IN THE CIRCUIT COURT OF THE STATE OF OREGON

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| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Plaintiff,  vs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Defendant(s). |  | )  )  )  )  )  )  )  )  )  ) | Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  DEFENDANT’S MOTION FOR DISMISSAL PURSUANT TO ORS 105.145 |

FOR THE COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MOTION

Defendant(s) hereby move the court to dismiss the above-captioned case pursuant to ORS 105.145.

POINTS AND AUTHORITIES

ORS 105.145(2) provides that the parties to an FED may enter a stipulated agreement that the defendant shall perform in a certain manner and that as a result of that performance the defendant shall retain possession of the premises.

ORS 105.145(3) provides that, if the parties enter a stipulated agreement as specified in subsection (2), the defendant may demonstrate compliance with the stipulation, after which demonstration the court shall enter a judgment of dismissal in favor of the defendant.

ARGUMENT

Defendant(s) in this case entered into a stipulated agreement. Defendant(s) performed according to the agreement, as indicated by the attached declaration(s). As further evidence of defendant’s performance, plaintiff in this case did not enter an affidavit of noncompliance, as shown by the record.

Because defendants have demonstrated compliance with the stipulated agreement, the court must enter a judgment of dismissal pursuant to ORS 105.145(3).

WHEREFORE, defendant(s) accordingly request that the court enter a judgment of dismissal in defendant’s favor as provided by ORS 105.145(3).

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (your signature)