



1 **or express** mail[,] **with** return receipt requested[, *or express mail*]; or that the identity of the  
2 defendant's insurance carrier is unknown to the plaintiff.

3 **B Entry of [*default*] judgment by default.**

4 **B(1) By the court or the clerk.** The court or the clerk upon written application of the  
5 party seeking judgment shall enter judgment when:

6 B(1)(a) The action arises upon contract;

7 B(1)(b) The claim of a party seeking judgment is for the recovery of a sum certain or for a  
8 sum which can by computation be made certain;

9 B(1)(c) The party against whom judgment is sought has been defaulted for failure to  
10 appear;

11 B(1)(d) The party seeking judgment submits an affidavit or a declaration stating that, to  
12 the best knowledge and belief of the party seeking judgment, the party against whom judgment is  
13 sought is not incapacitated as defined in ORS 125.005, a minor, a protected person as defined in  
14 ORS 125.005, or a respondent as defined in ORS 125.005;

15 B(1)(e) The party seeking judgment submits an affidavit or a declaration of the amount  
16 due;

17 B(1)(f) An affidavit or a declaration pursuant to subsection B[(3)] **(4)** of this rule has been  
18 submitted; and

19 B(1)(g) Summons was personally served within the State of Oregon upon the party, or an  
20 agent, officer, director, or partner of a party, against whom judgment is sought pursuant to Rule 7  
21 D(3)(a)(i), 7 D(3)(b)(i), **7 D(3)(c)(i), 7 D(3)(d)(i)**, 7 D(3)(e), or 7 D(3)(f).

22 **B(2) By the court.** In cases other than those cases described in subsection (1) of this  
23 section, the party seeking judgment must apply to the court for judgment by default. The party  
24 seeking judgment must submit the affidavit or declaration required by subsection (1)(d) of this  
25 section if, to the best knowledge and belief of the party seeking judgment, the party against  
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3 judgment may be entered against the other party only if a guardian ad litem has been appointed or  
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7 investigation of any other matter, the court may conduct such hearing, or make an order of  
8 reference, or order that issues be tried by a jury, as it deems necessary and proper. The court may  
9 determine the truth of any matter upon affidavits or declarations.

10 **B(3) Amount of judgment.** The judgment entered shall be for the amount due as shown  
11 by the affidavit or declaration, and may include costs and disbursements and attorney fees  
12 entered pursuant to Rule 68.

13 **B(4) Non-military affidavit or declaration required.** No judgment by default shall be  
14 entered until the filing of an affidavit or a declaration on behalf of the plaintiff, showing that the  
15 defendant is or is not a person in the military service, or stating that plaintiff is unable to  
16 determine whether or not the defendant is in the military service as required by Section 201(b)(1)  
17 of the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521, as amended, except upon order  
18 of the court in accordance with that Act.

19 \* \* \* \* \*



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21 D(3)(a)(i), 7 D(3)(b)(i), **7 D(3)(c)(i), 7 D(3)(d)(i)**, 7 D(3)(e), or 7 D(3)(f).

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12 entered pursuant to Rule 68.

13 **B(4) Non-military affidavit or declaration required.** No judgment by default shall be  
14 entered until the filing of an affidavit or a declaration on behalf of the plaintiff, showing that the  
15 defendant is or is not a person in the military service, or stating that plaintiff is unable to  
16 determine whether or not the defendant is in the military service as required by Section 201(b)(1)  
17 of the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521, as amended, except upon order  
18 of the court in accordance with that Act.



1 **or express** mail[, **with** return receipt requested[, *or express mail*]; or that the identity of the  
2 defendant's insurance carrier is unknown to the plaintiff.

3 **B Entry of [default] judgment by default.**

4 **B(1) By the court or the clerk.** The court or the clerk upon written application of the  
5 party seeking judgment shall enter judgment when:

6 B(1)(a) The action arises upon contract;

7 B(1)(b) The claim of a party seeking judgment is for the recovery of a sum certain or for a  
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11 *[B(1)(d) The party seeking judgment submits an affidavit or a declaration stating that, to*  
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15 *[B(1)(e) The party seeking judgment submits an affidavit or a declaration of the amount*  
16 *due;]*

17 *[B(1)(f) An affidavit or a declaration pursuant to subsection B[(3)] (4) of this rule has*  
18 *been submitted; and]*

19 B(1)[(g)]**(d)** Summons was personally served within the State of Oregon upon the party,  
20 or an agent, officer, director, or partner of a party, against whom judgment is sought pursuant to  
21 Rule 7 D(3)(a)(i), 7 D(3)(b)(i), **7 D(3)(c)(i), 7 D(3)(d)(i)**, 7 D(3)(e), or 7 D(3)(f)[.]; **and**

22 B(1)(e) The party seeking judgment submits an affidavit or a declaration of the amount  
23 due;

24 **B(2) By the court.** In cases other than those cases described in subsection (1) of this  
25 section, the party seeking judgment must apply to the court for judgment by default. [*The party*  
26 *seeking judgment must submit the affidavit or declaration required by subsection (1)(d) of this*



1 | *section if, to the best knowledge and belief of the party seeking judgment, the party against whom*  
2 | *judgment is sought is not incapacitated as defined in ORS 125.005, a minor, a protected person*  
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4 | *judgment cannot submit an affidavit or a declaration under this subsection, a default judgment*  
5 | *may be entered against the other party only if a guardian ad litem has been appointed or the*  
6 | *party is represented by another person as described in Rule 27.] If, in order to enable the court to*  
7 | *enter judgment or to carry it into effect, it is necessary to take an account or to determine the*  
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9 | *investigation of any other matter, the court may conduct such hearing, or make an order of*  
10 | *reference, or order that issues be tried by a jury, as it deems necessary and proper. The court may*  
11 | *determine the truth of any matter upon affidavits or declarations.*

12 |       **B(3) Amount of judgment.** The judgment entered shall be for the amount due as shown  
13 | by the affidavit or declaration, **if any**, and may include costs and disbursements and attorney fees  
14 | entered pursuant to Rule 68.

15 |       **B(4) Non-military affidavit or declaration required.** No judgment by default shall be  
16 | entered until the filing of an affidavit or a declaration on behalf of the plaintiff, showing that the  
17 | defendant is or is not a person in the military service, or stating that plaintiff is unable to  
18 | determine whether or not the defendant is in the military service as required by Section 201(b)(1)  
19 | of the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521, as amended, except upon order  
20 | of the court in accordance with that Act.

21 |       **B(5) Affidavit or declaration of competency required. The party seeking judgment**  
22 | **must submit the affidavit or declaration required by this subsection if, to the best**  
23 | **knowledge and belief of the party seeking judgment, the party against whom judgment is**  
24 | **sought is not incapacitated as defined in ORS 125.005, a minor, a protected person as**  
25 | **defined in ORS 125.005, or a respondent as defined in ORS 125.005. If the party seeking**  
26 | **judgment cannot submit an affidavit or a declaration under this subsection, a default**

1 **judgment may be entered against the other party only by the court and only if a guardian**  
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3 **Rule 27.**

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2 defendant's insurance carrier is unknown to the plaintiff.

3 **B Entry of *[default]* judgment by default.**

4 B(1) By the court or the clerk. The court or the clerk upon written application of the party  
5 seeking judgment shall enter judgment when:

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