SMALL CLAIMS INSTRUCTIONS FOR INMATE PLAINTIFFS

DO NOT CALL THE COURT FOR HELP WITH THESE FORMS OR WITH YOUR CASE!

> If these instructions do not answer your questions, you can call the Oregon State Bar 503.684.3763, or go to *www.oregonstatebar.org*. The website *www.courts.oregon.gov* has several useful resources including links to the Oregon Revised Statutes and Oregon Administrative Rules. The court clerk cannot give legal advice.

Small claims are filed to resolve disputes without a lawyer. Court staff **cannot** give legal advice. You may talk to a lawyer at any time for help with your claim, but lawyers are not allowed to participate in small claims hearings without the judge's permission. For help finding a lawyer go to *www.oregonstatebar.org*. **Special rules apply if you are filing a claim against a public body as defined at Oregon Revised Statute (ORS) 30.260.**

- The amount claimed (including the value of property) must be $10,000 or less.
  - If you are claiming money and property worth *more* than $10,000, you cannot file a Small Claim. Go to *www.courts.oregon.gov*, or see a lawyer for advice.
  - Claims for *more* than $750 and up to $10,000 can be filed in *either* Small Claims or general civil court. Lawyers can represent you in general civil court.
    - If you are suing another inmate, you ***must*** file in general civil court. Do not use these forms. Contact a lawyer about filing a claim against an inmate.
  - Claims for $750 or less *must* be filed in Small Claims court. An exception allows these claims to be filed in general civil court *if* the law you are suing under specifically allows lawyer fees to be awarded. Talk to a lawyer for more information if you think you are entitled to recover lawyer's fees and want to file a claim for $750 or less in general civil court.
    - Talk to a lawyer if your claim is for $750 or less and the person you are suing is also an inmate.

- If you are filing the claim, you are the **plaintiff**; the party you are suing is the **defendant**. This does *not* change throughout the case.
  - You must include your Inmate ID number in the caption.
  - Include the name of the institution where you are being held in the 'address' section.
  - If one of the defendants is a public body (under ORS 30.260), mark that box under the defendant's name.

- You **must** make a "bona fide" (good faith) effort to collect your claim from the defendant before you file. Your claim form must include a statement under oath that you tried to resolve the issue before you filed a claim.

- To start a case, fill out the ***Small Claim and Notice of Small Claim*** form.
  - If you are asking for money damages, you must itemize and prove your actual loss. Guesses or rough estimates are not good enough. Written professional estimates may sometimes be appropriate, such as claims for repair costs to a home or vehicle.
    - Do not request a lump sum where itemized costs are involved. For example, do not claim "damage to my house: $4,000." Instead, list the individual costs –"Drywall repair $800; Plumbing replacement $1,000; Roof repair $2,000; Repainting $200."

- Fill in the party names on the ***Defendant's Response*** form. Fill in the Plaintiff and Defendant information on top of page 1.
- You **must** fill in the amount of the defendant's filing fees on the ***Notice*** page. Go to *www.courts.oregon.gov* to get the current defendant's filing fees.
- Your claim must include **your** filing fee. Go to *www.courts.oregon.gov* to get the current plaintiff's filing fee. *(See Page 3 for information about having your fees deferred or waived).*
- Send the *Claim and Notice* and *Response* forms to the court with your filing fees and a self-addressed, stamped envelope large enough to hold the documents. The court clerk will fill out the case number and send copies back to you for service on the defendant. (*see below for information about service*) You can also have someone bring the forms to the court on your behalf.

- **PRINT CLEARLY! Write all names *first, middle, last.***

- ALWAYS provide written updates to the court if your contact information changes.

WHERE DO YOU FILE?

You must file your claim in the court for the **county** where either:

- At least one defendant is located at the time you file this claim **OR**
- The damage, claim, or injury occurred **OR**
- The defendant was supposed to perform an act under the contract (if your claim is based on a contract).

WHO SHOULD YOU NAME AS A DEFENDANT?

When you file a claim, the names of all defendants ***must*** be complete and correct. Use the name the defendant used at the time your claim first arose. For example, if your contract is with "Easy Pay Way" but it is now out of business and you are suing the owners, name BOTH Easy Pay Way *and* the owners John Smith and Angela Smith.

You may name as a defendant:

- An individual person (be sure the spelling is correct and use full, formal names – use "John Smith and Angela Smith" instead of "Mr. & Mrs. Smith")

- An individual "Doing Business As" a different name (you must use both the individual's name **and** write "dba [the other name]," *see next section*)

- A corporation (you must also have the name of the Registered Agent, *see next section*). Call the Oregon Corporation Division at 503.986.2200 or go to *www.filinginoregon.com* to get this information. Be sure you have the full, proper name and any initials of the corporation (like "Inc." or "LLC")

It is up to you to get this information. The court cannot do it for you.

Filing a Small Claim FOR a Business or AGAINST a Business

If you are filing a claim against a business, check with the Oregon Corporation Division at 503.986.2200 or *www.filinginoregon.com* for both corporation and Assumed Business Name records.

- **IF THE DEFENDANT IS A COMPANY** (Inc., LLC, PC, etc.)

Use the full company name and address, and include the name and address of the Registered Agent for the company. The Registered Agent is the person who will actually be served with the copy of

your claim. All companies must have a registered agent for this purpose. You must serve the proper Registered Agent or your service will not be complete.

EASY PAY WAY, INC. 654 6th Ave Hillsboro, OR 97123	Serve Registered Agent: John Brown 711 Bank Building Portland, OR 97225

- **IF THE DEFENDANT USES AN ASSUMED BUSINESS NAME (dba) - LIKE A PARTNERSHIP**

Name all the partners that you know of "dba (doing business as) [the business name]" as defendants. You must serve each partner (also called a "party of interest" or "owner") with a copy of the claim and a ***Response*** form.

John Way & Carol Smith **dba** WAY'S EASY PAY 654 6th Ave Hillsboro, OR 97123	Be sure you clearly show where each partner is to be served

- **IF THE DEFENDANT IS A COMPANY WITH AN ASSUMED BUSINESS NAME**

The company name becomes the owner or party of interest, and you must serve the claim on the Registered Agent of the company.

EASY PAY WAY, INC **dba** Way's Easy Pay 654 6th Ave Hillsboro, OR 97123	Serve Registered Agent: John Brown 711 Bank Building Portland, OR 97225

- **IF THE DEFENDANT IS A PUBLIC BODY**

"Public Body" is defined at ORS 30.260 and means more than than just government agencies. If any defendant is a public body, use the full name of the defendant. Do NOT use acronyms like "DOC" – spell out "Oregon Department of Corrections." If you are suing an agency, make sure you use the *current* name of the agency. If the agency used a different name at the time of the event that you are suing about, then include a note with the former name: "Current Agency Name (*formerly* Prior Agency Name)."

- **IF THE PLAINTIFF IS A COMPANY**

Follow the same rules about names if you are filing a claim *for* a business. If you are a company, show your full corporation name as the plaintiff. If you are a partnership or a sole proprietorship, name the owner or owners "dba [your assumed business name]."

FEES

The **filing fee** may be paid by cash, credit or debit card, or by check or money order made payable to the State of Oregon. Go to *www.courts.oregon.gov* for filing fee information.

You must pay the **service fee** separately to your process server or servers (*see below*). If you use a sheriff to serve defendants in different counties, write a separate check to the sheriff of each county where a defendant will be served.

If you cannot pay the filing fee, you can fill out a *Fee Deferral or Waiver Application and Declaration*. If your fees are waived you do not have to pay. If your fees are deferred you will have to pay according to the court's instructions. If you are suing a public body you must include a certified copy of your inmate trust account statement for the 6 months prior to filing your claim. The statement must be certified correct by an official at each institution where you were during that time. See ORS 30.643 for more information.

HOW DO YOU "SERVE" THE OTHER PARTY?

The plaintiff must officially notify all defendants that a case has been filed. This is known as service. **Important Note:** If you are suing the Department of Corrections or any other state agency, you MUST serve BOTH the agency *and* the Attorney General. You must also send copies of anything you file to the Attorney General *(see below for information about service)*.

Acceptance of Service – You can ask a defendant to sign an ***Acceptance of Service*** form as an alternative to formal service. The defendant can accept the claim and other papers and sign the form to prevent having a sheriff or process server perform service. Signing the ***Acceptance of Service*** does *not* mean the defendant agrees with anything in your claim, only that he or she received the papers. NOTE: this is NOT required.

If the defendant does not want to sign the ***Acceptance of Service***, you must use another method. There are four ways you can serve a defendant *after* you file your claim:

NOTE: **Serving Public Bodies** – If you are suing the state, use personal service to serve the Attorney General. Or your server can leave the papers with a deputy, assistant, or clerk at the Attorney General's office. For any other public body, you can use personal service or office service on an officer, director, managing agent, or lawyer for the defendant. If you are suing any state agency, you must *also* serve all papers on the state Attorney General.

1. **Personal Service:**
   a. By Process Server: Send a copy of the claim to the sheriff's office in the county where the defendant is located and have a sheriff's officer serve the defendant. The sheriff's office charges a fee for service. You can also hire a private process server of your choice.
   b. By a Non-Party: Have a competent* person 18 years or older who is a resident of Oregon **and who is neither a party** to the case (plaintiff or defendant), **nor** the lawyer of a party, serve the defendant. If you have safety concerns, have the sheriff serve the defendant. The server cannot be an employee or director/ officer of any defendant. If the defendant is not in Oregon, the process server can be a resident of the state where the defendant is.

*competent means a person who can understand, remember, and tell others about an event.

A ***Certificate of Service*** must be filed with the court by whoever serves the defendant, including the date of service and the name of the person served.

2. **Substituted Service:** The process server may leave the notice at the defendant's residence (where the defendant normally lives) with someone 14 or older who lives there. A copy of the claim (with a statement of the date, time, and place that the papers were served) must also be mailed to the defendant by first class mail. Your process server can do this and mark the appropriate box on the ***Certificate of Service***. If you do the mailing, you must file a ***Certificate of Service Mailing*** with the court. The date of service is the day you put the first class mailing in the mail.

3. **Office Service:** The process server may leave the papers with someone *in charge* of the defendant's office or normal workplace. A copy of the claim (with a statement of the date, time, and place that the papers were served) must also be mailed to the defendant by regular first class mail. Your process server can do this and mark the appropriate box on the ***Certificate of Service***. If you do the mailing, you must file a ***Certificate of Service Mailing*** with the court. The date of service is the day you put the first class mailing in the mail.

4. **By Mail:** You must do **TWO** things to serve by mail. First, send the claim to each defendant's home or business address by first class mail. Second, send a copy by certified mail, return receipt requested, Restricted Delivery (delivery only to the addressee). You **must** file proof of service with the court, including the signed green card, date of receipt and item number along with a ***Certificate of Service***. Fill out section (d) – "Service by Mail." If you do not receive the green card back, or if someone other than the defendant signed for it, service by mail was not effective and you must try another type of service. The date of service is:
    a. If the defendant is an individual, the day the defendant signs the green receipt card
    b. If the defendant is *not* an individual (for example, a business or public agency), then the earlier of:
        i. *(if mailed to an Oregon address)* 3 days *after* you put the first class mailing in the mail ***or***
        ii. *(if mailed outside of Oregon)* 7 days *after* you put the first class mailing in the mail

**An original proof of service for each defendant must be filed with the court for your case to proceed. If proof of service is not received the time set by the court where you file, your case may be dismissed. See the court's Supplemental Local Rules or call the court for the time limit.

THE DEFENDANT CAN …

Pay the Claim within 14 days of receiving service (30 days for a public body). This includes your court fees and costs. Payment should come directly to you. Defendant may provide proof to the court that the claim is paid, and you may file a notice with the court to dismiss your claim. You are free to settle with the defendant for any amount at this point. If you are suing to get property back, the defendant can return the property to you.

Or

Deny the Claim – A defendant who does not agree with any part of your claim can file a response within 14 days of service (30 days for a public body) denying the claim and requesting a hearing or jury trial. Defendants may also file claims against you called "counter-claims." Counter-claims must be related to the transaction or event that your claim is about. Jury trials are available only if the amount of *either* the claim *or* counterclaim is over $750.

If the defendant denies the claim, you will be notified by mail of the date and time to appear for a hearing. If you cannot appear at the time set, you must give a good reason *in writing* to the court at least **14** days before the hearing date. You are responsible for making arrangements with your institution and the court to appear by video or telephone.

If the defendant demands a jury trial, you must file a formal complaint within 20 days after the court sends you notice to do so. If you don't, the case will be dismissed and you may have to pay the defendant's fees plus a prevailing party fee. Be aware that additional fees will be due from you. You should see a lawyer. The court does not provide forms or samples of formal complaints.

IF THE DEFENDANT DOES NOT RESPOND

If the defendant does not file a response within 14 days of the date of service (30 days for a public body), you can ask the court to grant you a default judgment. This means that you win because the defendant did not respond. You must file a request for default judgment with the court within a

certain number of days from the *date of service*, or your case may be dismissed. You may have to re-file your claim and pay filing fees again if this happens. See the court's Supplemental Local Rules, or contact the court for time limits.

For public body defendants – you must send a notice of your intent to apply for default to the defendant before filing for default. For state agencies you must also send a copy of the notice to the Attorney General. The court cannot issue a default less than 10 days from the day you serve the notice on the defendant (and the Attorney General if necessary). You must formally serve this notice according to Oregon Rule of Civil Procedure 9. You must also file a proof of service with the court.

Fill out the ***Motion for Default Judgment & Defendant Status Declaration***, and complete a ***Small Claim General Judgment***. File both with the court clerk. The prevailing party fee is listed at ORS 20.190.

If you request more than 9% post-judgment annual interest, you must provide the court with a copy of the contract at the time you request a Default Judgment.

You must provide a *Declaration of Non-Military Service* before the court can order a default judgment if you are suing a person. This is part of the ***Motion for Default Judgment***. If the defendant is in active military service, you cannot get a default judgment unless the servicemember has waived protection under the Servicemember's Civil Relief Act. This federal law starts at 50 U.S.C. App 501. Your local law librarian can help you find it, or go to *www.law.cornell.edu*[*] (under *Legal Resources* click *U.S. Code*, then click *Appendix to Title 50*). This law has strict rules about what "active military service" means, and it covers servicemembers' spouses and children if they are affected by the defendant's service. This protection does not apply to all servicemembers at all times.

If the defendant is in the military, you should see a lawyer before trying to get a default judgment. If a default is not done properly, the defendant can re-open the case after returning from service. **Be aware** that if you knowingly make false statements about the defendant's status, you may face both federal and state penalties.

If you know the defendant is *not* in the military, you must state *facts* that explain how you know. Some things that are *not* supporting facts are: he has long hair, he has problems with authority, she does drugs, she's too old, or he is not a U.S. citizen.

If you have the defendant's Social Security Number and date of birth, you can go to the Department of Defense's website at *www.dmdc.osd.mil/appj/scra/scraHome.do* to find out if the defendant is in active service. This site can give you a free statement of service status that you can print out (called a "certificate of service" on the website). Attach this statement, or a printout of the screen (by pressing the "print screen" button on your keyboard), to your motion. You can also call 571.372.1100 for military verification. Put the date and the name of the person you spoke with on your motion. If you don't have the Social Security Number or date of birth, commercial websites may be able to provide information.

If you don't know whether the defendant is in the military and have checked the website, or don't have the necessary information, mark "I am unable to determine whether this person is in military service" and add any facts that you *do* know. The judge will decide whether to grant the default.

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[*] *This is an outside site maintained by Cornell University. The Oregon Judicial Department is not responsible for any information on this site. Links many have moved.*

YOU ARE STRONGLY ADVISED TO TALK TO A LAWYER IF DEFENDANT IS IN THE MILITARY! Contact the Oregon State Bar at the number on Page 1 for help finding a lawyer.

* * * * *

The court will send you a notice telling you whether your default was granted.

MEDIATION

Many courts have mediation programs for small claims. Some may require mediation before a judge will hear your case. If a defendant files a response denying the claim or making a counterclaim against you, the court may schedule mediation for *both* parties. Mediation is confidential.

Mediation has many benefits:
Mediation brings all of the parties together to discuss the dispute with a trained, neutral mediator. Mediation offers a last chance to maintain control over the outcome of the dispute before turning it over to a judge. Remember, no matter how right you think you are, you may not win the case.
A mediated agreement is enforceable once a judgment is entered.

If mediation is unavailable or if you are unable to resolve the dispute through mediation, a trial will be set. Be prepared to present your case at the date and time on your notice of trial.

PREPARING FOR TRIAL

Exhibits – If you have any exhibits such as documents or photographs, you are responsible for sending them to the court *in advance* of your trial date so that the court has them at the time of trial. You must send copies of anything you send to the court to each defendant.

Small claims trials are informal so that the parties can handle their own cases. Lawyers *cannot* appear without special permission of the court. Note that the State has the right to be represented by attorneys. The plaintiff first, and the defendant second, will present sworn testimony, evidence, and witnesses to the judge. The judge is only interested in *facts*. Your testimony should be brief and to the point. You may use written notes, but do not expect the judge to read a written statement.

You, as the plaintiff, must prove your case. The defendant must prove any counterclaims (counterclaims are claims the *defendant* has against *you*. They are NOT defenses to *your* claims against the *defendant*). Be prepared with factual evidence like receipts, a written contract, police reports, witnesses, etc. You do *not* have the right to be transported to court for trial. You are responsible for arranging with your institution and with the court to appear by video or telephone.

Have the following ready to support your claim:
Records, documents, bills, original contracts, photos, written repair estimates, etc. You must send copies to the court and the defendant in time for everything to arrive before your trial.

COURTROOM RULES:

**Appropriate dress is required.*
**You are required to act in a dignified and respectful way toward all parties in the courtroom.*
**Misconduct or noise that disrupts the court process may be punishable as Contempt of Court.*
**Proceedings may be recorded. Profane or inappropriate language may be punishable as Contempt of Court.*

Once your trial is over, the judge will make a decision. You could:

- Lose the case. You cannot collect money from the defendant if you lose.
- Win the full amount of your claim.
- Win some of your claim, but not all of it.

- Win either the full amount or some of the amount, and lose against a defendant's counterclaim.
  - Generally, if you and the defendant both asked for money, the amount you lost (counterclaims) will be subtracted from the amount you won.
  - If the counterclaim is for *more* than you won, then you may win your claim, but still have to pay the defendant money. For example, if you claim $100 and the counterclaim is for $150 and the judge decides that you both win, then you will have to pay the defendant $50 ($150 counterclaim - $100 claim = $50).

The judge will tell you who has to fill out the ***Judgment*** form. Then the *Judgment* form has to be given to the judge to sign. This form says how much the judgment award is for, and who gets paid (if anyone).

The "judgment creditor" is the person who gets paid, and the "judgment debtor" is the person who has to pay.

The party who wins is the prevailing party. The prevailing party may be entitled to additional money called a 'prevailing party fee'. The judge may tell you how much the fee is, or you can look it up at ORS 20.190. Write that amount in the "prevailing party fee" box.

NOTE: There is NO APPEAL from a Small Claims judgment. The judge's decision is *final*.

HOW TO COLLECT AFTER JUDGMENT

Demand Letter

Once you receive your notice that the judgment was entered, you must send the defendant a written demand for payment. This letter must be sent by certified mail, return receipt requested.

Keep a copy of the demand letter and the receipt card showing the recipient's signature. Your demand letter should say that you are making a demand for payment and give the debtor the total balance due and a deadline (usually 10 – 30 days). The judgment will give you the total amount the court entered as due to you.

If you are still not paid after sending the demand letter, several options are available to you. Go to *www.courts.oregon.gov* for more information.

SATISFACTIONS

A "Satisfaction" is a form that tells the court that your judgment has been paid (satisfied). You MUST file a ***Satisfaction of Judgment*** when you have received full payment on the money award portion of your judgment. You may also file a *Satisfaction of Judgment* anytime you receive a payment. A "partial satisfaction" means you have received payment, but not the full amount. A "full satisfaction" means the judgment is paid in full. You must also send a copy of the *Satisfaction of Judgment* to the other party. *Satisfaction of Judgment* forms are available online or at the court, and there is no fee to file this form. Satisfactions must be **notarized**.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Small Claims Department

_____	)	
	)	
_____	)	**Case No:** _____
Plaintiff	)	
	)	
(Inmate ID #, if applicable, _____)	)	
v.	)	**SMALL CLAIM AND NOTICE OF SMALL CLAIM**
_____	)	
	)	
_____	)	Filing fee at ORS 46.570
Defendant	)	
☐Defendant is a public body	)	

PLAINTIFF (☐Additional on attached page)

_____
Name

_____
Street

_____
City / State / Zip

_____
Phone County

DEFENDANT (☐Additional on attached page)

_____
Name (enter Registered Agent, if necessary, on next page)

_____
Street (do not use a P.O. Box)

_____
City / State / Zip

_____
Phone County

I, Plaintiff, claim that on or about *(date)* _____, the above-named defendants owed me the sum of $_____ because _____

_____

_____

_____

_____

_____

_____

_____

_____, and this amount is still due.

I have paid (or will pay):

filing fees of $_____

and service costs of $_____

Claim	$_____
+ Fees	$_____
+Costs	$_____
TOTAL	$_____

DECLARATION OF BONA FIDE EFFORT

I, Plaintiff, have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

Date

Plaintiff Signature

Plaintiff Name (print)

DEFENDANT'S REGISTERED AGENT:

Name

Street (do not use a P.O. Box)

City / State / Zip

Phone

County

NOTICE TO DEFENDANT:

READ THESE PAPERS CAREFULLY!

Within **14 DAYS*** after receiving this notice you ***MUST*** do ***ONE*** of the following things in writing:

- Pay the claim plus filing fees and service expenses paid by plaintiff (send payment directly to the plaintiff, not to the court) **OR**
- Demand a hearing and pay the fee required (below) **OR**
- Demand a jury trial and pay the fee required (below). This option is available **only** if amount claimed is more than $750.

If you fail to do one of the above within 14 DAYS* after you get this notice, the plaintiff may ask the court to enter a judgment against you. The judgment will be for the amount of the claim, plus filing fees and service costs paid by the plaintiff, plus a prevailing party fee. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Servicemembers Civil Relief Act.

COURT NAME / ADDRESS / PHONE #
>
>
>

Defendant's Filing Fees *(must be filled in by the PLAINTIFF)***:**

(1) To demand a hearing if the amount claimed is $2,500 or less $ _____
(2) To demand a hearing if the amount claimed is more than $2,500 $ _____
(3) To demand a jury trial (only if amount claimed is over $750) $ _____

If you have questions about filing procedures, go to *www.courts.oregon.gov* for information and instructions, or you may contact the court clerk. The clerk *cannot* give you legal advice about the claim.

***NOTE:** If the plaintiff is an inmate (ORS 30.642) AND the defendant is a government agency or other public body (ORS 30.260), the defendant must respond within **30 days** after receiving this Notice.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Small Claims Department

_____	)	
	)	**Case No:** _____
_____	)	
Plaintiff	)	**SMALL CLAIMS**
v.	)	**AGREEMENT**
_____	)	
	)	
_____	)	
Defendant	)	

Agreement. The parties agree to the following terms:

_____

_____

_____

_____

_____

If either party does not comply with the terms of this agreement, the other party may file a Declaration of Noncompliance and a General Judgment will be entered against the noncomplying party.

Submitted by:_____ {☐Plaintiff ☐Defendant}

_____	_____
Plaintiff Signature Date	Defendant Signature Date
_____	_____
Plaintiff Name (printed)	Defendant Name (printed)

Agreement accepted and entered into court record

_____	_____
Date	Circuit Court Judge Signature
	_____
	Circuit Court Judge Name (printed)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY
Small Claims Department

_____ Plaintiff	)	**Case No:** _____
v.	)	**DECLARATION OF NONCOMPLIANCE AND REQUEST FOR JUDGMENT**
_____ Defendant	)	

Attach a completed Small Claims General Judgment *and* ***Small Claims Agreement***

I, *(name)* _____, signed a ***Small Claims Agreement*** on *(date)* ____ _____with *(other party's name)* _____. A copy of the agreement is attached.

*(Print other party's name)*_____ has not complied with (followed) the agreement. *Explain* _____
_____
_____
_____

I did not prevent the other party from complying with the agreement.

I request judgment against *(name)*_____ for $_____, which includes

1. Money Award $	2. Prejudgment Interest $
3. Costs & Service Expenses $	4. Attorney Fees $
5. Prevailing Party Fee (listed at ORS 20.190) $	

Plus Postjudgment interest on the amount in sections 1 and 2 at the rate set by ORS 82.010(2) (or _____% by agreement of the parties), and in sections 3, 4, and 5 at the rate set by ORS 82.010(2)

- Instead of or in addition to a money award, I request judgment for the following terms: _____
_____
_____

On *(date)*_____, I mailed a copy of this request to the person I request judgment against at *(address)*_____

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Dated _____

_____
Signature

_____
Print Name

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Small Claims Department

_____	)	
_____	)	**Case No.** _____
Plaintiff	)	
v.	)	**MOTION FOR DEFAULT JUDGMENT**
_____	)	**AND**
	)	**DEFENDANT STATUS DECLARATION**
_____	)	
Defendant	)	

Attach Completed Small Claims General Judgment Form

I, *(name)* _____, request a default judgment against *(name)* _____for:

1. A money award	$
2. Prejudgment interest	$
3. Costs and service expenses	$
4. Prevailing party fee (ORS 20.190)	$

Total judgment award:

$_____

I request the following terms in addition to or instead of a money award:

☐ postjudgment interest at the statutory rate (or _____% per year by agreement of the parties *(attach copy of agreement)*)

☐ other (describe property requested): _____

_____

I certify that:

1. The above-named defendant was properly served with a copy of the claim and failed to pay or deny the claim within 14 days;

and

2. The person I request judgment against is not a minor, a protected person, a respondent, or incapacitated, as these terms are defined in ORS 125.005;

and

☐ is in active military service. A signed waiver is attached *(attach signed SCRA waiver)* ***(or)***

☐ is not in active military service* ☐ Certificate of Service or printout from Dept. of Defense website attached *(or) describe facts that support this statement* _____

_____

☐ I am unable to determine whether this person is in military service. *Describe reason* _____

_____

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

_____ _____
Date Signature

_____
Name (print)

*Certain members of the military may be protected by the Servicemembers Civil Relief Act (SCRA) (50 U.S.C. App. 501 to 596). You cannot get a default judgment against a member of the military who is protected by this law unless other legal steps are followed or the defendant signs a waiver. Talk to a lawyer if you have concerns.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY
Small Claims Department

_____	)	**Case No:** _____
	)	
_____	)	**SMALL CLAIMS JUDGMENT**
Plaintiff	)	☐ **AND MONEY AWARD**
v.	)	☐ General ☐ Limited ☐ Supplemental
_____	)	
	)	
_____	)	Submitted by: _____
Defendant	)	☐Plaintiff ☐Defendant

The court grants judgment **for** _____ ("judgment creditor") and **against** _____ (" judgment debtor").

- In addition to or instead of a money award, the following provisions are ordered:

_____

MONEY AWARD

1. Judgment Creditor: _____
   (name, address)
   a. Judgment Creditor's lawyer _____
   (name, address, phone number)
   ☐Additional information attached, titled "Additional Judgment Creditors"

2. Judgment Debtors ☐Additional information attached, titled "Additional Judgment Debtors"

Name		
Address		
Year of Birth		
SSN (last 4 digits) or full Tax ID		
Driver License # (last 4 digits) & State		
Lawyer Name		

3. No person or public body other than Judgment Creditor and Judgment Creditor's lawyer is entitled to any part of this money award EXCEPT: _____

4. The total amount awarded by this judgment is $_____, which includes:

1. Money Award $	2. Prejudgment Interest $
3. Costs & Service Expenses $	4. Attorney Fees $
5. Prevailing Party Fee (listed at ORS 20.190) $	

Plus Postjudgment interest on the amount in sections 1 and 2 at the rate set by ORS 82.010(2) (or _____% by agreement of the parties), and in sections 3, 4, and 5 at the rate set by ORS 82.010(2)

_____ _____
Date Circuit Court Judge or Court Clerk

_____
Print Name

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF _____

_____,	)	
Petitioner/Plaintiff,	)	**Case No.** _____
	)	
v.	)	☐ Petitioner/Plaintiff
	)	☐ Respondent/Defendant
_____,	)	**APPLICATION FOR DEFERRAL**
Respondent/Defendant.	)	**OR WAIVER OF FEES**

I am asking for deferral or waiver of fees in this case because I am unable to pay all or part of the fees. The following information is complete and accurate to the best of my knowledge. I understand that I may be required to provide documentation verifying this information. I understand that failure to do so could result in my request being denied.

You must complete the attached Declaration for Deferral or Waiver of Fees with this application. The declaration is designed to prove to the court that you do not have sufficient financial resources to pay the fees.

1. I am applying for deferral or waiver of the following fees (check one box only):

☐ Filing Fee Only ☐ Filing Fee(s) + Sheriff's Service Fee*****
☐ Hearing Fee(s) ☐ Arbitration Fee(s) ☐ Other (describe):
☐ Motion Fee(s) ☐ Trial Fee(s) _____

*****Papers may be served by any competent person that is at least 18 years of age; a resident of Oregon or the state where service is made; and is not a party to the case or a party's attorney, employee, officer, or director. If you are requesting a deferral or waiver of the sheriff's service fee, please explain why you cannot find another qualified person to serve the papers instead of the sheriff:

_____

_____

2. I declare that (check one of the boxes below):

☐ I am receiving assistance from the following programs (check all that apply):

☐Food Stamps (SNAP)* ☐Oregon Health Plan with Limited Drug
☐Oregon Health Plan Standard ☐Supplemental Security Income (SSI)
☐Oregon Health Plan Plus ☐Temporary Assistance to Needy Families (TANF)

If you checked the above box, you must be prepared to show proof that you are receiving assistance from the program. *(SNAP – Supplemental Nutrition Assistance Program).

☐ Even though I am NOT receiving assistance from any of the above programs, I am still unable to pay the fees.

3. If the court defers fees, I understand that:

   a. The fees are an obligation owed by me to the State of Oregon and that the court may place me on a payment schedule. I agree to pay the fees according to the payment schedule. If I fail to pay according to the payment schedule, the total amount of the unpaid fees are due immediately.

   b. The court may enter a judgment against me for the unpaid amount of the fees that are deferred and the judgment will be enforced without regard to the outcome of the case.

   c. If the court establishes a payment schedule or refers a judgment for collection, the law allows administrative and collection costs to be automatically added to the judgment without further notice to me or further action by the court.

4. I understand that if the clerk denies my application, I have the right to ask a judge to review my application.

_____	_____
Date	Signature of Applicant
	_____
	Name of Applicant (printed or typed)

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF _____

_____, Petitioner/Plaintiff,	)	**Case No.** _____
v.	)	☐ Petitioner/Plaintiff ☐ Respondent/Defendant
_____, Respondent/Defendant.	)	**DECLARATION FOR DEFERRAL OR WAIVER OF FEES**

(TO BE COMPLETED BY APPLICANT IN ITS ENTIRETY INCLUDING "N/A" or "0" WHEN APPROPRIATE)

ACCESS TO THIS DOCUMENT IS RESTRICTED PURSUANT TO THE COURT'S POLICY TO PROTECT THE PERSONAL PRIVACY INTERESTS OF PARTIES

1. PERSONAL

Full Name of Applicant _____
FIRST NAME MIDDLE NAME LAST NAME

Residence Address _____
STREET ADDRESS CITY STATE ZIP

Mailing Address (if different) _____
ADDDRESS CITY STATE ZIP

Telephone Number _____ *SSN _____ ODL/ID _____ Marital Status _____

*I am providing my Social Security number on a voluntary basis. I understand that I cannot be compelled to provide it or be denied consideration solely for failure to provide it. It may be used to verify my identification, credit and employment information, and for collection purposes of court imposed monetary obligations.

Names and ages of legal dependants living in household:

Name	Age	Name	Age
_____	_____	_____	_____
_____	_____	_____	_____

2. EMPLOYMENT AND INCOME

Your Employment and Income

☐ Currently Employed ☐ Not Currently Employed How long since last employment? _____

Employer Name (use previous employer if not currently employed) _____

Employer Address _____ Work Phone _____

Occupation (job title) _____ Length of Employment _____ Amount of Last Paycheck $_____

Hourly Wage $ _____ Hours Per Week _____ Monthly Income: Gross $_____ Net (after taxes) $_____

Household Members' Employment and Income

☐ Currently Employed ☐ Not Currently Employed How long since last employment? _____

Employer Name (use previous employer if not currently employed) _____

Employer Address _____ Work Phone _____

Occupation (job title) _____ Length of Employment _____ Amount of Last Paycheck $_____

Hourly Wage $ _____ Hours Per Week _____ Monthly Income: Gross $_____ Net (after taxes) $_____

Adverse Party's Employment and Income

☐ Currently Employed ☐ Not Currently Employed How long since last employment? _____

Employer Name (use previous employer if not currently employed) _____

Employer Address _____ Work Phone _____

Occupation (job title) _____ Length of Employment _____ Amount of Last Paycheck $_____

Hourly Wage $ _____ Hours Per Week _____ Monthly Income: Gross $_____ Net (after taxes) $_____

Any other income for you, household members, or dependants (for example: Social Security, food stamps, unemployment, retirement, public assistance, child support, workers' compensation, disability, tribal benefits, etc.):

Source of Income (describe)	Amount	How long received?	How often received?
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____

3. MONTHLY LIVING EXPENSES

Rent/Mortgage $_____	Gas $_____	Electric $_____	Vehicle Payment $_____
Credit Card Payment $_____	Water $_____	Sewer $_____	Vehicle Insurance $_____
Child Support Payment $_____	Trash $_____	Phone $_____	Transportation Costs $_____
Court Fines $_____	Medical $_____	Food $_____	Cable TV $_____
Cell Phone $_____	Data Plan $____	Internet $_____	Other _____ $_____

Any other individuals who help pay your living expenses:

Relationship	Amount	Payment for what (describe)?
_____	$_____	_____
_____	$_____	_____

4. MONEY ON HAND / IN BANK

Cash $_____

Checking Account Number _____	Bank/Credit Union _____	Balance $ _____
Savings Account Number _____	Bank/Credit Union _____	Balance $ _____
Other Account Number _____	Institution _____	Balance $ _____

5. MOTOR VEHICLES

Year, Make, and Model	Value	Amount Owing	Payments made to:
_____	$_____	$_____	_____
_____	$_____	$_____	_____

6. REAL ESTATE

Address (include city and state)	Year Purchased	Purchase Price	Value	Amount Owing	Payments made to:
_____	_____	$_____	$_____	$_____	_____
_____	_____	$_____	$_____	$_____	_____

7. ALL OTHER PROPERTY OR ASSETS (for example: ATVs, RVs, boats, guns, jewelry, livestock, etc.):

Description	Value	Description	Value
_____	$_____	_____	$_____
_____	$_____	_____	$_____
_____	$_____	_____	$_____

8. MONEY OWED TO YOU BY OTHERS (for example: tax refunds, judgments, trust funds, settlements, etc.):

Name of Debtor Owing You Money	Amount Owed	Date Expected
_____	$_____	_____
_____	$_____	_____

9. ARE YOU SEEKING AN AWARD OF TEMPORARY CHILD AND/OR SPOUSAL SUPPORT?

☐ Yes If so, how much? $_____

☐ No

10. LIQUIDATION OF ASSETS

If you are unable to sell or liquidate your assets, please use this space to explain why: _____

_____

_____

11. OTHER INFORMATION YOU WANT COURT TO CONSIDER

_____

_____

_____

_____

Have you retained an attorney, or do you plan to do so to represent you in this matter? _____

If so, who is your attorney? _____

Have you paid your attorney money? Yes / No (circle) If so, how much? $_____

Is there a contingency fee agreement? Yes / No (circle)

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

_____ _____

Date Signature of Applicant

_____

Name of Applicant (printed or typed)