

Correcting Clerical Error in Judgment and Amending Judgment or Money Award

Instructions for Packet 12

About the forms in Packet #12: This set of forms and instructions will allow you to ask the court to correct a clerical error in either the body of your judgment or the “money judgment” or “money award” portion of your judgment, or to respond to a request made by the other party. The forms in Packet #12 may be used in dissolution, separation, modification, custody, parenting time, and/or child support proceedings.

These forms should *only* be used where the terms of the court’s orders in the body of the judgment are *different from* those indicated in the “money judgment/money award” portion of the judgment. The forms allow you to ask the court to change either the body of the judgment, or the “money judgment” or “money award” portions of the judgment, so each accurately reflects the correct judgment of the court. ***The forms cannot be used to introduce new evidence or request something other than what the court ordered.*** The forms may also be used if you are notified by the Division of Child Support that the child/ren or spousal support provisions in the “money judgment” or “money award” sections do not match the provisions for child/ren or spousal support in the body of the judgment.

STEP 1 - FILLING OUT THE FORMS

- Fill out the forms called “ Ex Parte Motion To Correct Clerical Error in Judgment (MOTION).”
- Fill out the form called “CORRECTED SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A)” (CORRECTED JUDGMENT) but leave blank the signature lines for the judge to sign.
- Fill out the form called Notice of Proposed Judgment or Order (NOTICE).
- Make two copies of each of the forms. 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 – FILING, MAILING OR SERVING THE FORMS

Your request should be filed in the circuit court that entered the judgment you are asking the court to correct.

- Send the copies of the MOTION and CORRECTED JUDGMENT to the other party, or his/her attorney, by mail. Fill out the CERTIFICATE OF MAILING form. Then file the original MOTION, CORRECTED JUDGMENT and CERTIFICATE OF MAILING with the court.

STEP 3 - THE COURT’S RULING ON THE MOTION

- Check back when the local court clerk indicates you should (this may be several days or weeks) to see if your request was granted and if the CORRECTED JUDGMENT has been signed by a judge, or if it was denied.
- If the request was granted, the body of the judgment, and/or “money award” section of your judgment, will be as set forth in the CORRECTED JUDGMENT. **If child/ren or spousal support was ordered, provide a copy of the signed CORRECTED JUDGMENT to the Division of Child Support.**
- If the request was denied, the judgment will remain as it was originally entered.

The "money judgment" or "money award" portion of the judgment correctly incorrectly states (*attach additional sheets if necessary*): _____

4. REQUESTED RELIEF (*Check the appropriate box below*):
 The body of the judgment **or** The "money judgment" or "money award" portion of the judgment should be corrected to read as set forth in the attached "SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A)."

Points and Authorities

ORCP 71A provides that clerical mistakes in judgments, orders, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party and after such notice to all parties who have appeared, if any, as the court orders.

In Sea-Air Handling Services, Inc. v. Reed, 327 Or 25 (1998), the Supreme court stated that "in the absence of anything to the contrary in the record, a judgment entered in the register is regarded as stating an 'absolute verity'". The purpose of correcting a clerical error is to make the record speak the truth and conform it to what actually occurred. Marriage of Hopkins, 102 Or App 655, 658 (1990) (citing Hubbard v. Hubbard, 213 Or 482, 487 (1958)).

DATED this _____ day of _____, 20_____.

Petitioner Respondent State of Oregon, Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

Certificate of Document Preparation. You are required 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 myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

Petitioner Respondent, Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

I certify that this is a true copy:

 Petitioner Respondent, Signature

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

In the Matter of the Marriage of:)
)

_____,)

Petitioner,)

and)

_____,)

Respondent.)

Case No. _____

SUPPLEMENTAL JUDGMENT
CORRECTING JUDGMENT OR MONEY
AWARD (ORCP 71A)

1. **This matter came before the court:**

a. On the Motion of Petitioner Respondent the State of Oregon;

b. On the court’s own motion;

c. On the stipulation of the parties, as shown by the signatures below

d. At a hearing held _____ (date), at which the following persons were present:

Petitioner Petitioner’s Attorney _____

Respondent Respondent’s Attorney _____

Other: _____

2. **Findings.** The court considered the: Documents on file herein; Stipulations; Evidence presented and found that:

a. Due to a clerical mistake, the _____ (title of document) entered on _____ (date) should be corrected to accurately reflect the court’s ruling.

IT IS HEREBY ORDERED that the above-described judgment shall be corrected as set forth below. The judgment document is not otherwise modified and all other terms remain in full force and effect.

1. The body of the judgment should be corrected to read *(attach additional pages if necessary)*: _____

(Additional pages labeled “Paragraph 1 - Corrections to Body of Judgment” attached.)

2. MONEY AWARD

Support Obligation included not included

	PETITIONER	RESPONDENT
Full Name		
Contact Address		
Year of Birth		
Social Security # (last 4 digits)		
Driver License # (last 4 digits) and State		
Lawyer Name, Address, Phone #		

➤ *If an Adult Child Attending School is awarded support to be paid directly to him/her, AND there is no support awarded for minor children of the parties, or if the judge tells you that the adult child is a judgment creditor, fill out the next box below:*

The adult child named (full name and contact address) _____ is a judgment creditor on this judgment.
 Adult child's lawyer's name, address, phone #: _____

The following information must be provided by any party entitled to receive a money award as listed in this Judgment	
	The following person or public body is known to be entitled to a portion of a payment made on the judgment (other than payee's lawyer):
Petitioner	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____
Respondent	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____
Adult Child Name: _____	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____

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Type of Judgment		Amount	Beginning / Ending
<input type="checkbox"/> Child Support	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month for cash child support. \$ _____ per month for medical support.	Beginning: <input type="checkbox"/> the first <i>or</i> <input type="checkbox"/> _____ day of the month following entry of this judgment <i>or</i> <input type="checkbox"/> the date of service of the <i>Petition (date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the same day of each month thereafter
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Adult Child		Ending when the last child turns <input type="checkbox"/> 18 <i>or</i> <input type="checkbox"/> 21 (if the child remains a Child Attending School)
	Nine percent (9%) per annum simple interest will accrue on any unpaid installments as they become due.		
<input type="checkbox"/> Spousal/ Partner Support	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month	Beginning: <input type="checkbox"/> the first <i>or</i> <input type="checkbox"/> _____ day of the month following entry of this judgment <i>or</i> <input type="checkbox"/> the date of service of the <i>Petition (date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the same day of each month thereafter.
	Ending the earlier of: <i>(date)</i> _____ <i>or</i> the death of either party.		
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Or A lump sum of \$ _____	

<input type="checkbox"/> Property Division	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____ per month until a total of \$_____ is paid.	Beginning the (<i>day</i>)_____ of the month following entry of judgment.
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	or	
		A lump sum of: \$_____	Paid by (<i>date</i>):
<input type="checkbox"/> Prejudgment Interest	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____	
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent		
<input type="checkbox"/> Postjudgment Interest	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	9% per year simple interest on the unpaid balance of the total judgment amount of \$_____	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid.
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent		
<input type="checkbox"/> Court Costs and Service Fees already PAID	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party reimburses the other party's costs and fees of: \$_____ Directly to the awarded party.	
<input type="checkbox"/> Court Costs and Service Fees DEFERRED	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party must pay deferred costs and fees of: \$_____ To the State of Oregon through this court.	

Judge Signature:

DATE

CIRCUIT COURT JUDGE

Certificate of Readiness

This proposed judgment is ready for judicial signature because (*check all that apply*):

- Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.
- Each party affected by this judgment has **stipulated** to or approved the judgment, as shown by the signatures on the judgment.
- I have **served** a copy of this judgment and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service (*complete service information below*). **And:**
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100

I certify that on (*date*): _____ I placed a true and complete copy of this proposed *Judgment* in the United States mail to (*name*) _____ at (*address*) _____

Submitted by: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Signature	Print Name

- Certificate of Document Preparation.** Check all that apply:
- I chose this form for myself and completed it without paid help.
 - A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
 - I paid (or will pay) _____ for help choosing, completing, or reviewing this form.

I understand that I am subject to penalty for perjury for giving false information to the court. All factual information in this Judgment is true to the best of my knowledge and belief. I agree to the terms of this Judgment. I understand that this Judgment is enforceable by the court.

 Petitioner, Signature _____
 Date

 Petitioner, Name (printed)

Respondent stipulates (agrees) to the terms of this judgment

Respondent, Signature

Date

Respondent, Name (printed)

Child 18, 19, or 20 years of age, stipulates to the terms of this judgment

Child, Signature

Date

Child, Name (printed)

Optional: APPLICATION FOR FULL CHILD SUPPORT PROGRAM SERVICES

By signing below, I apply for child support services, including enforcement, from the Child Support Program (CSP).

Check here: if you are requesting only accounting and disbursement services and not enforcement services.

Note: If you never received TANF, tribal TANF or AFDC in any state, an annual \$25 fee will apply if over \$500 is collected and distributed to the family each year.)

 Petitioner, Signature

Date

 Respondent, Signature

Date

NOTICE OF PROPOSED JUDGMENT OR ORDER

*To be sent to all other parties before submitting proposed Judgment or Order to the court for signature. Send a **copy** of the proposed Judgment or Order to the other party with this Notice at least 7 days before submitting it to the court. This does not apply to judgments submitted with a Motion for Order of Default or after and Order of Default has been granted, or to Stipulated Judgements (agreed to and signed by all parties).*

Attention Person Receiving this Notice: This notice is to inform you that you can object to the attached proposed *Judgment or Order*.

Uniform Trial Court Rule (UTCRR) 5.100¹ allows you to object to the proposed judgment or order. If you have no objections, you do not need to do anything.

If you do object to any of the terms of the judgment or order, you must:

Submit your written objections directly to the court. If you do object to the proposed judgment or order, you must contact the court and the filing party within 7 days of the date of this notice, so that he/she can inform the court of your intentions when he/she submits the proposed judgment or order.

Date

Signature

Name (printed)

Address

City/State/Zip

Phone

¹ <http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>

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

In the Matter of: the Marriage of:)
)
_____,) Case No. _____
)
Petitioner,)
and) CERTIFICATE OF MAILING
)
_____,)
)
Respondent.)

I certify that on _____, 20_____, I placed a true copy of the following:

(Check all that apply:)

Ex Parte Motion To Correct Clerical Error in Judgment (ORCP 71A), Notice of Proposed Judgment or Order, and Supplemental Judgment Correcting Judgment or Money Award (ORCP 71A) in the above case in the United States mail addressed to Petitioner Respondent at (list address): _____

_____ in a sealed envelope with postage paid.

Certificate of Document Preparation. You are required 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 myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED this ____ day of _____, 20_____.

<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> State of Oregon, Signature	Print Name
Address or Contact Address	City, State, Zip
	Telephone or Contact Telephone
