

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

SMALL CLAIMS DEPARTMENT

_____)	Case No. _____
Plaintiff(s))	
)	COUNTERCLAIM
vs.)	
)	
_____)	
Defendant(s)		

I, _____ Defendant, claim that on or about _____, the above named Plaintiff owed me the sum of \$ _____, and this sum is still owing for:

STATE OF OREGON) ss.
_____ COUNTY)

I, _____, the above-named Defendant, having been duly sworn, state that I have read the above claim and that it is true as I verily believe. I FURTHER CERTIFY THAT I HAVE MADE A BONA FIDE EFFORT TO COLLECT THIS CLAIM PRIOR TO FILING. I FURTHER CERTIFY THAT THIS COUNTERCLAIM EXISTED ON THE DATE OF THE NOTICE OF PLAINTIFF'S CLAIM AND ARISES OUT OF THE SAME TRANSACTION OR OCCURRENCE AS PLAINTIFF'S CLAIM.

Signed: _____

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public/Clerk of the Court
State of Oregon
My Commission Expires: _____

NOTICE TO PLAINTIFF:

I certify that the foregoing is a true copy of a counterclaim filed against you.

_____ Costs Paid: Defendant's fee of \$ _____

Clerk of the Court

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS AND PROCEDURES TO FILE A COUNTERCLAIM

This form is to be used to file a Counterclaim against the Plaintiff in this case.

- I. You need to prepare the counterclaim and bring it to the clerk for filing. Include a BRIEF statement of the nature of the counterclaim, which must involve the same controversy as the Plaintiff's claim.
- II. If you desire to recover specific personal property, you should describe the property involved, and state its value.
- III. You must swear to and sign this counterclaim in the presence of a Notary Public, or the Clerk of the Circuit Court, Small Claims Department.

PROCEDURE FOR FILING COUNTERCLAIM:

Counterclaim of \$0 to \$7,500 - included in Defendant's answer fee.

Counterclaim of \$7,500 but not over \$10,000 - the case must be transferred to Circuit Court. **YOU MUST FILE A MOTION REQUESTING THE TRANSFER.** YOU MUST PAY A TRANSFER FEE AND THE DEFENDANTS ANSWER FEE PAYABLE TO THE STATE OF OREGON. PLEASE SEE THE CURRENT FEE SCHEDULE FOR AMOUNTS. The Court will advise Plaintiff by mail of the transfer and the Plaintiff will be furnished with a copy of your Counterclaim. The Plaintiff must then file a FORMAL COMPLAINT in order to begin the case in Circuit Court; this must be done within 20 days of the date of the Court's notice to the Plaintiff. The Plaintiff will have the right to increase the amount of the Complaint. After the transfer, any further pleadings or documents must be filed in the Circuit Court, in accordance with Circuit Court rules. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONTACT AN ATTORNEY AT ONCE.

Counterclaim of over \$10,000 - the case must be transferred to Circuit Court. **YOU MUST FILE A MOTION REQUESTING THE TRANSFER.** YOU MUST PAY A TRANSFER FEE AND THE DEFENDANTS ANSWER FEE PAYABLE TO THE STATE OF OREGON. PLEASE SEE THE CURRENT FEE SCHEDULE FOR AMOUNTS. The Court will advise Plaintiff by mail of the transfer and the Plaintiff will be furnished with a copy of your Counterclaim. The Plaintiff must then file a FORMAL COMPLAINT in order to begin the case in Circuit Court; this must be done within 20 days of the date of the Court's notice to the Plaintiff. The Plaintiff will have the right to increase the amount of the Complaint. After the transfer, any further pleadings or documents must be filed in the Circuit Court, in accordance with Circuit Court rules. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONTACT AN ATTORNEY AT ONCE.

- IV. PLEASE REMEMBER: If your Counterclaim requires a transfer of the case to Circuit Court, the Plaintiff will no longer be limited to the original amount of the claim.
- V. Upon receipt of your Counterclaim - if the case is to remain in the Small Claims Department, the Clerk will notify you and the Plaintiff by mail of the specific day and time set. Plaintiff will also receive a copy of your Counterclaim.

IF YOU HAVE ANY QUESTIONS, CALL THE SMALL CLAIMS DEPARTMENT, WASHINGTON COUNTY JUSTICE SERVICES BUILDING, 150 N. 1ST AVE., HILLSBORO, OREGON 97124

PHONE: (503) 846-8888 ext. 2354

ADA: (503) 846-8767

TTY: (503) 846-4863
