

FILING A MOTION FOR RELIEF FROM FAILURE TO APPEAR ON A VIOLATION

Under Oregon law (ORS 153.102), 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 court will impose a fine and court fees.

Oregon law allows you to request that the default judgment be set aside. Pursuant to ORS 153.105 this request must be made within one year from the date of entry 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. The attached Motion and Declaration can be filed with the Canby Municipal Court for a judge to consider whether relief should be granted.

The original Motion and Declaration for Relief from Default Judgment must be filed with the Canby Municipal Court either in person or by mail. A \$35 filing fee shall be paid to the court at such time the motion is filed. The \$35 fee is non-refundable and will not be applied to any other outstanding fines or fees.

A hearing will be scheduled with the court. You will be required to appear on the scheduled court date and time. Failure to appear will result in denial of your motion for relief.

IN THE MUNICIPAL COURT OF THE CITY OF CANBY OREGON
222 NE 2ND AVENUE, CANBY, OR. 97013

State of Oregon,

v.

Defendant.

**MOTION FOR RELIEF FROM
DEFAULT JUDGMENT**

Charge:

Docket Number:

1. Defendant moves this court for an order granting relief from a default judgment in the above case pursuant to ORS 153.105. This motion is supported by the attached declaration which states forth the defendant's grounds for relief from the judgment.
2. Defendant understands that payment of a \$35.00 fee is required to process this motion. This fee is to cover any one or more of the services provided: retrieve original court document (current or archived cases), disposition amendments to DMV (if necessary); court time; judicial and staff resources to process this request.
3. The defendant understands that court costs/fees remain owing on this case regardless of the final disposition of this case unless specifically waived by the Judge.
4. Defendant understands that if he/she fails to appear on the scheduled court date and time, the Motion for Relief from Default Judgment will be denied and Defendant will not be allowed to request further relief from the court.

Dated: _____ Defendant's Signature: _____

Phone: _____

Mailing Address: _____

IN THE MUNICIPAL COURT OF THE CITY OF CANBY OREGON
222 NE 2ND AVENUE, CANBY, OR. 97013

State of Oregon,

**DECLARATION IN SUPPORT OF MOTION
FOR RELIEF FROM DEFAULT JUDGMENT**

v.

Charge:

Docket Number:

Defendant.

I, _____, being first duly sworn on oath depose and say:

I am the Defendant in these proceedings and I am filing this Declaration in support of my Motion for Relief from Default Judgment. _____

I hereby declare that the above statement is true to the best of my knowledge and belief, and I understand it is made for use as evidence in court and subject to penalty of perjury.

Dated: _____ Defendant's Signature: _____