RESIDENTIAL EVICTION INFORMATION FOR LANDLORDS

An eviction is formally called an FED (Forcible Entry and Detainer). It is a complaint filed with the court to remove a tenant from property owned or managed by the person filing the complaint. This form is for ***residential*** evictions only – DO NOT use this form for a commercial property, group home, farm, vacation rental, social or fraternal home, or to remove a "squatter."

COURT CLERKS CANNOT GIVE LEGAL ADVICE!

Landlord/Tenant law is *very* complex and detailed. Most of the laws are in chapters 90 and 105 of the Oregon Revised Statutes (ORS). You must also follow other laws, procedures, and prior appellate court decisions, including the Oregon Evidence Code (OEC), the Uniform Trial Court Rules (UTCR), and the Oregon Rules of Civil Procedure (ORCP). (*www.courts.oregon.gov/rules/Pages/default.aspx*). If you do not follow the laws *exactly*, the court may order you to pay the tenant's lawyer fees. You are strongly urged to talk to a lawyer before you try to file an eviction on your own.

Contact the Oregon State Bar at 503.620.0222 or (in Oregon) 800.452.8260 or go to *www.oregonstatebar.org* for information and help finding a lawyer. More information may be available at *www.oregonlawhelp.org*.

Following these instructions *will not* guarantee that you win your case. These instructions are general and may not apply in a given situation. YOU are responsible for getting legal advice about how to properly evict a tenant. These forms do NOT provide legal advice and the Oregon Judicial Department is not responsible for the outcome of your case if you rely on these forms.

The landlord is the *plaintiff*, and the tenant is the *defendant* throughout the case

A judgment for the plaintiff (landlord) will be for return of the property and the costs of filing and serving the complaint. To collect back rent or damages, you must file a separate civil complaint. A judgment for the defendants (tenants) generally means that they do not have to move out of the property. It may also include the cost of responding to the complaint and lawyer fees.

Fees

If you are low-income, you can ask the court to defer or waive payment of filing fees. Fill out and submit an ***Application and Declaration for Deferral or Waiver of Fees***, and an ***Order Regarding Deferral or Waiver of Fees*** to the court clerk when you file your *Residential Eviction Complaint*. Your complaint will not be filed until you have paid the filing fee or the court grants your application for deferral or waiver.

FIRST: Give the defendant (tenant) an eviction notice

You must give proper written notice to the defendant (tenant). NOTE: Your notice form MUST include the veterans' services information required by ORS 408.515.

- **If the eviction is for nonpayment of rent, the court is required to dismiss your complaint if:**
  - You do not include the required *Notice re: Eviction for Nonpayment of Rent* available at www.courts.oregon.gov/forms

- **NOTE:** The *Notice re: Eviction for Nonpayment of Rent* must also be served on the defendants. See *"How do you "serve" the defendant (tenant)"* section below.
- You cause the tenant to not pay rent, including failing to reasonably participate with a rental assistance program, *or*
- The unpaid amount is paid by the tenant or rental assistance. You can still collect filing fees from the tenant in this case.

➢ Your notice must be properly prepared and follow *both* the statutes (laws) and your rental agreement. You should talk to a lawyer about how you can give the defendant (tenant) notice. Not all notices can be delivered in the same way.

➢ Specific laws may allow you to proceed with another type of notice or no notice in some situations. Talk to a lawyer about these kinds of evictions.

Before you file a *Complaint* with the court, you must give one of the following notices to the defendant (tenant) *in writing* **and** the time period in the notice must have ended:

a) 24-Hour Notice (personal injury, substantial damage, or extremely outrageous act) (ORS 90.396)
b) 24-Hour Notice (unlawful occupant) (ORS 90.403)
c) 24-Hour Notice (perpetrator of domestic violence, sexual abuse, or stalking) (ORS 90.445)
d) 24/48-Hour Notice (drug or alcohol program violation) (ORS 90.398)
e) 72-Hour Notice (nonpayment of rent in a week-to-week tenancy) (ORS 90.394(1))
f) 7-Day Notice (week-to-week tenancy, with cause) (ORS 90.392(6))
g) 10-Day Notice (week-to-week tenancy, no cause) (ORS 90.427(2))
h) 10-Day Notice (pet violation) (ORS 90.405)
i) 10-day or 13-day Notice for nonpayment of rent (ORS 90.394(2))
j) 10-Day or 20-Day Notice (repeat violation) (ORS 90.392* or 90.630(5))
k) 30-Day, 60-Day, or 180-Day Notice (month-to-month tenancy without stated cause) (ORS 90.427(3)(b) or (8)(a)(B) or 90.429)
l) 30-Day Notice (month-to-month with stated cause) (ORS 90.392*, 90.427(8)(a)(C), 90.630 or 90.632)
m) 30-Day notice (fixed-term tenancy without stated cause) (ORS 90.427(4)(b) or (8)(b)(B))
n) 60-Day Notice (proof of offer of sale and compensation paid) (ORS 90.427(5)(b)) or (manufactured or floating home stated cause) 90.632
o) 90-Day Notice (for specific stated causes) (ORS 90.427(5)(a) or (7))

* If the tenancy is week-to-week, refer to ORS 90.632(6) for specific timing rules. Fill in the "Other Notice" section on the Complaint.

Read the referenced statutes (laws) carefully! Go to Chapter 90 of the Oregon Revised Statutes - *www.oregonlegislature.gov/bills_laws/ors/ors090.html*

If you have questions about which type of notice you need to give, see a lawyer or contact the Oregon State Bar at 503.620.0222 or (in Oregon) 800.452.8260, or go to *www.oregonstatebar.org*

Notices can be purchased at most office supply stores. You can write the notice yourself if all of the information required by the law is included.

Timing of the notice deadline

❖ Your notice *must* specify the date and time that it expires. You must give the defendant (tenant) the amount of time required by the laws.

- When counting time, Day 1 is the day *after* notice is given.
- If you mail the notice, add 3 days to the minimum time required by the law (see list above). So if you are mailing the notice, you must allow 4 days before you begin counting the defendant (tenant)'s time to respond.
- If your notice period is given in hours rather than days (in the list above or other law you are using), then the time begins immediately when you give notice ***except***
  - For 72-hour non-payment notices, the time begins at 11:59 pm on the day you serve. **Talk to a lawyer for information about this type of service.**
- The last day does not end until midnight.

SECOND: File a ***Residential Eviction Complaint*** if necessary

- *After* the time specified in the notice has passed, if the defendant (tenant) has not left the property you may file a *Complaint* with the court for the county where the *property* is located.
- To file a complaint, complete the *Residential Eviction Complaint* and *Summons* forms and file them with the court clerk. **NOTE:** write all names *first, middle, last* on all forms.
  - MAKE SURE YOU COMPLETE THE **COUNTY NAME** AT THE TOP OF THE FIRST PAGE OF EACH FORM!
  - You *must* include a copy of the notice you gave to the defendant (tenant), and the notice must have expired before you file
  - If the eviction is for nonpayment of rent. You must also give the defendant the *Notice re: Eviction for Nonpayment of Rent* along with the notice.
  - Complete the veteran's services contact information on the *Summons*. Go to *https://www.oregon.gov/odva/Services/Pages/County-Services.aspx* for information. Include contact information for the county where Defendant lives.
- Along with the *Complaint*, you must give the court clerk the following:
  - Copies of the notice:
    - **3** copies if there is one adult defendant (tenant) *plus*
    - An additional copy for ***each*** additional adult defendant (tenant) (so if there are 2 adults, you need to file 4 copies (3 initial plus 1 additional))
  - The address of the premises (if there is no street address, see a lawyer)
  - A separate mailing address for the defendant (tenant) if the defendant (tenant) does not receive mail at that property ***and***
  - The filing fee. Courts accept cash, credit and debit cards, and checks or money orders made payable to the State of Oregon. Go to *www.courts.oregon.gov/Pages/fees.aspx*.

The court clerk will usually set a court date for 7 -14 days (15 days for certain claims for nonpayment of rent) from the judicial day *after* you file and pay the filing fee. A judicial day is a day that the court is open for regular business.

The clerk will give you the original *Summons* and copies of the *Complaint* for service on the defendant (tenant)

HOW DO YOU "SERVE" THE DEFENDANT (TENANT)?

You must officially notify all defendants (tenants) that a case has been filed. This is known as service. Service rules are different for FED cases than for other cases. You must complete service by the end of the judicial day after the day you filed your *Complaint*.

1. **Personal Service:**
   a. By Process Server: Take a copy of the *Summons* and *Complaint* to the sheriff's office in the county where the property is located and have a sheriff's officer serve the

defendant (tenant). 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 serve the papers. The server must be a resident of Oregon or the state where the defendant is. The server cannot be a party to the case (plaintiff or defendant), or the lawyer for a party. The server cannot be an employee of any party. If you have safety concerns, have the sheriff serve the papers.

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

A ***Certificate of Service*** must be completed and filed with the court by whoever serves the defendant (tenant). If the server is not a sheriff's officer, then you must also include the address and phone number of the server. This form is available online or at the court.

2. **Posting:** If the defendant (tenant) cannot be personally served, the process server may post the notice at the main entrance of the defendant (tenant)'s part of the premises. This means that if the property is an apartment, it must be posted on the front door of the *apartment*, not of the whole building.

Service must be completed by the end of the judicial day *after* you file the *Complaint*

Eviction laws have changed significantly in recent years. Be sure you review the laws and understand both your obligations and the tenant's rights at each stage of the process.

FIRST APPEARANCE and MEDIATION

- If the defendant (tenant) leaves the property before the court date, you have two options:
  - Go to court on the date specified and request a judgment and money award for your costs of filing and service ***or***
  - Have the case dismissed. Send a written notification *with your signature* to the court clerk, directing the court to dismiss your complaint.

You must appear at the time noted on the *Summons*. If you do not appear, the court will dismiss your case.

- If the defendant (tenant) does not move, does not appear in court, and has not reached an agreement with you, the judge may require the defendant (tenant) to leave the property and pay your costs. See the next section about the Servicemembers Civil Relief Act.
- If the defendant (tenant) *does* appear in court to oppose the eviction, the judge may require that you try to reach an agreement. Some courts may have a mediator available. Check with your local court to see if it offers this service. A mediator can help you resolve your dispute, but *cannot* make decisions for you or order either party to do anything. Mediation is confidential. If you do not reach an agreement, the defendant (tenant) will have to file an answer with the clerk, who will provide you with a copy. The case will then be set for trial on another day.
- **NOTE:** if you get a money judgment and the defendant (tenant) pays it, you MUST file a ***Satisfaction of Money Award*** with the court. This form is available online or at the court.

Servicemembers Civil Relief Act

The Servicemembers Civil Relief Act (SCRA) may apply to your case. This federal law may not allow you to get a default judgment if the defendant (tenant) does not respond. This law starts at 50 U.S.C. 3901. Your local law librarian can help you find it, or go to *www.law.cornell.edu** (under *Get the Law* click *U.S. Code*, then click *Title 50* and *Chapter 50*). You must provide a ***Declaration of Non-Military Service*** before a judge can order a default. SCRA does not apply to all military servicemembers at all times. If a servicemember has signed the lease, you should see a lawyer before trying to evict.

If you know the defendant (tenant) 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. **Be aware** that if you make false statements about the defendant (tenant)'s status, you may face both federal and state penalties.

If you have the defendant (tenant)'s Social Security Number or date of birth, go to the Department of Defense website at *https://scra.dmdc.osd.mil/scra/#/home* to find out if the defendant (tenant) 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). Bring this statement or a printout of the screen to court. 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 (tenant) is in the military and have checked the website, or don't have the necessary information, check "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.

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

TRIAL

At trial, the judge will hear evidence and testimony, and will make a decision (called the "judgment"). Both parties may present physical evidence (like photographs, rental agreements, and the eviction notice) and call witnesses. You may read from a prepared statement or refer to notes, but do not expect the judge to read your notes or any witness statements.

The plaintiff (landlord) must prove the case, so be prepared to show that you own or manage the property, and facts supporting eviction, including proof of proper notice. Anything you present to the court may be viewed by the other party and may become part of the public record. It may be possible to protect certain kinds of information from disclosure. Talk to a lawyer if you are concerned.

The Oregon Evidence Code (OEC) and Oregon Rules of Civil Procedure (ORCP) govern how to admit your evidence and what you need to prove. Talk to a lawyer about how to properly prove your case. You may believe that the facts are on your side, but if you don't follow proper court procedures, you may lose anyway. Links to these rules are on Page 1 of this form.

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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 may have moved.

If the judge decides in favor of the defendant (tenant), the court may dismiss the case and require the plaintiff (landlord) to pay the defendant (tenant)'s costs and lawyer fees.

If the judge decides in favor of the plaintiff (landlord), the court may order the defendant (tenant) to leave the property (move out). The defendant (tenant) may also have to pay the plaintiff (landlord)'s costs and lawyer fees.

Go to *www.osbar.org/public/legalinfo/tenant.html* for information about what may happen after your judgment

COURTROOM RULES: *These are general court rules. Judges may have additional rules.*

** Appropriate dress is required (see UTCR 3.010 and local court rules)*
**Caps and hats must be removed upon entering the courtroom*
**Food and drink are not allowed in the courtroom (including gum)*
**Weapons are not allowed in any part of the courthouse*
**Pagers, cell phones, and all other electronic devices that may disrupt court proceedings must be turned off (not just silenced, signals interfere with recordings)*
** Audio and video recording is not permitted without advance permission from the judge*

IN THE JUSTICE COURT
FOR THE COUNTY OF BAKER
No. _____

SUMMONS
RESIDENTIAL EVICTION

_____

_____
Plaintiff (Landlord or Agent)

v.

CASE No. _____

RESIDENTAL EVICTION SUMMONS

_____

_____
Defendant (Tenant or Occupant)

TO:

_____
Street Address of Property Occupied by Defendant City State ZIP

_____
Mailing Address (if different)

NOTICE TO TENANTS:
READ THESE PAPERS CAREFULLY
YOUR LANDLORD WANTS TO EVICT YOU

ON _____ AT _____A.M./P.M., you must come to court at the location below. You do not have to pay any fees to the court for this first hearing.

• If you do not appear in court and your landlord does, your landlord will win automatically and can have the sheriff physically remove you from the property.

• If you do appear in court and your landlord does not, the court will dismiss this case.

• If both of you appear in court:
- ➢ The judge may ask you to try to reach an agreement with your landlord, but this is voluntary. Trained mediators may be available for free to help you resolve disputes.
- ➢ If you and your landlord do not reach an agreement, the court will schedule a trial.

• If you are a veteran, help may be available from a county veterans' service officer or community action agency. Contact information is included below.

• Low-income tenants who have received a court summons about an eviction case may contact the Eviction Defense Project to seek free legal defense at (888) 585-9638 or e-mail evictiondefense@oregonlawcenter.org

IF YOU WANT A TRIAL, YOU MUST:

- Be in court at the time scheduled above. Allow time to get through security;
- On the same day, file an Answer with the court giving a legal reason why you should not be evicted. The court can give you a form or you can use the interactive form that can be efiled by going to www.courts.oregon.gov/iforms;
- Give a copy of the Answer to your landlord (or your landlord's agent or lawyer); and
- Pay a filing fee. The judge may defer payment if you are low-income. Go to www.courts.oregon.gov to see what the filing fee will be.

GO TO THIS LOCATION: Justice Court, 1995 3rd Street, Baker City, OR 97814

IF YOU HAVE QUESTIONS, YOU SHOULD SEE AN ATTORNEY IMMEDIATELY. If you need help finding an attorney, you can call the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at 800-452-7636.

_____, Signature of Plaintiff (landlord or agent)

_____, Plaintiff's address

_____, Plaintiff's telephone number

Contact information for:

- County veteran's service officer for the county where Defendant lives

  _____

  _____

  _____

  _____ Phone: _____

- Community action agency for the area where Defendant lives

  _____

  _____

  _____

  _____ Phone: _____

NOTICE RE: EVICTION FOR NONPAYMENT OF RENT

THIS IS AN IMPORTANT NOTICE OF WHERE TO GET HELP IF YOU ARE FACING POTENTIAL EVICTION FOR NONPAYMENT

You must comply with deadlines identified in a notice of nonpayment or you risk losing your housing

Rental assistance and support services may be available. Dial 2-1-1 or go to www.211info.org to find a local service provider.

If you have a child under 1 year old living with you and you have been approved for rent assistance through Medicaid, you may be able to delay the eviction. See www.courts.oregon.gov/forms/Pages/landlord-tenant. for more information.

Low-income tenants may be able to receive free or low-cost legal advice by contacting a legal aid organization. Go to oregonlawhelp.org/association-legal-aid-programs-oregon to find an office near you. The Oregon State Bar provides information about legal assistance programs at www.osbar.org/public

Aviso sobre desalojo por impago de alquiler

Este es un aviso importante sobre los recursos que le pueden ayudar si está enfrentándose a un posible desalojo por impago de alquiler.

Debe cumplir con los plazos indicados en el aviso por impago del alquiler, de lo contrario podría perder su vivienda.

Es posible que haya servicios de ayuda y apoyo con el pago del alquiler. Llame al 2-1-1 o visite www.211info.org para encontrar un proveedor local de servicios.

Si tiene hijos menores de 1 año viviendo con usted y, a través de Medicaid, ha recibido aprobación de servicios de asistencia para el alquiler, es posible que se pueda retrasar el desalojo. Consulte el siguiente sitio web para obtener más información: www.courts.oregon.gov/forms/Pages/landlord-tenant.

El posible que los arrendatarios de bajos ingresos económicos puedan conseguir asesoría legal gratuita o de bajo costo si se comunican con una organización de asesoría jurídica. Visite el sitio web indicado a continuación para encontrar una oficina cercana a usted: oregonlawhelp.org/association-legal-aid-programs-oregon. El Colegio de Abogados del Estado de Oregón (*Oregon State Bar*) brinda información sobre los programas de asesoría jurídica en: www.osbar.org/public.

Thông báo về việc trục xuất ra khỏi nhà vì không trả tiền

ĐÂY LÀ THÔNG BÁO QUAN TRỌNG VỀ NƠI BẠN CÓ THỂ NHẬN ĐƯỢC SỰ TRỢ GIÚP NẾU BẠN ĐANG PHẢI ĐỐI MẶT VỚI NGUY CƠ BỊ TRỤC XUẤT RA KHỎI NHÀ VÌ KHÔNG THANH TOÁN TIỀN THUÊ NHÀ.

Bạn phải tuân thủ thời hạn được nêu trong thông báo không thanh toán, nếu không bạn có nguy cơ mất nhà.

Có thể có dịch vụ hỗ trợ và trợ giúp thuê nhà. Hãy gọi 2-1-1 hoặc truy cập www.211info.org để tìm nhà cung cấp dịch vụ địa phương.

Nếu bạn có con dưới 1 tuổi sống cùng và bạn đã được chấp thuận cho thuê hỗ trợ thông qua Medicaid, bạn có thể trì hoãn việc trục xuất. Xem www.courts.oregon.gov/forms/Pages/landlord-tenant để biết thêm thông tin.

Người thuê nhà có thu nhập thấp có thể nhận được tư vấn pháp lý miễn phí hoặc chi phí thấp bằng cách liên lạc với một tổ chức hỗ trợ pháp lý. Truy cập oregonlawhelp.org/association-legal-aid-programs-

OJD Official
(Jan 2026)

oregon để tìm văn phòng gần bạn. Hiệp hội Luật sư Tiểu bang Oregon cung cấp thông tin về các chương trình hỗ trợ pháp lý tại www.osbar.org/public.

關於因欠租而被驅逐的通知

如果您因未付租金而面臨被房東驅逐的風險，本重要通知將告訴您如何獲得幫助。

您必須遵照欠租通知中列出的截止日期，否則可能會失去住房。

您可能有資格獲得租金援助和支持服務。請撥打 2-1-1 或訪問 www.211info.org 查找當地服務提供機構。

如果您家中有 1 歲以下的兒童與您同住，並且您已通過 Medicaid (醫療補助) 獲得租金援助批准，您可能可以延緩驅逐程序。詳情請參閱: www.courts.oregon.gov/forms/Pages/landlord-tenant

低收入租戶可以聯繫法律援助機構獲得免費或低費用的法律諮詢。請訪問: oregonlawhelp.org/association-legal-aid-programs-oregon 查找離您最近的辦公室。俄勒岡州律師協會 (Oregon State Bar) 也在其網站 www.osbar.org/public 提供有關法律援助項目的信息。

Повторное уведомление. Выселение за неуплату

ЭТО ВАЖНОЕ УВЕДОМЛЕНИЕ О ТОМ, ГДЕ МОЖНО ПОЛУЧИТЬ ПОМОЩЬ, ЕСЛИ ВАМ ГРОЗИТ ПОТЕНЦИАЛЬНОЕ ВЫСЕЛЕНИЕ ЗА НЕУПЛАТУ.

Вы должны соблюдать сроки, указанные в уведомлении о неуплате, иначе вы рискуете потерять свое жилье.

Могут быть предложены услуги по аренде и технической поддержке. Для того, чтобы найти местного поставщика услуг, наберите 2-1-1 или перейдите по ссылке на сайт www.211info.org.

Если с вами проживает ребенок в возрасте до 1 года и вы получили разрешение на получение помощи в оплате аренды жилья по программе Medicaid, возможно, вам удастся отсрочить выселение. Дополнительную информацию смотрите в разделе www.courts.oregon.gov/forms/Pages/landlord-tenant.

Арендаторы с низким уровнем дохода могут получить бесплатную или недорогостоящую юридическую консультацию, обратившись в организацию по оказанию юридической помощи. Перейдите по ссылке на сайт oregonlawhelp.org/association-legal-aid-programs-oregon для того, чтобы найти офис рядом с вами. Адвокатская коллегия штата Орегон предоставляет информацию о программах юридической помощи по адресу www.osbar.org/public.

공지: 임대료 미납으로 인한 퇴거

귀하가 임대료 미납으로 인하여 퇴거의 위협을 당면하고 있다면 어디에서 도움을 받을 수 있는지에 관한 중요한 공지입니다.

당신은 임대료 미납 통지서에 명시된 만기일을 지켜야 합니다 그렇지 않으면 거주지를 잃을 수 있습니다.

임대료 보조와 지원 서비스가 가능할 수 있습니다. 당신이 사는 지역에 있는 서비스 제공자들을 찾으려면 2-1-1로 전화하거나 www.211info.org 를 방문하십시오.

당신이 1살 미만인 아이와 함께 살고 있고 메디케이드를 통하여 임대료 보조를 받도록 허가되었다면, 퇴거연기가 가능할 수 있습니다. 그것에 관한 더 자세한 정보를 원하면 www.courts.oregon.gov/forms/Pages/landlord-tenant 를 방문하십시오.

저소득 세입자들은 법률부조단체에 연락하여 무료 또는 저렴한 법률조언을 받을 수 있습니다. 인근에 있는 사무실을 찾으려면 oregonlawhelp.org/association-legal-aid-programs-oregon 을 방문하십시오. 오래곤 변호사 협회 www.osbar.org/public 에서는 법률부조 프로그램에 관한 정보를 제공합니다.

RESIDENTIAL EVICTION INFORMATION FOR TENANTS

If you have received a ***Residential Eviction Complaint*** and ***Summons***, your landlord is trying to evict you. An eviction is formally called an FED (Forcible Entry and Detainer). It is a complaint filed with the court by a landlord to remove a tenant from a dwelling (residence) or piece of property owned or managed by the person filing the complaint. **You have to appear in court on the date listed on the *Summons*.**

COURT CLERKS CANNOT GIVE LEGAL ADVICE!

Landlord/Tenant law is *very* complex and detailed. Most of the laws are in chapters 90 and 105 of the Oregon Revised Statutes (ORS). You must also follow other laws, procedures, and prior appellate court decisions, including the Oregon Evidence Code (OEC), the Uniform Trial Court Rules (UTCR), and the Oregon Rules of Civil Procedure (ORCP). (*www.courts.oregon.gov/rules/Pages/default.aspx*) If you do not follow the laws *exactly*, the court may order you to pay the landlord's lawyer fees. You should talk to a lawyer before you respond to an eviction on your own.

Contact the Oregon State Bar at 503.620.0222 or (in Oregon) 800.452.8260 or go to *www.oregonstatebar.org* for information and help finding a lawyer

Following these instructions *will not* guarantee that you win your case. These instructions are general and may not apply in a given situation. These forms do NOT provide legal advice. If you lose your case, you may have to move out of your home immediately and your credit may be damaged. You may have difficulty renting property in the future.

The landlord is the *plaintiff*, and the tenant is the *defendant* throughout the case

A judgment for the plaintiff (landlord) means that you will probably have to move out and pay the costs of filing and serving the complaint. The plaintiff (landlord) must file a separate case to collect back rent or damages. A judgment for the defendant (tenant) usually means that you do not have to move out of the property. It may also include the costs of responding to the complaint, including any lawyer fees.

Fees

You do not have to pay a fee to appear in court on the date listed on the *Summons*. If you do not settle the case with the plaintiff (landlord) on that date, you can file an *Answer* and go to trial. **You have to pay a fee to do this.** If you are low-income, you can ask the court to defer or waive the fee. Fill out an *Application and Declaration for Deferral or Waiver of Fees*, and an *Order Regarding Deferral or Waiver of Fees* and give it to the court clerk with your *Answer*.

YOUR FIRST COURT DATE

Eviction cases move very quickly; you need to decide what you want to do before the first appearance date

Your choices are:

- **Pay the full amount that you owe.** If your eviction is because of nonpayment of rent or fees, you can pay the full amount that you owe at any time before trial and ask the judge to dismiss the case. You still have to appear in court to tell the judge that you have paid. You may still have to pay the plaintiff's filing fees, but you do not have to pay those fees to have the case dismissed.
- **Make an agreement** with the plaintiff (landlord) before your court date. You still have to appear in court to file your agreement with the judge. You may still have to pay the

plaintiff's filing and service fees and a prevailing party fee.

- Your agreement can be for a move-out date, a payment plan for back rent, repairs, or anything else that you and your landlord need to resolve.
  - If you've already moved out, you still need to appear in court to avoid a judgment on your record.
- You can also try to reach an agreement at court. Appear at the time listed on the *Summons*. The judge will call your name and then you can talk to your landlord. A mediator may be available. A mediator can help you resolve your dispute, but *cannot* make decisions for you or order either party to do anything. Mediation is confidential. If you do not reach an agreement, see "**File an *Answer***" below.
- Make sure that you can actually do what you agree to. If you don't, the landlord can go back to court and ask that you be ordered to leave in 4 days. You will then have the right to ask for a hearing. If you lose, you may have to pay the landlord's filing and service fees and a prevailing party fee.
  - At the hearing, you will only be able to argue that you followed the agreement or that the landlord prevented you from doing so. There may be other limited reasons you can get a hearing about your agreement. Talk to a lawyer to find out if you think this applies to you.
  - This hearing will only be about the agreement that you made with the landlord, not about the reasons for the eviction or your lease.

➢ **File an *Answer* to dispute the eviction**

If you are the parent of a child under 1 year of age, you can file a motion asking the court to reschedule ("continue") your eviction trial for 90-104 days if:

- ➢ the eviction is based on non-payment of rent
- ➢ the child lives with you
- ➢ you receive medical assistance through the Oregon Health Plan
- ➢ you have been approved for health-related social needs housing support through the Oregon Health Authority or a coordinated care organization *and*
- ➢ you delivered documentation of the approval for housing support to Plaintiff (your landlord)

Go to *www.courts.oregon.gov/forms* (in the "Civil" category) to find the motion form. Your *Motion* must be filed more than 3 days before your trial is scheduled unless you have good cause to file less than 3 days before.

You can stay in the property and appear in court at the time and date listed on the *Summons*. If you cannot reach an agreement with the plaintiff (landlord) at that time, you can file an *Answer* with the court clerk on the same day and pay the required fee. You must mail a copy of your *Answer* to the plaintiff (landlord) the same day you file it. The clerk will set your case for a trial where you can dispute the eviction. At trial, you will be able to present evidence and testimony to the judge to dispute the plaintiff (landlord)'s claims *(see "**Trial**" below)*. FED laws start at ORS 90.100. Your local law librarian can help you, or go to Chapter 90 of the Oregon Revised Statutes - *https://www.oregonlegislature.gov/bills_laws/ors/ors090.html*.

- Your *Answer* must state a **legal** defense to the eviction. Saying that you can't find a new home or can't afford to move is *not* a legal defense. Some possible defenses are:
  - The landlord did not make necessary repairs (ORS 90.321, 90.360)
  - The damage or violation listed on the Notice has been fixed, *and* the law allows

you to fix it. See a lawyer if you do not know if the claimed damage is something you are allowed to fix. (ORS 90.392)
    - The landlord is discriminating against you because of your race, gender, family situation, religion, physical or mental disability, sexual orientation, or other reason covered by fair housing laws (ORS 90.390)
    - The landlord is trying to evict you because you complained (or the eviction is otherwise being used to get back at you – called "retaliatory") (ORS 90.385)
    - The landlord is trying to evict you because you have been a victim of domestic violence, sexual assault, bias crime (see ORS 166.155-166.165), or stalking (ORS 90.449)
    - The eviction notice is legally incorrect. You will have to read the laws very carefully to use this defense, and you should talk to a lawyer if you think the notice was incorrect.
    - There are more defenses available. If you think you have a defense that is not listed on the *Answer* form, talk to a lawyer.
  - When you file the *Answer*, the court clerk will set a trial date within 14 days. Find a lawyer and prepare your defense immediately.

Read the *Instructions for Landlords* for more information about what the landlord has to do

- If you stay in the property but do not appear for your court date, the plaintiff (landlord) will usually get a judgment for you to move out and pay the costs of the case. The sheriff may remove you from the property as early as 4 days after the move-out date on the judgment. The plaintiff (landlord) can move, store, or dispose of your personal property according to state law (ORS 90.425, 90.675) and you will be responsible for the costs of moving and storage. Talk to a lawyer about how to recover your personal property.
- If you appear for your court date and the plaintiff (landlord) does not, the court will dismiss the eviction.

If You Are in the Military

If you are in active military service of the United States and your service prevents you from responding to this action, you may be covered by the Servicemembers Civil Relief Act (SCRA). The SCRA has very technical and complex rules about whether you are covered and what that means. DO NOT rely on your enlistment status to protect you. Talk to a legal advisor if you believe SCRA applies to you. The Oregon State Bar Military Assistance Panel can help you find a lawyer. Go to *www.osbar.org/_docs/ris/militaryflier.pdf* or *www.oregonstatebar.org*.

TRIAL

At trial, the judge will hear evidence and testimony, and will make a decision (called the "judgment"). Both parties may present physical evidence (like photographs, rental agreements, and the eviction notice) and call witnesses. You may read from a prepared statement or refer to notes, but do not expect the judge to read your notes or any witness statements.

The plaintiff (landlord) must prove the case by showing facts supporting eviction of the tenant, including proof of proper notice. You should be prepared with facts supporting any defenses you have. The Oregon Evidence Code (OEC) and Oregon Rules of Civil Procedure (ORCP) govern how to admit your evidence and what you need to prove. Links to these rules are on Page 1 of this form. Anything you present to the court may be viewed by the other party and may become part of the public record. It may be possible to protect certain kinds of information from disclosure. Talk to a lawyer if you are concerned.

Talk to a lawyer about how to properly prove your case. You may believe that the facts are on

your side, but if you don't follow proper court procedures, you may lose anyway.

If the judge decides in favor of the defendant (tenant), the court may dismiss the case and require the plaintiff (landlord) to pay the defendant's (tenant's) costs and lawyer fees.

If the judge decides in favor of the plaintiff (landlord), the court may order you to leave the property (move out). The defendant (tenant) may also have to pay the plaintiff (landlord)'s costs and lawyer fees.

Go to *www.osbar.org/public/legalinfo/tenant.html* for information about what may happen after your judgment

COURTROOM RULES: *These are general courtroom rules. Judges may have additional rules.*

** Appropriate dress is required (see UTCR 3.010 and local court rules)*
**Caps and hats must be removed upon entering the courtroom*
**Food and drink are not allowed in the courtroom (including gum)*
**Weapons are not allowed in any portion of the courthouse*
**Pagers, cell phones, and all other electronic devices that may disrupt court proceedings must be turned off (not just silenced, signals interfere with recordings)*
** Audio and video recording is not permitted without advance permission from the judge*

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR BAKER COUNTY DISTRICT #1

_____

_____

Plaintiff (Landlord or Agent)

v.

CASE No. _____

RESIDENTAL EVICTION COMPLAINT

Filing fee at ORS 105.130

_____

_____

_____

_____

Defendant (Tenant or Occupant)

PLAINTIFFS-LANDLORDS:

_____
Name

_____
Street

_____
Phone

_____
Name

_____
City/State/ZIP

_____
County

DEFANDANTS-TENANTS:

_____
Name

_____
Street

_____
Phone

_____
Name

_____
City/State/ZIP

_____
County

_____
Name

_____
Street

_____
Phone

_____
Name

_____
City/State/ZIP

_____
County

1. Defendant - Tenant(s) is/are in possession of the dwelling unit, premises, or rental property described above or located at:

_____

2. **IF NOTICE HAS BEEN GIVEN, A COPY IS ATTACHED**

3. Plaintiff-Landlord is entitled to possession of the property because of:
   - ☐ 24-hour notice for **personal injury, substantial damage, extremely outrageous act, or unlawful occupant** (ORS 90.396 or 90.403)
   - ☐ 24-hour or 48-hour notice for **violation of a drug or alcohol program** (ORS 90.398)
   - ☐ 24-hour notice for **perpetrating domestic violence, sexual assault or stalking** (ORS 90.445)
   - ☐ 72-hour notice for **nonpayment of rent** in a **week-to-week** tenancy (ORS 90.394(1))
   - ☐ 7-day notice **with stated cause** in a **week-to-week** tenancy (ORS 90.392 (6))
   - ☐ 10-day notice for a **pet violation, a repeat violation with stated cause, or without stated cause in a week-to-week tenancy** (ORS 90.392 (5), 90.405 or 90.427 (2))
   - ☐ 10-day or 13-day notice for **nonpayment of rent** (ORS 90.394(2))
   - ☐ 20-day notice for a **repeat violation** (ORS 90.630 (4))
   - ☐ 30-day, 60-day, or 180-day notice **without stated cause in a month-to-month tenancy** (ORS 90.427 (3)(b) or (8)(a)(B) or (C), or 90.429)
   - ☐ 30-day notice **with stated cause** (ORS 90.392, 90.630 or 90.632)
     - ☐ The stated cause is for nonpayment as defined in Chapter 13, Or Laws 2023
   - ☐ 30-day notice **without stated cause in a fixed-term tenancy** (ORS 90.427(4)(b) or (8)(b)(B))
   - ☐ 60-day notice **with stated cause** (ORS 90.632)
   - ☐ 90-day notice **with stated cause** (ORS 90.427 (5) or (7))
   - ☐ Notice to bona fide tenants after **foreclosure sale** or termination of fixed-term tenancy after foreclosure sale (ORS 86.782(6)(c))
   - ☐ Other notice:
   - ☐ No notice (explain):

4. If the landlord uses an attorney, the case goes to trial, and the landlord wins in court, the landlord can collect attorney fees from the defendant pursuant to ORS 90.255 and 105.137 (3)

5. Plaintiff-Landlord requests judgment for possession of the premises, court costs, disbursements and lawyer fees (if any, under ORS 90.255 and 105.137 (3))

I certify that the allegations and factual assertions in this complaint are true to the best of my knowledge.

_____ _____

Signature of landlord or agent Date

_____

Name of landlord or agent (Printed)

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER

_____

_____
Plaintiff (Landlord or Agent)

v.

_____

_____
Defendant (Tenant or Occupant)

CASE No. _____

ANSWER TO A RESIDENTAL EVICTION

- **I need an interpreter: ___ Spanish ___ Russian ____ other: _____**

I deny that the plaintiff-landlord is entitled to possession because:

- ☐ The plaintiff-landlord did not make repairs. List any repair problems:
  _____
- ☐ The claimed damage or violation has been corrected and correction is allowed by law.
- ☐ The plaintiff-landlord is trying to evict me because of my complaints (or the eviction is otherwise retaliatory).
- ☐ The plaintiff-landlord is trying to evict me because of my status as a victim of domestic violence, sexual assault, or stalking.
- ☐ I have paid the plaintiff-landlord the amount demanded in the nonpayment notice
- ☐ The plaintiff-landlord prevented me from paying rent (explain):_____
  _____
- ☐ The plaintiff-landlord did not reasonably participate in a rental assistance program
- ☐ The eviction notice is wrong (explain): _____
- ☐ List any other defenses:
  _____
  _____
- ☐ Additional pages attached

I ask that the plaintiff-landlord <u>not</u> be awarded possession of the premises and that I be awarded my costs and fees, lawyer fees (if any, under ORS 90.255), and a prevailing party fee under ORS 20.190.

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

_____ _____ _____
Signature of Tenant 1 Name (printed) Date

_____
Address of Tenant City/State/Zip Phone

Signature of Tenant 2 | Name (printed) | Date

Address of Tenant | City/State/Zip | Phone

Certificate of Mailing

I certify that on (date)_____ I placed a true and complete copy of this Answer to A Residential Eviction in the United States mail to Plaintiff at (address):_____

Date

Signature

Name (printed)

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER

CASE NO._____

_____

_____
Plaintiff

v.

DECLARATION OF NON-INCAPACITATED DEFENDANT and NON-MILITARY SERVICE

_____

_____
Defendant

To my knowledge, the following defendant (**full name**)_____
Was served with a ***Summons***, initial pleading (***Complaint, Petition***, etc) and other documents required by law. Defendant has not make an appearance within the time required by law or notified me of intent to appear ***and (check all that apply)***:

Capacity Status:

☐ Defendants is not now, and was not at the time of service, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005

Military Status:

☐ Status reports attached confirming that Defendant is not in active military service of the United States

or

☐ I am unable to confirm if Defendant is in active military service of the United States. ***Provide facts you do know:*** _____

_____

_____

For residential evictions only: ____ Defendant is not a dependent of someone who is in active military service of the United States ***and*** the monthly rent amount does not exceed the CPI-adjusted limit of (***enter current year rental cap)*** $_____

☐ Defendant is in active military service of the United States and has waived SCRA default protections. A waiver of protection is attached.

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 (printed)

_____
Contact Address City, State, ZIP Contact Phone

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER

_____

_____

Plaintiff (Landlord or Agent)

Case No: _____

RESIDENTIAL EVICTION
GENERAL JUDGMENT
AND MONEY AWARD

_____

_____

Defendant (Tenant or Occupant)

On *(date)* _____, a hearing was held in an action to recover possession of:

_____

Street Address City State Zip County

The following parties appeared:

☐ None

☐ Plaintiff Agent: _____ Attorney: _____

☐ Defendants _____ Attorney: _____

_____ Attorney: _____

The court grants judgment as follow:

☐ Judgment of dismissal _____with _____ without prejudice
☐ Default judgment in favor of plaintiff for possession of premises described above.
☐ Default judgment in favor of defendant dismissing plaintiff's complaint
☐ Judgment in favor of plaintiff after trial. Plaintiff is awarded possession of the premises described above
_____ Effective Immediately ***or*** _____ Effective _____.
☐ Judgment in favor of defendant after trial.
☐ Stipulated judgment: _____
_____
☐ Other: _____
_____
_____

And

☐ Costs and fees to prevailing party
☐ Prevailing party fee according to ORS 20.190

MONEY AWARD

Judgment Creditor: _____
(name, address)

Judgment Creditor's Attorney (*name, address, phone number* _____

☐ Additional information attached, titled "Additional Judgment Creditors"

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		

The following person or public body is known to be entitled to a portion of this money award:

_____

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

1.Money Award $	2.Prejudgment Interest $
3.Accrued Arrearage $	4.Costs & Service Expenses $
5. Attorney Fees $	6. Prevailing Party Fee $

Plus Post judgment interest on the amount in sections 1 and 2 at the rate set by ORS 82.010(2) (**or**) on the amounts in sections 1, 2, & 3 at _____% by agreement of the parties, and in the balance as set by ORS 82.010(2)

☐ Prevailing party is granted leave to submit a ***Supplemental Judgment*** for costs and fees under ORCP 68C

Judge Signature:

_____ _____

Certificate of Readiness under UTCR 5.100

This proposed judgment is ready for judicial signature because *(check all that apply)*:

☐ Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

☐ Each party affected by this judgment has **stipulated** to or **approved** the judgment, as shown by the signatures on the judgment, or by written confirmation sent to me.

☐ I have **served** a copy of this judgment and the *Notice of Proposed Judgment or Order* on all parties entitled to service. ***And:***

- ☐ No objection has been served on me within the 7-day time frame.
- ☐ I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
- ☐ After conferring about objections, the other party *(name)*_____ agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100

I certify that on *(date)*: _____ I placed a true and complete copy of this proposed *Judgment* in the United States mail to *(name)* _____ at *(address)* _____

_____

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER

NOTICE OF RESTITUTION

Case Number: _____

TO _____
Defendant(s)/Tenant(s)

_____

_____
Address of Rental Property

DEADLINE TO MOVE OUT

MOVE OUT DATE_____

The Court has ordered you to move out of the property. You must move out no later than 11:59 PM on the Move Out Date.

If you and everyone else living there do not move out by that time, the Sheriff will physically remove you. You must also move all of your belongings by that time. Anything you leave behind will be stored or disposed of as allowed by law.

_____ _____
Justice of the Peace Date

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR BAKER COUNTY DISTRICT #1

Case No. _____

State of Oregon)
)
) ss.
County of Baker)

WRIT OF EXECUTION OF
JUDGMENT OF RESTITUTION

To the Sheriff:

This was an eviction action for possession of the following premises:

_____
Name Street Address City State/Zip

Judgment was entered that the plaintiff(s) have restitution of the premises and that the plaintiff(s) may be entitled to court costs and disbursements.

In the name of the State of Oregon, you are ordered to enforce and serve on this Writ on the defendant(s), in the manner provided in ORS 105.161(1), *after the four-day period* provided in the notice of restitution.

If the defendant(s) has/have not moved out of the premises *by the end of the four-day period or any delay requested by the plaintiff(s)*, whichever is later, and if the plaintiff(s) has/have paid all fees or enforcement of this execution, you shall immediately make legal service of this Writ and an eviction trespass notice on the defendant(s). You shall remove the defendant(s) and any other person subject to the judgment, if present, from the premises and return possession of the premises to the plaintiff(s).

The plaintiff(s) shall be responsible for removing, storing, and disposing of any personal property left by the defendant on the premises following the removal of the defendant(s) and the return of the possession of the premises, provided by ORS 105.165.

Dated this _____day of _____, 20____.

_____
Plaintiff(s)

_____
Justice of the Peace

_____
Street Address

_____
City/State/Zip