



IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF OREGON

In the Matter of Clerks' Authority to
Sign and Enter Certain Default
Judgments in Small Claims and
Landlord – Tenant Cases

PRESIDING JUDGE ORDER
No. 16-005

WHEREAS ORS 46.475(2) provides that “[i]f the defendant fails to pay the claim, demand a hearing, or demand a jury trial and comply with ORS 46.465 (3)(c), and upon written request from the plaintiff the assigned clerk shall enter a default judgment against the defendant in a small claims case for the relief claimed plus the amount of the small claims filing fee and service of notice expenses paid and prevailing party fee under ORS 20.190; and

WHEREAS ORS 105.137 provides that, if at the scheduled first appearance in a landlord – tenant action the defendant fails to appear, a default judgment shall be entered in favor of the plaintiff for possession of the premises and costs and disbursements; and

WHEREAS ORS 105.137 provides that if at the scheduled first appearance in a landlord – tenant action the plaintiff fails to appear a default judgment in favor of the defendant may be entered and the complaint dismissed, with judgment to award costs and disbursements, including prevailing party fee to the defendant; therefore

IT IS HEREBY RATIFIED that a clerk acting on behalf of the court in a small claims or landlord – tenant case is authorized to determine if service has been properly made, sign and enter a default order including authorized default financial awards, and to sign and enter a default judgment in these cases, or refer to a Judge for decision.

DATED: July 21, 2016

DANIEL J. HILL
Presiding Judge of the Circuit Court