

Jackson County Circuit Court  
100 S Oakdale, Medford, OR 97501

541-776-7171 ext 581

[www.courts.oregon.gov/jackson](http://www.courts.oregon.gov/jackson)

Please see the Jackson County Court web site for the current fee schedule and available forms. Filings fees may be paid by cash, money order, Visa or Master credit card, or check. Make check payable to the State of Oregon. Please type or print forms legibly.

Definitions:

Plaintiff: person(s) filing the claim  
Defendant: person(s) claim is against  
Creditor: person awarded a money judgment  
Debtor: person owing a money judgment

**How to File a Small Claims Case**

This is general information and a brief description of the court process. For further information see the legal resources section at the bottom of this document.

There will be a filing fee based on the amount of the claim. The maximum amount of claim allowed in small claims court is \$10,000.00.

If a business is involved, the owner's business name is required. If a corporation is involved, the name and address of the corporation's registered agent is required. For information on corporations, contact the Oregon Secretary of State Corporation Division in Salem Oregon at 503-986-2200.

Once the [CLAIM](#) form has been filled out, the appropriate filing fee paid and a response filed by the defendant, the court will set the case for a hearing.

**Service**

Each defendant must be served with the claim. The clerk's office will make the necessary copies for service. The claim may be served by:

- The Jackson County Sheriff, phone number 541-774-6834
- A private process server of your choice

Oregon Revised Statutes (ORS) under Chapter 46 and Oregon Rules of Civil Procedure (ORCP) Chapter 7 provides the following:

**[ORS 46.445 Notice of claim; content; service.](#)** (1) Upon the filing of a claim in the small claims department of a circuit court, the clerk shall issue a notice in the form prescribed by the court.

(2) The notice shall be directed to the defendant, naming the defendant, and shall contain a copy of the claim.

(3) The notice and claim shall be served upon the defendant either in the manner provided for the service of summons and complaint in proceedings in the circuit courts or by certified mail, at the option of the plaintiff. 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 mailing address of the defendant. 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 evidence of the date on which the notice and claim was served upon the defendant. If service by certified mail is not successfully accomplished, the notice and claim shall be served in the manner provided for the service of summons and complaint in proceedings in the circuit courts.

## ORCP Chapter 7.

D(2)(a) **Personal service.** Personal service may be made by delivery of a true copy of the summons and a true copy of the complaint to the person to be served.

D(2)(b) **Substituted service.** Substituted service may be made by delivering true copies of the summons and the complaint at the dwelling house or usual place of abode of the person to be served, to any person 14 years of age or older residing in the dwelling house or usual place of abode of the person to be served. Where substituted service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed, by first class mail, true copies of the summons and the complaint to the defendant at defendant's dwelling house or usual place of abode, together with a statement of the date, time, and place at which substituted service was made. For the purpose of computing any period of time prescribed or allowed by these rules or by statute, substituted service shall be complete upon such mailing.

**Personal Service:** Defendant(s) has 14 days from the date of service to file a NOTICE OF DEFENDANT'S ELECTION response form with the court or pay the claim to the Plaintiff.

**Substituted service:** Defendant(s) has 18 days following a substitute service mailing to file a NOTICE OF DEFENDANT'S ELECTION response form with the court or pay the claim to the Plaintiff.

### **Small Claims NOTICE OF DEFENDANT'S ELECTION Response Form Information**

To respond to a claim you must file a [NOTICE OF DEFENDANT'S ELECTION](#) response form with the Court. You have the option of requesting either a hearing or a jury trial. If requesting a jury trial, please see ORS 46.465(3). If filing a request for a jury trial the claim amount must exceed \$750.00. The maximum amount of a counterclaim in small claims court is \$10,000.00.

All defendants named on the claim must sign the response form. Husband and wife may file and sign one response form and pay one fee. Other named defendants must sign and file separate response forms and pay a separate fee.

### **General Information Regarding Hearings**

If a response is filed, cases involving residents of Jackson County are set for mediation. If mediation fails, the case will be set for trial before a judge.

All parties to the case will receive a notice of hearing or trial. The notice will include the date and time of the hearing or trial.

### **Default Judgment**

The plaintiff may request a default judgment if the defendant fails to file a response. The plaintiff must complete a [REQUEST FOR DEFAULT JUDGMENT](#) form and a [LIMITED OR GENERAL JUDGMENT](#) form to receive a money award.

### **Dismissal Judgment**

If prior to the hearing, the plaintiff and the defendant resolve the claim, the plaintiff must file a [MOTION AND GENERAL JUDGMENT OF DISMISSAL](#) form.

## **Collecting Judgments.**

Once the court enters a money award/ judgment, the creditor is entitled to payment. If the debtor does not pay you, there are options available including:

- Garnish wages: **Oregon Revised Statutes [18.660](#)**
- Garnish bank accounts: **Oregon Revised Statutes [18.660](#)**
- Execute on personal property: **Oregon Revised Statutes [18.252](#)**, or contact the sheriff's office for more information
- Property liens: **Oregon Revised Statutes [46.488](#)**

## **Attorneys are not allowed in small claims.**

**ORS 46.415 (4)** No attorney at law or person other than the plaintiff and defendant and their witnesses shall appear on behalf of any party in litigation in the small claims department without the consent of the judge of the court.

## **Appeals are not allowed in Small Claims**

**ORS 46.485 (4)** A judgment in the small claims department is conclusive upon the parties and no appeal may be taken from the judgment.

## **Legal resources:**

Law library at 100 S Oakdale, Medford, Oregon

Oregon Revised Statutes: [www.leg.state.or.us](http://www.leg.state.or.us)

Oregon Rules of Civil Procedures: [www.leg.state.or.us](http://www.leg.state.or.us)

**You must inform the court in writing of any address change.**

**The clerk's office cannot give you legal advice.**