

## RENTER'S HANDBOOK ON SMALL CLAIMS COURT

Unfortunately, there are times when a landlord owes a tenant money and the tenant needs to collect. Sometimes, a landlord fails to return a security deposit after the tenant moves out. Other times, the landlord breaks one of Oregon's landlord tenant laws and winds up owing a penalty. You can even use small claims court to get back personal property — like furniture, tools, or other valuable possessions — that your landlord has held onto after the tenant left. No matter what the reason is that you think your landlord owes you money or property, you may have to go to court to get it.

The good news is that small claims court is designed for people to represent themselves, without lawyers on either side. That means that the process is usually over quickly, and doesn't cost very much compared to other kinds of cases.

You can only use small claims court if you're asking for less than \$10,000, or for property that is valued at less than \$10,000. If you're asking for more than that, you'll need to file in regular civil court. Also, if you're asking for less than \$750 then you *must* file in small claims court, unless you have a lawyer who will be asking for attorney fees. Usually a lawyer is not allowed to represent someone in small claims court; you need to ask the judge for special permission if you think you need a lawyer (for instance, if you have a disability).

If you do file in small claims court, you should be aware that the judge's decision is *final*. Unlike in other court cases, there is no appeal from a small claims court judgment.

Finally, if you think your landlord owes you money, you need to file within one year of the date that the landlord did or failed to do something that created the debt. So for instance if your landlord failed to return your security deposit within 31 days of your move out, you would need to file suit in small claims court no later than one year plus 31 days after you moved out.

This packet contains information about how to file in small claims court. If you follow the steps suggested in exactly the order they are laid out and keep good records of all of the steps you take, it is more likely that you will be able to get a good result.

This packet contains the following:

- Sample demand letter to landlord
- Sample fee waiver forms
- Sample small claims forms
- Sample default judgment forms

## STEPS FOR A SMALL CLAIM

- Step 1: Write a demand letter.
  - If the landlord does not pay what you ask for, then you move on to filing a claim
- Step 2: Gather information
- Step 3: Fill out the paperwork
- Step 4: Pay your filing fee or get it waived
- Step 5: File the claim with the court
- Step 6: Serve your landlord with an official copy of the claim
- Step 7: Wait for a response
  - Your landlord can either respond, or not
  - If the landlord doesn't respond within 14 days of the date of service (NOT the date of filing)
  - File a request for a default judgment with the court
  - If the landlord responds, you will get a court date
- Step 8: First court date
  - At the court date, you and the landlord will be sent to mediation
  - You can come to an agreement or not
  - If you don't reach an agreement, you will have a trial
- Step 9: Trial
  - The judge will decide, based on your testimony and evidence, if the landlord owes you money
  - If the court decides that the landlord owes you the money, you will get a judgment in your favor
- Step 10: Collecting
  - You can use the judgment to put a lien on the landlord's property or send the landlord to collections

## Step 1: Write a Demand letter

First, you must send a letter to your landlord stating the amount of money that you're asking for and the reason why you think the landlord owes you the money. Sample letters are included at the end of the packet.

Examples:

- The landlord came into your rental without giving you 24 hours' notice first. ORS 90.322(8) says that you can collect one month's rent as damages if your landlord enters without notice. The letter should state the date that the landlord entered without notice, how you know that it happened, and the amount that you think the landlord should pay.
- The landlord charged you an illegal fee. ORS 90.302(8) says that if a landlord charges a tenant a fee that isn't listed in 90.302, the landlord owes the tenant either two times the fee or \$300, whichever is more. If the landlord charged you a fee that's not permitted, explain why the fee isn't permitted, and ask for either two times the fee or \$300, whichever is more.
- The landlord locked you out of your rental or cut off the utilities. ORS 90.375 says a landlord owes two months' rent if the landlord turns off utilities, changes the locks, or seriously threatens to do those things. The letter should state the dates that the landlord did those things and state how much two months' rent is for your rental.
- The landlord didn't return your security deposit. ORS 90.300(16) says that if a landlord fails to return a security deposit within 31 days, the tenant can sue for two times the security deposit. The letter should state the date that the security deposit was due, and should state how much two times the security deposit is.
- If you live in the city of Portland, you can sue the landlord in small claims court if the landlord fails to pay you relocation assistance. Go to [www.oregonrentersrights.org](http://www.oregonrentersrights.org) or call Legal Aid at (503) 224-4086 and ask for a copy of our Renter's Handbook on Portland Relocation Assistance to find out more about when a landlord must pay relocation assistance.

No matter how much money you're asking for, give the landlord at least **10 days** to pay you. You should send the letter first class mail (NOT registered or certified mail). You can get a certificate of mailing from the post office to prove that you sent the letter.

**Keep a copy of the letter**, as the judge may want proof that you made a good faith effort to collect before filing a lawsuit.

## Step 2: Gather information

Before you can fill out the court paperwork, you will need the following information:

- Your name and address or an adult member of your household who is on the rental agreement.
  - If you are concerned about immigration status and someone else in your household has legal status and is on the rental agreement, then that person should file the claim.
- Name and address of your landlord or management company (this information will be on your rental agreement).
- A copy of your rental agreement, if possible.
  - This will prove that you were your landlord's tenant.
  - It will also be helpful if you are basing your claim for damages on the rent.
- If you do not have a written rental agreement, you will need check stubs, receipts, or other proof of regular rent payment.
- A copy of the demand letter that you sent your landlord.
- Any written documents that support your claim that the landlord owes you money.
- The names and phone numbers of any witnesses you want to come to court to testify on your behalf.
- The amount of money you are asking for, because the filing fee is different depending on the amount of your claim.
  - Filing fee is **\$55** if you are asking for less than **\$2500**
  - Filing fee is **\$99** if you are asking for more than **\$2500** and less than **\$10,000**
  - Remember, ***you cannot file in small claims court*** if you are asking for more than \$10,000
- Finally, you need to get the court forms to fill out.
  - You can go to the courthouse to get a copy of the forms
  - You can go online and print out the forms at <http://www.courts.oregon.gov/forms/Pages/small-claims.aspx>
  - You can also fill out the forms and submit them online at <http://www.courts.oregon.gov/services/online/Pages/iforms.aspx>

### Step 3: Fill out the paperwork

Once you have your forms, it's time to fill them out. If you're doing this online, set aside at least 45 minutes of uninterrupted computer time.

Here's how to fill out your small claim paperwork.

1. Starting on Page 1, on the top of the form where it says "FOR THE COUNTY OF \_\_\_\_" enter the county that you live in, OR, if you've already moved out, the county that you lived in at the time that you were renting from your landlord.
2. Enter your full name on the left side where it says Plaintiff/ Petitioner.
3. Enter your landlord's full name or the name of the management company you rent from just below, where it says Defendant.
  - You should use the name of the person or the business that you write checks or money orders to.
  - Do **not** use the name of the property manager unless you know for a fact that the manager is also the owner.
4. On the right side, be sure not to fill anything in where it says "Case No." The court will fill that in for you.
5. Also on the right hand side, look for where it says "Interpreter needed." If you need an interpreter, check the box. The court will provide one for free.
6. Next, where it asks for the name and address of defendant for service, enter the name of your landlord or the management company, as well as an address where they can get mail. If you mail your rent in, use that address.
7. On the bottom part of the first page, enter the date on which your landlord owed you money.
  - For example, this would be the date that the landlord should have paid your deposit back or the date the landlord entered unlawfully.
  - It can be an approximate date (put something like "on about June 1, 2017" to show that you're not using an exact date).
8. Then, explain very briefly why your landlord owes you money.
  - For example, "I moved out on September 1, 2017. The landlord did not send back my deposit within 31 days."
9. In the lower right hand corner, write in the amount of money that your landlord owes you.

- If you do not plan to ask the court to waive your filing fee, include your filing fee (remember, it's \$55 if you're suing for less than \$2500 and \$99 if you're suing for more than \$2500).
- If you plan to ask a process server to serve the papers, include the service costs
- Add all three together for the total amount of your claim. This **MUST** be under \$10,000.

10. Next, go to Page 2. At the top, you must sign and date to say that you made a bona fide ("good faith") effort to collect the money before going to court.

- The letter that you sent as Step 1 counts as your good faith effort.
- If you did not send a letter or make any other effort to collect, **stop**. You can't sign the form.
- Send a letter to your landlord asking them to pay you. If the landlord doesn't pay, *then* you can sign the form and file your case.

11. Lower down, it asks for information about the defendant's "registered agent." If your landlord is a company, they may have someone whose job it is to get served with legal papers.

- To find out if this applies to your landlord, you can ask if they have a registered agent.
- You can also look up the management company on the Secretary of State's website, at [http://egov.sos.state.or.us/br/pkg\\_web\\_name\\_srch\\_inq.login](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.login)
- If your landlord is not listed on the site as having a registered agent, do not fill out this section.

12. Turn to page 3. This is a notice to the defendant called a "summons." On the bottom right of the page, fill in the amount of filing fees that you paid.

13. Make a copy of your completed paperwork.

#### Step 4: Pay your filing fee or get it waived

Before you can file your small claim, you need to either pay the filing fee or ask the court to waive the filing fee or defer the filing fee. Waive means that the court will not ask you to pay anything. Defer means that you will pay in installments, or else that the court will wait until the end of the case to decide who pays the fees.

- If your income is less than 133% of the federal poverty level, the court should waive the fee.
- If your income is between 133% and 185% of the federal poverty level, then the court can ask you to pay the filing fee in installments.
- The court can also decide to wait until the end of the case to see who pays the filing fee. If you win, you can ask the court to award your filing fee. If the landlord wins, then you should ask the court to decide to waive your fees at that time.

**It's very important to ask the court to waive your fees at the end of the case if the court deferred the fees at the beginning.**

- If you don't ask the court to do this, you will be charged the full fee, plus extra for collecting the fee.
- Write down in your notes for court that you need to ask to have your fee waived at the end.

To ask the court for a fee waiver, you need to fill out some paperwork. You can get the paperwork from the court clerk, or you can get it online at <http://www.courts.oregon.gov/forms/Documents/EntirePacket10.pdf>.

The court clerk **cannot charge you** for the fee waiver paperwork. If a clerk tries to charge you for the fee waiver paperwork, ask to speak to the judge or call Legal Aid.

In order for the clerk to make a decision regarding your application, you must show proof of income AND monthly bills for the past two months.

- Proof of income would include a paystub or printout of a monthly retirement or investment payment you received.
- Proof of monthly bills would include your rent payment (e.g., a copy of a check clearly showing rent payment) and a copy of your utility bills.

If you receive public assistance, you must show proof of the amount you received from all programs for the past two months. Proof of public assistance would include a statement showing the monthly amount you have received for:

- food stamps (SNAP)
- supplemental security income (SSI)

- temporary assistance to needy families (TANF)
- the Oregon Health Plan (OHP)

Along with your two months of proof, bring the completed Application & Declaration for Deferral or Waiver of Fees form to the court location where you will be filing your paperwork.

The court clerk will review your application. If the clerk denies your application, you can ask to have a judge review your application. Ask the clerk when you can speak to a judge at the next ex parte hearing.

Once your fee waiver or deferral is approved by the court, you need to give it to the clerk along with your completed paperwork to file your small claim.

#### Step 5: File the claim with the court

Once you pay your filing fee or get an order waiving or deferring your fees, next you need to file your small claim. The clerk who took your fee payment or handled your fee waiver paperwork will tell you where to go to file the claim.

The file clerk will take one copy of your small claims paperwork and put a case number on it. You should ask the clerk to make you another copy to serve on your landlord.

#### Step 6: Serve your landlord with an official copy of the claim

“Serve” means to make sure that your landlord gets a copy of the paperwork that you filled out. The case cannot move forward unless your landlord is served. Calling, emailing, or texting the landlord to tell the landlord about the claim doesn’t count.

There are three main kinds of service: personal service, substitute service, and office service. For any of these kinds of service, **you cannot be the one to serve the papers**. Someone over 18 who is not involved with the case needs to serve the papers on your landlord. You can have the sheriff serve the papers, but you will have to pay for it unless you got a fee waiver.

- Personal service means that the server gives the official copy of the papers to the landlord in person.
- Substitute service means that the server gives the official copy of the papers to someone over the age of 14 who answers the door at the landlord’s home.
  - This obviously only works if you know where your landlord lives.
- Office service means that the server gives the official copy of the papers to someone at the landlord’s place of business.



- If you rent from a management company, you should have them served at their main office, not at the location where you were renting.
- If you use Substitute Service or Office Service, you must also send a copy of the papers in the mail to the address where the papers were served.

The person who serves the papers then needs to fill out and file a Certificate of Service with the court explaining how they served the landlord.

Once the initial claim has been filed, you don't have to pay any other filing fees. To file other documents with the court (like the Certificate of Service) you can go to the courthouse, mail the forms to the court, or, if you used eFile to file your complaint, you can use eFile.

### Step 7: Wait for a response

The landlord may respond, or not.

If the landlord does not respond in 14 days from the time that the claim was SERVED (not filed) you can file for a default judgment. This means you win automatically.

If the landlord does not respond, you must fill out a Motion for Default Judgment. File the Motion for Default and the Judgment form with the court: you do not have to pay another fee to file it.

If the landlord does respond, there are two possibilities. Either the landlord will pay what you're asking for — in which case, hooray! You won! — or the landlord will ask for a trial.

### Step 8: First court date

If the landlord responds and refuses to pay, the court will schedule a trial. You will get papers from the court letting you know the date and time of the trial.

- If your address changes after you file your initial paperwork with the court, be sure that you let the court know your new address.
- You can call the court to tell them about the change in address.
  - Make sure that you have your case number ready.
  - Ask to speak to the small claims clerk.
- You can also write to the court. Make sure to put your case number on any letter that you send to the court.

If for any reason you can't come to court on the date and time scheduled, let the court know right away and ask for a new court date.

On your court date, be sure to get to court at least 20 minutes early to leave time to get through security.

At the first court date, the judge may send you and your landlord to mediation. Depending on the county that you're in, mediation may be required before you can have a trial.

- If you did not have your filing fee waived, you may have to pay for mediation.
- You can ask the clerk at the time that you file your case whether mediation is mandatory in your county.

At mediation, you and your landlord will have a chance to work out a deal. There will be a neutral third party (the mediator) at the meeting. The mediator is not a judge, and does not have any authority to make a decision. You are **NOT REQUIRED** to make a deal.

- If at any point you feel uncomfortable or intimidated, ask the mediator for a break, ask to end the mediation, or ask to speak to a judge.

If you and your landlord reach an agreement in mediation, the mediator will write down the agreement, and the judge will sign it. **You will not have a trial** if you make an agreement in mediation.

If you and the landlord do not reach an agreement, the judge will set a date for a trial in about a week.

### Step 9: Trial

The judge will decide, based on your testimony and evidence, if the landlord owes you money. It's **extremely important** to prepare ahead of time for your trial.

Before your trial date, it's a good idea to write down what you plan to say to the judge.

- Make a list of what you need to prove and the evidence that you will use to prove it.
- For example, if you want to prove that your landlord didn't return your deposit within 31 days of your move out, you'll need a copy of the termination notice showing the date that you moved out.
- Or, if you're suing the landlord for entering your rental without prior notice, you need to know how you plan to prove that this happened — the names of any witnesses who will testify to seeing it happen, or photos or video.

Once you've made your list of what you need to prove, gather all of the documents that you will need.

- Put them in order.
- Put a number on each one of the documents.
- Put the list of documents and the documents together in a folder or an envelope and be sure to bring it to your trial.

Make sure that any witnesses will come in person to the trial.

- Letters from witnesses, even if they are notarized or sworn statements, will likely not be admitted in court.

At the trial, you will go first. It is your job to prove that the landlord owes you money.

The judge will ask you to tell your side of the story. It's fine if you read the statement that you wrote. If you're submitting documents, show the documents to the defendant and then ask to give them to the judge.

General guidelines:

- Stay calm.
- Be polite.
- Don't accuse anyone of lying.
- Never interrupt the judge.

After you tell your side of the story, the defendant will have their turn to speak. Don't interrupt them, argue, make faces, or respond in any way.

The judge might ask you some questions about what the defendant said or evidence that the defendant brought in. Answer them truthfully. If you don't know the answer, say that you don't know or don't remember.

**\*\* If your filing fee was deferred at the beginning of the case, make sure to ask the judge to waive your fees. \*\***

After you and the defendant tell your sides of the story, the judge will make a decision. If the judge decides that the landlord owes you the money, the judge will give a judgment in your favor. If the judge decides that you didn't prove that the landlord owed you money, the judge will give a judgment in the landlord's favor.

The judge's decision is **final**. There is no appeal from a decision in small claims court.

### Step 10: Collecting

If the judge decides in your favor, you will get a written judgment that says how much money your landlord owes you. If the landlord doesn't pay you the money, you can use the judgment to put a lien on the landlord's property or send the landlord to collections.

## **ADDITIONAL FORMS**

- Sample demand letter to landlord
- Sample fee waiver forms
- Sample small claims forms
- Sample default judgment forms

Sample Demand Letter

Date: \_\_\_\_\_

Dear Landlord:

This letter is to notify you that you owe me \$\_\_\_\_\_. I believe that you owe me this money for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you do not pay me this amount in full by \_\_\_\_\_ (date at least 10 days from date of letter) then I will have no option but to file in small claims court to recover the money that you owe.

Thank you,

\_\_\_\_\_ (tenant name)

\_\_\_\_\_ (tenant address)

# Sample

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

Tanya Tenant

Do not fill in: court will do this

Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

### Application & Declaration for Deferral or Waiver of Fees for:

Landlord Property, Inc.

Plaintiff/Petitioner

\_\_\_\_\_  
Defendant/Respondent

Defendant/Respondent

Check this box if you have a friend or family member who is not a co-tenant who can serve

ACCESS TO THIS DOCUMENT IS RESTRICTED TO PROTECT THE PRIVACY OF PARTIES

I am asking for deferral or waiver of fees in this case because I am unable to pay all or part of the fees now. I understand that I must complete the **Declaration for Deferral or Waiver of Fees** to prove to the court that I do not have enough money to pay the fees. I understand that if I do not, my request can be denied.

Check this box only if you CANNOT find anyone else over 18 to serve the paperwork.

1. I am applying for deferral or waiver of the following fees (check ONE box ONLY):

- Filing Fees
- Arbitration Fee
- Other (describe): \_\_\_\_\_

- Filing Fees + Sheriff's Service Fee\*  Motion Fee
- Trial Fee

\*If you are requesting deferral or waiver of the sheriff's service fee, explain why you cannot find another person to serve the papers. Papers can be served by any competent person who is at least 18 years old, a resident of Oregon (or the state where service is made), and who is not a party to the case or a party's lawyer, employee, officer, or director.

If you have requested a waiver of service fees, explain that you don't know anyone else who can serve your papers

2. If the court defers fees, I understand that:

- a. The fees are a debt I owe to the State of Oregon, and the court may put me on a payment plan. I agree to pay the fees according to the payment plan. If I fail to do so, the total amount of unpaid fees will be referred for collection.
- b. The court will enter a judgment against me for the unpaid amount of the fees that are deferred, and the judgment will be enforced regardless of the outcome of the case.
- c. If the court refers this judgment for collection, administrative and collection costs will automatically be added to the judgment without further notice to me or further action by the court.

3. I understand that if the clerk denies my application, I have the right to ask a judge to review my application.

**Declaration**

**1. PERSONAL**

Full Name of Applicant: Tanya T. Tenant  
First Name Middle Name Last Name

Residence Address: 1234 Sample Street Portland OR 97224  
Street Address City State Zip

Mailing Address (if different): \_\_\_\_\_  
Address City State Zip

Phone: 503-555-1234 Date of Birth (month/day/year) 1/1/1980

Marital Status: single/ married/ divorced \*SSN: NOT REQUIRED DL/ID: \_\_\_\_\_

\*I am providing my Social Security number voluntarily. I understand that I cannot be forced to provide it or be denied consideration solely for failure to provide it. It may be used to verify my identification, credit and employment information, and for collection of court-imposed monetary obligations.

**Names and ages of legal dependents living in household:**

Name	Age	Name	Age
Insert the names of all children in the household		Ages of all children in household	

Check all that apply

**2. PUBLIC ASSISTANCE** (include the amount you receive PER MONTH, if any)

- I am now receiving assistance from the following programs (check all that apply):
  - Food Stamps (SNAP-Supplemental Nutrition Assistance Program) - \$ \_\_\_\_\_
  - Supplemental Security Income (SSI) - \$ \_\_\_\_\_
  - Temporary Assistance to Needy Families (TANF) - \$ \_\_\_\_\_
  - Oregon Health Plan (OHP)

If you are receiving SNAP or TANF, you must get a letter from DHS. If you are on SSI, get a letter from the SSA.

*(If you checked any of the boxes above, you must show proof of the amount that you are receiving.)*

**3. EMPLOYMENT AND INCOME**

**Your Employment and Income**

Currently Employed  Not Currently Employed How long since last employment? \_\_\_\_\_

Employer Name (use previous employer if not currently employed) \_\_\_\_\_

Employer Address \_\_\_\_\_ Work Phone \_\_\_\_\_

Occupation (job title) \_\_\_\_\_ Length of Employment \_\_\_\_\_ Last Paycheck \$ \_\_\_\_\_

Wages/salary \$ \_\_\_\_\_ per \_\_\_\_\_ Hours Per Week \_\_\_\_\_

Monthly Income: Gross (before taxes) \$ \_\_\_\_\_ Net (after taxes) \$ \_\_\_\_\_

*(If you are employed, you must show proof of your income. See Instructions.)*

If you have a job, you will need pay stubs for the past 2 months

**Household Members' Employment and Income**

Name and relationship to you: \_\_\_\_\_

Currently Employed  Not Currently Employed How long since last employment? \_\_\_\_\_

Employer Name (use previous employer if not currently employed) \_\_\_\_\_

Employer Address \_\_\_\_\_ Work Phone \_\_\_\_\_

Occupation (job title) \_\_\_\_\_ Length of Employment \_\_\_\_\_ Last Paycheck \$ \_\_\_\_\_

Wages/salary \$ \_\_\_\_\_ per \_\_\_\_\_ Hours Per Week \_\_\_\_\_

Monthly Income: Gross (before taxes) \$ \_\_\_\_\_ Net (after taxes) \$ \_\_\_\_\_

If anyone else living with you has a job, fill in their income

**Any other income for you, household members, or dependents in addition to amounts listed in Section 2** (Social Security, food stamps, unemployment, retirement, public assistance, child support, workers' compensation, disability, tribal benefits, etc.):

Source of Income (describe) \_\_\_\_\_ Amount \_\_\_\_\_ How long received? How often? \_\_\_\_\_

Include info about any other sources of income

State other sources of income (SNAP, tribal benefits, child support)

\$  
\$  
\$  
\$

How much?

How often? (monthly, annually)

Additional Page Attached

**Other Party's Employment and Income** (if known to you)

Do not fill in this section

Currently Employed  Not Currently Employed How long since last employment: \_\_\_\_\_  
Occupation (job title) \_\_\_\_\_ Wages/salary \$ \_\_\_\_\_ per \_\_\_\_\_ Hours Per Week \_\_\_\_\_ Monthly Income: \$ \_\_\_\_\_  gross (before tax)  net (after taxes)

**4. MONTHLY LIVING EXPENSES (Total: \$ added from boxes below)**

**Home**

Rent/mortgage \$ your share of rent Food \$ Estimate Trash \$

**Utilities**

Electric \$ Gas \$ Water \$  
Sewer \$ Phone \$ Cell \$  
Cable \$ Internet \$

**Transportation**

Vehicle payments \$ Insurance \$ /month Gas \$  
Bus \$ Parking \$

**Other**

Credit cards \$ Student loans \$ Court fines \$  
Medical \$ Child support \$ Other (describe) \_\_\_\_\_

(You must show proof of the amount you pay for monthly expenses. See Instructions.)

**Any other individuals who help pay your living expenses:**

Does anyone else help out with bills?

Relationship Amount Payment for what?

For example, your mother

How much?

Which bill?

**5. MONEY ON HAND / IN BANK**

Do you have any money in the bank?

Cash \$ \_\_\_\_\_

Checking Account # \_\_\_\_\_ Bank/Credit Union \_\_\_\_\_ Balance \$ \_\_\_\_\_

Savings Account # \_\_\_\_\_ Bank/Credit Union \_\_\_\_\_ Balance \$ \_\_\_\_\_

Other Account # \_\_\_\_\_ Institution \_\_\_\_\_ Balance \$ \_\_\_\_\_

**6. VEHICLES**

Year, Make, and Model Value Amount Owed Payments made to:

\$ Estimate \$ \_\_\_\_\_

Any car/ truck/ motorcycle that you own

\$ \_\_\_\_\_

**7. REAL ESTATE**

Address (include city and state) Purchase Year Purchase Price Value Amount Owed Payments Made to:

Any houses or land that you own

\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_



**8. ALL OTHER PROPERTY OR ASSETS** (such as: ATVs, RVs, boats, guns, jewelry, livestock, etc.):

Description	Value	Description	Value
Any other property	\$ _____	_____	\$ _____
	\$ _____	_____	\$ _____
	\$ _____	_____	\$ _____

**9. LIQUIDATION OF ASSETS**

If you are unable to sell or liquidate your assets, explain why: explain that the property is necessary to you, or that there is not enough time to sell it

**10. MONEY OWED TO YOU BY OTHERS** (tax refunds, judgments, trust funds, settlements, etc.):

Name of Debtor Owing You Money	Amount Owed	Date Expected
Does anyone else owe you money?	\$ _____	_____
	\$ _____	_____

**11. ARE YOU SEEKING TEMPORARY CHILD AND/OR SPOUSAL SUPPORT?**

No       Yes (How much? \$ \_\_\_\_\_)

**12. OTHER INFORMATION YOU WANT COURT TO CONSIDER**

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

Do you have a lawyer (or do you plan to) to represent you in this case?  Yes  No  
Have you paid your lawyer money?  No  Yes (How much? \$ \_\_\_\_\_ )  
Do you have a contingency fee agreement with your lawyer?  No  Yes

**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 to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.**

Date of signature      Your signature goes here  
Date      Signature of Applicant ( Plaintiff/Petitioner  Defendant/Respondent)  
Write out your name  
Name of Applicant (printed or typed)

# SAMPLE

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
**Small Claims Department**

Tanya Tenant

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

Plaintiff(s),

v.

Landlord Property, Inc.

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

Defendant(s).

Find this number stamped  
on your complaint Fill t

CASE NO. \_\_\_\_\_

**MOTION FOR DEFAULT JUDGMENT AND  
DEFENDANT STATUS DECLARATION**  
**Attach a Completed Small Claims  
Judgment Form**

Tanya Tenant

I, \_\_\_\_\_, request a default judgment against Landlord Property, Inc.  
(name)

Amount you asked  
for in the original  
claim  
Filing fee, if you  
paid it, and service  
fee, if you paid it

1. Money award	\$ _____
2. Prejudgment interest	\$ _____
3. Costs and service expenses	\$ _____
4. Attaching party fee (ORS 20.190)	\$ <b>\$50</b>

Total judgment award:  
\$ **Add the boxes together**

I request the following terms in addition to or instead of a money award:

- postjudgment interest at the statutory rate (or \_\_\_\_\_% per year by contract of the parties (attach copy of contract))
- other (describe property requested): \_\_\_\_\_

**I certify that:**

1. The above-named defendant was properly served with a copy of the claim and \_\_\_\_\_ failed to pay or deny the claim within 14 days;
- and
2. The person I request judgment against is not a minor, a protected person, a respondent, or incapacitated, as these terms are defined in ORS 125.005;
- and

If your landlord is a company, or if you KNOW the landlord is not in the military, check this box and write:

- is in active military service. ) (or)
- is not in active military service\*  Certificate of Service or printout from Dept. of Defense website attached (or) describe facts that support \_\_\_\_\_

Landlord is a company OR how you know the landlord is not in the military

- I am unable to determine whether this person is in military service. \_\_\_\_\_

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

Date of signature \_\_\_\_\_  
Date

Your signature \_\_\_\_\_  
Signature

Print your name \_\_\_\_\_  
Name (print)

\*Certain members of the military may be protected by the Servicemembers Civil Relief Act (SCRA) (50 U.S.C. App. 501 to 596). You cannot get a default judgment against a member of the military who is protected by this law unless other legal steps are followed or the defendant signs a waiver. Talk to a lawyer if you have concerns.

If your landlord is a person and you don't know if they are in the military, check this box.

Your name & contact information goes here: you are the PLAINTIFF

# SAMPLE

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
Small Claims Department

**Tanya Tenant**

Name (Plaintiff)(s) 1234 Sample Street

Plaintiff Address Portland, OR 97224

City / State / Zip 503-555-1234 Multnomah

Telephone \_\_\_\_\_ County \_\_\_\_\_

CASE NO. **Do not use: court will fill in**

SMALL CLAIM AND NOTICE OF SMALL CLAIM

FILING FEE AT ORS 46.570

**Interpreter needed:**

- Spanish  Russian
- other: \_\_\_\_\_

**If you need an interpreter, check the box. The court will provide an interpreter for free**

Your landlord's name goes here: landlord is DEFENDANT

(Inmate ID #, if applicable, \_\_\_\_\_) v. **Landlord Property, Inc.**

Defendant(s)  
 Defendant is a public body

Name and address of defendant(s) for service (enter Registered Agent, if necessary, on the next page):

**Landlord Property, Inc.**

Name (Defendant) 4567 Property Ave.

Street (do not use a P.O. Box) Portland, OR 97225

City / State / Zip 503-555-6789

Telephone \_\_\_\_\_ County \_\_\_\_\_

Name (Defendant) \_\_\_\_\_

Street (do not use a P.O. Box) \_\_\_\_\_

City / State / Zip \_\_\_\_\_

Telephone \_\_\_\_\_ County \_\_\_\_\_

**Fill in this box if you have more than one landlord or if you are suing the owner as well as the management company.**

I, Plaintiff, claim that on or about *(date)* \_\_\_\_\_, the above-named defendant(s) owed me the sum of \$ Amount you asked for in demand letter because \_\_\_\_\_

**CHOOSE ONE:**

Landlord terminated my tenancy without cause OR

Landlord refused to renew my rental agreement OR

Landlord raised my rent more than 10% in the past year and I have notified landlord of my intention to move

**AND Landlord has not paid any** \_\_\_\_\_, and this amount is still due. **relocation fees.**

- \* If the TOTAL is less than \$2500, your filing fee is \$53
- \* If the TOTAL is more than \$2500, your filing fee is \$95
- \* If the TOTAL is more than \$10,00, STOP. You cannot sue in small claims court.

Claim	\$	<u>Amount demanded +</u>
+ Fees	\$	<u>Filing fees, if any +</u>
+ Costs	\$	<u>Service costs, if any =</u>
TOTAL	\$	<u>Amount you're suing for</u>

"Bona fide effort" means you made a good faith attempt to settle the case before it went to court

The demand letter that you sent to your landlord counts as this bona fide effort

**DECLARATION OF BONA FIDE EFFORT**

I, Plaintiff, have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

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

**Date of signing**

*Tanya Tenant*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff Signature

*Tanya Tenant*

\_\_\_\_\_  
Plaintiff Name (print)

**DEFENDANT'S REGISTERED AGENT:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street (do not use a P.O. Box)

\_\_\_\_\_  
City / State / Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
County

"Registered agent" is applicable if your landlord is a company that has a specific person to do the job of receiving court papers.

To find out if this applies to your case, you can ask your landlord if they have a registered agent or look up the name of your landlord's company on the Secretary of State's website:

[http://egov.sos.state.or.us/br/pkg\\_web\\_name\\_srch\\_inq.login](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.login)

If your landlord has a registered agent, it will be listed on the site.

If your landlord is not listed on the site, do not fill out this section.

**NOTICE TO DEFENDANT:  
READ THESE PAPERS CAREFULLY!**

Within **14 DAYS\*** after receiving this notice you **MUST** do **ONE** of the following things in writing:

- Pay the claim plus filing fees and service expenses paid by plaintiff (send payment directly to the plaintiff, not to the court) and submit proof of that payment to the court **OR**
- Demand a hearing and pay the fee required (below) **OR**
- Demand a jury trial and pay the fee required (below). This option is available **only** if amount claimed is more than \$750.

If you fail to do one of the above within 14 DAYS\* after you get this notice, the plaintiff may ask the court to enter a judgment against you. The judgment will be for the amount of the claim, plus filing fees and service costs paid by the plaintiff, plus a prevailing party fee. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Servicemembers Civil Relief Act.

**Multnomah County Courthouse**  
1021 SW 4<sup>th</sup> Ave, Rm 210  
Portland, OR 97204  
(503) 988-3022

**East County Courthouse**  
18480 SE Stark Street  
Portland, OR 97233  
(503) 988-3199

This is what the defendant must pay to respond to your claim

**Defendant's Filing Fees** *(must be filled in by the PLAINTIFF):* ←

- |  |               |
|--|---------------|
| (1) To demand a hearing if the amount claimed is \$2,500 or less   | \$ <u>53</u>  |
| (2) To demand a hearing if the amount claimed is more than \$2,500 | \$ <u>95</u>  |
| (3) To demand a jury trial (only if amount claimed is over \$750)  | \$ <u>158</u> |

If you have questions about filing procedures, go to [www.courts.oregon.gov](http://www.courts.oregon.gov) for information and instructions, or you may contact the court clerk. The clerk *cannot* give you legal advice about the claim.

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**\*NOTE:** If the plaintiff is an inmate (ORS 30.642) AND the defendant is a government agency or other public body (ORS 30.260), the defendant must respond within **30 days** after receiving this Notice.

# SAMPLE

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
**Small Claims Department**

Tanya Tenant

\_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s),  
v.

CASE NO. Fill this in

SMALL CLAIMS JUDGMENT  
AND MONEY AWARD  
 General  Limited  Supplemental

Landlord Property, Inc.

\_\_\_\_\_  
Defendant(s).

Submitted by: Tanya Tenant  
 Plaintiff  Defendant

The court grants judgment for Plaintiff Tanya Tenant ("judgment creditor") and **against** Defendant Landlord Property, Inc. ("judgment debtor").

➤ In addition to or instead of a money award, the following provisions are ordered:

**MONEY AWARD** Tanya Tenant, 1234 Sample St, Portland, OR 97224

1. Judgment Creditor: \_\_\_\_\_  
(name, address)

a. Judgment Creditor's lawyer \_\_\_\_\_  
(name, address, phone number)

Additional information attached, titled "Additional Judgment Creditors"

2. Judgment Debtors  Additional information attached, titled "Additional Judgment Debtors"

Name(s)	<u>Landlord Property, Inc.</u>	<u>Any other defendants (for example, if you sued the owner and the management company)</u>
Address(es)	<u>4567 Property Ave, Portland, OR 97225</u>	
Year of Birth	<u>N/A or unknown</u>	
SSN (last 4 digits) or full Tax ID	<u>N/A or unknown</u>	
Driver License # (last 4 digits) & State	<u>N/A or unknown</u>	
Lawyer Name	<u>N/A or unknown</u>	
<b>*Please write "unknown" or "n/a" (not applicable) for sections you leave blank.</b>		

3. No person or public body other than Judgment Creditor and Judgment Creditor's lawyer is entitled to any part of this money award EXCEPT: \_\_\_\_\_

4. The total amount awarded by this judgment is \$ \_\_\_\_\_, which includes:

1. Money Award \$	2. Prejudgment Interest \$
3. Costs & Service Expenses \$	4. Attorney Fees \$
5. Prevailing Party Fee (listed at ORS 20.190) \$	

Fill these boxes in from the Motion for Default Judgment form

Plus Postjudgment interest on the amount in sections 1 and 2 at the rate set by ORS 82.010(2) (or \_\_\_\_\_% by agreement of the parties), and in sections 3, 4, and 5 at the rate set by ORS 82.010(2)

**DO NOT SIGN OR DATE THIS SECTION: it is for the judge**

Date

Circuit Court Judge or Court Clerk

Someone who is not a party to the case must serve the landlord and then fill out this form.

# SAMPLE

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204  
SMALL CLAIMS DEPARTMENT

Copy case number provided by court clerk on your Small Claims form

Tanya Tenant  
Plaintiff(s)

Case No. \_\_\_\_\_

vs.

### CERTIFICATE OF SERVICE ORCP 7D(2)

- (a) Personal Service **Only one form of service is required.**
- (b) Substitute Service
- (c) Office Service
- (d) Service by Mail

Landlord Property, Inc.  
Defendant (s)  
(name of person who

I, (name) Frank Friendly served landlord, declare that I am a resident of the state of Oregon. I am a competent person 18 years of age or older and not a party to or a lawyer in this case. I certify that the person is the person named below.

I served copies of the original Petition, Claim, or Complaint and Summons (with attached notices of mediation and other information provided by the court clerk) and: (name any Additional forms served) \_\_\_\_\_

by (check a, b, c, or d and complete all information):

(a)  **Personal Service** on (date) March 2, 2017, at 10:15 a.m./p.m. to { Plaintiff  Defendant} Landlord Property, Inc. (name) in person at the following address 4567 Property Ave, Portland in the County of Multnomah, State of Oregon.

(b)  **Substitute Service** on (date) \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. by delivering them to the following address \_\_\_\_\_ to { Plaintiff  Defendant} \_\_\_\_\_ (name) by delivering to and leaving the same with \_\_\_\_\_ (name) who is a person age 14 or older and who lives there.

(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(b). If a person other than the server did the follow-up mailing, that the person must complete a separate Certificate of Service by Mailing.)

On (date) \_\_\_\_\_, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served  Plaintiff  Defendant (name) \_\_\_\_\_, at the party's home address listed above, together with a statement of the date, time, and place that the documents were hand-delivered to the party's dwelling (residence)

(c)  **Office Service** on (date) \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., by delivering them to the office of the party to be served, located at: \_\_\_\_\_ (address), during normal working hours for the office, where I left the documents with \_\_\_\_\_ (name), who is a person

Personal Service: Someone hands papers directly to landlord.

Substitute Service: Someone hands the papers to someone else at landlord's address & sends a second copy by regular mail.

When and where was landlord served?

Office service: Someone gives the papers to the front desk at landlord's office & sends a second copy by regular mail.

apparently in charge, to give the documents to the party to be served.

(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(c). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)

On (date) \_\_\_\_\_, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served:  Plaintiff  Defendant (name) \_\_\_\_\_ at the party's:  home address at: \_\_\_\_\_ **OR**  business address above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

Service by mail: Someone sends one copy by regular mail & a second copy by one of the types of mailing specified here.

(d)  **Service by Mail, Return Receipt Requested** on (date) \_\_\_\_\_, I personally deposited **two** true copies with the U.S. Postal Service. **One** by first class mail, and the **other** by certified mail or registered mail, Return Receipt Requested, or by express mail, postage paid, addressed to the party to be served:  Plaintiff  Defendant (name) \_\_\_\_\_, at the party's home address located at: \_\_\_\_\_ (address). (NOTE: If mailed Return Receipt Requested, the return receipt must be attached to this Certificate of Service.)

**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 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.**

March 3, 2017  
Date

Frank Friendly  
Signature of Server

Frank Friendly  
Print Name

If person serving NOT a sheriff or sheriff's deputy, address and phone number of server:

Frank Friendly, 321 Neighborhood Rd., Portland, OR 97220  
(503) 555-1234