Request for Waiver of 90 Day Waiting Period Instructions

These Instructions and Forms Do Not Apply to Cases Filed After January 1, 2012.

These instructions explain how to ask the court to waive the 90 day waiting period between service (delivery of petition to respondent) and final judgment in a Summary Dissolution case. Either party may use this packet.

REQUIRED CIRCUMSTANCES

You should not apply for a waiver of the 90 day waiting period unless your situation meets one of the following criteria:

- There is an emergency or situation of necessity. If these conditions exist, complete the forms described below. You must provide facts that satisfy the court that immediate action is warranted to protect your or another person's rights or interests in your proceeding.
- You and the other party have signed a **stipulated judgment** agreeing on all terms of your dissolution (divorce). The stipulated judgment should be filed with the Motion and Affidavit described below. State in the Affidavit that you and the other party have signed a stipulated judgment. No other grounds of emergency or necessity need be stated.

IMPORTANT: The fact that the respondent has "defaulted" does NOT qualify by itself as an "emergency" or "situation of necessity."

STEP 1

- Fill out the Affidavit in Support of Motion for Waiver of 90 Day Waiting Period (AFFIDAVIT) and Motion for Waiver of 90 Day Waiting Period (MOTION).
- Fill out the case heading on the Order Regarding Request for Waiver of 90 Day Waiting Period (ORDER) and the information about yourself at the bottom of the page.
- Make two copies of the AFFIDAVIT, MOTION AND ORDER. One is for your records and the other is to send to the other party (unless the other party has defaulted). Sign the copies for the other party where it says "I certify this is a true copy."

STEP 2

- Send the copies of the AFFIDAVIT, MOTION and ORDER to the other party by mail (unless the other party has defaulted). Fill out the Certificate of Mailing form.
- File the <u>original AFFIDAVIT</u>, MOTION, ORDER, and Certificate of Mailing with the court. If you and the other party have signed a stipulated judgment, file the original of it as well.

STEP 3

• Check back in 3 weeks to see if the ORDER was signed by a judge, and if so, whether the request was granted or denied. If the request was granted, the judge will grant judgment before expiration of the 90-day period. If the request was denied, you must wait until 90 days has passed from the date of service before the court will hold a final hearing or sign the final judgment of dissolution (divorce).

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

In the Matter of the Marriage of:)	
) (Case No.
Petitioner,)	
and		MOTION FOR WAIVER OF 90 DAY WAITING PERIOD
Respondent.)	
	Motion	
I, □ Petitioner □ Respondent, req	uest that the court	issue an Order waiving the requirement that the
parties wait 90 days from the date of service	ce before proceedi	ng to a trial or hearing on this matter. This motion
is supported by the grounds stated in the at	tached affidavit.	
	Points and Auth	norities .
ORS 107.065(2) allows the court to	waive the 90 day	waiting period if the request is supported by an
affidavit setting forth grounds of emergence	cy or necessity and	facts that satisfy the court that immediate action is
warranted to protect the rights or interest o	f any party or pers	son who might be affected by a final judgment in
the proceedings. An affidavit stating that a	a stipulated judgm	ent has been signed by the parties is adequate
grounds of necessity for immediate action	under this statute.	
Certificate of Document Prepara	tion. You are requ	uired to truthfully complete this certificate
regarding the document you are filing with	the court. Check	all boxes and complete all blanks that apply:
☐ I selected this document for mys	self and I complete	ed it without paid assistance.
☐ I paid or will pay money to		for assistance in preparing this form.
DATED:, 20	·	
□ Petitioner □ Respondent, Signature		Print Name
Address or Contact Address City,	State, Zip	Telephone or Contact Telephone
I certify that this is a true copy:		
	Signature	

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

In the Matter of the Marriage of:))	
,) Case No	
Petitioner, and) AFFIDAVIT IN SUPPORT OF MOTION) FOR WAIVER OF 90 DAY WAITING) PERIOD	
Respondent.)	
STATE OF		
STATE OF		
I, \square Petitioner \square Respondent, being first happening of at least one of the following):	t duly sworn, say that the following is true (indicate the	
	(describe):	
		, 01
Certificate of Document Preparation. You regarding the document you are filing with the cou ☐ I selected this document for myself and I	vorce) has been signed by both parties to this action. ou are required to truthfully complete this certificate art. Check all boxes and complete all blanks that apply: I completed it without paid assistance. for assistance in preparing this for	m.
☐ Petitioner ☐ Respondent, Signature	Print Name	
Address or Contact Address	City, State, Zip Telephone or Contact Telephone	
SIGNED AND SWORN to before me this	, 20	
	Notary Public for/Court Clerk My Commission Expires:	
I certify that this is a true copy:	Respondent Signature	

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

In the Matter of the Marriage of:)
) Casa Na
Petitioner, and) Case No) ORDER REGARDING REQUEST) FOR WAIVER OF 90 DAY WAITING) PERIOD
Respondent.) TERIOD)
Based upon the motion and affidavit of the	e □ Petitioner □ Respondent on file herein, the request for waiver of
the 90 day waiting period is hereby:	
\square Allowed.	
☐ Denied.	
DATED this day of	, 20
	Circuit Court Judge
	Print Name
-	ation. You are required to truthfully complete this certificate the court. Check all boxes and complete all blanks that apply:
☐ I selected this document for my ☐ I paid or will pay money to form.	self and I completed it without paid assistance. for assistance in preparing this
Submitted By:	☐ Petitioner ☐ Respondent, Signature
☐ Petitioner ☐ Respondent, Print Name	Address or Contact Address
City, State, Zip	Telephone or Contact Telephone
I certify that this is a true copy:	
2 20	Signature

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

In the Matter of the Ma	arriage of:)
	Petitioner,)) Case No
and	,) CERTIFICATE OF MAILING
	Respondent.))
		, I placed a true copy of the Motion, Affidavit and Order
		od in the above case in the United States mail addressed to
in a sealed envelope w	ith postage paid.	
regarding the documer \Box I selected th	nt you are filing with the is document for myself a	You are required to truthfully complete this certificate court. Check all boxes and complete all blanks that apply: Ind I completed it without paid assistance. for assistance in preparing this form.
DATED this _	day of	, 20
☐ Petitioner ☐ Resp	oondent, Signature	Print Name
Address or Contact Ac	ldress	City, State, Zip
Telephone or Contact	Telephone	
///		
///		
///		
///		
///		