

COUNCIL ON COURT PROCEDURES
ANNOTATED AGENDA & MEETING PACKET

Saturday, May 9, 2026, 9:30 a.m.

Zoom Platform: See Footer for Contact Information

- I. Call to Order (Mr. Goehler)
- II. Approval of April 11, 2026, Minutes (Mr. Goehler) **(ATTACHMENT C)**
- III. Administrative Matters (Mr. Goehler)
 - A. Staff Comments (Judge Peterson)
 - B. September Council Meeting (Judge Peterson)
 - C. Council Website (Judge Peterson)
- IV. Old Business (Mr. Goehler)
 - A. Committee Reports
 - 1. Declaration of Expert Opinion/Rule 47 E (Mr. Joh)
 - 2. Post-Judgment Subpoenas/Rule 55 (Mr. Whitman)
 - 3. Service/Rules 7, 9 & 10 (Judge Raschio) **(ATTACHMENT A, ATTACHMENT D)**
 - 4. Third Party Practice/Rule 22 (Ms. Dahab)
 - B. Rule 37 (Judge Peterson) **(ATTACHMENT B)**
 - C. Address Confidentiality Program and Service (Ms. Wilson)
- V. New Business (Mr. Goehler)
- VI. Adjournment (Mr. Goehler)

Attachments not included with initial meeting packet will be added to the website as soon as they are available. If it is very close to the meeting date, late materials may be e-mailed to ensure their receipt.

Teleconference/Videoconference Information

From your PC/laptop, for a videoconference:

- Click on this link:
 - <https://us06web.zoom.us/j/82377203749?pwd=NrzKPpbkaJvbos2b8xcEqAF0BkarQa.1>
 - Meeting ID: 823 7720 3749
 - Passcode: 193329
 - Dial-in audio option: 1-253-215-8782

From your phone, like a regular teleconference:

- 1-253-215-8782 / Meeting ID: 823 7720 3749/ Passcode: 193329

From your smartphone, using the Zoom app to videoconference:

- Download the app (search for Zoom Meetings" in the iOS, Google Play Store, or Amazon Appstore
- Open the app and click on "Join Meeting"
- Enter the meeting ID: 823 7720 3749
- Passcode: 193329

Problems?

Shari's cell phone number: 315-454-1280
Mark's cell phone number: 503-544-7022

1 **SERVICE AND FILING OF PLEADINGS**

2 **AND OTHER DOCUMENTS**

3 **RULE 9**

4 **A Service; when required.** Except as otherwise provided in these rules, every order;
5 every pleading subsequent to the original complaint; every written motion other than one that
6 may be heard ex parte; and every written request, notice, appearance, demand, offer to allow
7 judgment, designation of record on appeal, and similar document [*shall*] **must** be served on
8 each of the parties. No service need be made on parties in default for failure to appear except
9 that pleadings asserting new or additional claims for relief against [*them shall*] **parties in**
10 **default must** be served on [*them*] **those parties** in the manner provided for service of
11 summons in Rule 7.

12 **B Service; how made.** Except as otherwise provided in Rule 7 or Rule 8, whenever under
13 these rules service is required or permitted to be made on a party, and that party is
14 represented by an attorney, the service [*shall*] **must** be made on the [*attorney*] **attorney,**
15 unless otherwise ordered by the court. Service on the attorney or on a party [*shall*] **must** be
16 made by delivering a copy to that attorney or party; by mailing [*it*] **the copy** to the attorney's or
17 party's last known address; by e-mail as provided in section G of this rule; by electronic service
18 as provided in section H of this rule; or, if the party is represented by an attorney, by facsimile
19 communication as provided in section F of this rule. Delivery of a copy within this rule means:
20 handing [*it*] **the copy** to the person to be served; or leaving [*it*] **the copy** at the person's office
21 with the person who is apparently in charge; or, if there is no one in charge, leaving the copy in
22 a conspicuous place therein; or, if the office is closed or the person to be served has no office,
23 leaving the copy at the person's dwelling house or usual place of abode with some person 14
24 years of age or older then residing therein. A party who has appeared without providing an
25 appropriate address for service may be served by filing the pleading or other document with
26 the court. Service by mail is complete on mailing. Service of any notice or other document to

bring a party into contempt [*may be only on that party personally.*] **must be by personal service on that party.**

C Filing; proof of service.

C(1) **Generally.** Except as provided by section D of this rule, all documents required to be served on a party by section A of this rule [*shall*] **must** be filed with the court within a reasonable time after service. Except as otherwise provided in Rule 7 [*and*] **or** Rule 8, proof of service of all documents required or permitted to be served may be by written acknowledgment of service, by affidavit or declaration of the person making service, or by certificate of an attorney. Proof of service may be made on the document served or as a separate document attached thereto.

C(2) **Proof of service by facsimile communication.** If service is made by facsimile communication under section F of this rule, proof of service [*shall*] **must** be made by affidavit or by declaration of the person making service, or by certificate of an [*attorney*] **attorney**, and the person making service [*shall*] **must** attach to the affidavit, declaration, or certificate printed confirmation of receipt of the message generated by the transmitting technology.

C(3) **Proof of service by e-mail.** If service is made by e-mail under section G of this rule, proof of service [*shall*] **must** be made by affidavit or by declaration of the person making service, or by certificate of an attorney, stating either that the other party has consented to service by e-mail or that [*he or she*] **the sender** received confirmation that the message and **any** attachment were received by the designated recipient and specifying the method by which the sender received confirmation. An automatically generated message indicating that the recipient is out of the office or is otherwise unavailable cannot support the required certification, nor can an automatically generated e-mail delivery status notification.

C(4) **Proof of service by electronic service.** If service is made by electronic service under section H of this rule, proof of service [*shall*] **must** be made by affidavit or by declaration of the person making service, or by certificate of an attorney, specifying that service was completed

1 by electronic service.

2 C(5) **Proof of service on a party without a service address.** Service on a party who has
3 appeared without providing an appropriate address for service [*shall*] **must** be by affidavit or
4 by declaration of the person filing the document, or by certificate of an attorney, that service
5 by filing as provided in section B of this rule is appropriate.

6 **[D When filing not required.] D Documents not to be filed.** Notices of deposition,
7 requests made pursuant to Rule 43, and answers and responses thereto [*shall not be*] **are not**
8 **to be** filed with the court. This rule [*shall*] **does** not preclude their use as exhibits or as
9 evidence on a motion or at trial. Offers to allow judgment made pursuant to Rule 54 E [*shall*
10 *not be*] **are not to be** filed with the court except as provided in Rule 54 E(3).

11 **E Filing with the court defined.** The filing of pleadings and other documents with the
12 court as required by these rules [*shall*] **must** be made by filing them with the clerk of the court
13 or the person exercising the duties of that office. The clerk or the person exercising the duties
14 of that office [*shall*] **will** endorse on the pleading or document the time of day, the day of the
15 month, the month, and the year. The clerk or person exercising the duties of that office is not
16 required to receive for filing any document unless a caption that includes the name of the
17 court; the case number of the action, if one has been assigned; the title of the document; and
18 the names of the parties [*are*] **is** legibly displayed on the front of the document, nor unless the
19 contents of the document are legible. Further, the clerk is not required to receive for filing any
20 document that does not include the name, address, and telephone number of the **filing** party
21 or the attorney for the party, if the **filing** party is represented.

22 **F Service by facsimile communication.** Whenever under these rules service is required or
23 permitted to be made on a party, and that party is represented by an attorney, the service may
24 be made on the attorney by means of facsimile communication if the attorney has such
25 technology available and said technology is operating at the time service is made. Service in
26 this manner [*shall be*] **is** subject to Rule 10 B. Facsimile communication includes: a telephonic

1 facsimile communication device; a facsimile server or other computerized system capable of
2 receiving and storing incoming facsimile communications electronically and then routing them
3 to users on paper or via e-mail; or an internet facsimile service that allows users to send and
4 receive facsimiles from their personal computers using an existing e-mail account.

5 **G Service by e-mail.** Whenever under these rules service is required or permitted to be
6 made on a party, unless the party or the party's attorney is exempted from service by e-mail by
7 an order of the court, the service may be made by means of e-mail. Service is complete under
8 this rule on confirmation of receipt of the e-mail or, if the receiving party has consented to
9 service by e-mail, on transmission of the e-mail. Any party or any party's attorney must provide
10 the name and e-mail address of that party or that attorney and that attorney's designee, if any,
11 on any document served by e-mail. Any party or attorney who has communicated by e-mail or
12 by electronic service must notify the other parties in writing of any changes to that party's or
13 that attorney's e-mail address. Service in this manner [*shall be*] **is** subject to Rule 10 B.

14 **H Service by electronic service.** As used in these rules, "electronic service" means using
15 an electronic filing system provided by the Oregon Judicial Department and in the manner
16 prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court.

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1 and must show:

2 A(1)(a) that the petitioner, or the petitioner's personal representatives, heirs,
3 beneficiaries, successors, or assigns are likely to be a party to an action cognizable in a court
4 of this state and are presently unable to bring such an action or defend it, or that the
5 petitioner has an interest in real property or some easement or franchise therein, about
6 which a controversy may arise, that would be the subject of such action;

7 A(1)(b) the subject matter of the expected action and petitioner's interest therein and
8 a copy, attached to the petition, of any written instrument the validity or construction of
9 which may be called into question or that is connected with the subject matter of the
10 expected action;

11 A(1)(c) the facts that petitioner desires to establish by the proposed testimony or other
12 discovery and petitioner's reasons for desiring to perpetuate;

13 A(1)(d) the names or a description of the persons petitioner expects will be adverse
14 parties and their addresses so far as one is known;

15 A(1)(e) the names and addresses of the parties to be examined or from whom
16 discovery is sought and the substance of the testimony or other discovery that petitioner
17 expects to elicit and obtain from each; and,

18 A(1)(f) a request for an order:

19 A(1)(f)(i) authorizing the petitioner to take the depositions of the parties to be
20 examined for the purpose of perpetuating their testimony; or

21 A(1)(f)(ii) allowing discovery under Rule 43 or Rule 44 from the persons from whom
22 discovery is sought for the purpose of preserving evidence.

23 A(2) **Notice and service.** The petitioner [shall] **must** thereafter serve a notice [upon] **on**
24 each person named in the petition as an expected adverse party, together with a copy of the
25 petition, stating that the petitioner will apply to the court at a time and place named therein,
26 for the order described in the petition. The notice [shall] **must** be served either within or

1 without the state in the manner provided for service of summons in Rule 7. [7, but if] if such
2 service cannot with due diligence be made [upon] on any expected adverse party named in the
3 petition, the court may make such order as is just for service by publication or [otherwise, and
4 shall] otherwise. The court must appoint, for persons not served with summons in the manner
5 provided in Rule 7, an attorney [who shall] to represent [them and] them, whose services
6 [shall] must be paid for by petitioner in an amount fixed by the court, [and, in case they are not
7 otherwise represented, shall] to cross examine the deponent. Testimony and evidence
8 perpetuated under this rule [shall] will be admissible against expected adverse parties not
9 served with notice only in accordance with the applicable rules of evidence. If any expected
10 adverse party is a minor or incompetent, the provisions of Rule 27 apply.

11 **A(3) Order and examination.** If the court is satisfied that the perpetuation of the
12 testimony or other discovery to perpetuate evidence may prevent a failure or delay of justice,
13 [it shall make an order designating or describing] discovery may be had in accordance with
14 these rules on the court's order, which must:

15 **A(3)(a) designate or describe** the persons whose depositions may be taken and
16 [specifying] specify the subject matter of the examination and whether the depositions [shall]
17 will be taken [upon] on oral examination or written questions; or [shall make an order
18 designating or describing]

19 **A(3)(b) designate or describe** the persons from whom discovery may be sought under
20 Rule [43] 43, specifying the objects of such discovery; or [shall make an order]

21 **A(3)(c) set** [for] a physical or mental examination as provided in Rule 44.

22 **A(4) Applicable discovery rules.** For the purpose of applying these rules to discovery
23 before action, each reference therein to the court in which the action is pending [shall] will be
24 deemed to refer to the court in which the petition for such discovery was filed.

25 **B Pending appeal.** If an appeal has been taken from a judgment of a court to which these
26 rules apply or before the taking of an appeal if the time therefor has not expired, the court in

1 | which the judgment was rendered may allow the taking of the depositions of witnesses to
2 | perpetuate their testimony or may allow discovery under Rule 43 or Rule 44 for use in the
3 | event of further proceedings in such court. In such case the party who desires to perpetuate
4 | the testimony or obtain the discovery may make a motion in the court therefor [upon] **on** the
5 | same notice and service thereof as if the action was pending in the circuit court. [*The motion*
6 | *shall show: (1) the names and addresses of the persons to be examined or from whom other*
7 | *discovery is sought and the substance of the testimony or other discovery which the party*
8 | *expects to elicit from each; and (2) the reasons for perpetuating their testimony or seeking such*
9 | *other discovery. If the court finds that the perpetuation of the testimony or other discovery is*
10 | *proper to avoid a failure or delay of justice, it may make an order as provided in subsection (3)*
11 | *of section A of this rule and thereupon discovery may be had and used in the same manner and*
12 | *under the same conditions as are prescribed in these rules for discovery in actions pending in the*
13 | *circuit court.*]

14 | **B(1) Contents of motion. The motion must show:**

15 | **B(1)(a) the names and addresses of the persons to be examined or from whom other**
16 | **discovery is sought and the substance of the testimony or other discovery which the party**
17 | **expects to elicit from each; and**

18 | **B(1)(b) the reasons for perpetuating their testimony or seeking such other discovery.**

19 | **B(2) Order of the court. If the court finds that the perpetuation of the testimony or**
20 | **other discovery is proper to avoid a failure or delay of justice, it may make an order as**
21 | **provided in subsection A(3) of this rule. Thereupon, discovery may be had and used in the**
22 | **same manner and under the same conditions as are prescribed in these rules for discovery in**
23 | **actions pending in the circuit court.**

24 | **C Perpetuation by action.** This rule does not limit the power of a court to entertain an
25 | action to perpetuate testimony.

26 | **D Filing of depositions.** Depositions taken under this rule [shall] **must** be filed with the

1 court in which the petition is filed or the motion is made.

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DRAFT MINUTES OF MEETING
COUNCIL ON COURT PROCEDURES
 Saturday, April 11, 2026, 9:30 a.m.
 Zoom Meeting Platform

ATTENDANCE

Members Present:

Hon. Benjamin M. Bloom
 Hon. Andrew Erwin
 Hon. Christopher L. Garrett
 Barry J. Goehler
 Hon. Jonathan R. Hill
 Melissa Hopkins
 YoungWoo Joh
 Lara Johnson
 Eric Kekel
 Derek Larwick
 Julian Marrs
 Hon. Thomas A. McHill
 Hon. Michelle McIver
 Hon. Melvin Oden-Orr
 Bryce Whitman Passadoré
 Hon. Robert Raschio
 Michael Shin
 Tom Spooner
 Hon. Todd Van Rysselberghe
 Alicia Wilson

Members Absent:

Nadia Dahab
 Ryan Jennings
 Hon. Scott Shorr

Guests:

Matt Shields, Oregon State Bar
 Rachel Trickett, Oregon Judicial Department

Council Staff:

Shari C. Nilsson, Executive Assistant
 Hon. Mark A. Peterson, Executive Director

ORCP/Topics Discussed this Meeting	ORCP/Topics Discussed & Not Acted on this Biennium			ORCP Amendments Promulgated this Biennium	ORCP/Topics to be Reexamined Next Biennium
• ORCP 7 • ORCP 9 • ORCP 24 • ORCP 36 • ORCP 37 • ORCP 38 • ORCP 47 • ORCP 67	• ORCP 60 • Abusive Litigants in Probate Proceedings • Arbitration • Clarity • Civil Motion Practice • Contempt • Default Orders/Judgments • Depositions • Disclosures • Discovery • Ex Parte	• Federalization • Guardians Ad Litem • “How To” Guides • Offers of Judgment • Pleadings • Receiverships • Remote Appearance • Security Bonds • Self-Represented Litigants • Subpoenas • Summary Judgment	• Timelines • Trial Practice • Uniform Collaborative Law Act • UTCR		

I. Call to Order

Mr. Goehler called the meeting to order at 9:30 a.m.

II. Approval of March 14, 2026, Minutes

Mr. Goehler called the Council's attention to the draft minutes from the March 14, 2026, meeting (Appendix A) and asked whether there were any suggestions for corrections. Mr. Joh asked for a clarification of his statement on page 10 of the draft minutes. He suggested that the sentence that reads, "Mr. Joh asked whether the committee had considered the fact that the defendant who is trying to bring in a third party would still have a claim, even if it is not within that case," would better read, "Mr. Joh asked whether the defendant who is trying to bring in a third party would still have a claim, even if it is not within that case."

Mr. Goehler asked for a motion to approve the minutes as amended. Judge Raschio made such a motion, Ms. Johnson seconded, and the motion was approved by voice vote.

III. Administrative Matters

A. Staff Comments

This topic was carried over to the May agenda.

IV. Old Business

A. Committee Reports

1. Declaration of Expert Opinion/Rule 47 E

Mr. Joh reported that the committee had met on March 23, 2026. He stated that the bulk of the discussion regarded a concern about the procedure in considering changes to the ORCP that were not raised in the Council's biennial survey. The attending members of the meeting voted 4-2 to recommend that the Council dissolve the committee. The committee's report (Appendix B) lays out some of the issues discussed. Mr. Joh explained that the report is not intended to serve as minutes of the meeting but, rather, a summary. At least one member wanted to include a summary of the substantive issues that he raised at the meeting, and that is included in the report. Another member had followed up in comments by email after a draft report was circulated, and that is also included.

Mr. Joh stated that he also included proposed edits to the report by Ms. Hopkins, and welcomed her to speak on that if she wished. Mr. Goehler asked Mr. Joh to further explain the parts of the report that were stricken through and in red text. Mr. Joh stated that the red line portion was the edited summary

submitted by Ms. Hopkins. He stated that he wanted to be sure to include her thoughts on what the report should reflect.

Judge Peterson asked to clarify the record due to the amount of consternation there has been with regard to how proposals for amendment to the Oregon Rules of Civil Procedure (ORCP) come to the Council. He explained that there is no rule or law that states that ideas need to be presented to the Council at the time of the biennial survey and at no other time. The biennial survey was not even a tool of the Council at the time he started as Executive Director. When he came on board, funds were tight with the state, the Council had irritated a lobbyist, and the Council had been zero funded for a biennium. The Legislature gave the Council a list of things to do as a state agency, one of which was to meet some key performance measures. The requirement to meet those measures has now gone by the wayside, but one measure that the Council has found to be useful and has kept doing is to conduct a survey of its performance. It has become not only a tool to measure performance but, also, a good way to bring in ideas from trial and appellate judges and members of sections and committees of the bar that are liable to have dealings in the state courts.

In this instance, the suggestion for a change to ORCP 47 E came to the Council via Judge Peterson after the survey. He does not solicit ideas from judges; however, some of the Multnomah County judges know of his work with the Council and will send him ideas from time to time. Judge Peterson noted that the survey brings both good ideas and inane ideas. It also brings suggestions for changes that were already made in previous biennia from lawyers who do not read the ORCP very carefully. The survey, therefore, ought not to be held up as something that is incredibly important. Judge Peterson stated that he has no position on whether the Council should make a change to Rule 47 E. However, the issue should be considered on its merits and not based on the method by which it was received by the Council.

Mr. Goehler thanked Judge Peterson for that explanation, which he suggested incorporating into the agenda for the first meeting of each new biennium. He stated that, in his 7 years on the Council, ideas for change have come from many places, including the survey, appellate court opinions inviting consideration, members of the public, members of the bar, colleagues of Council members, past Council members, and current Council members. The Council is broader rather than narrower in terms of where its input comes from. Mr. Goehler opined that It is good to remind ourselves of that. Likewise, as far as when an idea comes in, it is not necessary for it to happen at the beginning of the biennium, but that is a plus. A new suggestion toward the end of the biennial cycle that requires substantial research and effort may not be something that is reasonable for the Council to be able to take on until the following biennium. So, it is less a stricture of whether an idea came in through the survey and more just a reality of whether the Council is able to do the work necessary on a

suggestion within the limited time it has.

Ms. Hopkins clarified that the committee did discuss the substantive issues, and this is why she wanted to include Mr. Jennings' notes about them in her edits to the report. She stated that the vote of the committee reflects not only the discussion about how the issue came before the Council but, also, whether or not it actually is an issue that the Council should address. She wanted Mr. Jennings' comments to be included in the body of the report and not as an afterthought. She stated that four committee members chose to vote to disband the committee. Mr. Goehler asked Ms. Hopkins for a summary of the rationale for disbanding the committee. Ms. Hopkins stated that, in a nutshell, there is already a mechanism in the rule, section G, to address the issue of a false declaration being filed to thwart the motion for summary judgment. She stated that, if another Council member thinks differently, they need to explain why the way the rule is written right now is insufficient.

Mr. Shin stated that he is a committee member who was unable to attend the meeting. He noted that the report discusses what happened during the meeting, but he wanted to raise a procedural issue. He expressed concern over the fact that a plaintiff's side member of the committee made a motion to disband the committee and that all the members who voted to do so are on the plaintiffs' side, and the only other committee members present were one defense side member and one judge. He also raised a concern as to whether a committee can internally decide to disband on a motion from a committee member without the issue being heard and fully presented to the Council. Mr. Goehler thanked Mr. Shin for raising this issue and noted that, ultimately, the Council formed the committee and it is the Council that will decide whether to disband the committee or whether to move forward. He stated that he interprets the vote as a recommendation from the majority committee members to stay with the status quo. Mr. Goehler asked whether the Council wished to discuss the matter further.

Judge Peterson stated that he does not have a vote or a stake in the matter but, in terms of the purpose of the rule and the perceived problem, he wondered whether anyone has any data about how many cases are resolved by settlement as opposed to by trial. His guess would be that many more cases are resolved by settlement. He wondered how Rule 47 G comes into play if a Rule 47 motion is successfully thwarted and the case is then settled.

Ms. Johnson agreed with Mr. Goehler that the vote of the committee was to recommend that the committee table any further discussion to the Council as a whole. She stated that Rule 47 G does provide a solution, if there is a belief that there was a bad faith use of a Rule 47 E affidavit. She stated that she does not know if someone can better answer Judge Peterson's inquiry, but she thinks that, if the parties completely and totally resolve a case by settlement and

general dismissal, there will not be any remaining issues about how that settlement was achieved. She stated that she has never seen a party go back and attempt to raise questions about the legitimacy of a Rule 47 E affidavit after a general dismissal is entered and that she does not foresee it happening. Mr. Goehler agreed that settling the case means settling all issues and he did not see this as an issue.

Mr. Joh stated that he would like to provide his understanding of how the committee meeting proceeded. He agreed that there were substantive concerns that various members raised. He did not think that they were discussed in particular detail because the vote, as described in the report, was about tabling the issue because some of the members were concerned that the committee was looking for a problem. On some level, he thinks that discussion of the substantive concerns was somewhat premature, because there was no actual proposal for a substantive change before the committee. The committee's previous idea of conducting a survey was to find out what the specific concerns were before thinking about whether there were any changes that were appropriate to consider. That is among the reasons why he voted no on disbanding the committee. Mr. Joh pointed out that Judge Eric Dahlin had a concern, and it seems to him that the fact that the Council did not hear widespread complaints from the defense bar or otherwise in the survey is not necessarily indicative of there not being changes that can be made that would be good for the bench and bar.

Ms. Hopkins stated that her reason to table the issue is because it appeared that the committee was seeking to find things to change, rather than addressing needs expressed by practitioners. To her, that is a clear line that she found to be problematic, and why she agreed with Mr. Jennings' discussion in the committee report about how there is already a way to address concerns in the rule itself.

Mr. Marrs stated that he is a committee member but had been unable to attend the last meeting. His recollection from the committee meeting prior to that was that the committee had not actually focused on the concerns that Judge Dahlin expressed and determined definitively whether there is a problem with the rule. His understanding of Judge Dahlin's concerns boils down to two points. The first is that there is an incongruity between the Rule 47 E's use of the word "require," and what the appellate case law says the word means, so the rule should perhaps be conformed to what the appellate cases say. The second is, if there is reason to believe that there has been a bad faith affidavit made, what record does the court actually have to go back and look at to make that determination? In the case that Judge Dahlin references, it seems that he just used his best judgment, which may work most of the time, or all of the time, but the real next question is whether there should be a mechanism in place for crystallizing what an expert actually has opinions on that will create an issue of fact so that the court has a record to go back and look at. He stated that he did not believe

that the committee has fully discussed and resolved whether there is an issue or not. He expressed concern that the necessary substantive review has not been done so that, if somebody went back and looked at the minutes, they could be assured that the Council has determined that the current language in the rule works. He stated that he would have voted no on dissolving the committee, because he does not think that the committee has done the work it was formed to do.

Judge Peterson noted that, at the first Council meeting, there was a suggestion regarding Rule 47 and when the expert's file should be disclosed. He noted that some Council members said that it is always the day before. However, it does not seem to be uniform, and Judge Peterson recalled that Mr. Joh had mentioned that it is confusing from court to court. Judge Peterson pointed out that this is clearly a procedural matter. He suggested that perhaps a change could be made to indicate that the expert file will be disclosed either by stipulation or by motion, so that everyone knows that either the parties stipulate or that somebody files a motion and the court will decide. Mr. Goehler recalled that there was some discussion about whether the expert file at trial testimony is tethered to the rule of evidence on expert testimony or whether it is tethered to trial court rules. If the Council puts an expert discovery rule into the ORCP, that would be a big change. Mr. Goehler stated that his thought is that it is probably tethered to a rule of evidence and trial practice.

Mr. Joh stated that, with respect to Judge Peterson's discussion of the expert file, he did not think that was within the scope of what the committee was looking at because it was not part of Judge Dahlin's suggestion. He stated that, the last time that issue came before the Council, the Council decided not to pursue it. Mr. Joh also pointed out that it was not a majority of the committee that voted to recommend disbanding the committee but, rather, a majority of the members present. He stated that he agreed with Mr. Marrs' articulation of the two primary issues raised by Judge Dahlin, and agreed that the committee did not really get into discussion of that, primarily because of the belief of the members that voted to dissolve the committee that, if there was an actual issue or concern, it would have come up in the biennial survey.

Ms. Johnson stated that she believes that Judge Shorr has addressed the second point that Mr. Marrs raised, which is the extent to which there needs to be clarification on the word "required." It was Judge Shorr's view that there has been appellate case law that provides clear guidance to practitioners on the context of that word. She stated that she does not believe that there needs to be clarification on that. She noted that she has been practicing for over 30 years and, in her experience, she has never had a practitioner bring a Rule 47 G allegation against her that a Rule 47 E affidavit was made in bad faith. She does not foresee that procedure being used because she thinks that Oregon practitioners, generally, submit those affidavits in good faith. She stated that her

concern was not merely the means by which the issue was brought to the attention of the Council. Firstly, she does not believe that there is a problem based on personal experience and the experience of her colleagues. Secondly, she thinks that starting with the expectation that Oregon practitioners are practicing in bad faith cheapens the practice of law in Oregon and ignores the common courtesies that are now exchanged within the bar.

Mr. Passadoré noted that the committee report states that any changes to the rule would be a solution in search of a problem that would increase costs and burden plaintiffs. He wondered why the Council would create new procedural hurdles that favor the defense based on an isolated complaint, rather than waiting to hear from the actual public and practitioners in the biennial survey.

Judge Hill observed that there seem to be strong feelings on different sides about this issue. He pointed out that nothing needs to be decided today. He suggested pausing and thinking about the suggestion of the committee and revisiting the issue at the next Council meeting. He noted that Judge Peterson has some good points that helped him to think about what Judge Dahlin was suggesting, and that there might be a need for some change.

Mr. Goehler agreed that this was good idea. He stated that this is a big issue and that any changes may have repercussions. He asked Ms. Nilsson to keep the item on the agenda for May. He noted that the committee is welcome to meet again if it wishes to, but that it is not necessary. He thanked the committee for its work so far.

2. Joinder/Rule 24

Judge Peterson reported that the draft amendment to Rule 24 before the Council (Appendix C) had already been approved by the Council for the September publication agenda, but that it had been placed on the agenda again so that it could be reviewed to ensure that no unintended consequences would arise from the changes.

Mr. Passadoré asked whether this proposed amendment would negatively affect a self-represented tenant's time to prepare for trial when they join a legitimate, equitable claim to an eviction action. Judge Peterson explained that, the way the rule is written, it prevents a plaintiff landlord from stacking on any claim other than a claim for possession, which is what receives the summary FED process. He stated that a tenant is permitted to raise certain counterclaims pursuant to ORS 90.370 and that, with those counterclaims included, the case remains on the summary track. The tenant can either join a claim or, if they feel they will not have sufficient time to prepare it adequately during a summary FED trial, they can choose to bring it as a separate claim.

Mr. Goehler pointed out that the publication vote will not be taken until September, so there is still time to consider whether any approved draft amendment raises any unintended consequences.

3. Judgments/Rule 67

Mr. Kekel stated that Council staff had incorporated new suggestions into the previous draft of Rule 67 that the committee had met and discussed. Judge Peterson pointed out that one obvious change in the new draft (Appendix D) from the previous version was to move the new proposed language regarding recitation of prior judgments from section B to a new section C. He stated that the new language did not fit very well into section B and that this version seems cleaner. Judge Peterson noted that, at the last Council meeting, there was concern about a difference in the language regarding recitation in regular judgments versus supplemental judgments. He stated that the two sentences regarding recitation are now parallel in requiring the date of entry of any previous judgment that has not been vacated, and not the substance. He recalled that there had been discussion within the committee and the Council that it might be nice to require inclusion of information such as limited judgments dismissing parties; however, there had been concern expressed that this could cause an impasse over whether the form of judgment is satisfactory. The new language takes it down to the minimum and, for supplemental judgments, does not require that every judgment not vacated prior to the general judgment to be listed.

Mr. Goehler stated that the new language reads more clearly to him and that it makes sense on the supplemental judgment side. It makes clear that a recitation of the substance of the judgment is not required. Judge Raschio stated that he appreciates the committee's work and thinks that the new language will be perfect for courts, particularly with longer domestic relations cases, and make their work easier. He made a motion to put the draft amendment on the publication agenda for September. Judge Hill seconded the motion.

Mr. Joh asked for clarification as to the difference in what is required of a supplemental judgment versus any other form of judgment. Mr. Goehler stated that his understanding is that the first sentence requires recitation of the date of all the prior judgments in order to keep track of what has happened before. However, with a supplemental judgment, there is no need to do a recitation of every past judgment, just back to the general judgment, because that is the only reference point that is needed. The general judgment disposes of all claims and all parties, but a supplemental judgment is usually just related to fees and costs or something along those lines so it only needs to refer back to the one general judgment. Judge Peterson and Mr. Kekel agreed with this assessment. Mr. Joh thanked them for this explanation and likened the requirement for supplemental judgments to the Cliff Notes version.

Mr. Passadoré agreed that the draft amendment might be convenient for judges, but expressed concern that a self-represented litigant trying to finalize a divorce or a protective proceeding might fall into an administrative trap if they were to miss listing a judgment, for example. He wondered whether a clerk would reject their final judgment if this were to happen. He did not want to prioritize judicial convenience over the public's ability to actually finish their case. Mr. Goehler pointed out that the public will also be on the receiving end judgments and will receive the benefit of having a summary of all judgments in front of them by the other party. He noted that, ultimately, the judge is going to be the one that signs a final judgment, so the accuracy is on the judge. Judge Peterson agreed that it is more work on whoever prepares the judgment. One of the points is to make sure that the party that submits the judgment does not miss anything. The judge will take a look at it, but it is up to both parties to sign off that it is an accurate statement.

Ms. Wilson stated that another thing that actually could benefit self-represented parties is having the history clearly laid out to assist with contempt or enforcement. Particularly with two self-represented parties, it would avoid one party later saying that they did not realize, for example, that a previous judgment had been modified. That argument would be diminished in a contempt procedure.

Mr. Goehler called for a vote on Judge Raschio's motion to put the proposed amendment on the September publication agenda. The motion was approved by voice vote with one vote in opposition.

4. Out-of-State Depositions/Rule 38 C

Mr. Goehler reminded the Council that it had discussed Judge Peterson's proposed changes to Rule 38 (Appendix E) at the March meeting and had agreed that they were positive. However, since Ms. Wilson was not present at that meeting, the draft was carried over to the April meeting so that she could weigh in. Ms. Wilson thanked Judge Peterson for presenting those changes, which made sense to her. She suggested that the draft can be put on the September publication docket.

Judge Peterson stated that he believes that the changes help solve the issue brought to the Council by Mr. Kekel's partner: that the current Rule 38 does not spell out exactly what is required for those states that are not "states" under the rule because they have not adopted the Uniform Interstate Discovery and Deposition Act.

Judge Hill made a motion to move the draft to the September publication agenda. Judge Raschio seconded the motion, which was approved unanimously by voice vote.

5. Post-Judgment Subpoenas/Rule 55

Mr. Passadoré stated that the committee had met on March 31, 2026, and reviewed drafts of Rule 36 and Rule 55 (Appendix F). Among other matters, they discussed whether the phrase “action is pending” in Rule 55 allows for post-judgment subpoenas. He stated that he had expressed concern about clarifying the rule so that a self-represented litigant can confidently use a subpoena to collect what they are legally owed without being outmaneuvered by an attorney finding loopholes.

Judge Peterson noted that a committee member had wondered whether the word “action” covers everything, including probate cases. He stated that his assumption is that it does, but there was some discussion about how all-encompassing the word is. Mr. Goehler stated that he believes that there is a statutory definition of action. Mr. Marrs agreed and stated that Judge Erwin had found both the rule-based (ORCP 2) and statutory definition and resolved that issue.

Judge Peterson stated that this was a fairly well-written suggestion that came from the biennial survey and noted that both Rule 36 and Rule 55 might be implicated. He stated that there was a proposal with Rule 36 that might be sufficient to get the job done, but that he had also taken a look at Rule 55 in case a “belt and suspenders” approach is needed. He pointed out, however, that he thinks that the Council agreed at its last meeting that an action is still pending post-judgment, and that the court has the authority to enforce its judgments, so the Rule 36 proposed change may be sufficient. Mr. Goehler agreed that his recollection was that the Council’s consensus was that a change to Rule 36 would be sufficient. Judge Peterson stated that he hopes that the reference to Rule 55 in the proposed new subsection B(4) will be sufficient to address the concern that was raised.

Judge Peterson noted that he had raised a few additional questions in the committee’s report (Appendix F). One issue is whether judgments are immediately enforceable. He believes that they are, unless there is a stipulation between the parties, in which case this does not become a problem, or unless the court, in its discretion, stays execution of the judgment. Another question is what happens if there are multiple judgment debtors and one has a satisfactory undertaking but another does not. The committee thought that question should be flagged for the Council. He stated that it seems to him that, if any defendant has an adequate undertaking on a judgment with joint and several liability, that would take care of it. However, if defendants have apportioned liability, a particular judgment debtor’s undertaking would not necessarily protect the judgment creditor. He wondered whether the language needs to be modified to clarify that particular instance.

Mr. Larwick stated that he is a member of the committee and that he thinks it would be helpful for the committee to meet again to discuss some of these issues. Mr. Goehler agreed that this is a good idea. He suggested that the number one issue is whether the changes to Rule 36 are sufficient or whether something needs to be done with Rule 55. Judge Peterson asked any Council member who has experience with multiple judgment debtors to share that with the committee.

6. Service/Rules 7, 9, & 10

Judge Raschio reported that the committee was suggesting final changes to the summons language to the Council (Appendix G). He stated that there are also style and usage changes throughout Rule 7, such as to eliminate the word “shall,” and he thought that these are accurate based on past Council conversations and do not need to be discussed again. He stated that he believes that Rule 7 may be ready for the publication docket.

Judge Raschio stated that this is his first year on the Council and that he appreciates the amount of work and effort and thought that goes into each of these rules, and that he looks forward to seeing them all litigated in his courtroom at a later time.

Judge Peterson countered that he was not sure that Rule 7 is quite ready for the publication docket. He noted that Council staff and the committee have spent time on it between the last iteration and this one. The person who made the suggestion about cleaning up the summons from the biennial survey pointed out that some people are respondents, not defendants, so a change has been made to encompass both. It is now also now mentioned that there *may* be a filing fee. It is also made clear where the response should be filed – the court listed at the top of the summons. Changes have been made to all three summonses in the rule. Judge Peterson noted that there were some things missed in the changes to the second and third summons form in this draft that will need to be fixed.

Mr. Goehler suggested that the committee take another look and create a revised draft and bring it back to the Council next month for review and vote. Judge Raschio stated that the committee may not have to meet but, rather, may be able to circulate a new draft by email and vote on it.

Ms. Nilsson asked Council members for an opinion on the language on all three summonses that reads “Notice to Defendant.” She noted that a summons does not always go to a defendant and asked whether language such as “Notice to Recipient” would be more appropriate. Mr. Goehler suggested simply, “Notice.” The Council agreed.

Judge Peterson noted that he had made a suggestion for an amendment to Rule

9 that the committee had not agreed with. However, in reviewing the rule for that unsuccessful amendment, staff had made some cleanup changes, including removing indefinite pronouns to make the rule easier to read and changing some instances of the word “shall.” There is one change that defines personal service as well. None of the changes are intended to change the function of the rule, just to make it more readable, user-friendly, accurate, and consistent with modern drafting standards. He asked the Council to look carefully at the proposed draft of Rule 9 before the next meeting to ensure that it does not do any unintended harm.

7. Third Party Practice/Rule 22

Mr. Goehler stated that Ms. Dahab had let him know that she was unable to attend today’s meeting and that she had asked that the Council not have any substantive discussion on the matter. The committee is still considering whether to recommend any changes to the Council.

B. Rule 37

Judge Peterson reminded the Council that the changes to Rule 37 (Appendix H) had been made because, initially, the post-judgment discovery committee had inserted some proposed language into that rule as an alternative to placing that language in Rule 36. Ms. Nilsson had noticed how poorly written the rule was in terms of Council standards and had asked to make some stylistic changes not intended to change the function or meaning of the rule. Staff wanted to ensure that the Council had enough time to review the rule to ensure that there are no unintended consequences.

Ms. Nilsson suggested including the draft on the May agenda as well to allow enough time for review. Mr. Goehler asked Ms. Nilsson to circulate the draft early. She stated that she would get an advance meeting packet out immediately after this meeting with the items that are already set so that everyone has plenty of time to review them.

C. Recommendation to Legislature re: ORS 46.415 - Making ORCP 35 Applicable in Small Claims Cases

Judge Peterson reported to the Council that its proposed change to ORS 46.415 is set for hearing before the Public Affairs Committee of the Oregon State Bar’s Board of Governors on April 16, 2026, at 4:00 p.m. He noted that he would be on an airplane at that time, so he had asked a former Council member, Judge Susie Norby, the principal drafter of Rule 35, to make a presentation. She is trying to clear her calendar. Judge Peterson asked whether any Council member would be available if Judge Norby is unable to present. Mr. Goehler stated that he would make himself available if Judge Norby is unable to do so.

V. New Business

A. Address Confidentiality Program and Service

Judge Peterson explained that a self-represented litigant with a protected address under Oregon's Address Confidentiality Program (ACP) had written to the Council with a problem she had encountered (Appendix I). Apparently the other side would not honor the provisions of the program, and the court had admonished her for trying to insist on her efforts to maintain her address as confidential. Judge Peterson stated that he is not familiar with the statute that established the ACP but, after a brief review, it appears that it allows victim of domestic violence or trafficking and certain other people, including some public officials, to use the Oregon Judicial Department (OJD) as their address rather than their personal address in order to protect their privacy for public records such as the Department of Motor Vehicles. He stated that he was unsure as to whether this would also be applicable to service in private litigation.

Mr. Goehler stated that he could see where it could be problematic to have a protected address that becomes part of a court file. Mr. Joh stated that he does not know whether the statute specifically applies to the courts. He looked at the statute and it relies on the definition of "public body," which does include a state governmental body, which presumably would include the OJD. Mr. Goehler stated that it is probably a good idea for the Council to take a look at the issue but, at this late stage of the biennium, the Council will likely not be able to devote the brainpower and research necessary to determine whether something can be done and whether the Council is the appropriate body to do it. If changes to the ORCP are appropriate, changes to many rules may be needed.

Judge Raschio stated that the OJD has been dealing with confidentiality issues in a couple of its other programs and has also been encountering questions with blue sky laws. He suggested that this may be a larger issue than just the ORCP. He agreed with Mr. Goehler that it may be too late in the biennium to take any action and suggested setting it over to the agenda for the first meeting of the next biennium. Mr. Goehler observed that there are also stakeholders outside of the civil litigation world, so the Council would be wise to study the matter carefully.

Judge Peterson asked whether one or two Council members might be willing to take a preliminary look to at least determine whether the statute means that a private litigant in a case cannot serve the defendant at their home address, or whether it means that the court has to redact that information in the public record. His first impression was that the statute does not appear to be directed toward private litigants, but agreed that the court is an agency of the state. If the Council were able to at least determine whether the statute applies to service in civil litigation, it could respond to the person who made the suggestion and let them know that the Council will look further into the issue next biennium or, alternately, point them in the appropriate direction.

Mr. Goehler noted that one pragmatic way to resolve the problem for a person in the

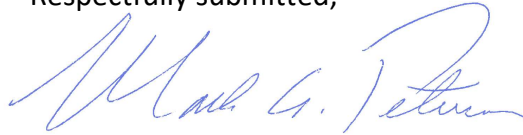
ACP might be to obtain a protective order to protect their address. He asked whether there were any volunteers to do some initial research into the issue and report back to the Council. Ms. Wilson volunteered. Judge Raschio suggested that Ms. Wilson reach out to Jackson County's Victims Assistance Program. She stated that she works in that office, so that will be convenient. Mr. Shields stated that, while he is not a member of the Council, he might look into the issue a bit as well.

Judge McIver noted that there has been a significant increase of Artificial Intelligence-generated civil lawsuits involving parties with domestic relations issues and restraining orders, and that this may be an interesting question to tackle more thoroughly in the future. Mr. Goehler agreed that this is an interesting issue. Judge Peterson noted that this has been an issue in the Court of Appeals.

VI. Adjournment

Mr. Goehler adjourned the meeting at 10:52 a.m.

Respectfully submitted,



Hon. Mark A. Peterson
Executive Director

1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, "plaintiff" *[shall include]* **includes** any party
4 issuing **a** summons and "defendant" *[shall include]* **includes** any party on whom service of **a**
5 summons is sought. For purposes of this rule, a "true copy" of a summons and complaint
6 means an exact and complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, **the** plaintiff or **the** plaintiff's
8 attorney may issue as many original summonses as either may elect and deliver such
9 summonses to a person authorized to serve summonses under section E of this rule. A
10 summons is issued when subscribed by **the** plaintiff or an active licensee of the Oregon State
11 Bar.

12 **C Contents, time for response, and required notices.**

13 **C(1) Contents.** The summons *[shall]* **must** contain:

14 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the
15 complaint is filed and the names of the parties to the action.

16 **C(1)(b) Direction to defendant.** A direction to the defendant requiring **the** defendant to
17 appear and defend within the time required by subsection C(2) of this rule and a notification to
18 **the** defendant that, in case of failure to do so, the plaintiff will apply to the court for the relief
19 demanded in the complaint.

20 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active
21 licensee of the Oregon State Bar, with the addition of the post office address at which papers
22 in the action may be served by mail.

23 **C(2) Time for response.** If the summons is served by any manner other than publication,
24 the defendant *[shall]* **must** appear and defend within 30 days from the date of service. If the
25 summons is served by publication pursuant to subparagraph D(6)(a)(i) of this rule, the
26 defendant *[shall]* **must** appear and defend within 30 days from the date stated in the

summons. The date so stated in the summons *[shall be]* **is** the date of the first publication.

C(3) Notice to party served.

C(3)(a) In general. All summonses, other than a summons referred to in paragraph C(3)(b) or C(3)(c) of this rule, *[shall]* **must** contain a notice printed in type size equal to at least *[8-point type]* **12-point type** that may be substantially in the following form:

[NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!]

NOTICE: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the *[other side]* **plaintiff or petitioner** will win automatically. To *[“appear you must file with the court”]* **appear you must, within 30 days of the date you receive this summons file with the court** a legal document called a *[“motion” or “answer.”]* **“motion,” “answer,” or “response.”** *[The “motion” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee.]* **To file, you must give your legal document to the clerk of the court that appears at the top of this summons. You may need to pay a filing fee.** *[It must be in proper form and have proof of service on the plaintiff’s attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.]* **Your legal document must be in proper form as required by the Oregon Rules of Civil Procedure (ORCP) and the Uniform Trial Court Rules. You must serve your legal document, as required by ORCP 7 D, on the attorney for the plaintiff or petitioner, or on the plaintiff or petitioner if they do not have an attorney. You must also file “proof of service.” Proof of service is a signed statement describing when and how your legal document was served.**

If you have questions, *[you should see]* **contact** an attorney immediately. If you need help *[in]* finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral *[Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.]* **Service:**

1 www.oregonstatebar.org / (800) 452-7636

2 For more information you may find helpful in understanding this case, visit:

3 courts.oregon.gov OR www.oregonlawhelp.org

4 _____

5 C(3)(b) **Service for counterclaim or cross-claim.** A summons to join a party to respond to

6 a counterclaim or a cross-claim pursuant to Rule 22 D(1) [*shall*] **must** contain a notice printed in

7 type size equal to at least [*8-point type*] **12-point type** that may be substantially in the

8 following form:

9 _____

10 **[NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!]**

11 **NOTICE: READ THESE PAPERS CAREFULLY!**

12 You must "appear" to protect your rights in this matter. To [*"appear you must"*] **appear**

13 **you must, within 30 days of the date you receive this summons,** file with the court a legal

14 document called a "motion," a "reply" to a counterclaim, or an "answer" to a cross-claim. [*The*

15 *"motion," "reply," or "answer" must be given to the court clerk or administrator within 30 days*

16 *along with the required filing fee.*] **To file, you must give your legal document to the clerk of**

17 **the court that appears at the top of this summons. You may need to pay a filing fee.** [*It must*

18 *be in proper form and have proof of service on the defendant's attorney or, if the defendant*

19 *does not have an attorney, proof of service on the defendant.*] **Your legal document must be in**

20 **proper form as required by the Oregon Rules of Civil Procedure (ORCP) and the Uniform Trial**

21 **Court Rules. You must serve your legal document, as required by ORCP 7 D, on the attorney**

22 **for the party that signed this summons, or on that party if they do not have an attorney. You**

23 **must also file "proof of service." Proof of service is a signed statement describing when and**

24 **how your legal document was served.**

25 If you have questions, [*you should see*] **contact** an attorney immediately. If you need help

26 [*in*] finding an attorney, you may contact the Oregon State Bar's Lawyer Referral [*Service online*

1 at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or
2 toll-free elsewhere in Oregon at (800) 452-7636.] **Service:**

3 **www.oregonstatebar.org / (800) 452-7636**

4 **For more information you may find helpful in understanding this case, visit:**

5 **courts.oregon.gov OR www.oregonlawhelp.org**

6
7 C(3)(c) **Service on persons liable for attorney fees.** A summons to join a party pursuant
8 to Rule 22 D(2) [shall] **must** contain a notice printed in type size equal to at least [8-point type]
9 **12-point type** that may be substantially in the following form:

10
11 **[NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!]**

12 **NOTICE: READ THESE PAPERS CAREFULLY!**

13 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a
14 judgment for reasonable attorney fees may be entered against you, as provided by the
15 agreement to which defendant alleges you are a party.

16 You must "appear" to protect your rights in this matter. To [“appear you must”] **appear**
17 **you must, within 30 days of the date you receive this summons,** file with the court a legal
18 document called a "motion" or "reply." [The "motion" or "reply" must be given to the court
19 clerk or administrator within 30 days along with the required filing fee.] **To file, you must give**
20 **your legal document to the clerk of the court that appears at the top of this summons. You**
21 **may need to pay a filing fee.** [It must be in proper form and have proof of service on the
22 defendant's attorney or, if the defendant does not have an attorney, proof of service on the
23 defendant.] **Your legal document must be in proper form as required by the Oregon Rules of**
24 **Civil Procedure (ORCP) and the Uniform Trial Court Rules. You must serve your legal**
25 **document, as required by ORCP 7 D, on the attorney for the party that signed this summons,**
26 **or on that party if they do not have an attorney. You must also file “proof of service.” Proof**

1 **of service is a signed statement describing when and how your legal document was served.**

2 If you have questions, [you should see] **contact** an attorney immediately. If you need
3 help [in] finding an attorney, you may contact the Oregon State Bar's Lawyer Referral [Service
4 online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan
5 area) or toll-free elsewhere in Oregon at (800) 452-7636.] **Service:**

6 **www.oregonstatebar.org / (800) 452-7636**

7 **For more information you may find helpful in understanding this case, visit:**

8 **courts.oregon.gov OR www.oregonlawhelp.org**

10 **D Manner of service.**

11 D(1) **Notice required.** Summons [shall] **must** be served, either within or without this
12 state, in any manner reasonably calculated, under all the circumstances, to apprise the
13 defendant of the existence and pendency of the action and to afford a reasonable opportunity
14 to appear and defend. Summons may be served in a manner specified in this rule or by any
15 other rule or statute on the defendant or on an agent authorized by appointment or law to
16 accept service of summons for the defendant. Service may be made, subject to the restrictions
17 and requirements of this rule, by the following methods: personal service of true copies of the
18 summons and the complaint on defendant or an agent of defendant authorized to receive
19 process; substituted service by leaving true copies of the summons and the complaint at a
20 person's dwelling house or usual place of abode; office service by leaving true copies of the
21 summons and the complaint with a person who is apparently in charge of an office; service by
22 mail; or service by publication.

23 **D(2) Service methods.**

24 D(2)(a) **Personal service.** Personal service may be made by delivery of a true copy of the
25 summons and a true copy of the complaint to the person to be served.

26 D(2)(b) **Substituted service.** Substituted service may be made by delivering true copies of

1 the summons and the complaint at the dwelling house or usual place of abode of the person to
2 be served to any person 14 years of age or older residing in the dwelling house or usual place
3 of abode of the person to be served. Where substituted service is used, the plaintiff, as soon as
4 reasonably possible, [shall] **must** cause to be mailed by first class mail true copies of the
5 summons and the complaint to the defendant at defendant's dwelling house or usual place of
6 abode, together with a statement of the date, time, and place at which substituted service was
7 made. For the purpose of computing any period of time prescribed or allowed by these rules or
8 by statute, substituted service [shall be] **is** complete on the mailing.

9 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of
10 business, office service may be made by leaving true copies of the summons and the complaint
11 at that office during normal working hours with the person who is apparently in charge. Where
12 office service is used, the plaintiff, as soon as reasonably possible, [shall] **must** cause to be
13 mailed by first class mail true copies of the summons and the complaint to the defendant at
14 defendant's dwelling house or usual place of abode or defendant's place of business or any
15 other place under the circumstances that is most reasonably calculated to apprise the
16 defendant of the existence and pendency of the action, together with a statement of the date,
17 time, and place at which office service was made. For the purpose of computing any period of
18 time prescribed or allowed by these rules or by statute, office service [shall be] **is** complete on
19 the mailing.

20 D(2)(d) **Service by mail.**

21 D(2)(d)(i) **Generally.** When service by mail is required or allowed by this rule or by
22 statute, except as otherwise permitted, service by mail [shall] **must** be made by mailing true
23 copies of the summons and the complaint to the defendant by first class mail [and] **as well as**
24 by any of the following: certified, registered, or express mail with return receipt requested. For
25 purposes of this paragraph, "first class mail" does not include certified, registered, or express
26 mail, return receipt requested, or any other form of mail that may delay or hinder actual

1 delivery of mail to the addressee.

2 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time provided
3 by these rules or by statute, service by mail, except as otherwise provided, [*shall be*] **is**
4 complete on the day the defendant, or other person authorized by appointment or law, signs a
5 receipt for the mailing, or 3 days after the mailing if mailed to an address within the state, or 7
6 days after the mailing if mailed to an address outside the state, whichever first occurs.

7 D(3) **Particular defendants.** Service may be made on specified defendants as follows:

8 D(3)(a) **Individuals.**

9 D(3)(a)(i) **Generally.** On an individual defendant, by personal delivery of true copies of
10 the summons and the complaint to the defendant or other person authorized by appointment
11 or law to receive service of summons on behalf of the defendant, by substituted service, or by
12 office service. Service may also be made on an individual defendant or other person authorized
13 to receive service to whom neither subparagraph D(3)(a)(ii) nor D(3)(a)(iii) of this rule applies
14 by a mailing made in accordance with paragraph D(2)(d) of this rule provided the defendant or
15 other person authorized to receive service signs a receipt for the certified, registered, or
16 express mailing, in which case service [*shall be*] **is** complete on the date on which the
17 defendant signs a receipt for the mailing.

18 D(3)(a)(ii) **Minors.** On a minor under 14 years of age, by service in the manner specified
19 in subparagraph D(3)(a)(i) of this rule on the minor; and additionally on the minor's father,
20 mother, conservator of the minor's estate, or guardian, or, if there be none, then on any
21 person having the care or control of the minor, or with whom the minor resides, or in whose
22 service the minor is employed, or on a guardian ad litem appointed pursuant to Rule 27 B.

23 D(3)(a)(iii) **Incapacitated persons.** On a person who is incapacitated or is financially
24 incapable, as both terms are defined by ORS 125.005, by service in the manner specified in
25 subparagraph D(3)(a)(i) of this rule on the person and, also, on the conservator of the person's
26 estate or guardian or, if there be none, on a guardian ad litem appointed pursuant to Rule 27

1 B.

2 D(3)(a)(iv) **Tenant of a mail agent.** On an individual defendant who is a "tenant" of a
3 "mail agent" within the meaning of ORS 646A.340, by delivering true copies of the summons
4 and the complaint to any person apparently in charge of the place where the mail agent
5 receives mail for the tenant, provided that:

6 D(3)(a)(iv)(A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

7 D(3)(a)(iv)(B) the plaintiff, as soon as reasonably possible after delivery, causes true
8 copies of the summons and the complaint to be mailed by first class mail to the defendant at
9 the address at which the mail agent receives mail for the defendant and to any other mailing
10 address of the defendant then known to the plaintiff, together with a statement of the date,
11 time, and place at which the plaintiff delivered the copies of the summons and the complaint.
12 Service [shall be] is complete on the latest date resulting from the application of subparagraph
13 D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the defendant signs a
14 receipt for the mailing, in which case service is complete on the day the defendant signs the
15 receipt.

16 D(3)(b) **Corporations including, but not limited to, professional corporations and**
17 **cooperatives.** On a domestic or foreign corporation:

18 D(3)(b)(i) **Primary service method.** By personal service or office service on a registered
19 agent, officer, or director of the corporation; or by personal service on any clerk on duty in the
20 office of a registered agent.

21 D(3)(b)(ii) **Alternatives.** True copies of the summons and the complaint may be served:

22 D(3)(b)(ii)(A) by substituted service on the registered agent, officer, or director;

23 D(3)(b)(ii)(B) by personal service on any clerk or agent of the corporation;

24 D(3)(b)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of this rule true
25 copies of the summons and the complaint to: the office of the registered agent or to the last
26 registered office of the corporation, if any, as shown by the records on file in the office of the

Secretary of State; or, if the corporation is not authorized to transact business in this state at the time of the transaction, event, or occurrence on which the action is based occurred, to the principal office or place of business of the corporation; and, in any case, to any address the use of which the plaintiff knows or has reason to believe is most likely to result in actual notice; or

D(3)(b)(ii)(D) on the Secretary of State in the manner provided in ORS 60.121 or 60.731.

D(3)(c) **Limited liability companies.** On a limited liability company:

D(3)(c)(i) **Primary service method.** By personal service or office service on a registered agent, manager, or (for a member-managed limited liability company) member of a limited liability company; or by personal service on any clerk on duty in the office of a registered agent.

D(3)(c)(ii) **Alternatives.** True copies of the summons and the complaint may be served:

D(3)(c)(ii)(A) by substituted service on the registered agent, manager, or (for a member-managed limited liability company) member of a limited liability company;

D(3)(c)(ii)(B) by personal service on any clerk or agent of the limited liability company;

D(3)(c)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of this rule true copies of the summons and the complaint to: the office of the registered agent or to the last registered office of the limited liability company, if any, as shown by the records on file in the office of the Secretary of State; or, if the limited liability company is not authorized to transact business in this state at the time of the transaction, event, or occurrence on which the action is based occurred, to the principal office or place of business of the limited liability company; and, in any case, to any address the use of which the plaintiff knows or has reason to believe is most likely to result in actual notice; or

D(3)(c)(ii)(D) on the Secretary of State in the manner provided in ORS 63.121.

D(3)(d) **Limited partnerships.** On a domestic or foreign limited partnership:

D(3)(d)(i) **Primary service method.** By personal service or office service on a registered agent or a general partner of a limited partnership; or by personal service on any clerk on duty in the office of a registered agent.

1 D(3)(d)(ii) **Alternatives**. True copies of the summons and the complaint may be served:

2 D(3)(d)(ii)(A) by substituted service on the registered agent or general partner of a
3 limited partnership;

4 D(3)(d)(ii)(B) by mailing in the manner specified in paragraph D(2)(d) of this rule true
5 copies of the summons and the complaint to: the office of the registered agent or to the last
6 registered office of the limited partnership, if any, as shown by the records on file in the office
7 of the Secretary of State; or, if the limited partnership is not authorized to transact business in
8 this state at the time of the transaction, event, or occurrence on which the action is based
9 occurred, to the principal office or place of business of the limited partnership; and, in any
10 case, to any address the use of which the plaintiff knows or has reason to believe is most likely
11 to result in actual notice; or

12 D(3)(d)(ii)(C) on the Secretary of State in the manner provided in ORS 70.040 or 70.045.

13 D(3)(e) **General partnerships and limited liability partnerships**. On any general
14 partnership or limited liability partnership by personal service on a partner or any agent
15 authorized by appointment or law to receive service of summons for the partnership or limited
16 liability partnership.

17 D(3)(f) **Other unincorporated associations subject to suit under a common name**. On
18 any other unincorporated association subject to suit under a common name by personal
19 service on an officer, managing agent, or agent authorized by appointment or law to receive
20 service of summons for the unincorporated association.

21 D(3)(g) **State**. On the state, by personal service on the Attorney General or by leaving
22 true copies of the summons and the complaint at the Attorney General's office with a deputy,
23 assistant, or clerk.

24 D(3)(h) **Public bodies**. On any county; incorporated city; school district; or other public
25 corporation, commission, board, or agency by personal service or office service on an officer,
26 director, managing agent, or attorney thereof.

1 D(3)(i) **Vessel owners and charterers.** On any foreign steamship owner or steamship
2 charterer by personal service on a vessel master in the owner's or charterer's employment or
3 any agent authorized by the owner or charterer to provide services to a vessel calling at a port
4 in the State of Oregon, or a port in the State of Washington on that portion of the Columbia
5 River forming a common boundary with Oregon.

6 D(4) **Particular actions involving motor vehicles.**

7 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open to the**
8 **public; service by mail.**

9 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving rise to
10 liability in which a motor vehicle may be involved while being operated on the roads, highways,
11 streets, or premises open to the public as defined by law of this state if the plaintiff makes at
12 least one attempt to serve a defendant who operated such motor vehicle, or caused it to be
13 operated on the defendant's behalf, by a method authorized by subsection D(3) of this rule
14 except service by mail pursuant to subparagraph D(3)(a)(i) of this rule and, as shown by its
15 return, did not effect service, the plaintiff may then serve that defendant by mailings made in
16 accordance with paragraph D(2)(d) of this rule addressed to that defendant at:

17 D(4)(a)(i)(A) any residence address provided by that defendant at the scene of the
18 accident;

19 D(4)(a)(i)(B) the current residence address, if any, of that defendant shown in the driver
20 records of the Department of Transportation; and

21 D(4)(a)(i)(C) any other address of that defendant known to the plaintiff at the time of
22 making the mailings required by parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule that reasonably
23 might result in actual notice to that defendant. Sufficient service pursuant to this subparagraph
24 may be shown if the proof of service includes a true copy of the envelope in which each of the
25 certified, registered, or express mailings required by parts D(4)(a)(i)(A), D(4)(a)(i)(B), and
26 D(4)(a)(i)(C) of this rule was made showing that it was returned to sender as undeliverable or

1 that the defendant did not sign the receipt. For the purpose of computing any period of time
2 prescribed or allowed by these rules or by statute, service under this subparagraph *[shall be]* **is**
3 complete on the latest date on which any of the mailings required by parts D(4)(a)(i)(A),
4 D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule is made. If the mailing required by part D(4)(a)(i)(C) of
5 this rule is omitted because the plaintiff did not know of any address other than those
6 specified in parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule, the proof of service *[shall]* **must** so
7 certify.

8 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address
9 information concerning a party served pursuant to subparagraph D(4)(a)(i) of this rule may be
10 recovered as provided in Rule 68.

11 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant served
12 pursuant to subparagraph D(4)(a)(i) of this rule are as provided in Rule 69 E.

13 D(4)(b) **Notification of change of address.** Any person who; while operating a motor
14 vehicle on the roads, highways, streets, or premises open to the public as defined by law of this
15 state; is involved in any accident, collision, or other event giving rise to liability *[shall]* **must**
16 forthwith notify the Department of Transportation of any change of the person's address
17 occurring within 3 years after the accident, collision, or event.

18 D(5) **Service in foreign country.** When service is to be effected on a party in a foreign
19 country, it is also sufficient if service of true copies of the summons and the complaint is made
20 in the manner prescribed by the law of the foreign country for service in that country in its
21 courts of general jurisdiction, or as directed by the foreign authority in response to letters
22 rogatory, or as directed by order of the court. However, in all cases service *[shall]* **must** be
23 reasonably calculated to give actual notice.

24 D(6) **Court order for service by other method.** When it appears that service is not
25 possible under any method otherwise specified in these rules or other rule or statute, then a
26 motion supported by affidavit or declaration may be filed to request a discretionary court

1 order to allow alternative service by any method or combination of methods that, under the
2 circumstances, is most reasonably calculated to apprise the defendant of the existence and
3 pendency of the action. If the court orders alternative service and the plaintiff knows or with
4 reasonable diligence can ascertain the defendant's current address, the plaintiff must mail true
5 copies of the summons and the complaint to the defendant at that address by first class mail
6 and any of the following: certified, registered, or express mail, return receipt requested. If the
7 plaintiff does not know, and with reasonable diligence cannot ascertain, the current address of
8 any defendant, the plaintiff must mail true copies of the summons and the complaint by the
9 methods specified above to the defendant at the defendant's last known address. If the
10 plaintiff does not know, and with reasonable diligence cannot ascertain, the defendant's
11 current and last known addresses, a mailing of copies of the summons and the complaint is not
12 required.

13 **D(6)(a) Non-electronic alternative service.** Non-electronic forms of alternative service
14 may include, but are not limited to, publication of summons; mailing without publication to a
15 specified post office address of the defendant by first class mail as well as either by certified,
16 registered, or express mail with return receipt requested; or posting at specified locations. The
17 court may specify a response time in accordance with subsection C(2) of this rule.

18 **D(6)(a)(i) Alternative service by publication.** In addition to the contents of a summons as
19 described in section C of this rule, a published summons must also contain a summary
20 statement of the object of the complaint and the demand for relief, and the notice required in
21 subsection C(3) of this rule must state: "The motion or answer or reply must be given to the
22 court clerk or administrator within 30 days of the date of first publication specified herein
23 along with the required filing fee." The published summons must also contain the date of the
24 first publication of the summons.

25 **D(6)(a)(i)(A) Where published.** An order for publication must direct publication to be
26 made in a newspaper of general circulation in the county where the action is commenced or, if

1 there is no such newspaper, then in a newspaper to be designated as most likely to give notice
2 to the person to be served. The summons must be published four times in successive calendar
3 weeks. If the plaintiff knows of a specific location other than the county in which the action is
4 commenced where publication might reasonably result in actual notice to the defendant, the
5 plaintiff must so state in the affidavit or declaration required by paragraph D(6) of this rule,
6 and the court may order publication in a comparable manner at that location in addition to, or
7 in lieu of, publication in the county in which the action is commenced.

8 D(6)(a)(ii) **Alternative service by posting.** The court may order service by posting true
9 copies of the summons and complaint at a designated location in the courthouse where the
10 action is commenced and at any other location that the affidavit or declaration required by
11 subsection D(6) of this rule indicates that the posting might reasonably result in actual notice
12 to the defendant.

13 D(6)(b) **Electronic alternative service.** Electronic forms of alternative service may include,
14 but are not limited to: e-mail; text message; facsimile transmission as defined in Rule 9 F; or
15 posting to a social media account. The affidavit or declaration filed with a motion for electronic
16 alternative service must include: verification that diligent inquiry revealed that the defendant's
17 residence address, mailing address, and place of employment are unlikely to accomplish
18 service; the reason that plaintiff believes the defendant has recently sent and received
19 transmissions from the specific e-mail address or telephone or facsimile number, or maintains
20 an active social media account on the specific platform the plaintiff asks to use; and facts that
21 indicate the intended recipient is likely to personally receive the electronic transmission. The
22 certificate of service must verify compliance with subparagraph D(6)(b)(i) and subparagraph
23 D(6)(b)(ii) of this rule. An amended certificate of service must be filed if it later becomes
24 evident that the intended recipient did not personally receive the electronic transmission.

25 D(6)(b)(i) **Content of electronic transmissions.** If the court allows service by a specific
26 electronic method, the case name, case number, and name of the court in which the action is

1 pending must be prominently positioned where it is most likely to be read first. For e-mail
2 service, those details must appear in the subject line. For text message service, they must
3 appear in the first line of the first text. For facsimile service, they must appear at the top of the
4 first page. For posting to a social media account, they must appear in the top lines of the
5 posting.

6 D(6)(b)(ii) **Format of electronic transmissions.** If the court allows alternative service by
7 an electronic method, the summons, complaint, and any other documents must be attached in
8 a file format that is capable of showing a true copy of the original document. When an
9 electronic method is incapable of transferring transmissions that exceed a certain size, the
10 plaintiff must not exceed those express size limitations. If the size of the attachments exceeds
11 the limitations of any electronic method allowed, then multiple sequential transmissions may
12 be sent immediately after the initial transmission to complete service.

13 D(6)(c) **Unknown heirs or persons.** If service cannot be made by another method
14 described in this section because defendants are unknown heirs or persons as described in
15 Rule 20 I and J, the action will proceed against the unknown heirs or persons in the same
16 manner as against named defendants served by publication and with like effect; and any
17 unknown heirs or persons who have or claim any right, estate, lien, or interest in the property
18 in controversy at the time of the commencement of the action, and who are served by
19 publication, will be bound and concluded by the judgment in the action, if the same is in favor
20 of the plaintiff, as effectively as if the action had been brought against those defendants by
21 name.

22 D(6)(d) **Defending before or after judgment.** A defendant against whom service pursuant
23 to this subsection is ordered or that defendant's representatives, on application and sufficient
24 cause shown, at any time before judgment will be allowed to defend the action. A defendant
25 against whom service pursuant to this subsection is ordered or that defendant's
26 representatives may, on good cause shown and on any terms that may be proper, be allowed

1 to defend after judgment and within one year after entry of judgment. If the defense is
2 successful, and the judgment or any part thereof has been collected or otherwise enforced,
3 restitution may be ordered by the court, but the title to property sold on execution issued on
4 that judgment, to a purchaser in good faith, will not be affected thereby.

5 **D(6)(e) Defendant who cannot be served.** Within the meaning of this subsection, a
6 defendant cannot be served with summons by any method authorized by subsection D(3) of
7 this rule if service pursuant to subparagraph D(4)(a)(i) of this rule is not applicable, the plaintiff
8 attempted service of summons by all of the methods authorized by subsection D(3) of this rule,
9 and the plaintiff was unable to complete service; or if the plaintiff knew that service by these
10 methods could not be accomplished.

11 **E By whom served; compensation.** A summons may be served by any competent person
12 18 years of age or older who is a resident of the state where service is made or of this state and
13 is neither a party to the action, corporate or otherwise, nor any party's officer, director,
14 employee, or attorney, except as provided in ORS 180.260. However, service pursuant to
15 subparagraph D(2)(d)(i), as well as the mailings specified in paragraphs D(2)(b) and D(2)(c) and
16 part D(3)(a)(iv)(B) of this rule, may be made by an attorney for any party. Compensation to a
17 sheriff or a sheriff's deputy in this state who serves a summons [*shall be*] **is** prescribed by
18 statute or rule. If any other person serves the summons, a reasonable fee may be paid for
19 service. This compensation [*shall be*] **is** part of disbursements and [*shall be*] **is** recovered as
20 provided in Rule 68.

21 **F Return; proof of service.**

22 **F(1) Return of summons.** The summons [*shall*] **must** be promptly returned to the clerk
23 with whom the complaint is filed with proof of service or mailing, or that defendant cannot be
24 found. The summons may be returned by first class mail.

25 **F(2) Proof of service.** Proof of service of summons or mailing may be made as follows:

26 **F(2)(a) Service other than publication.** Service other than publication [*shall*] **must** be

1 proved by:

2 F(2)(a)(i) **Certificate of service when summons not served by sheriff or deputy.** If the
3 summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating:
4 the specific documents that were served; the time, place, and manner of service; that the
5 server is a competent person 18 years of age or older and a resident of the state of service or
6 this state and is not a party to nor an officer, director, or employee of, nor attorney for any
7 party, corporate or otherwise; and that the server knew that the person, firm, or corporation
8 served is the identical one named in the action. If the defendant is not personally served, the
9 server [shall] **must** state in the certificate when, where, and with whom true copies of the
10 summons and the complaint were left or describe in detail the manner and circumstances of
11 service. If true copies of the summons and the complaint were mailed, the certificate may be
12 made by the person completing the mailing or the attorney for any party and [shall] **must** state
13 the circumstances of mailing and the return receipt, if any, [shall] **must** be attached.

14 F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a sheriff
15 or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating: the specific
16 documents that were served; the time, place, and manner of service; and, if defendant is not
17 personally served, when, where, and with whom true copies of the summons and the
18 complaint were left or describing in detail the manner and circumstances of service. If true
19 copies of the summons and the complaint were mailed, the certificate [shall] **must** state the
20 circumstances of mailing and the return receipt, if any, [shall] **must** be attached.

21 F(2)(b) **Publication.** Service by publication [shall] **must** be proved by an affidavit or by a
22 declaration.

23 F(2)(b)(i) A publication by affidavit [shall] **must** be in substantially the following form:

24 _____

25 **Affidavit of Publication**

26 State of Oregon)

1) ss.
2 County of)
3 I, _____, being first duly sworn, depose and say that I am the _____ (here set forth the
4 title or job description of the person making the affidavit), of the _____, a newspaper of
5 general circulation published at _____ in the aforesaid county and state; that I know from my
6 personal knowledge that the _____, a printed copy of which is hereto annexed, was published
7 in the entire issue of said newspaper four times in the following issues: (here set forth dates of
8 issues in which the same was published).

9 Subscribed and sworn to before me this _____ day of _____, 2_____.
10
11 _____

12 Notary Public for Oregon

13 My commission expires

14 _____ day of _____, 2_____.
15 _____

16 F(2)(b)(ii) A publication by declaration [shall] **must** be in substantially the following form:
17 _____

18 **Declaration of Publication**

19 State of Oregon)

20) ss.

21 County of)

22 I, _____, say that I am the _____ (here set forth the title or job description of the
23 person making the declaration), of the _____, a newspaper of general circulation published at
24 _____ in the aforesaid county and state; that I know from my personal knowledge that the
25 _____, a printed copy of which is hereto annexed, was published in the entire issue of said
26 newspaper four times in the following issues: (here set forth dates of issues in which the same

1 was published).

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

5 _____
6 ____ day of ____, 2 ____
7 _____

8 **F(2)(c) Making and certifying affidavit.** The affidavit of service may be made and certified
9 before a notary public, or other official authorized to administer oaths and acting in that
10 capacity by authority of the United States, or any state or territory of the United States, or the
11 District of Columbia, and the official seal, if any, of that person [*shall*] **must** be affixed to the
12 affidavit. The signature of the notary or other official, when so attested by the affixing of the
13 official seal, if any, of that person, [*shall be*] **is** prima facie evidence of authority to make and
14 certify the affidavit.

15 **F(2)(d) Form of certificate, affidavit, or declaration.** A certificate, affidavit, or declaration
16 containing proof of service may be made on the summons or as a separate document attached
17 to the summons.

18 **F(3) Written admission.** In any case proof may be made by written admission of the
19 defendant.

20 **F(4) Failure to make proof; validity of service.** If summons has been properly served,
21 failure to make or file a proper proof of service [*shall*] **does** not affect the validity of the
22 service.

23 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule relating
24 to the form of a summons, issuance of a summons, or who may serve a summons [*shall*] **does**
25 not affect the validity of service of that summons or the existence of jurisdiction over the
26 person if the court determines that the defendant received actual notice of the substance and

1 pendency of the action. The court may allow amendment to a summons, affidavit, declaration,
2 or certificate of service of summons. The court [*shall*] **will** disregard any error in the content of
3 a summons that does not materially prejudice the substantive rights of the party against whom
4 the summons was issued. If service is made in any manner complying with subsection D(1) of
5 this rule, the court [*shall*] **will** also disregard any error in the service of a summons that does
6 not violate the due process rights of the party against whom the summons was issued.

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

PATTY PLAINTIFF,	)	
	)	
Plaintiff,	)	CASE NO 123-4567
	)	
v.	)	SUMMONS
	)	C(3)(a)
DOUG DEFENDANT,	)	
	)	
Defendant.	)	

To: Doug Defendant
123 SE Smith Lane
Portland OR 97204

NOTICE: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the plaintiff or petitioner will win automatically. To appear you must, within 30 days of the date you receive this summons, file a legal document called a “motion,” “answer,” or “response.” To file, you must give your legal document to the clerk of the court that appears at the top of this summons. You may need to pay a filing fee. Your legal document must be in proper form as required by the Oregon Rules of Civil Procedure (ORCP) and the Uniform Trial Court Rules. You must serve your legal document, as required by ORCP 7 D, on the attorney for the plaintiff or petitioner, or on the plaintiff or petitioner if they do not have an attorney. You must also file “proof of service.” Proof of service is a signed statement describing when and how your legal document was served.

If you have questions, contact an attorney immediately. If you need help finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service:

www.oregonstatebar.org / (800) 452-7636

For more information you may find helpful in understanding this case, visit:

courts.oregon.gov OR www.oregonlawhelp.org

Larry Lawyer, OSB No. 99xxxx
620 SW 5th Ave, Suite 1225
Portland OR 97204
(503) 999-9999
larry@lawyer.com

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

PATTY PLAINTIFF,	)	
	)	
Plaintiff,	)	CASE NO 123-4567
	)	
v.	)	SUMMONS
	)	C(3)(b)
DOUG DEFENDANT,	)	
	)	
Defendant.	)	

To: Josh Wilson
123 SE Peters Lane
Portland OR 97212

NOTICE: READ THESE PAPERS CAREFULLY!

You must "appear" to protect your rights in this matter. To appear you must, within 30 days of the date you receive this summons, file with the court a legal document called a "motion," a "reply" to a counterclaim, or an "answer" to a cross-claim. To file, you must give your legal document to the clerk of the court that appears at the top of this summons. You may need to pay a filing fee. Your legal document must be in proper form as required by the Oregon Rules of Civil Procedure (ORCP) and the Uniform Trial Court Rules. You must serve your legal document, as required by ORCP 7 D, on the attorney for the party that signed this summons, or on that party if they do not have an attorney. You must also file "proof of service." Proof of service is a signed statement describing when and how your legal document was served.

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

PATTY PLAINTIFF,	)	
	)	
Plaintiff,	)	CASE NO 123-4567
	)	
v.	)	SUMMONS
	)	C(3)(c)
DOUG DEFENDANT,	)	
	)	
Defendant.	)	

To: Josh Wilson
123 SE Peters Lane
Portland OR 97212

NOTICE: READ THESE PAPERS CAREFULLY!

You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a judgment for reasonable attorney fees may be entered against you, as provided by the agreement to which defendant alleges you are a party.

You must "appear" to protect your rights in this matter. To appear you must, within 30 days of the date you receive this summons, file with the court a legal document called a "motion" or "reply." To file, you must give your legal document to the clerk of the court that appears at the top of this summons. You may need to pay a filing fee. Your legal document must be in proper form as required by the Oregon Rules of Civil Procedure (ORCP) and the Uniform Trial Court Rules. You must serve your legal document, as required by ORCP 7 D, on the attorney for the party that signed this summons, or on that party if they do not have an attorney. You must also file "proof of service." Proof of service is a signed statement describing when and how your legal document was served.

If you have questions, contact an attorney immediately. If you need help finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service:

www.oregonstatebar.org / (800) 452-7636

For more information you may find helpful in understanding this case, visit:

courts.oregon.gov OR www.oregonlawhelp.org

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