marriage or Annulment Form** (not included in this packet, as discussed below)
4. **Summons for Summary Dissolution** (Marriage Dissolution Suit) (Form 3)
5. **Affidavit of Proof of Service** (Form 4)
6. **Petitioner's Certificate of Document Preparation** (Form 5) (if applicable)
7. **Petitioner's Affidavit, Motion and Order for Default Decree of Dissolution** (Form 8)
8. **Decree of Summary Dissolution of Marriage** (Form 9)

B. Optional Forms

There are two additional forms in this packet. These forms are optional and do not need to be completed to ask for a divorce.

If you believe you are unable to pay the filing fees, you can ask the court to waive or defer the filing fees by completing the following two optional forms:

1. **Petitioner's Motion for Order Waiving or Deferring Fees and Costs** (Form 6)
2. **Petitioner's Affidavit for Waiver or Deferral of Fees and Costs** (Form 7)

C. Notice of Health Insurance Coverage

You should receive with this packet two copies of a notice prepared by the Department of Consumer and Business Services which provides information about spouses' right to continue health insurance coverage after a dissolution of marriage. The copy marked "COPY FOR PETITIONER" is your copy to read and keep. The copy marked "COPY FOR RESPONDENT" must be served on your spouse. For a description of service, see the "Serving Your Spouse" section of these instructions. If the notice is not included in this packet, ask the court clerk for a copy of the insurance notice required by Oregon Revised Statute 107.092.

D. Exchange of Certain Financial Information

This packet contains two copies of ORS 107.089. The copy marked "COPY FOR PETITIONER" is your copy to read and keep. Read this law carefully. The copy marked "COPY FOR RESPONDENT" can be served on your spouse; you are not required to serve a copy on your spouse. If you decide to serve a copy of ORS 107.089 on your spouse along with the Petition, your spouse will be required to provide you with copies of all the financial documents listed in subsection (1) of ORS 107.089 no later than 30 days after service of the Petition. Likewise, if your spouse chooses to serve you with a copy of ORS 107.089, you must provide the same financial information to your spouse no later than 30 days after service of the copy. For a description of service, see the "Serving Your Spouse" section of these instructions.

E. Use Black Pen

If you intend to complete the forms by hand, you should use black pen (blue does not show up well on microfilm) and print, do not write.

F. Caption

Each legal document listed above (except the Record of Dissolution of Marriage or Annulment and Notice of Health Insurance forms) has a "caption" on it. The "caption" gives the name and county of the court where you will file the case, the names of the parties, the case number that the court clerk gives the case, and the name of the document. Fill in the caption of each document as follows:

Line 6. If the name of the county is not printed on the form in the space provided at line 6, fill in the name of the county in which you will be filing your Petition. Use this same county name in the caption of the rest of the forms. You may file your petition in the county where you live or where your spouse lives.

Line 8. Fill in your name at line 8 in the space on the left. (You are the petitioner.) Do not fill in the "No._____" part until the clerk of the court gives you the case number when you file the Petition. This is the case number you will need to fill in on the rest of the forms.

Line 11. Fill in your spouse's name. (Your spouse is the respondent.)

IV. FILLING OUT THE PETITION FOR SUMMARY DISSOLUTION OF MARRIAGE (Form 1)

The "Petition" is the legal document used to inform the court and your spouse of the facts of your case and of the "relief" you want. "Relief" is the legal term for what you want the court to do for you, such as granting you a divorce, distributing the property and dividing the debts of the marriage, or restoring your former legal name.

Page 1.

A. Caption

Lines 6 through 11. Fill in the caption as directed above at page 4.

B. Paragraph 1. Residency

Lines 15 through 18. An Oregon court does not have "jurisdiction" (meaning "authority") to consider a petition for summary dissolution of a marriage unless one of the spouses is a resident of Oregon at the time the petition is filed and has been a resident continuously for the six months before the petition is filed. Mark the blank next to the sentence that describes your situation: mark the blank at line 15 if you are a resident of Oregon at the time you file your petition and have been continuously for the past six months, or mark the blank at line 17 if your spouse is now and has been a resident of Oregon for the past six months. If both are true for you and your spouse, mark both blanks. If none of these situations apply, you are not eligible to use the summary dissolution of marriage procedure to get a divorce.

C. Paragraph 2. Statistical Facts

Lines 21 through 27, and page 2, lines 1 through 6. Oregon law requires that you give the court certain information concerning you, your spouse, and your marriage. Complete the "Statistical Facts" asked for in paragraph 2.

Please note that, for purposes of the forms in this packet, "address" means a residence, mailing, or contact address in the same state as your home (the place where you live). You may use a contact address and telephone number if you need to keep your residence address and telephone number confidential.

Page 2.

D. Paragraphs 3 through 6. Eligibility Factors

These paragraphs make statements that must be true if you and your spouse are eligible to use this summary dissolution of marriage procedure to get a divorce.

See the statements listed under the section called "Eligibility" on pages 1 and 2 of these instructions. You are not required to fill in anything in these paragraphs, but you should read them carefully and make sure you understand them before you sign the Petition. By signing the Petition, you tell the court that these statements are true.

E. Paragraph 7. Personal Property

Lines 19 through 24, and page 3, lines 1 through 5. In subparagraph (a) on page 2, list the property that you believe should be given to the wife to be owned solely by her. In subparagraph (b), list the property you believe should be given to the husband to be owned solely by him. If the space provided on the form is not enough, use a blank sheet of paper to continue your list. If you list property to be awarded to the wife on an extra page, label the extra page "7a. continued" and mark the blank on line 24 of page 2. If you

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Page 6

list property to be awarded to the husband on an extra page, label the extra page "7b. continued" and mark the blank on line 5 of page 3. Please include the vehicle identification number of all vehicles you list.

Page 3.

Lines 6 and 7. In subparagraph (c), you say that you and your spouse should be required to sign off on the title or other necessary documents if property you and your spouse own together (co-owners) is awarded to one of you. Automobiles are the most common example. Suppose that you are a two-car family, that you and your spouse are co-owners of both cars, and that you want the court to award each of you one of the cars. In subparagraph (c) you ask the court to order each of you to sign off on the title to the car awarded to the other. You do not need to fill anything out in (c).

F. Paragraph 8. Real Property

"Real property" is the legal term for land and buildings attached to land. Mobile homes are not considered real property, at least when on rented land, because they can be detached from the land. Because of the complicated ways real property can be bought and sold, it is possible that you could own an interest in or be a part owner of some land or buildings even though your name may not be on the title. If there is any doubt in your mind whether you might be a part owner of some real property, you should seek legal advice before filing the Petition.

G. Paragraph 9. Debts of the Marriage

Lines 11 through 22, and page 4, lines 1 through 7. In subparagraph (a) on page 3, list the unpaid debts you or your spouse or both of you incurred during the marriage for which you believe the wife should be responsible (if you need to use extra sheets, label them "9a. continued" and mark the box at page 3, line 19). For each debt, list the name of the creditor and the amount owed to that creditor. Add up the debts for which you believe the wife should be responsible, and write that total in the blank at page 3, line 20. Then write that same amount in the blank at line 14 of page 3.

In subparagraph (b), list the unpaid debts for which you believe the husband should be responsible, add up those debts, and write the total amount in the blank at line 7 of page 4 and in the blank at line 22 of page 3. (Use extra sheets labeled "9b. continued" if necessary and mark the blank at page 4, line 6.)

(NOTE: The court is not required to distribute the property of the marriage in the way you (the petitioner) ask. If your spouse "contests" the dissolution by disputing who should be responsible for certain debts or who should be awarded certain property, the court will divide the debts and property in a way that it finds is just and fair. Where possible, you should reach an agreement with your spouse on how to divide debts and property. Normally, if your spouse does not contest a petition for dissolution, the court will divide the debts and property in the manner you requested.)

Page 4.

H. Paragraph 10. Spousal Support and Temporary Orders

Lines 10 through 12. This paragraph states that you give up whatever right you may have as part of this dissolution proceeding to ask for spousal support and most temporary orders (such as temporary support payments during the time it takes to obtain the divorce). However, you do not give up the right to restraining orders and other relief available under the Family Abuse Prevention Act or under the Elderly and Disabled Person Abuse Prevention Act. (Instructional materials and forms are available from the clerk of the court regarding the Family Abuse Prevention Act and the Elderly and Disabled Person Abuse Prevention Act.)

I. Paragraph 11. Court Fees and Costs

Lines 15 through 20. Find out from the clerk of the court the total of all court costs and fees required in summary marriage dissolution cases. If you will pay the filing fees and other court costs and if you want your spouse to reimburse you for all or part of these fees and costs, mark the blank at line 15 of page 4 and write in the amount you want as reimbursement in the space provided at line 17.

If you are indigent and cannot afford to pay the filing fee and other court costs, you may ask the court to waive or defer payment by using the optional forms described on pages 12 through 14 of these instructions. The court will waive or defer those fees or costs or both only if you meet certain standards for income and expenses. If you will ask the court to waive or defer fees and costs, mark the blank at line 18 of page 4.

If all filing and service fees and other court costs have not been waived and are still not paid by the time the Decree of Summary Dissolution is signed by the judge, the court is required to enter judgment against you or your spouse and in favor of the state for the amount of unpaid fees and costs. On page 4, line 20, mark the blank before "me" if you want the judgment entered against you, or the blank before "my spouse" if you want the judgment entered against your spouse. You may mark both blanks if you want both you and your former spouse to be liable for paying the court fees and costs.

The court does not have to enter judgment for fees and costs in the way you have asked. The court may enter judgment against either or both of you. The judgment is in favor of the state. That means that the money is owed to the state and that the state can collect it like any other judgment; for example, the state can collect it by withholding your state tax refund.

J. Paragraph 12. Name Changes

If the wife wishes to have a previous name restored as her legal name, mark the blank at line 24 and write in the name to be restored in the space provided at the end of that sentence. If the husband wishes to have a previous name restored as his legal name, mark the blank at line 25 and write in the name to be restored in the space provided at the end of that sentence.

Page 5.

K. Paragraph 13. Waiver of Personal Service

Lines 1 through 10 allow you to make choices for proceedings that might occur after the decree of summary dissolution is entered. For example, if you do not follow certain property division portions of the decree, you could be charged with contempt of court. You have a right to have notice of any such contempt charge personally "served" on you (actually delivered to you). If, however, you need to keep your residential address confidential and you are willing to waive (give up your right to) personal service, you can choose a different method of service (service to a contact address, business address, or agent) by completing these lines. If you do not wish to waive personal service, skip down to the instructions in paragraph L. below. (You do not need to fill out this portion of the Petition to ask for a decree of summary dissolution.)

Lines 1 through 10. If you need to keep your residential address confidential and you are willing to waive your right to personal service if you are subsequently charged with contempt, mark the appropriate blank (choose ONE blank only) and fill in your contact mailing address, business address, or agent's address. You are responsible for making sure that all papers delivered to your contact address, business address, or agent's address are actually delivered to you.

L. Signature

At line 12 of page 5 of the Petition, sign your name, write in the date, then print or type your name below your signature.

M. Submitted by

Lines 16 through 21. If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the blank next to "Petitioner."

(If your attorney completes this form, your attorney will mark the "Attorney for Petitioner" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

This completes the Petition for Summary Dissolution of Marriage form.

V. FILLING OUT THE PETITIONER'S CERTIFICATE OF RESIDENCY FORM (Form 2)

You must complete and give to the court the "Petitioner's Certificate of Residency" form (Form 2). By signing this form, you are telling the court that you, or your spouse, or both of you, currently reside in the county in which you are filing these papers.

Caption

Lines 6 through 11. Fill in the caption as directed above on page 4 of these instructions.

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Lines 13 and 14. Mark the appropriate blank, depending upon whether just you, just the respondent, or both you and your spouse currently reside in the county in which you are filing these papers.

Lines 17 and 18. Sign your name, write in the date, then print or type your name below your signature.

Lines 21 through 26. If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the blank next to "Petitioner." (If your attorney completes this form, your attorney will mark the blanks next to "Attorney for Petitioner" and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

VI. RECORD OF DISSOLUTION OF MARRIAGE OR ANNULMENT FORM

This form is prepared and furnished by the Center for Health Statistics in the Department of Human Services Health Division to help keep information on marriages and divorces. Although it asks for some of the same information already in the Petition for Summary Dissolution of Marriage, the law requires you to complete the Record of Dissolution of Marriage or Annulment Form and give it to the clerk of the court when you file your petition. If the form is not included with this packet, ask the clerk for one. The clerk will have these forms or will tell you where to get one.

VII. FILLING OUT THE SUMMONS FOR SUMMARY DISSOLUTION (Form 3)

The law requires that the defendant or respondent in a lawsuit be informed that the lawsuit has been filed, the consequences of not responding to it, and how to respond to it. The Summons for Summary Dissolution is the legal document in summary marriage dissolution cases that fulfills these requirements.

Page 1.

A. Caption

Lines 6 through 11. Fill in the caption as directed on page 4 of these instructions. Leave the case number blank until the clerk of the court assigns a number when you file your petition.

B. Respondent's Name and Address

Lines 13 through 15. Fill in your spouse's name and address in the spaces indicated.

C. Notice to Respondent Where to Respond

If the space at lines 21 and 22 is not filled in when you get your packet of forms, ask the court staff for the information you need to fill in that space.

D. Petitioner's Name and Address

Lines 27 through 30. In the spaces provided beginning at line 27, sign your name, write in the date, then type or print your name, address, and telephone number.

Page 2.

E. Information About Respondent

On page 2 of the Summons, fill in the information requested. This information will help the person serving the Summons to locate and identify your spouse. As indicated on the form, you may attach a recent photograph of your spouse to help the person who will serve the Summons to identify your spouse, but it is not required.

F. Service Copies

The law further requires that a "certified true copy" of the original signed Summons be "served" on the respondent along with a "certified true copy" of the Petition for Summary Dissolution of Marriage. ("Serve" means to deliver in person a legal document to a person.) Therefore, make several photocopies as discussed on pages 14 and 15 before you arrange to have the papers served on your spouse. The Summons and Petition can be served by the county sheriff's office or by anyone else (other than yourself, your attorney, or your employee) who is mentally competent, 18 years of age or older, and a resident of the state of service. If you have the sheriff's office serve the Summons and Petition and if your spouse is agreeable, you can arrange for your spouse (the respondent) to pick up the Summons and Petition from the sheriff.

VIII. FILLING OUT THE AFFIDAVIT OF PROOF OF SERVICE (Form 4)

The purpose of the Affidavit of Proof of Service is to give written proof to the court that the papers were served on the respondent. For a description of "service," see the "Serving Your Spouse" section of these instructions. Only portions of the Affidavit of Proof of Service need to be completed at this point. The Affidavit of Proof of Service MUST be filed with the clerk after the respondent has been served.

A. Caption

Page 1.

Lines 6 through 11. Fill in the caption as directed on page 4 of these instructions. Include the case number when you get one from the clerk.

Page 2.

Lines 20 through 25. Skip down to the bottom of page 2 of the form. Print or type your name, address, and telephone number, and check the blank next to "Petitioner." (If your attorney completes this form, your attorney will mark the "Attorney" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

B. The Rest of the Form

The rest of the Affidavit should be filled out only after your spouse has been served. The person who serves the papers will fill in the remaining blanks in the Affidavit.

IX. FILLING OUT THE PETITIONER'S CERTIFICATE OF DOCUMENT PREPARATION FORM (FORM 5)

If one or more of the completed forms in this packet do not bear the name and bar number of an attorney, you must complete and give to the court the "Petitioner's Certificate of Document Preparation" form (Form 5), along with the rest of the papers you file. If your packet does not contain two copies of Form 5, make a copy of the blank form before you fill it out (it will be used for another purpose later).

A. Caption (Heading at Top of Form)

Lines 6 through 11. Fill in the caption the same way as directed in these instructions at page 4.

B. The Rest of the Form

Line 16. If you selected and completed the forms yourself without assistance from an attorney and without paid assistance from a person who is not an attorney, check the blank at line 16.

Line 17. If you paid or will pay money to another person who is not an attorney for assistance in preparing all the attached forms, check the blank at line 17 and write in that person's name.

Lines 19 through 21. If you paid or will pay money to another person who is not an attorney for assistance in preparing some but not all of the attached forms, check the blank at line 19, write in the name of that person, and then list the documents that person helped you with. If you paid more than one person to assist you in preparing the forms, please indicate who helped you with which forms.

Lines 24 through 28. Sign your name, write in the date, then type or print your name below. Fill in your address or contact address and telephone or contact telephone number.

This completes the forms you will need in order to start the dissolution procedure unless you want the court to waive or defer the filing fees.

If you want the court to waive or defer fees and costs, follow the instructions below for completing the "Petitioner's Motion for Order Waiving or Deferring Fees and Costs" and the "Petitioner's Affidavit for Waiver of Fees" forms. If you intend to pay the filing fee and other fees and costs, skip to page 14 and follow the instructions for filing your papers with the court.

X. COMPLETING THE OPTIONAL FORMS

A. Waiver or Deferral of Fees and Costs Generally

Various fees are required in a summary marriage dissolution proceeding. These can vary somewhat from county to county. Check with the court staff to determine the fees and costs required in your county. If you cannot afford to pay the entire amount at the time you file the Petition, you can ask the court to waive or defer all or some of those fees and costs. The Petitioner's Motion for Order Waiving or Deferring Fees and Costs (Form 6) and the Petitioner's Affidavit for Waiver or Deferral of Fees (Form 7) are the legal documents used to make your request to the court.

If the court waives the fees, that means the court exempts you from paying the fees now and forever. However, if the court defers the fees and costs at the time you file your petition, you need not pay them when you file, but you (or your spouse, if the court so orders) are still responsible to pay them eventually.

If the deferred fees and costs are not paid by the time the decree is signed, the law requires the judge to make the unpaid portion of the fees and costs a judgment in favor of the state. The state can then collect that judgment in various ways, including withholding your state tax refund.

B. Completing the Petitioner's Motion for Order Waiving or Deferring Fees and Costs (Form 6)

Page 1.

1. Caption

Lines 6 through 11. Complete the caption as directed on page 4 of these instructions. Fill in the case number when you file your petition.

2. Signature

Lines 17 through 21. Sign your name at line 17, then write in the date. Type or print your name, address, and telephone number in the space provided below the signature line.

Page 2.

Lines 25 through 28. Skip down to the bottom of page 2 of the form. If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the blank next to "Petitioner." (If your attorney completes this form, your attorney will mark the "Attorney for Petitioner" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

That is all you need to do with this document. The court will fill in the remaining information.

C. Completing the Petitioner's Affidavit for Waiver or Deferral of Fees and Costs (Form 7)

Page 1.

1. Caption

Lines 6 through 11. Complete the caption as directed on page 4. Include the case number.

2. Rest of the Form

Line 14. Fill in the name of the county you are in when you sign the Affidavit (this can be any county--it need not be the county where you filed your petition).

Line 15. Fill in your name, and then fill in the number of persons dependent on you for your support (be sure to count yourself).

Lines 18 through 28. Fill in the spaces indicating your monthly expenses. If you include "other expenses," please list those expenses.

Line 29. Fill in the total of your monthly expenses. The court will use this information to determine whether and to what extent you have the present ability to pay court fees and costs.

Page 2.

Lines 1 through 4. Fill in the spaces indicating your assets, savings, and monthly income.

Lines 6 and 7. Sign your name in the space provided at line 6 **only in the presence of a notary public or the clerk of the court.**

Lines 10 through 14. Do not fill in these lines; the notary public or court clerk will complete this section.

Lines 16 through 21. If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the blank next to "Petitioner." (If your attorney completes this form, your attorney will mark the "Attorney for Petitioner" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

XI. FILING YOUR PAPERS WITH THE COURT

The first phase of the filing process is complete when:

- 1) the original Petition (Form 1), Certificate of Residency (Form 2), and Record of Dissolution form are filed with the clerk;

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- 2) stapled copies of the Petition (Form 1), Certificate of Residency (Form 2), Notice of Continuation of Health Coverage, Summons (Form 3), and ORS 107.089, if applicable, are served on your spouse; and
- 3) the Affidavit of Proof of Service (Form 4) (with the original Summons attached) is filed with the court.

A. Step 1. Completing and Copying the Forms

Make sure you have completed and signed the Petition for Summary Dissolution of Marriage, the Summons for Summary Dissolution, the Petitioner's Certificate of Residency form, the Record of Dissolution of Marriage or Annulment form, portions of the Affidavit of Proof of Service, and where applicable, the Certificate of Document Preparation form, the Petitioner's Motion for Order Waiving or Deferring Fees and Costs, and the Petitioner's Affidavit For Waiver of Fees. Make at least two photocopies of all these documents, including any extra pages you added to them. Make at least one photocopy of the Affidavit of Proof of Service even though, at this point, it is only partially completed.

Next, staple together a copy of the Summons, a copy of the Petition, a copy of the Notice of Continuation of Health Coverage, a copy of the Certificate of Residency, and a copy of ORS 107.089 marked "Copy for Respondent" if applicable. On each copy type or print "Certified a true and complete copy" and then sign your name just below that phrase. (This step is necessary because the law requires that your spouse be served with an identical copy of the papers filed with the court--certified by you to be an identical copy--so that your spouse knows exactly what it is you have told the court and what relief you have requested.)

Next, staple the original of the Summons (Form 3) to the original Affidavit of Proof of Service (Form 4).

B. Step 2. Filing the Forms

Take these documents and present them to the clerk of the circuit court for filing:

- 1) the original of your Petition (Form 1);
- 2) the original Petitioner's Certificate of Residency form (Form 2);
- 3) the original Record of Dissolution of Marriage or Annulment form; and
- 4) where applicable, the original Certificate of Document Preparation (Form 5), the original Petitioner's Motion for Order Waiving or Deferring Fees and Costs (Form 6) and the original Petitioner's Affidavit For Waiver or Deferral of Fees and Costs (Form 7).

Also take along the "certified" copies of the Petition, Summons, Notice of Continuation of Health Coverage, Certificate of Residency, and ORS 107.089 if applicable, that you stapled together so you can arrange to have them served as discussed below in Section XII., "Serving Your Spouse." If you intend to have the county sheriff serve the papers on

your spouse, also take the original Affidavit of Proof of Service (Form 4) with the original Summons (Form 3) attached to it. You do not need to present the Affidavit of Proof of Service to the clerk of the court at this point.

There is no fee for filing the Motion and Affidavit for Waiver or Deferral of Fees; and if the court allows the motion, the clerk of the court will file the Petition without further action by you. **If you do not ask the court to waive or defer fees, or if the court denies your Motion for Waiver or Deferral of Fees and Costs, you must pay the entire filing fee before your Petition will be considered legally filed.**

When you file your documents, the clerk will assign your Petition a case number. Be sure that you or the clerk writes that number down on all the documents you have filed with the court and that you write down the number for your own use when you complete and file the other documents in your case.

XII. SERVING YOUR SPOUSE

“Certified” copies of the Summons, Petition, Notice of Continuation of Health Coverage, and Certificate of Residency must be “served on” (personally delivered to) your spouse to inform your spouse that this action has been filed with the court. If you decide to serve a copy of ORS 107.089 on your spouse, your spouse will be required to provide you with copies of all the financial documents listed in subsection (1) of ORS 107.089 no later than 30 days after service of the Petition. After you file the Petition with the court, attach the “certified” copy of the Summons to the front of the “certified” copy of the Petition. Take these copies, the “certified” copy of the Notice of Continuation of Health Insurance, the “certified” copy of the Certificate of Residency, and the “certified” copy of ORS 107.089, if applicable, to the sheriff or to the person you intend to have serve the papers on your spouse. **YOU, THE PETITIONER, CANNOT SERVE THE PAPERS ON YOUR SPOUSE.**

If your spouse cannot be personally served, other service methods may be approved by the court upon the filing of the appropriate documents with the court. This packet does not contain those documents. You may want to see a lawyer if you want the court to allow an alternative service method.

A. Service by Sheriff

If you intend to have the sheriff serve the papers and have obtained a waiver or deferral of fees, be sure to present a copy of the Motion for Order Waiving or Deferring Fees and Costs (Form 6) with the judge's signature indicated on it to avoid having to pay the sheriff's service fee. (A court order that waives or defers service fees is effective only as to fees for having the sheriff serve the papers. It does not waive or defer fees charged by a private process server. Therefore, if the court waives or defers service fees, you should have the sheriff serve the papers.) If the sheriff will serve the papers, there is nothing further for you to do at this time, unless the sheriff is unable to locate and serve your spouse. Ask the sheriff's office to explain the procedure the sheriff follows. Give the sheriff's office the Affidavit of Proof of Service (Form 4) with the original Summons (Form 3) if the sheriff will file the Affidavit for you.

B. Private Service

If you have a private process server or a friend or other person serve the papers on your spouse, you are responsible for delivering the "certified" copies of the Summons, Petition, Notice of Continuation of Health Coverage, Certificate of Residency, and ORS 107.089 if applicable, to that company or person. You also are responsible for having that person properly complete the Affidavit of Proof of Service after serving your spouse. You are also responsible for filing the Affidavit and original Summons with the court.

If you have a friend or other person serve your spouse, that person should follow these instructions to fill out the Affidavit of Proof of Service (Form 4) after the person serves your spouse:

Page 1.

Line 14. Fill in the county where the process server signed the Affidavit.

Line 16. Fill in the name of the process server.

Line 21. Fill in the day, month, and year that your spouse was served.

Line 23. Indicate whether or not the respondent was served with a copy of ORS 107.089 by checking the appropriate box at line 23.

Lines 24. Fill in the county and state where your spouse was served.

Page 2.

Lines 3 through 5. The person who served your spouse should sign ONLY in front of a notary public or the court clerk, because the person signing is swearing under oath that he or she properly served the respondent by personally delivering a copy of the papers to the respondent. That person should then print or type his or her name, address, and telephone number in the blanks under the signature line.

The notary or court clerk will fill in the remaining blanks at lines 8 through 10.

XIII. FILLING OUT THE PETITIONER'S AFFIDAVIT, MOTION AND ORDER FOR DEFAULT DECREE OF DISSOLUTION (Form 8)

After your spouse is served with the Summons and Petition, he or she has 30 days to respond formally by filing a "motion" or "answer" with the court and serving you with a copy. IF YOUR SPOUSE CONTESTS THE DISSOLUTION, YOU MAY NEED TO CONSULT AN ATTORNEY TO DETERMINE HOW TO PROCEED FURTHER.

The Petitioner's Affidavit, Motion and Order for Default Decree tells the court that your spouse has been served but is not contesting your dissolution petition and asks the court to enter a default judgment. "Default" means that after your spouse was properly served with a

INSTRUCTIONS - SUMMARY DISSOLUTION

Page 17

Summons and the Petition, your spouse did not file a paper with the court contesting the dissolution or any of the relief requested in the petition.

If your spouse has **not** appeared in the case, you can file the Petitioner's Affidavit, Motion and Order for Default (Form 8) with the court anytime **AFTER 30 DAYS** from the date your spouse was served. You must wait at least 30 days because your spouse has 30 days to contest the dissolution petition. If your spouse has filed an answer or motion in the case (you should receive a copy of the answer or motion within 30 days after the Petition is served) and is contesting any part of the dissolution, you will not be able to continue to use this summary dissolution procedure. If you still want a divorce, you should seek legal advice on how to continue when you cannot use the summary procedure.

Generally, the law requires the court to wait to grant the Decree until the expiration of 90 days from date of service of the Petition and Summons on your spouse. The purpose of this "90-day waiting period" is to give the parties an opportunity to reconcile. You can ask the court to waive the 90-day waiting period (grant the Decree before the end of the 90 days) by filing a motion and affidavit that show that immediate action is necessary to protect someone's rights or interests. A signed affidavit (sworn statement) that you and your spouse have agreed to and signed approval for the final terms of your Decree can be sufficient for the court to waive (cancel) this waiting period. This packet does not contain those forms.

Because the court normally must wait to grant the decree for 90 days after your spouse was served, you may wish to file the Affidavit, Motion and Order for Default at the end of the 90 days and file it with the court at the same time you present the Decree of Summary Dissolution for the court to sign.

If you forget to file the Petitioner's Affidavit, Motion and Order for Default form with the court after your spouse is served, or you are unable to serve your spouse, or you serve your spouse but forget to file the Affidavit of Proof of Service with the court, the court might dismiss your case instead of entering a default judgment (granting your divorce). (If your case is "dismissed," you would not be divorced, and you would have to file another petition for dissolution with the court to get divorced.) If the court is considering dismissing your case, the court will first send you a written notice that you have 28 days from the date of mailing of the notice to file the Petitioner's Affidavit, Motion and Order for Default and/or Affidavit of Proof of Service with the court. Be sure to file the Petitioner's Affidavit, Motion and Order for Default and/or Affidavit of Proof of Service with the court before the end of that time period.

The **Affidavit** portion of this document is where you swear to certain facts that must be established before the court can act. By signing the Affidavit, you swear under oath that those facts are true. Those facts are that:

- 1) you are the person seeking the divorce (the "petitioner");
- 2) what you said in the Petition is true;
- 3) you believe that your spouse (the respondent) is not in the military service, not incompetent, and not under 18 years of age (your belief must be reasonable; the fact that you do not know one way or the other is not enough); and

INSTRUCTIONS - SUMMARY DISSOLUTION

Page 18

- 4) your spouse (the respondent) was properly served and has failed to answer or appear (i.e., file any papers in the case).

This Affidavit is required for several reasons. First, if you do not appear in person, you must swear that what you said in the Petition is true. Second, federal law limits your right to sue a person in the military service. Third, under Oregon law, you cannot sue a person who is under age or mentally incompetent, at least not without appointment of a special person (guardian ad litem) to represent the interests of the person who is under age or mentally incompetent. If you are unsure about these facts, you should seek legal advice before you file for summary dissolution.

Page 1.

A. Caption

Lines 6 through 11. Complete the caption as directed on page 4.

Line 15. Fill in the name of the county you are in when you sign this document (that county may be different from the county in which you filed the Petition).

Line 16. Fill in your name.

Lines 19 and 20. Fill in the day, month, and year when your spouse was served and the county and state where your spouse was served with the Summons and Petition. If you do not know this information, you will find it in the Affidavit of Proof of Service (Form 4). If you do not have a copy of the Affidavit of Proof of Service, you should be able to get the information from the court file.

Line 21. Sign your name in the space only in the presence of a notary public or the clerk of the court, and clearly print your name on the line below your signature.

Page 2.

B. Motion

The **Motion** portion of this document is on page 2, beginning at line 1. A "motion" is the legal document used to ask the court to do something in a case that is pending before the court. By filing this Motion for Default Decree of Dissolution, you ask the court to put in the record that your spouse has failed to contest the dissolution.

Lines 8 and 9. Sign your name, write in the date, then print or type your name in the space provided.

Lines 25 through 27. Skip down to the bottom of page 2. If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the blank next to "Petitioner." (If your attorney completes this form, your attorney will mark the "Attorney for Petitioner" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

You do not need to do anything with the Order portion of this document. The court will complete the Order portion.

Next, follow the instructions below for completing the Decree of Summary Dissolution of Marriage.

XIV. FILLING OUT THE DECREE OF SUMMARY DISSOLUTION OF MARRIAGE (Form 9)

The Decree of Summary Dissolution of Marriage is the legal document used to make a written record of the court's order dissolving the marriage, distributing the property and debts, and granting other relief requested by the parties or required by law. **You should present the Decree only after at least 30 days have passed from the date your spouse was served with the Summons and Petition, and, as described on page 18 of these instructions, you will probably want to wait to present the Decree until after 90 days have passed from the date your spouse was served (unless the court has waived the 90-day waiting period).**

The judge will not sign the Decree until either:

- 1) you have filed your "Petitioner's Affidavit, Motion and Order for Default Decree of Dissolution," or
- 2) the court has held a hearing at which you or your spouse or both of you were present and testified concerning the case. Although the summary dissolution procedure was created to avoid the need for a court hearing, the judge may require you (and your spouse if your spouse has appeared in the case, as explained above) to attend a hearing if the judge has any questions about the case.

Page 1.

A. Caption

Lines 6 through 11. Complete the caption as described on page 4 of these instructions. Include the case number.

B. Rest of the Form

Lines 14 through 24. Fill in the statistical information concerning you, your spouse, and the marriage as you did for the Petition for Summary Dissolution of Marriage.

Lines 25 and 26. Check the appropriate blank, depending on whether you attended a hearing before the court or whether you did not attend a hearing but "appeared by affidavit" by submitting the Petitioner's Affidavit, Motion, and Order for Default Decree of Dissolution.

Page 2.

Paragraph 1. Marriage Dissolved. Do not fill in the space at line 2. The court will fill in that space at the time the Decree is signed.

Paragraph 2. Prior Wills Revoked. The purpose of this paragraph is to provide for people who do not change their wills after getting a divorce. This paragraph operates to cut the former spouse out of the will, unless the will states that even though the parties are divorced, the former spouse will inherit some or all of the estate.

Paragraph 3. Personal Property. Unless the court has told you otherwise, you should list the same property to be given to you and to your spouse as you listed in the Petition for Summary Dissolution of Marriage. If you need to use extra sheets of paper, label them "C-1" for property being given to the wife and "C-2" for property being given to the husband. Mark the appropriate blanks on lines 9 and 14 if you add extra sheets. Please include the identification numbers for all vehicles listed.

Subparagraph 3(c). If you or your spouse is awarded property that has a written title or registration (such as an automobile), a certified copy of the Decree of Summary Dissolution of Marriage with this paragraph transfers title to the person to whom the automobile was awarded, even if the other person does not sign off on the title. The Motor Vehicles Division will accept the certified copy as sufficient authority to put an automobile awarded to you in your name only if you have supplied sufficient identifying information, such as the vehicle identification numbers.

Paragraph 4. Debts. Unless the court has told you otherwise, you should list the debts to be assigned to you and your spouse in the same manner as you did in the Petition for Summary Dissolution of Marriage. List the totals on line 19 and line 1 on page 3. Attach extra sheets as necessary labeled "D-1" for debts being assumed by the wife and "D-2" for debts being assumed by the husband. Mark the appropriate blanks at line 24 on page 2 and line 6 on page 3.

Page 3.

Paragraph 5. Name Change. Complete this paragraph only if you, your spouse, or each of you wants to have a former legal name restored. If the wife wants to have a former legal name restored, check the blank at line 7 and fill in the space on line 8 with the name to be restored. If the husband wants to have a former legal name restored, mark the blank at line 9 and fill in the space with the name to be restored.

Paragraph 6. Waiver of Personal Service. Complete this paragraph only if you are willing to waive your right to personal service if you are subsequently charged with contempt and you already made this request in the Petition. If so, fill in the same contact mailing address, business address, or agent's address that you filled in on page 5 of the Petition (Form 1).

Paragraph 7. Fees and Costs. Do not mark or fill in any of the blanks and spaces in paragraph 7. The court will complete this paragraph based on the requirements of the law and on the information in paragraph 11 of the Petition for Summary Dissolution of Marriage concerning how you would like to have responsibility for fees and costs distributed.

Page 4.

Money Judgment Section. This section summarizes the money judgments that are awarded in the Decree of Summary Dissolution of Marriage. This section must be

INSTRUCTIONS - SUMMARY DISSOLUTION

Page 21

completed so that the clerk can docket the money judgments in the court judgment docket.

If the instructions below for a particular space in the money judgment section do not apply to your situation, print "n/a" in the blank.

Judgment #1. (In favor of wife.)

Item 1, lines 3 and 4. Judgment Creditor. Fill in the wife's name and address.

Item 2, lines 5 through 7. Judgment Creditor's Attorney. Fill in the name, address, and phone number of the wife's attorney, if any. If no attorney represented the wife, write "n/a" in the blank.

Item 3, lines 8 through 10. Judgment Debtor. Fill in the husband's name, address, and phone number. If known, please fill in the husband's date of birth, social security number, and his driver license number and the state of issuance of the license.

Item 4, lines 11 through 13. Judgment Debtor's Attorney. Fill in the name, address, and phone number of the husband's attorney, if any. If no attorney represented the husband, write "n/a" in the blank.

Item 5, line 14. Amount of Judgment. Fill in the amount of the judgment awarded to the wife against the husband which appears on page 3, line 1 of this form (Form 7).

Items 6 and 7, lines 15 and 16. Do not fill in these lines; the court will complete this section.

Judgment #2. (In favor of husband.)

Item 1, lines 19 through 20. Judgment Creditor. Fill in the husband's name and address.

Item 2, lines 21 through 23. Judgment Creditor's Attorney. Fill in the name, address, and phone number of the husband's attorney, if any. If no attorney represented the husband, write "n/a" in the blank.

Item 3, lines 23 through 26. Judgment Debtor. Fill in the wife's name, address, and phone number. If known, please fill in the wife's date of birth, social security number, and her driver license number and the state of issuance of the license.

Page 5.

Item 4, lines 1 and 2. Judgment Debtor's Attorney. Fill in the name, address, and phone number of the wife's attorney, if any. If no attorney represented the wife, write "n/a" in the blank.

Item 5, lines 3 and 4. Amount of Judgment. Fill in the amount of the judgment awarded to the husband against the wife which is entered on page 2, line 19 of this form.

Items 6 and 7, lines 4 through 6. Do not fill in these lines; the court will complete this section.

Judgment #3.

Skip this section. The court will complete all entries for Judgment #3.

XV. FILING FORMS 8 AND 9

Complete the Petitioner's Affidavit, Motion and Order for Default Decree of Dissolution (Form 8) and the Decree of Summary Dissolution of Marriage (Form 9). Make copies for yourself of any or all of these documents. (Some courts will send a copy to the petitioner once the court has signed the Decree if you give the clerk an extra copy and a stamped, self-addressed envelope and if the judge does not change what you filled in on the Decree.)

If one or more of the completed forms do not bear the name and bar number of an attorney, you must complete and give to the court the "Petitioner's Certificate of Document Preparation" form (Form 5), along with the rest of the papers you file. The instructions for filling out Form 5 are on page 11 of these instructions.

Give the original documents to the clerk of the court. The clerk should file the Motion for a Default Order and present the Decree to the judge for signing. As indicated earlier, the judge has the right to require that you attend a hearing and answer any questions the judge might have about your case.

Once the judge has signed the Decree, the court clerk will send to you (or your attorney if your attorney filed for you) notice that the Decree has been signed and entered in the court records. This notice will be sent to the address that you have provided the court, so be sure to keep the court informed of any changes to your address. The clerk is not required to send this notice to your former spouse. (This is because your former spouse is technically in "default" in this proceeding; i.e., your spouse did not file a paper with the court to contest the dissolution of any of the relief requested in the petition.) If you or your former spouse needs a copy or a certified copy of the Decree, you or your former spouse must pay for those copies.

Most of the provisions of the decree are effective immediately upon entry. Your marital status is terminated when the judge signs the Decree of Summary Dissolution of Marriage.

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Wife

Husband

(d) Address or
Contact Address:

(e) Age:

(f) Social Security Number:

3

My spouse and I have been married not more than 10 years.

4

I do not know of any pending domestic relations suits involving this marriage filed in this or any other state.

5

There are no minor children born to me and my spouse or adopted by me and my spouse during or before the marriage. My spouse and I do not have any children age 18 or older attending school. The wife is not now pregnant.

6

I request a dissolution of the marriage because irreconcilable differences between my spouse and me have caused the irremediable breakdown of the marriage.

7

My spouse and I own personal property worth less than \$30,000 (after deducting any encumbrances). I request that the Court divide the property as follows:

(a) The court should award to the wife the following personal property: _____

(____ Additional pages attached, labeled "7a. continued".)

1 (b) The court should award to the husband the following personal property: _____
2 _____
3 _____
4 _____

5 (___ Additional pages attached, labeled "7b. continued".)

6 (c) The courts should order husband and wife each to sign any documents necessary to remove his or her
7 name as owner of personal property awarded to the other party.

8 8

9 Neither I nor my spouse owns any interest in real property.

10 9

11 The unpaid debts incurred by my spouse and me, together or separately, from the date of our marriage, are
12 not greater than \$15,000. I request the following division of debts:

13 (a) The wife should be required to pay the debts listed below. The husband should be awarded a judgment
14 against wife in the sum of \$ _____. The wife can satisfy this judgment by paying off the following debts:

15	<u>Creditor</u>	<u>Amount</u>	<u>Creditor</u>	<u>Amount</u>
16	_____	_____	_____	_____
17	_____	_____	_____	_____
18	_____	_____	_____	_____

19 (___ Additional pages attached, labeled "9a. continued".)

20 TOTAL (include any debts listed on additional pages): \$ _____

21 (b) The husband should be required to pay the debts listed below. The wife should be awarded a judgment
22 against husband in the sum of \$ _____. The husband can satisfy this judgment by paying off the

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1 following debts:

2	<u>Creditor</u>	<u>Amount</u>	<u>Creditor</u>	<u>Amount</u>
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____

6 (____ Additional pages attached, labeled "9b. continued")

7 TOTAL (include any debts listed on additional pages): \$ _____

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10 I give up all rights I may have to spousal support and waive any right to temporary orders as part of this
11 dissolution proceeding, except those under ORS 107.700 to 107.730 (the Family Abuse Prevention Act) or
12 ORS 124.005 to 124.040 (the Elderly and Disabled Person Abuse Prevention Act).

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14 11

15 ____ (a) I paid the court costs and service fees. I request that my spouse repay the costs and fees and
16 that the Court enter judgment for such costs and fees that I paid in favor of me against my spouse in the amount of
17 \$ _____.

18 ____ (b) If the Court defers payment of court costs and service fees, I request that when the Court grants
19 the Decree of Summary Dissolution, the Court enter judgment for the unpaid part of these costs and fees in favor of
20 the state against ____ me ____ my spouse.

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23 I request that:

24 ____ wife's legal name be restored to _____.

25 ____ husband's legal name be restored to _____.

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____ On the basis of ORS 107.835 and in order to maintain the confidentiality of my residential address, I waive my right to personal service if subsequently charged with contempt.

I select the following contact address for service of process and select the following method of substituted service: (Check ONE blank only.)

____ Mailing address: _____

____ Business address: _____

____ Specified agent: _____

Signature of Petitioner Date

Print or Type Name of Petitioner

Submitted by: _____

Print Name

____ Petitioner

____ Attorney for Petitioner

OSB No. _____

Address or Contact Address

City State Zip

Telephone or Contact Telephone Number(s)

1 Important Information about Respondent (A recent photo may be attached in addition to the requested information.)

2 Height: _____ Weight: _____

3 Race: _____ Date of Birth: _____

4 Age: _____ Sex: _____

5 Hair Color: _____ Eye Color: _____

6 Automobile license number and description: _____

7 _____

8 Other identifying information: _____

9 _____

10 Best time and place to locate: _____

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

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

NO. _____
AFFIDAVIT OF PROOF
OF SERVICE

STATE OF OREGON)
County of _____) ss.

I, _____, swear/affirm under oath
that: (print name)

I am a resident of the State of Oregon or of the state of service. I am a competent person 18 years of age or older. I am not an attorney for or a party to this case, or an officer, director or employee of any party to this case.

On the ____ day of _____, 200__, I served the Summons, Petition, Notice of
(month) (year)
Continuance of Health Coverage, Certificate of Residency,
and a copy of ORS 107.089 ____ Yes ____ No
in this case personally upon the above named respondent in _____ County, State of _____

1 by delivering to the respondent a copy of those papers, each of which was certified to be a true copy of each original.

2

3

Signature of Process Server

Address

4

Print or Type Name of Process Server

City State Zip

5

Telephone or Contact Telephone Number(s)

6

7

8 SUBSCRIBED AND SWORN TO before me this ____ day of _____, 200__, by
9 (month) (year)

10

(Print Name of Process Server)

NOTARY PUBLIC FOR OREGON / COURT CLERK
My Commission expires: _____

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Submitted by: _____

21

Print Name
___ Petitioner
___ Attorney for Petitioner
OSB No. _____

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23

Address or Contact Address

24

City State Zip

25

Telephone or Contact Telephone Number(s)

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27

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

In the Matter of the Marriage of)	
)	
_____ ,)	NO. _____
)	
Petitioner,)	PETITIONER'S CERTIFICATE
)	OF DOCUMENT PREPARATION
and)	
)	
_____ ,)	
)	
Respondent.)	

If you completed the document(s) you are filing with the court without the assistance of an attorney, you are required to complete truthfully this certificate. Check or complete all blanks that apply:

- I selected the attached form(s)/document(s) for myself, and I completed it/them without paid assistance.
 - I paid, or will pay, money to _____ for assistance in preparing the attached form(s)/document(s).
 - Other. (See instructions.) Name: _____
- Documents: _____
- _____

_____ Signature of Petitioner	_____ Date
_____ Print or Type Name of Petitioner	
_____ Address or Contact Address	
_____ City	_____ State
	_____ Zip
_____ Telephone or Contact Telephone Number(s)	

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

In the Matter of the Marriage of)	
)	
_____ ,)	NO. _____
)	
Petitioner,)	PETITIONER'S CERTIFICATE
)	OF DOCUMENT PREPARATION
and)	
)	
_____ ,)	
)	
Respondent.)	

If you completed the document(s) you are filing with the court without the assistance of an attorney, you are required to complete truthfully this certificate. Check or complete all blanks that apply:

___ I selected the attached form(s)/document(s) for myself, and I completed it/them without paid assistance.

___ I paid, or will pay, money to _____ for assistance in preparing the attached form(s)/document(s).

___ Other. (See instructions.) Name: _____

Documents: _____

_____ Signature of Petitioner	_____ Date
_____ Print or Type Name of Petitioner	
_____ Address or Contact Address	
_____ City	_____ State
	_____ Zip
_____ Telephone or Contact Telephone Number(s)	

ORDER

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IT IS ORDERED that Petitioner's fees and costs be waived or deferred in whole or in part as follows:
(specify amount waived or deferred for each--if waived or deferred in whole, list amount as "all")

<u>type</u>	<u>Amount Waived</u>	<u>Amount Deferred</u>	<u>Amount Remaining</u>
filing fee	_____	_____	_____
law library fee	_____	_____	_____
legal aid fee	_____	_____	_____
conciliation/mediation fee	_____	_____	_____
Children's Ombudsman fee	_____	_____	_____
dispute resolution surcharge	_____	_____	_____
service fees	_____	_____	_____
<u>other costs</u> (specify type and amount)	_____	_____	_____

IT IS FURTHER ORDERED that payment of deferred filing fees, service fees, or other court costs shall be made as follows:

- _____ payable in full prior to entry of the Decree.
- _____ payable in full within 30 days of the date of entry of the Decree.
- _____ payable at a rate of \$_____ per month until paid in full.
- _____ payable under the following terms: _____

IT IS ORDERED that Petitioner's request to waive or defer payment of filing fees, services fees, and other court costs is denied. _____

DATED this _____ day of _____, 200___.
(month) (year)

JUDGE (Signature)

Print, Type or Stamp Judge's Name

Submitted by: _____
Print Name
_____ Petitioner
_____ Attorney for Petitioner
OSB No. _____

Address or Contact Address

City State Zip

Telephone or Contact Telephone Number(s)

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF _____

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

NO. _____
PETITIONER'S AFFIDAVIT FOR
WAIVER OR DEFERRAL OF
FEES AND COSTS

STATE OF OREGON)
) ss.
County of _____)

I, _____ swear/affirm that I am the petitioner for a Decree of Summary
Dissolution and that I am unable to pay necessary filing fees, service fees and court costs. I support _____ people,
including myself. My assets and monthly income and expenses are as follows:

MONTHLY EXPENSES

Housing	\$ _____
Utilities	\$ _____
Telephone	\$ _____
Food	\$ _____
Clothing	\$ _____
Transportation	\$ _____
Medical expenses	\$ _____
Laundry, cleaning and personal requirements	\$ _____
Total other expenses (list):	
_____	\$ _____

Total installment payments	\$ _____
TOTAL MONTHLY EXPENSES	\$ _____

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INCOME AND ASSETS

Total monthly income from all sources: \$ _____

Assets: \$ _____

Savings: \$ _____

Signature of Petitioner

Print or Type Name of Petitioner

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 200__ by
(month) (year)

(Print Name of Petitioner)

NOTARY PUBLIC FOR OREGON / COURT CLERK
My Commission expires: _____

Submitted by:

Print Name
___ Petitioner
___ Attorney for Petitioner
OSB No. _____

Address or Contact Address

City State Zip

Telephone or Contact Telephone Number(s)

1 **MOTION**

2 Based on the above Affidavit, Petitioner requests that this Court grant an Order entering the default of the
3 Respondent.

4 STATEMENT OF POINTS AND AUTHORITIES

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

8 _____
Signature of Petitioner Date

9 _____
Print or Type Name of Petitioner

11
12 **ORDER**

13
14 ___ Motion Denied ___ Motion Granted

15
16
17 IT IS SO ORDERED.

18
19 DATED this ___ day of _____, 200__.
20 (month) (year)

21 _____
JUDGE (Signature)

22 _____
23 Print, Type or Stamp Judge's Name

24
25 Submitted by: _____
26 Print Name Address or Contact Address
27 ___ Petitioner _____
___ Attorney for Petitioner City State Zip
OSB No. _____ Telephone or Contact Telephone Number(s)

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

In the Matter of the Marriage of)	
)	
_____ ,)	NO. _____
)	
Petitioner,)	DECREE OF SUMMARY
)	DISSOLUTION OF MARRIAGE
and)	
)	
_____ ,)	
)	
Respondent.)	

STATISTICAL FACTS

(a) Date and Place of Marriage: _____ (date) _____ (place)

<u>Wife</u>	<u>Husband</u>
-------------	----------------

(b) Maiden name: _____

(c) Former legal names: _____

(d) Address or Contact Address _____

(e) Age: _____

(f) Social Security Number: _____

This matter is before the Court on the default of the Respondent. The petitioner appeared _____ in person
_____ by affidavit.

1 The Court has been fully advised, and therefore IT IS HEREBY DECREED THAT:

2 **1. Dissolution:** This marriage is dissolved and shall terminate on _____.

3 **2. Prior wills:** Any will previously executed by either spouse with provisions in favor of the other spouse is
4 revoked with respect to those provisions, unless the will expresses a different intent.

5 **3. Division of Property:** (a) The wife is awarded and shall own by herself the following personal
6 property: _____

7 _____

8 _____

9 (___ Additional pages have been attached labeled as "C-1".)

10 (b) The husband is awarded and shall own by himself the following personal property: _____

11 _____

12 _____

13 _____

14 (___ Additional pages have been attached labeled as "C-2".)

15 (c) Husband and wife each shall sign any documents necessary to remove his or her name as owner of
16 personal property awarded to the other. If either fails to sign the necessary documents, a certified copy of this
17 Decree shall serve as a conveyance of the property.

18 **4. Payment of Debts:** (a) The wife shall pay the debts listed below. The husband is awarded a judgment
19 against the wife in the sum of \$_____. The wife can satisfy this judgment by paying the following debts:

<u>Name of Creditor</u>	<u>Amount Owed</u>
_____	_____
_____	_____
_____	_____

24 (___ Additional pages are attached labeled "D-1".)

25 (b) The husband shall pay the debts listed below. The wife is awarded a judgment against the husband in

26

27

1 the sum of \$_____. The husband can satisfy this judgment by paying the following debts:

2 <u>Name of Creditor</u>	<u>Amount Owed</u>
3 _____	_____
4 _____	_____
5 _____	_____

6 (___ Additional pages are attached labeled "D-2".)

7 **5. Former name:** ___ The wife shall have her former legal name restored. The restored name
8 is _____.

9 ___ The husband shall have his former legal name restored. The restored name is _____.
10 _____.

11 **6. Waiver of personal service:** ___ Petitioner's request to waive personal service if subsequently charged
12 with contempt is allowed.

13 Petitioner has selected the following contact address for service of process and the following method of
14 substituted service: (Fill in ONE blank only.)

15 ___ Mailing address: _____
16 _____

17 ___ Business address: _____
18 _____

19 ___ Specified agent: _____
20 _____
21 _____

22 **7. Fees and Costs.** Judgment against ___ the husband ___ the wife for filing fees, costs and service
23 fees in the amount of \$_____ is awarded to ___ the husband ___ the wife and in the amount of
24 \$_____ to the state (if fees were deferred).
25
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MONEY JUDGMENT
(Summary pursuant to ORCP 70A)

JUDGMENT #1 (In favor of wife)

1. Judgment Creditor (wife): Name: _____
Address: _____
2. Judgment Creditor's Attorney: Name: _____
(if applicable) Address: _____
Phone No. _____
3. Judgment Debtor (husband): Name: _____
Address: _____
Date of birth: _____
Soc. Sec. No.: _____
Driver License No. and State: _____
4. Judgment Debtor's Attorney: Name: _____
(if applicable) Address: _____
Phone No. _____
5. Amount of Judgment: \$ _____
6. Fees and Costs: \$ _____
7. Postjudgment Interest: Postjudgment interest at the rate of nine (9) percent per annum on Judgment #1 from the date judgment is entered until fully paid.

JUDGMENT #2 (In favor of husband)

1. Judgment Creditor (husband): Name: _____
Address: _____
2. Judgment Creditor's Attorney: Name: _____
(if applicable) Address: _____
Phone No. _____
3. Judgment Debtor (wife): Name: _____
Address: _____
Date of birth: _____
Soc. Sec. No.: _____
Driver License No. and State: _____

1 4. Judgment Debtor's Attorney: Name: _____
(if applicable) Address: _____
2 Phone No. _____

3 5. Amount of Judgment: \$ _____

4 6. Fees and Costs: \$ _____

5 7. Postjudgment Interest: Postjudgment interest at the rate of nine (9) percent per annum on Judgment #2
6 from the date judgment is entered until fully paid.

7 **JUDGMENT #3** (In favor of State of Oregon)

8 [The court will fill out this section if fees and costs were deferred.]

9 1. Judgment Creditor: State of Oregon

10 2. Judgment Creditor's Attorney: (n/a)

11 3. Judgment Debtor(s): Name(s): _____
12 Address(es): _____
13 Date(s) of birth: _____
14 Soc. Sec. No.: _____
15 Driver License No. and State: _____

16 4. Judgment Debtor's Attorney(s): Name(s): _____
(if applicable) Address(es): _____
17 Phone No.(s.): _____

18 5. Amount of Judgment: \$ _____

19 6. Fees and Costs: \$ _____

20 DATED this ____ day of _____, 200__.
(month) (year)

21 _____
22 JUDGE (Signature)

23 _____
24 Print, Type or Stamp Judge's Name

25 Submitted by: _____
26 Print Name
____ Petitioner
____ Attorney for Petitioner
27 OSB No. _____

Address or Contact Address

City State Zip

Telephone or Contact Telephone Number(s)