After the Hearing

The Judge will ordinarily give a ruling at the time of hearing, but may take the case under advisement and issue a written ruling through the mail. If there is an immediate ruling both parties should collect your exhibits from the clerk; otherwise you must collect them from the court within 30 days after the Judgment or they will be destroyed.

If the landlord wins the tenant must move out immediately. If the tenant does not immediately move the landlord can get the help of the Sheriff to remove the tenant and all others from the premises. The Judge will not extend this time unless the parties agree, and cannot consider the inability to pay rent in cases where failure to pay rent is involved. If the tenant wins he/she will be allowed to remain on the premises.

The losing party will generally be ordered to pay court costs of the other party, including the winning party's attorney fees, regardless of whether they are themselves represented by an attorney.

It is the responsibility of the winning party to collect on the judgment.

The Judge or court staff cannot tell you how to collect from another party.

Internet Web Resources

- http://courts.oregon.gov/Umatilla/
- http://www.osbar.org/public/legalinfo/courts.html

Disclaimer*

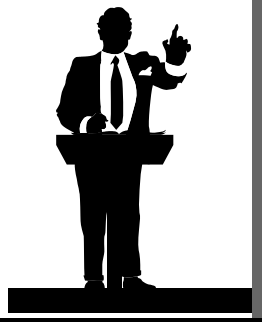
Nothing in this brochure is legal advice. If you have questions you should see an attorney. The Judge and court staff are prohibited by law from giving legal advice. The Oregon State Bar Lawyer Referral Service telephone number is 1-800-452-7636 or 503-684-3763.

*The content of this brochure is general information. This information is not intended to be legal advice. Note that changes may occur in the law and legal process.

Umatilla County Circuit Court
PO Box 1307
Pendleton, OR 97801
or
PO Box 170
Hermiston, OR 97838
E-mail: **6th.district@ojd.state.or.us**

Landlord Tenant FED

Forcible Entry and Detainer



Umatilla County Circuit Courts
Pendleton, OR 541-278-0341 ext 237
Hermiston, OR 541-667-3023

What Are FEDs?

FEDs (Forced Entry Detainers) are cases arising under ORS 105.110. They are often called evictions, though there are other landlord-tenant disputes that also fall under this label. FEDs are scheduled for non-jury trial by a Judge; they are generally tried with less formal procedures than other civil matters, though all court rules must be followed.

Typically an FED case starts when a landlord or his/her representative seeks a Judge's assistance in removing a tenant from a property.

If a party wants money damages or needs an order to make someone do or stop doing something, other actions are available outside of the FED process, such as Small Claims for money damages.

Even though the court seeks to process FEDs less formally than other matters, the law on landlord tenant relations is very complicated and so all parties are advised to have an attorney assist them with their case.

The General Process in FEDs*

- Step 1: Somebody files an FED suit, gets a court date from the clerk, and notifies the other party when to come to court.
- Step 2: When the parties come to court on the date given they will meet with a court clerk. This is an opportunity for both parties to talk and settle their disagreement before they have to go before a Judge.

If there is no agreement by the end of the first meeting with the clerk, the defendant(s) must file a formal answer (response) with the court or the plaintiff will get a default judgment in his/her favor.

- Step 3: If the parties do not reach an agreement, and the defendant files an answer, the clerk will assign a trial date before a judge within 15 days.

If a party needs to communicate with the Judge it must be in writing, with a copy submitted to the other party well before trial.

You must be on time for all court appearances or you may lose your case.

- Step 4: Trial before a Judge.
- Step 5: Winning party enforces the judgment.

What Happens in Court?

The Judge generally allows 20 minutes for a case - 10 minutes for each party. If you think your hearing will take longer, you must advise the Judge in writing before the trial date is set.

The case is yours to present in the limited time allowed. Often the Judge will outline the file as it appears, including the eviction and basis for the complaint, and review the defenses asserted. At trial you are can only talk about what you presented in your written complaint (plaintiff) or answer (defendant). *If a party fails to state a claim or defense, the Judge may rule without hearing any evidence.*

For the hearing, you will need:

- Any exhibits (eviction notice, pictures, bills, receipts, contracts, notes, dishonored checks) you want the Judge to see. These must be marked with consecutive numbers (1,2,3, etc., for plaintiff and 101,102, 103, etc., for defendant). You need to have copies for the Judge and the other party, and the originals available for the Judge to review.
- Witnesses to testify on your behalf; as written statements or affidavits might not be accepted by the Judge or not given as much weight as live testimony.

What you should plan for at trial

- If you wish to present a written summary of your case to the Judge it should be double spaced and you must have a copy to give to the other side or the Judge will not consider it.
- Plaintiff calls their witnesses and submits their evidence or testifies. One defendant may ask questions of the person testifying, and the Judge may ask questions at any time. Any exhibits must be shown to the other side first.
- The defendant then calls their witnesses and submits their evidence or testifies. One plaintiff may ask questions and the Judge may ask questions at any time. Any exhibits must be shown to the other side first.
- Limited rebuttal time for either side may be allowed.
- Telephonic testimony will not be allowed unless a party makes a written request to the Judge well before trial. If the call will be long distance the requesting party must have a valid calling card available for the call to be placed, or make arrangements prior to trial with the court clerk for your witness to call in.
- The Judge only wants to hear facts that are relevant to the matters stated in the complaint and answer.