

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

Case No: 19DR03123

Kyla Mazhary-Clark  
Petitioner

and

Jamie Clark  
Respondent

and

Kenneth Clark  
Respondent

**MOTION FOR ORDER TO VACATE**  
 **JUDGMENT/ORDER OF DISMISSAL**  
 **ORDER OF DEFAULT**  
and **DECLARATION IN SUPPORT**

**Motion**

The court **dismissed the petition/motion on** \_\_\_\_\_;  
(Date Judgment/Order of Dismissal was signed)

OR

The court granted the **Motion for Default on** 8/14/2019;  
(Date Order of Default was signed)

The  petitioner  respondent moves for an order vacating the  **Judgment/Order of Dismissal**  
 **Order of Default** and has set forth good cause for a finding of excusable neglect.

**Statement of Points and Authorities**

**ORCP 71 – (B) Mistakes; inadvertence; excusable neglect; newly discovered evidence, etc.**  
**ORS 107.431 – (a) Motion to set aside, alter or modify is made by the parent having parenting time rights.**

**Declaration**

I request the court vacate the  **Judgment/Order of Dismissal**  **Order of Default** because:

As explained in Exhibit A

I did not file the appropriate documents by the agreed or ordered deadline because:

I had no knowledge of this Judgment until March 19, 2020 although Petitioner was in contact with me for several months before hand I was not informed by Petitioner of this Judgment.

**Certificate of Document Preparation.** Check all that apply:

- I chose this form for myself and completed it without paid help  
 A legal help organization helped me choose or complete this form, but I did not pay money to anyone  
 I paid(or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form

**I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.**

10/11/2021  
Date

Jamie Clark  
Signature  
Jamie Clark  
Name (printed)

1445 Fruitdale Ave, Unit 322  
Contact Address

San Jose, CA, 95128  
City / State / ZIP

541-601-1277  
Contact Phone

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

Case No: 19DR03123

Kyla Mazhary-Clark

Petitioner

and

Jamie Clark

Respondent

and

Kenneth Clark

Respondent

**CERTIFICATE OF MAILING**

I certify that on 10/2, 2021, I mailed a true copy of: Motion to Vacate  Judgment/Order of Dismissal  Order of Default previously filed in this case:

to the other party directly, at the following address, because s/he has no attorney:

3442 Liberty Rd. S #48, Salem, Oregon 97301

to the other party's attorney \_\_\_\_\_ at the following address  
(Name of other party's attorney)

Mailing was done by  first class mail and by  certified or  registered mail, return receipt requested, or  express mail.

**Certificate of Document Preparation.** Check all that apply:

- I chose this form for myself and completed it without paid help  
 A legal help organization helped me choose or complete this form, but I did not pay money to anyone  
 I paid(or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form

**I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.**

10/2/2021  
Date

Jamie Clark  
Signature  
Jamie Clark  
Name (printed)

1445 Fruitdale Ave, Unit 322  
Contact Address

San Jose, CA, 95128  
City / State / ZIP

541-601-1277  
Contact Phone

## NOTICE OF PROPOSED JUDGMENT OR ORDER

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

This notice is to inform you that you can object to the attached proposed *Judgment or Order*.

Uniform Trial Court Rule (UTCRC) 5.100<sup>a</sup> allows you to object to the proposed judgment or order. If you have no objections, you can sign the last page and return it to me.

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

**1) Contact me within 7 days of the date of this notice.** If you contact me and we are not able to resolve your objections after reasonable efforts, I will include your objections with the proposed judgment or order when I submit it to the court.

or

**2) Submit your objections directly to the court.** If you intend to submit your objections directly to the court, notify me within 7 days of the date of this notice so that I can inform the court of your intentions when I submit the proposed judgment or order. If you do object to the proposed order or judgment, you must contact me within 7 days of the date of this notice.

10/2/2021  
Date

Jamie Clark  
Signature  
Jamie Clark  
Name (printed)

1445 Fruitdale Ave, Unit 322  
Address

San Jose, CA, 95128  
City/State/Zip

541-601-1277  
Phone

<sup>a</sup> <http://courts.oregon.gov/OJD/programs/utcr/pages/utcrules.aspx>

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINN

In the Matter of:  
Petitioner,  
KYLA MAZHARY-CLARK,

and  
Respondent,  
JAMIE CLARK,

and  
Respondent,  
KENNETH CLARK,

Case No. 19DR03123  
DECLARATION OF RESPONDENT  
IN SUPPORT OF RESPONDENT'S  
MOTION TO SET ASIDE DEFAULT GENERAL  
JUDGMENT OF PSYCHOLOGICAL  
PARENT CUSTODY

I, Jamie Clark, a Respondent in the above-entitled matter, depose and say:

1. I am one of the Respondents in the above matter. I make this declaration in support of my Motion to Set Aside the Judgment for Psychological Parent Custody, signed by The Honourable Judge Rachel Kitson-Maqtash on August 14, 2019.

2. I am the biological and legal mother of Sage Clark, aged (5) years old and Sadie Clark, aged (4) years old.

3. Petitioner filed her Petition for Psychological Parent Custody on or around February 14, 2019. In her Petition, she falsely claimed that Sage and Sadie resided with her since November 4, 2018 to the time of her filing by stating she was the "caregiver". In fact, the Minor children temporarily lived with Petitioner from November 4, 2019 through February 4, 2019. On February 4, 2019, I retrieved my children over Petitioner's objection. She then filed a Petition for Custody without my knowledge later.

~~Exhibit A.1~~ Exhibit X

4. Both children remained in my care from February 4, 2019 through January 31, 2020.

5. I was never served with the documents that the Petitioner filed. The court allowed the Petitioner to effect service by publication. I had no actual notice of the documents that she had filed. She obtained a default order against me and subsequently obtained a Judgment awarding her custody of my children who resided in my sole custody and care on or around August 9, 2019.

Exhibit C Exhibit D

6. Process server Shawn W. Blehm's affidavit shows that he attempted to serve the Petition for Psychological Parent Custody, Petitioner's Certificate of Residency, Notice of Filing of Confidential Information Form, Petitioner's Application for Temporary Protective Order of Restraint, Petitioner's Affidavit in Support of Application and Temporary Protective Order of Restraint, and Temporary Protective Order of Restraint to me four times at my former residence located at 125 Expo Parkway NE, space 26, Albany Oregon. The mobile home in which the children and I had resided had been moved from this address however as we had moved to Jackson county due to a job opportunity my fiancée had at the time he attempted to contact me. He states that he contacted my employer, Super 8, in attempt to serve me but was informed that I had quit. He states that he attempted to call me to attempt to meet in person, However I had no contact with Shawn W. Blehm and was unaware of any attempt of service.

7. Even after the judgment was entered, the children continued to reside with me until January 4, 2020 as I was unaware of any petition filings or Judgment entered. At that point, I was in contact with the Petitioner who acted as though she wanted to again be friends. I agreed to allow the children to temporarily stay with Petitioner again for a short period of time as she had suggested it would be better for them to be away from my ex who had been stalking me. petitioner and I were in contact regularly after she filed the Petition, and she did not inform me of the fact that she had filed a Petition to obtain custody of my children.

*Exhibit D*

8. I did not learn of the Judgment that Petitioner had obtained until March 19, 2020. I went to Petitioner's home, after resolving the stalking situation with my ex with whom I did not want contact and do not have contact, to retrieve my children. She refused to return them, I then contacted the police as did she, and was showed by the police the Judgment that she had obtained by default. Because the judgment awards her legal custody of my children, the police allowed the children to remain with her. They have continued to live with her since then.

9. In her Petition, Petitioner asks for reasonable parenting time to be awarded to me. However, in her Judgment, she provides for no parenting time until I complete a psychiatric evaluation and a parenting class and present them to her personally. I do not believe my personal medical records need to be given to the petitioner herself. The relief requested in the judgment is substantially different from the relief requested in the Petition. *Exhibit X.1*

10. I am asking the court to set aside the General Judgment of Psychological Parent Custody because I had no actual notice of the proceeding and because; In her Petition she wrongfully states that she is the "caregiver" of the minor children and, as she does not live in Linn County, according to her petition Linn County did not have jurisdiction. And because in actuality the minor children were living with me in Jackson County and therefore Linn County did not have jurisdiction.

*Exhibit X*

I am requesting the court allow the default judgment to be set aside after one year because I was unaware of the existence of the Judgment until after a year had passed. And because it is now known that the children did not reside in Linn County. And because the Petitioner stated she was the "caregiver" and therefore believe the minor children's legal residence outside of Linn County the default judgment should be vacated.

*Exhibit X*

I make this Declaration in support of my Motion to Set Aside the General Judgment of Psychological Parent Custody. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in Court and is subject to penalty for perjury.

Jamie Clark      10/1/2021  
Jamie Clark      Date

Here is the paperwork we signed. I have also attached the website (that I sent you in the past) which explains that, for the type of guardianship I have, you do not need to go to court. I will see you at 6pm.

<https://www.illinoislegalaid.org/legal-information/getting-guardianship-child-0>

Signed

Guardianship - Sa...

PDF PDF

Signed

Guardianship - Sa...

PDF PDF





## Short-term guardian

A short-term guardian is responsible for the child for **one year or less**. The parent or guardian picks the short-term guardian. The parent or guardian does not need to go to court, but the agreement must be in writing.

The agreement must be witnessed by at least 2 people who are at least 18 years old. A witness cannot also be the person trying to be the short-term guardian.

The short-term guardianship can't last for more than one year. The written agreement should state the exact date the guardianship ends. Or, the agreement can state that the guardianship ends if an event happens. For example, if the parent returns from active military duty.

A parent or guardian can end the short-term guardianship at any time, even before the end date stated on the written agreement.

The short-term guardian does not have to be related to the child. Only one short-term guardian can exist at any one time.

If the child has assets, such as property or money, a short-term guardian will not have control over these. For a guardian to control these assets on the child's behalf, a plenary guardianship is needed.

## What can a guardian decide?

A guardianship can be of the person or of the



Today 4:35 PM

Ok, so you sent that to my old email account the new one is Oregon.pixie@gmail.com but I'm glad it came through. Aside from the fact that in Oregon you need filed paperwork to take temporary guardianship the website you are going off of states that a parent can end the guardianship at any time so we are done with this conversation. Do not show up or I will call the police, if you want to continue to attempt to take my children from me you need to file the paperwork so we have something to work with... otherwise you are not a legal temporary guardian and need to not contact me again. And as I stated, the paperwork expires November 4th of 2019 if not before then and needs to be filed to be valid. Have a good night.

A short-term guardian is responsible for the child for



iMessage



# Exhibit B

DATE	County/State	With Parent	Address	Children
0-31-2020	Marion County	Petitioner	3442 Liberty Rd. S.	Sage Clark
Present	Oregon		1148 Salem OR 97302	Sadie Clark
02-06-2019	Jackson County	Mother	649 Royal Ave #7	Sage Clark
01-31-2020	Oregon		328 Madras, OR 97604	Sadie Clark
02-04-2019	Linn County	Mother	125 Expo Parkway NE, Spac 26	Sage Clark
02-06-2019	Oregon	Kasey Turvey	Albany OR,	Sadie Clark
11-4-2018	Marion County	Petitioner	3442 Liberty Rd. S.	Sage Clark
02-04-2019	Oregon		1148 Salem, OR 97302	Sadie Clark
08-2018	Champaign County	Mother	1600 W Bradley Ave. Apt B204	Sage Clark
02-04-2019	Illinois		Champaign IL 61821	Sadie Clark
01-2018	Champaign County	Mother	2000 N Mattis Ave	Sage Clark
08-2018	Illinois	Damien Waters	Champaign IL 61821	Sadie Clark
12-2016	Benton County	Mother	491 NW Hayes Ave Apt 210	Sage Clark
01-2018	Oregon	April Robinson	Corvallis OR 97330	Sadie Clark
06-2016	Lane County	Mother	Veneta	Sage Clark
12-2016	Oregon	Father	Oregon	Sadie Clark

-> Kasey Turvey - Partner/roommate

-> Damien Waters - Roommate

-> April Robinson - friend/roommate

Filed

AUG 24 2017

Benton County Circuit Court  
Corvallis, Oregon

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

Entered

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of: \_\_\_\_\_

Jamie Clark  
Petitioner

Case No: 17DR17271

and

GENERAL JUDGMENT OF  
DISSOLUTION OF

MARRIAGE  RDP

Kenneth Clark  
Respondent

and MONEY AWARD

and

\_\_\_\_\_  
Unmarried children 18, 19, or 20 years old (full names)

**This document was presented to the court:**

On the motion and declaration of Petitioner, the default of Respondent having been found  
 and Respondent being represented by a guardian ad litem or other person described in  
Oregon Rules of Civil Procedure, Rule 27

On the stipulation of the parties, as shown by the signatures at the end of this *Judgment*

After a hearing held \_\_\_\_\_ (date), at which the following persons were present:

Petitioner  Petitioner's attorney \_\_\_\_\_

Respondent  Respondent's attorney \_\_\_\_\_

Other \_\_\_\_\_

**Children 18, 19, or 20 Years of Age**

Waived further appearance in these proceedings: (names) \_\_\_\_\_

Fully participated in the proceedings and are bound by the terms of this judgment:  
(names) \_\_\_\_\_

Signed and stipulated to the terms of this judgment as shown by the signatures below

**FINDINGS:**

1. The court considered the  Declaration  Stipulations  Evidence presented and finds  
that: (Check all that apply)

A.  Irreconcilable differences have caused the irremediable breakdown of this marriage or  
registered domestic partnership

B. At the time the *Petition* was filed:

Marriage Only:  At least one spouse lived in Oregon and that same spouse had lived in  
Oregon continuously for 6 months prior to the filing of the *Petition*. At least one spouse  
lived in the county in which the *Petition* was filed.

Registered Domestic Partnership Only:

At least one partner lived in Oregon and that same partner had lived in Oregon  
continuously for 6 months prior to the filing of the *Petition*. At least one partner lived  
in the county in which the *Petition* was filed.

17DR17271  
JGIM  
Digitized Judgment Document  
7639903



Verified Correct Copy of Original 8/24/2017  
Verified Correct Copy of Original 8/18/2017

or

neither partner lived in Oregon and the *Petition* was filed in the county where  
{ Petitioner  Respondent} last resided

**2. Party and Marriage/RDP Information:**

Date of Marriage /RDP: 10/11/15

Place of Marriage/RDP: Lane, OR (County, State)

Current age of parties: Petitioner 25 Respondent 26

**3. Children of the Parties** (*Children conceived, born, or adopted during or prior to the marriage/RDP and any children otherwise legally recognized as children of both parties*)

Name	Year of Birth	Age
Sage Clark	2016	1 year
Sadie Clark	2017	1 month

Additional page attached titled "Findings 3 – Children of the parties"

Petitioner  Respondent is not the father of, or paternity has not been established for, the children: (names) \_\_\_\_\_

Neither party is now pregnant (or)

Petitioner  Respondent is now pregnant

The other party is not the parent of the child due (date) \_\_\_\_\_

**4. Child Custody Jurisdiction**

Oregon has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to decide custody and parenting time matters because:

Oregon is the children's home state (all of the minor children have lived here continuously for the six month period immediately before this case was filed)

Other: \_\_\_\_\_  
\_\_\_\_\_

Oregon does not have jurisdiction under the UCCJEA because: \_\_\_\_\_  
\_\_\_\_\_



**Relocation**

- Neither parent may move more than 60 miles further distant from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the court, **or**
- The requirement of ORS 107.159 regarding notice of relocation is suspended for good cause

**Contact Information**

- Petitioner and Respondent must each provide contact addresses and contact telephone numbers to the other and notify each other of any emergencies or substantial changes in the children's health
- Good cause exists to suspend the obligation of the parties to provide contact information to each other

**Parental Authority**

- The non-custodial parent's authority under ORS 107.154 is suspended for good cause

**2. Child and Medical Support and Life Insurance for Children**

**A. Child Support**

**Existing Child Support Obligation**  
list court/agency, case number, and date of prior child support orders and judgments: \_\_\_\_\_

---

No action is taken by this judgment regarding any prior child support order or judgment

This judgment **does not** replace any existing child support order or judgment. Payment amount and schedule remain as ordered on *(date of order or judgment)*: \_\_\_\_\_

any arrears accumulated under the continued order or judgment remain due

This judgment **replaces** the existing child support obligation because the existing orders and judgments were issued by an Oregon court or agency, one of the parents or children receiving support still resides in Oregon, and circumstances have changed since the orders were entered. Support is due as detailed in the "Support Order" section below.

any arrears accumulated under the continued order or judgment remain due

Other: \_\_\_\_\_

**Presumed Inability To Pay Under ORS 25.245**

The parent who would pay support is presumed to be unable to pay because that parent:

- receives cash payments from a **public assistance** program including TANF or SSI
- is (or is expected to be) **incarcerated** (in jail or prison for at least 6 months) and has income less than \$200 per month

The presumption **has not been rebutted** and **no** child support (including cash medical support) is ordered

The presumption has been rebutted, and support is ordered as detailed in the "Support Order" section below for the following reasons: \_\_\_\_\_

**Support Order**

No support is ordered for reasons other than the presumption of inability to pay or continuation of an existing order or judgment (explain): Both parties agree no child support and

or no parenting time for Edward Clark.

Support must be paid:  
By  Petitioner  Respondent  
To  Petitioner  Respondent  
 Adult Child Attending School (name): \_\_\_\_\_  
On the  first or  \_\_\_\_\_ day of each month  
Starting  the month following entry of this judgment or  
 the date of service of this Petition

The total monthly amount due is: \$ \_\_\_\_\_ (Child Support Worksheets are attached and incorporated, labeled Exhibit \_\_\_\_\_)

This amount is:  
 the amount presumed to be appropriate under the support guidelines  
 different from the presumed appropriate amount of \$ \_\_\_\_\_ because the presumed amount is unjust or inappropriate (explain): \_\_\_\_\_

**B. Medical Support**

Medical support has already been ordered in another case  as listed in Section 2A above or  from \_\_\_\_\_ county. The court case # is \_\_\_\_\_ and the Child Support Program (CSP) # is \_\_\_\_\_  
 The existing order is not changed  
 The existing order is terminated. Medical support is ordered as follows

**i. Private Health Insurance:**

is appropriate and available to (check one or both)  
 Petitioner  Respondent **and**  
 both parents have agreed to provide coverage **or**  
 Petitioner  Respondent is ordered to keep insurance throughout the period of the child support obligation  
 is **not** appropriate or available to either parent  
The parent awarded custody must enroll the children in public health insurance until private health insurance becomes available **and**  
The first parent with access to appropriate private health insurance for the children is ordered to provide it.

**ii. Cash Medical Support**

Cash Medical Support is ordered in the amount of \$ \_\_\_\_\_ per month because no private health insurance is available to either parent. Cash Medical Support is payable by the parent ordered to pay child support on the same schedule.



The paying parent is ordered to provide Cash Medical Support only when not providing private health insurance for the children

Cash Medical Support is **not** ordered because:

Support is presumed to be unavailable for the reason marked above and the presumption has not been sufficiently rebutted

The parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered

The children's medical needs will be met by the *Uninsured Medical Expenses* provision below

Other (*explain*): \_\_\_\_\_

**CHANGES TO HEALTH INSURANCE AVAILABILITY**

Both the payor and the recipient of child support **must** notify the Division of Child Support (DCS) in writing of any change in the availability of private health insurance within **10 days** of the change if collection services are provided by DCS.

**iii. Uninsured Medical Expenses**

Uninsured medical expenses are not awarded

*or*

Petitioner must pay \_\_\_\_\_% and Respondent must pay \_\_\_\_\_% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This does not include ordinary nonprescription expenses like bandages, vitamins, and copays for regular checkups, which the parents must provide for the children in proportion to their parenting time. This obligation is in addition to any child support **and** will be **offset** by any cash medical support ordered above.

*or*

This obligation is **in addition** to any child support and cash medical support ordered above

**C. Payment**

**NOTICE OF INCOME WITHHOLDING**

This child support order is enforceable by income withholding under ORS 25.378 to 25.390, 25.414 to 25.372, and 25.375. Withholding shall occur immediately whenever there is an arrearage at least equal to the support payment for one month, whenever the obligated parent requests such withholding, or whenever the obligee requests withholding for good cause. The District Attorney or, as appropriate, the Division of Child Support of the Department of Justice, will assist in securing such withholding. Exceptions may apply in some circumstances.

**Income withholding** is not ordered at this time because there is no support arrearage, the paying parent has not previously been granted an exemption from withholding **and**

The parents (or the State, if support rights are assigned) have agreed in writing to an alternative arrangement which is approved by the court; *or*

Good cause not to require withholding is found because there is proof of timely payment of previously ordered support and income withholding would not be in the best interests of the child

*In all cases, select one of the following:*

All support payments must be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309

**Or**

An exception to income withholding applies as noted above. All support payments must be deposited to the recipient's checking or savings account. The receiving parent is ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.

**Or**

Other (explain) no child support

**Adult Child Attending School**

Support for an adult child attending school as defined by ORS 107.108 must be paid by the Division of Child Support directly to the child unless good cause exists for payment to be made another way

GOOD CAUSE exists not to pay support directly to a child attending school. Payments must be made to  Petitioner  Respondent in the amount of \$ \_\_\_\_\_ per month

**D. Length of Child Support**

Support should end when the last child becomes self-supporting, emancipated, or married *or (check one):*

- reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21
- reaches age 18

**E. Tax Dependents**

*Parties are advised that this judgment is not binding on the IRS and will not provide a defense if the parties fail to comply with IRS regulations in any given tax year*

As between the parties,  Petitioner  Respondent may claim the following children as dependents for tax purposes beginning with the tax year this judgment is entered. The other parent must complete any IRS waivers or forms necessary to accomplish this judgment in each tax year and must not file contradictory tax returns.

List names: Sage Clark, Sadie Clark

**or**

Other (specify): \_\_\_\_\_

**F. Life Insurance Coverage for Children**

The party paying support must carry life insurance for the benefit of the parties' children throughout the period of the support obligation if he or she is insurable. The coverage must be at least \$ \_\_\_\_\_. The party paying support must provide to the party receiving support a true copy of the policy. The party paying

support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.

**or**  
 Neither party is ordered to carry life insurance for the benefit of the parties' children

**G. Additional Provisions** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Additional page attached titled "Section 2G"

**NOTICE ABOUT PERIODIC REVIEWS**

If you are receiving child support services through the Department of Justice, either parent may request that the Department of Justice/Division of Child Support review the amount of support ordered after 3 years from the date the order took effect or at any time upon a substantial change of circumstances.

**SPOUSAL/PARTNER SUPPORT**

**3. Spousal or Partner Support and Life Insurance**

There is an existing Limited Judgment for temporary spousal/partner support. Temporary support under the limited judgment ends as of the date of entry of the General Judgment, but any arrears accrued under the Limited Judgment remain enforceable under the Limited Judgment.

**A. Support**

No spousal/partner support or life insurance for the benefit of either party is ordered in this case **or**  
 Spousal support must be paid by  Petitioner to Respondent (or)  Respondent to Petitioner

Type of support and amount ordered (check all that apply):	Monthly Or Total	Based on the following factors (explain):
<input type="checkbox"/> transitional \$ _____ Ends:	<input type="checkbox"/> /mo <input type="checkbox"/> total	
<input type="checkbox"/> compensatory \$ _____ Ends:	<input type="checkbox"/> /mo <input type="checkbox"/> total	
<input type="checkbox"/> maintenance \$ _____ Ends:	<input type="checkbox"/> /mo <input type="checkbox"/> total	

**B. Payments**

Payments must be made:

on the  first or  \_\_\_\_\_ day of each month beginning  the month following entry of this judgment or  the date of service of this Petition

**or**

in a lump sum in the amount of \$ \_\_\_\_\_ by \_\_\_\_\_ (date)

Payments will end upon the death of either party or: \_\_\_\_\_  
\_\_\_\_\_, whichever is sooner

All payments of spousal/partner support must be made:

To the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309. Petitioner requests that collection, accounting, disbursement, and enforcement services be provided through the Department of Justice.

or

Directly into \_\_\_\_\_'s bank account. The paying spouse/partner should keep a receipt of deposit as proof of payment. The person receiving support must provide the person paying support with current deposit slips or bank name, account name, and account number.

**C. Withholding**

If enforcement services are provided through the State of Oregon's Department of Justice, the support order is enforceable by income withholding under ORS 25.311

**D. Life Insurance**

The party paying support must carry life insurance for the benefit of the other party throughout the period of the support obligation if he or she is insurable. The coverage must be at least \$ \_\_\_\_\_. The party paying support must provide to the party receiving support a true copy of the policy. The party paying support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.

or

Neither party is ordered to carry life insurance for the benefit of the other party

**PROPERTY AND DEBTS**

**4. Real Property**

Neither party has any interest in any real property in Oregon or any other place  
 Both parties have or {  Petitioner  Respondent has } an interest in real property at:

(address): \_\_\_\_\_

This property is awarded as follows: \_\_\_\_\_

Additional page titled "Section 4 - Real Property" attached

The legal description of the property is attached as Exhibit \_\_\_\_\_ and incorporated into this Judgment

Petitioner  Respondent is responsible for preparing, signing, and recording a deed transferring the real property as required by this judgment

Other: \_\_\_\_\_

**5. Personal Property**

The Petitioner and Respondent have divided between them all personal property that they own separately or together, and each is awarded those items now in their possession except that:

A.  The Petitioner is awarded the following personal property: All property in her possession

Additional page attached titled "Section 5A-Petitioner's Personal Property"

The Petitioner is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Petitioner's current and past employers, free of any interest by the Respondent

B.  The Respondent is awarded the following personal property: All property in his possession

Additional page attached labeled "Section 5B-Respondent's Personal Property"

The Respondent is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Respondent's current and past employers, free of any interest by the Petitioner

**6. Distribution of Debts** The debts will be paid as follows:

Name of creditor (who money is owed to)	What the debt is for	Amount	Who pays (Petitioner or Respondent)
Nick Kollina	Home	17,000.00	Respondent
IRS	Tax	7,000.00	Respondent
Oregon Tax	Tax	3,000.00	Respondent
Synchrony	Mutual	1,000.00	Respondent

Additional page attached titled "Section 6-Distribution of Debts"

Unless otherwise specified above, each party is responsible for the payment of all debts incurred by him or her individually since the date of separation, all debts distributed to him or her by the court, and all debts which are secured by property distributed to that party. If any creditor asks the party not responsible for a debt to pay any portion of it, and he or she does so, the party responsible for that debt must reimburse the paying party for any amount paid to the creditor after the date this judgment is entered.

Debts are divided between the parties as of (date): Feb 16, 2016

**Transfer of Property and Debts**

Within thirty (30) days of the date of this judgment, each party must execute, acknowledge, and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. This judgment operates to convey title to the party awarded the property if the other party fails to comply with this requirement.

**7. Former Name**

Petitioner's  Respondent's former name of \_\_\_\_\_ is restored (use FULL name - first, middle, last)

**8. Additional Provisions**

\_\_\_\_\_  
 \_\_\_\_\_

Additional page attached titled "Section 8 - Additional Provisions"

**9. Court Costs and Fees, Whether Paid Or Deferred**

- Each party is responsible for paying his or her own court costs and service fees
- Petitioner  Respondent will reimburse the other party \$ \_\_\_\_\_ for costs and fees
- Judgment is awarded to the State of Oregon for deferred costs or fees of \$ \_\_\_\_\_
- Other: petitioner is responsible for filing fees

**10. Information Required by ORS 25.020 and 107.085**

As required by UTCR 2.130, a Confidential Information Form has been completed for each party and filed with the court. The CIF contains all information required by ORS 25.020 and 107.085 that is identified as confidential by UTCR 2.130.

Both parties must inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the information within ten (10) days of such change. The Department of Justice or the District Attorney may not disclose the information in the CIF to the other party.

**MONEY AWARD** Support Obligation  included  not included

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

NOTE: a party RECEIVING a money award is the JUDGMENT CREDITOR; a party PAYING a money award is the JUDGMENT DEBTOR

► If an adult child is awarded support to be paid directly to the child AND there is no support awarded for minor children of the parties, or if the judge tells you that the adult child is a Judgment Creditor, fill out this box:

The adult child named (full name and contact address) \_\_\_\_\_

is a judgment creditor on this judgment

Adult child's lawyer's name, address, phone #: \_\_\_\_\_

**The following information must be provided by any party entitled to receive a money award as listed in this Judgment**

The following person or public body is known to be entitled to a portion of a payment made on the judgment (other than payee's lawyer):

Petitioner	<input checked="" type="checkbox"/> None or <input type="checkbox"/> Name: _____
Respondent	<input checked="" type="checkbox"/> None or <input type="checkbox"/> Name: _____
Adult Child	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____

Name: \_\_\_\_\_

Type of Judgment	WHO PAYS / WHO RECEIVES	Amount	Beginning / Ending
<input type="checkbox"/> Child Support	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month for cash medical support <b>and</b> \$ _____ per month for child support	Beginning: <input type="checkbox"/> the first or <input type="checkbox"/> _____ day of the month following entry of this judgment or <input type="checkbox"/> the date of service of the <i>Petition (date)</i> _____ or <input type="checkbox"/> Other _____ and due on the same day of each month thereafter
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Adult Child		Ending when the last child turns <input type="checkbox"/> 18 or <input type="checkbox"/> 21 (if the child remains a Child Attending School)
<input type="checkbox"/> Spousal/ Partner Support	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month	Beginning: <input type="checkbox"/> the first or <input type="checkbox"/> _____ day of the month following entry of this judgment or <input type="checkbox"/> the date of service of the <i>Petition (date)</i> _____ or <input type="checkbox"/> Other _____ and due on the same day of each month thereafter

Type of Judgment		Amount	Beginning / Ending
			Ending the earlier of: (date) _____ or the death of either party
		or	
		A lump sum of \$ _____	Paid by (date): _____
<input type="checkbox"/> Property Division	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month until a total of \$ _____ is paid	Beginning the (day) _____ of the month following entry of judgment
		or	
		A lump sum of \$ _____	Paid by (date): _____

<input type="checkbox"/> Prejudgment Interest	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____	
<input type="checkbox"/> Postjudgment Interest	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	9% per year simple interest on the unpaid balance of the total judgment amount of \$ _____	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid

<input type="checkbox"/> Court Costs and Service Fees already paid	WHO PAYS <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party reimburses the other party's costs and fees of: \$ _____ Directly to the awarded party
<input type="checkbox"/> Deferred Court Costs and Service Fees	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party must pay deferred costs and fees of: \$ _____ To the State of Oregon through this court

Judge Signature:

August 24, 2017

  
 Judge



Verified Correct Copy of Original 8/24/2017  
Verified Correct Copy of Original 8/18/2017

**Certificate of Readiness**

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

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

**Certificate of Service under UTCR 5.100**

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

Submitted by:  Petitioner  Respondent

Signature: Jamie Clark Print Name: Jamie Clark

**Certificate of Document Preparation.** Check all that apply:

- I chose this form for myself and completed it without paid help
- A legal help organization helped me choose or complete this form, but I did not pay money to anyone
- I paid (or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form

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

Jamie Clark  
Petitioner, Signature  
Jamie Clark  
Petitioner, Name (printed)

08-15-17  
Date

Respondent stipulates (agrees) to the terms of this judgment

Kenneth Clark  
Respondent, Signature

08-15-17  
Date

Kenneth Clark  
Respondent, Name (printed)

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

\_\_\_\_\_  
Child, Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Child, Name (printed)

**Optional: APPLICATION FOR FULL CHILD SUPPORT PROGRAM SERVICES**

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

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

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

\_\_\_\_\_  
 Petitioner, Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
 Respondent, Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
 Adult Child, Signature

\_\_\_\_\_  
Date



**Kyla Mazhary-Clark**

Active 2h ago

When were you thinking of having me pick them up? I can keep them for as long as they need. I've got everything set up for them still.



Does next week work? I will tell the sitters they will be gone for 2 months.

That should be enough time



What day next week

How about Thursday night? That gives me my days off with them still.



Let me check but that should work.

Ok thank you

Of course. I've missed them so much!

Can you send me their current sizes and anything else I should know?



Do you have current vaccinations you could send a copy of?



Aa





**Kyla Mazhary-Clark**

Active 2h ago

DEC 18, 2019, 3:09 PM



You did????

Yeah, I'm on DayQuil and the hospital brought the fever down so I'm ok right now

DEC 18, 2019, 3:41 PM

I'm all the way up in Medford but I know you miss them and honestly I could use some help. Do you want to take them for a while

DEC 19, 2019, 9:37 AM

Aaaand NM we're all sick now

JAN 20, 2020, 7:43 AM

I'm sorry I haven't gotten back to you in a while. I've had the flu and then a sinus infection and then strep throat. I'm finally functioning again though. How are you? How are the girls?

I miss them so much and of course would love to take them if you need a break.



JAN 20, 2020, 8:46 AM



Aa





**Kyla Mazhary-Clark**

Active 2h ago



Is everything ok

Flue with high temps, passed out 7 times last night into this morning

DEC 18, 2019, 3:09 PM



You did????

Yeah, I'm on DayQuil and the hospital brought the fever down so I'm ok right now

DEC 18, 2019, 3:41 PM

I'm all the way up in Medford but I know you miss them and honestly I could use some help. Do you want to take them for a while

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JAN 20, 2020, 7:43 AM

I'm sorry I haven't gotten back to you in a while. I've had the flu and then a sinus infection and then strep throat. I'm finally functioning again though. H ↓ e you? How are the girls?



Aa



1 (1)(c) The Court having been presented with this form of General Judgment of  
2 Psychological Parent Custody, having reviewed the records and documents on file  
3 herein, and being fully advised in the premises, makes the following:

4 2.

5 **FINDINGS OF FACT:**

6 (2)(a) Petitioner, Kyla Mazhary-Clark, is the caregiver of the minor children, Sage Clark  
7 and Sadie Clark.

8 (2)(b) Respondent, Jamie Clark, is the biological mother of the minor children, Sage  
9 Clark and Sadie Clark.

10 (2)(cc) Respondent, Kenneth Clark, is the biological father of the minor children, Sage  
11 Clark and Sadie Clark.

12 (2)(d) Oregon has jurisdiction to make a custody and parenting time determination  
13 involving the minor children, Sage Clark and Sadie Clark, because Oregon has  
14 been the home state of the minor child during the six month period preceding the  
15 filing of this action.

16 (2)(e) Within the six months period preceding the filing of this action, Petitioner, Kyla  
17 Mazhary-Clark, had established a parent/child relationship with the minor  
18 children, Sage Clark and Sadie Clark, by providing them with food, shelter;  
19 providing them with nurture, love, education and support; and in all respects  
20 treating them and providing for them as the Petitioner's own children.

21 (2)(f) Neither Respondent filed a response, or otherwise appear in this matter involving  
22 their children.

23 (2)(g) Petitioner has rebutted the presumption as outlined in ORS 109.119(2)(a), and  
24 makes the following findings of fact, as required by ORS 109.119(2)(b):

25 (2)(g)(1) Petitioner recently has been the minor children's primary caretaker prior  
26 to filling this action.

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(2)(g)(9) It would be detrimental to the minor children if Petitioner was not awarded custody because Petitioner has established a ongoing personal relationship with the minor children. The minor children have benefitted from the stability of being in Petitioner's care.

(2)(g)(10) It is in the best interest of the minor children, Sage Clark and Sadie Clark, pursuant to the factors outlined in ORS 107.137, that Petitioner be awarded psychological parent custody of the minor children.

(2)(g)(11) There are no existing child support orders involving the minor children, Petitioner is financially secure and has sufficient assets and income to support the minor children without assistance, and child support has not been pled by Petitioner; now therefore,

3.

IT IS HEREBY ORDERED AS FOLLOWS:

(3)(a) Petitioner Kyla Mazhary-Clark is hereby awarded the sole custody, care and control of the minor children, Sage Clark and Sadie Clark, and is hereby awarded all of the rights and obligations of individuals *in loco parentis*, a psychological parent, and the legal rights and responsibilities of a custodial parent under the laws of the State of Oregon.

(3)(b) Respondent Kenneth Clark is hereby awarded no parenting time with the minor children.

(3)(b) Respondents Jamie Clark is hereby awarded no parenting time with the minor children, Sage Clark and Sadie Clark, until she undergoes an independent psychiatric evaluation to determine if she is suicidal, homicidal or has any diagnosable mental health, psychological, or psychiatric issues that could impair her ability to parent or have supervised parenting time with the minor children.

///