

Filing a Motion for Relief from Default Judgment on a Violation
In the Municipal Court for the City of Gladstone

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 Gladstone.

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 presumptive fine alleged for each violation 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 for the presumptive fine amount, with the court, either by mail or by personally appearing:

The Gladstone Municipal Court is located at: **18505 Portland Ave, Gladstone, OR 97027**

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 Gladstone Municipal Court telephone number is 503-656-5225 Ext 3

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

City of Gladstone)	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

COURT USE ONLY:

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

___ GRANTED. Schedule the case for _____. Defendant must personally appear.

___ DENIED

Dated this ___ day of _____, 20__.

Amy B. Lindgren
Gladstone Municipal Court Judge

