

INSTRUCTIONS

Unless you check one of the alternatives listed on the front of this form, complete and sign the form, pay the required filing fee and file it with the court within 14 days of service of the Claim and Notice on you **(if the defendant is a public body and the plaintiff is an inmate, the defendant has 30 days)**, plaintiff may request default judgment. Plaintiff may then request that any property owned by you which is subject to be levied on be taken to satisfy the judgment. Please refer to ORS Chapter 46 for complete legal procedures regarding small claims actions.

PAYMENT OF CLAIM

If you admit the claim, you do not pay a filing fee to the court. You may settle it:

1. By paying to the plaintiff the amount of the claim plus the amount of the small claim fee and service expenses paid by the plaintiff and mailing proof of payment to the court, **AND/OR**
2. If the claim is for recovery of specific personal property, by delivering the property to the plaintiff and paying him/her the amount of the small claims fee and service expenses paid by the plaintiff, and mailing proof of that delivery and payment to the court.

DEMAND FOR A HEARING

1. If you believe you have paid this claim or do not owe all or any portion of it, you may pay the required filing fee and demand a hearing before a judge. Your case will then be referred to mediation prior to the hearing. You will receive notice of the mediation and hearing date by mail.
2. If you are unable to resolve your dispute in mediation, your case will proceed to hearing. The hearing is informal. Both plaintiff and defendant may offer testimony, bring witnesses and other evidence pertinent to the controversy. No attorney or person other than you, the plaintiff and witnesses may participate without the consent of the judge of the Circuit Court.
3. There is no appeal from decisions in the Small Claims Department.

COUNTERCLAIM

You may pay the required filing fee and file a counterclaim against the plaintiff if you believe he owes you money or holds specific personal property of yours as a part of the same controversy. The claim and counterclaim will be decided at the same hearing. If your counterclaim exceeds \$10,000 you must take steps to transfer the case to circuit court, plus pay a transfer fee and additional filing fee. The case will then proceed to mandatory arbitration.

DEMAND FOR A JURY TRIAL

If the plaintiff's claim is for more than \$750, you may demand a jury trial. You must pay the required filing fee and the \$150 jury trial fee at the time you file your answer and demand for trial.

FILING FEES

If you do not pay the required filing fee, your answer will be returned to you without being filed.

	Claims \$2,500 or less:	Claims \$2,500.01 to \$10,000:
Defendant, denying claim and demanding a hearing	\$50.00	\$90.00
Defendant, denying claim and demanding jury trial	See fee schedule under "Transfer"	See fee schedule under "Transfer"