

**IN THE CIRCUIT COURT OF OREGON FOR THE COUNTY OF LINN  
SMALL CLAIMS DEPARTMENT**

CASE NO: \_\_\_\_\_

**DEFENDANT'S ANSWER**

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff,

VS.

- At hearing, I will need an interpreter in the \_\_\_\_\_ language.  
 At hearing, I will need American's with Disabilities Act accommodations.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant.

Check ONLY ONE of the alternatives listed. Unless this completed form is returned to the Court within **14 days** from date of service, the **Plaintiff** may request a **DEFAULT JUDGMENT**.

**\*\*\*NOTICE: READ THE REVERSE SIDE FOR NECESSARY INSTRUCTIONS\*\*\***

1. \_\_\_\_\_ I hereby admit the claim of the Plaintiff, and  
A.( ) I have made full payment or arranged to make payment to the Plaintiff. The proof of payment is enclosed.  
B.( ) I have returned the demanded property to the Plaintiff. The proof of delivery is enclosed.

**NOTE:** If you select option 2 or 3: Enclose the Defendant's fee (claim is \$2500 or less, defendant's fee = \$53; claim exceeds \$2500, defendant's fee = \$95). **DO NOT MAIL CASH.** In some circumstances, the fees may be deferred, see FEE DEFERRAL FORM information below.\*

2. \_\_\_\_\_ I deny the claim of the Plaintiff, and I demand a hearing in the Small Claims Department.
3. \_\_\_\_\_ I demand a hearing in the Small Claims Department and I file a counterclaim against the Plaintiff as stated below. I declare this statement is true to the best of my knowledge.  
*I, Defendant, claim that on or about \_\_\_\_\_, the above named Plaintiff owed me the sum of \$\_\_\_\_\_.*  
*This is still owing for: \_\_\_\_\_*
4. \_\_\_\_\_ I hereby demand a jury trial. The amount of the claim exceeds \$750. Enclosed is the Defendant's fee of \$158.00. (**Note: You are required to designate a mailing address to which notice can be mailed**).

**THIS FORM MUST BE SIGNED BY ALL DEFENDANTS RESPONDING OR EACH MAY COMPLETE THEIR OWN ANSWER.**

<p>DATE: _____</p> <p><b>**Email Notification Consent:</b> By providing my email address I consent to receive notifications from the court by email instead of or in addition to other methods. I understand that if my email changes or if I choose to withdraw consent, I must notify the court in writing.</p>	<p>DEFENDANT'S SIGNATURE _____</p> <p><b>MAILING ADDRESS:</b> _____</p> <p>_____ PHONE _____</p> <p>Email address** _____</p> <p>DEFENDANT'S SIGNATURE _____</p> <p><b>MAILING ADDRESS:</b> _____</p> <p>_____ PHONE _____</p> <p>Email address** _____</p>
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\*FEE DEFERRAL FORM: If you are financially unable to pay the fees, you may request a deferral of filing fees. A form is available at the Circuit Court Clerk's Office or online (see reverse page). In order to have the claim legally answered within 14 days, your request for deferral must be approved by the Court and your answer or counterclaim filed within 14 days.

**Linn County provides mediation on small claims cases. The mediation orientation scheduled by the court requires mandatory attendance by all parties, though actual participation in the mediation process is voluntary.**

**SMALL CLAIMS DEFENDANT'S INSTRUCTIONS  
LINN COUNTY CIRCUIT COURT**

**READ THE FOLLOWING INFORMATION CAREFULLY:** UNLESS YOU CHECK ONE OF THE ALTERNATIVES LISTED ON *DEFENDANTS ANSWER* AND FILE THE *ANSWER* WITH THE COURT, ALONG WITH THE NECESSARY FEES (in some cases, fees may be deferred-see front of this form), **WITHIN 14 CALENDAR DAYS** AFTER SERVICE OF THE *NOTICE OF CLAIM* ON YOU, THE PLAINTIFF MAY REQUEST A **DEFAULT JUDGMENT**. THE PLAINTIFF MAY THEN REQUEST THAT PROPERTY OWNED BY YOU BE TAKEN OR LEVIED AGAINST TO SATISFY THIS JUDGMENT.

THE **CLERK CANNOT GIVE YOU LEGAL ADVICE OR COMPLETE FORMS**. For legal service, **consult an attorney** (the Oregon State BAR lawyer referral service telephone 1-800-452-7636).

Small claims proceedings are governed by Oregon Revised Statutes (ORS) 46.405 through 46.570. Forms for the proceedings are available in Room 107 of the Linn County Courthouse.

**PAYMENT OF CLAIM:**

- 1) If you admit owing the claim: you must make payment in full, including costs, to the **Plaintiff** (payment plans are between you and the plaintiff). **Submit proof of payment to the Court.**
- 2) If the claim is for specific property, you must make arrangements to deliver the property to the **Plaintiff**. Submit proof of delivery to the Court.

**DEMAND FOR A HEARING:**

- 1) If you believe that you do not owe all or any portion of this claim, you may demand a hearing before a Judge of the Linn County Circuit Court. You must enclose the defendant's fee as follows: if the amount claimed is \$2500 or less, the fee is \$53.00; if the amount claimed exceeds \$2500, the fee is \$95.00. **DO NOT SEND CASH** make checks or money orders payable to the **State of Oregon**. (In some situations, fees may be deferred--see front of this form.)
- 2) The Court will mail you a notice indicating the date and time of mediation orientation. If not resolved in mediation, case will be set for a hearing.
- 3) The hearing is informal. Both the **Plaintiff** and the **Defendant** may offer testimony, bring witnesses and other evidence pertinent to the controversy. No attorney may appear with either party without prior approval of the Court.

**COUNTERCLAIM:**

You may file a counterclaim against the **Plaintiff** if you believe that he/she owes you money or holds specific personal property of yours as part of the same controversy. If the counterclaim is \$10,000 or less, it will be heard at the same hearing. A counterclaim greater than \$10,000 is a circuit court civil matter and cannot be processed as a small claim. It is recommended that you consult with an attorney for more information on processing civil matters.

**NOTE: THERE IS NO APPEAL FROM A DECISION IN THE SMALL CLAIMS DEPARTMENT.**

**DEMAND FOR A JURY TRIAL:**

- 1) If the Plaintiff's claim is for more than \$750, you may demand a jury trial. You must file this *Answer* with the Court along with the circuit court fees of \$158.
- 2) The Plaintiff will be notified of your selection. The Plaintiff has **20 calendar days** to file a formal civil *Complaint* with the Court. If no *Complaint* is filed within 20 days, the Court will dismiss the case.
- 3) If a *Complaint* is filed by the Plaintiff, the amount requested is not limited to the amount of the Small Claim, but must involve the same controversy as the original claim. **The new *Complaint* is processed as a circuit court civil case and subject to civil case procedures.**
- 4) A copy of the *Complaint* will be served on you by mail. You have **10 calendar days** from the time the *Complaint* would be delivered to you in due course mail in which to answer the action. Further instructions will be noted on the *Summons* you will receive if a *Complaint* is filed.

For additional information you may contact the Oregon State BAR on-line at <http://www.osbar.org/public> or at 1-800-452-4776. For procedural questions, you may contact the Clerk of the Court. For legal advice, consult an attorney. **\*\*\*Fees are subject to change.** Contact the court or refer to the Court's web page for current fees at [http://courts.oregon.gov/OJD/docs/courts/circuit/Fee\\_Schedule\\_Public.pdf](http://courts.oregon.gov/OJD/docs/courts/circuit/Fee_Schedule_Public.pdf)

LINN COUNTY CIRCUIT COURT-SMALL CLAIMS DEPARTMENT  
PO BOX 1749 (300 SW 4<sup>th</sup>, Room 107)  
ALBANY, OR 97321-0491

Telephone: (541)967-3845

<http://courts.oregon.gov/Linn>