

SMALL CLAIMS DEPARTMENT

PLEASE READ THIS INFORMATION CAREFULLY. IF YOU DO NOT COMPLETE EACH STEP PROPERLY, IT COULD LEAD TO DISMISSAL OF YOUR CLAIM.

STEP 1 - FILING A SMALL CLAIMS:

- Please type or print all information clearly.
Plaintiff is the person filing the suit.
Defendant is the person being sued.
- 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. If that name is unknown, contact the Corporation Commission in Salem at (503) 986-2200.
- If the claim is \$1,500.00 or less, the filing fee is \$47.50.
If the claim is more than \$1,500.00, the filing fee is \$88.50.
The maximum claim for a Small Claims complaint is \$5,000.00.
The filing fee does not include fees for service.

STEP 2 - SERVICE TO DEFENDANTS:

- The Notice of Claim may be served in the following ways:
 - a) by certified mail
 - b) by private process server
 - c) by a person who is not a party to the action
- A certificate of service must be filed with the Court Records Office by whoever does the service, indicating the date of service and the name of the party served.
- After the Defendant is served, you will be notified in writing by the process server of the date of service upon the Defendant. The Defendant has 14 days to file an answer with the Court.
- The Defendant may proceed in one of the following ways:
 - a) Pay the claim. If paid to the Court, the money will be forwarded to you. If you are paid directly, or if you settle the claim with the Defendant, you must notify the Court in writing as soon as possible.
 - b) Demand a hearing or file a counterclaim. You will be notified by mail of the date and time for the hearing. If you are unable to be there, notify the Court immediately by calling 623-9266.
 - c) Demand a jury trial if the claim is over \$750. You will receive a notice to file a formal complaint. The formal complaint must be filed within 20 days of the Court's notice. The Court does not supply forms or samples. You may wish to contact an attorney to find out what you should do in this instance. Failure to file a formal complaint will result in dismissal of your claim.
 - d) Failure to answer your claim within 14 days. On or after the 15th day, you may file a Request for Judgment with the Court. The form is available in the Court Records Office. Answers will be accepted after the 14th day if a Request for Judgment has not been filed.

STEP 3 - COLLECTING ON A JUDGMENT:

The Court does not collect on judgments. You are responsible to collect the money owed to you. You may do any of the following:

- - a) Attach or garnish wages. You must have the name and address of the debtor's employer.
 - b) Attach or garnish bank accounts. You must have the name and address of the bank that the debtor uses to do this. A \$10.00 fee will be assessed by the bank.
 - c) Suspend the driver's license of the debtor. If the judgment is resulting from an automobile accident and at least 60 days have passed since the judgment was entered, you can do this. There may be fees assessed by the Department of Motor Vehicles.
 - d) Attach personal property. You may contact the Sheriff's Office at 623-9251 for fees and any other requirements.
 - e) Transcribe the judgment to the Circuit Court Lien Records. Filing fee is \$14.00. Judgments over \$3,000 are automatically liens against real property. Judgments from \$10 to \$2,999 must have a transcript of judgment. The judgment will then become a lien against any real property that the debtor owns in Polk County.
 - f) After you have collected the judgment, it is, by law, your responsibility to file a Satisfaction of Judgment. That form is available at the Court Records Office.
- **You must come to the Court Records Office to begin any of these proceedings and you will be required to pay fees for each of them. Any fees incurred trying to collect the judgment may be added to the judgment amount.**
- **Please have your court case number with you when contacting the Court.**