



## Beaverton Municipal Court

### Filing a Motion for Relief from Failure to Appear Judgment 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 impose a fine that a Defendant must pay. Failure to pay a judgment will result in the case being sent to a collections agency and additional fees.

Oregon law allows you to request that the default judgment be set aside. This is the same thing as asking a judge to remove the conviction from your driving record and restart your case with a new deadline for you to enter a plea (tell the court how you want to handle the citation).

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. You may use the motion and declaration supplied to you with these instructions. Complete page 1 below, the top half of Page 2 and all of page 3. If you are unable to effectively read or write English at a 12<sup>th</sup> grade high school level or you have a disability that prevents you from submitting the written motion, you may request an alternative method to the motion. Contact the court to request an accommodation at (503) 526-2290.

You must submit this completed packet, including this instruction sheet in one of three ways:

1. Electronically to [courtmail@beavertonoregon.gov](mailto:courtmail@beavertonoregon.gov) (**PREFERRED METHOD**)
2. Drop off at the courthouse green drop box at 4755 SW Griffith Dr., Beaverton, OR 97005
3. Send via U.S. Mail to: P.O. Box 4755, Beaverton, OR 97005

A judge will consider the motion. The judge may grant or deny the motion without 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 also deny the motion and leave the judgment in full force and effect. **If the motion is granted by the judge, the case will not be dismissed.** You will still be required to respond to the citation with a plea by the new deadline given (arraignment date).

Allow 15 days after filing the motion before inquiring with the Court regarding the judge’s decision on your motion. When the judge makes a decision about your case, you will be mailed the written order. **You must always keep the court up to date of your mailing address.** For questions, contact the Beaverton Municipal Court at 503-526-2290.

Defendant Name: \_\_\_\_\_ Case #: \_\_\_\_\_

Address \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

IN THE MUNICIPAL COURT OF THE CITY OF BEAVERTON  
COUNTY OF WASHINGTON, STATE OF OREGON

STATE OF OREGON,	)	CITATION NO. _____
Plaintiff,	)	(only list one ticket per motion)
	)	
	)	
vs.	)	MOTION AND ORDER FOR RELIEF FROM
	)	DEFAULT JUDGMENT
	)	
Defendant	)	

Pursuant to ORS 153.105, Defendant moves this court for an order granting relief from a default judgment in the above case. This motion is supported by the attached declaration which states forth the defendant’s grounds for relief from the judgment.

Dated \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Defendant’s Signature

Points and Authorities:  
ORS 153.102 and ORS 153.105

This Box is for Court Use only

Based upon the Motion and Affidavit of the Defendant, the Relief from Default Conviction Motion is:

- GRANTED. IT IS HEREBY ORDERED that the Failure to Appear Default Conviction and Judgment is vacated. Defendant’s new arraignment date is attached.
  
- DENIED. IT IS HEARBY ORDERED that if Defendant has not already done so, they must pay the remaining fines and fees in full or sign up for a payment plan immediately.

DATED: \_\_\_\_\_  
Municipal Judge

IN THE MUNICIPAL COURT OF THE CITY OF BEAVERTON  
COUNTY OF WASHINGTON, STATE OF OREGON

STATE OF OREGON,  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant

) CITATION NO. \_\_\_\_\_  
)  
)  
)  
) DECLARATION IN SUPPORT OF  
) MOTION FOR RELIEF FROM  
) DEFAULT JUDGMENT  
)  
)

I, \_\_\_\_\_, the above Defendant, under oath, depose and say:

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(may use additional pages, if necessary)

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

Dated \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature