

SMALL CLAIMS

1. The purpose of Small Claims Court is to decide disputes promptly and economically. The hearings are informal with the plaintiff and defendant appearing without attorneys. There is no appeal from a decision in Small Claims Court.
2. A small claim shall be filed in the county where the defendant resides or where the cause of action took place.
3. The maximum amount or value that can be claimed in Small Claims Court is **\$7,500.00**. The filing fee for a Small Claim asking for recovery of money between \$0 - \$1500.00 is **\$47.50**. The filing fee for a small claim asking for recovery of money between \$1501.00 - \$7500.00 is **\$89.50**. The check for the filing fee should be made payable to the **State of Oregon**. Service fees should be made payable to the Sheriff of the county where the defendant is to be served. It is the responsibility of the plaintiff to make sure that the papers are delivered to the Sheriff with the appropriate fee.
4. A small claim **MUST** be filed on a form approved by the Trial Court Administrator.
5. Parties may contact the Corporation Commissioner in Salem for the correct name of a business and registered agents.
6. The original claim must be signed before a Notary Public or the Trial Court Administrator or her designee.
7. The small claim must be served on the defendant by qualified persons only (parties to the litigation are not qualified). The plaintiff may contact the sheriff of the county where the defendant is to be served. After service, the sheriff will notify the plaintiff and the court by mail.

If Service is made on someone other than the defendant, it is the responsibility of the plaintiff to mail a certified copy of the small claim to the defendant with a statement of when and upon whom substitute service was made. If substitute service is made a STATEMENT RE SUBSTITUTE SERVICE AND AFFIDAVIT OF MAILING form must be filed with the Trial Court Administrator.

EXPLANATION OF HOW NOTICE MAY BE SERVED: The notice and claim shall be served upon the defendant either by regular service procedures or by certified mail. If service by certified mail is attempted, the plaintiff shall mail the notice and claim by certified mail, addressed to the defendant at the last-known address of the defendant within the territorial jurisdiction of the court. The envelope shall be marked with the words "Deliver to Addressee Only" and "Return Receipt Requested". The date of delivery appearing on the return receipt shall be prima facie (a fact presumed to be true unless disproved by evidence to the contrary) evidence of the date on which the notice and claim were served

upon the defendant. If service by certified mail is not successfully accomplished, the notice and claim shall be served by regular service procedures.

8. If the defendant fails to file an Answer within **14 days after service**, upon plaintiff's written request, the Trial Court Administrator will enter a judgment against the defendant for the amount claimed plus costs. This form is obtained from the court and it includes an affidavit from the plaintiff stating that the defendant is not in the military service. If the plaintiff does not make this final request, there is no judgment and the claim may be dismissed.

9. If the plaintiff fails or neglects to effect service, request judgment or dispose of the small claim, by order of the court, the case may be dismissed for want of prosecution.

10. Once the defendant has filed an Answer with the Trial Court Administrator's office, the case will be set for mediation in front of a mediator. The parties will attempt to settle the case. No exhibits or witnesses are needed for the mediation hearing.

11. If the defendant claims a right to a jury trial, the court will send a NOTICE TO FILE A FORMAL COMPLAINT to the plaintiff. After the plaintiff receives Notice, they have 20 days in which to file a formal complaint. An additional filing fee and arbitration fee will be required. The plaintiff may wish to consult an attorney.

12. Once a judgment has been obtained, the plaintiff may then request that any personal property owned by the debtor which is subject to be levied on be taken to satisfy the judgment (i.e. garnishment of wages, checking and/or savings accounts, etc.). It will be necessary for the plaintiff to obtain the necessary forms for garnishment/execution (office supply stores are a good source). After completing the form, the plaintiff needs to bring **the original and four (4) copies** to the Trial Court Administrator's office to be issued. There is a fee of \$12.00 to issue the writ and the sheriff will also charge a separate service fee.

13. In order for a small claim judgment creditor to attach real property of the debtor, a judgment under \$3000.00 must be transcribed to the circuit court. Judgments over \$3,000.00 are automatically transcribed to circuit court. The cost to transcribe a small claims judgment to circuit court is \$14.00.

Once a judgment has been fully paid, it is the responsibility of the creditor to file a SATISFACTION OF JUDGMENT with the court. This form is available upon request.

For further information contact: Small Claims Department
Columbia County Courthouse, 230 Strand Street
St. Helens, Oregon 97051
Phone: 503-397-2327

Instruction Booklet - 02/06/08