1995 Third Street, Suite 170
Baker City, Oregon 97814
Ph: 541-523-8213 ~ Fax: 541-523-8360

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

Filing Fee Information Sheet

Small Claim Filing Fee for Claim $10,000 or less	$37.00
Defendant's Response Filing Fee if Less than $2500	$37.00
Defendant's Response Filing Fee if More than $2500	$37.00
Defendant's Response Filing Fee if Jury Trial is Selected	$215.00
Baker County Sheriff Small Claim Service Fee (within Baker City/Haines City Limits) Checks must be made payable to Baker County Sheriff	$50.00
Baker County Sheriff Small Claim Service Fee (Area 75 miles above round trip within Baker County) Checks must be made payable to Baker County Sheriff	$100.00
Transcript of Judgment to Civil Docket Filing Fee	$9.00
Writ of Garnishment Filing Fee	$20.00
Transcript of Judgment to Circuit Court ($9.00 to Baker Justice Court & $15.00 to Circuit Court)	$9.00 $16.00

The Baker Justice Court does not accept personal checks when filing a small claims case. We do accept business checks, made payable to Baker Justice Court.

The following general information is not meant to constitute legal advice.

WHAT IS SMALL CLAIMS COURT?
The small claims court is for cases involving claims of less than $10,000. Cases can be decided quickly and economically in small claims court where hearings are informal.

WHAT CAN BE WON IN SMALL CLAIMS?
Small claims court can only award money (up to $10,000 plus court costs) and/or the recovery of personal property. You cannot ask the court to order the defendant to do anything, or to refrain from doing something. If you need an order to make someone do something or stop doing something, other courts are available. If you are claiming an economic loss, you must file within six years of your loss. If you are claiming for a personal injury, you must file within two years of your loss.

WHERE DO I GO TO FILE THE LAWSUIT?
If the incident happened in Baker County, OR the defendant lives in Baker County, the small claim can be filed with the Baker Justice Court. The Baker Justice Court is open to receive filings Monday through Friday, 8:00 a.m. until 5:00 p.m. (including the noon hour). We are closed on weekends and legal holidays.

HOW DO I FILE A SMALL CLAIMS LAWSUIT?
Small claim packets are available at no cost at the Baker Justice Court office or online at www.bakercounty.org. The complaint must be signed by the plaintiff in front of the clerk of the court or a notary public. You will need to bring your original claim to the Baker Justice Court. The claim must be served on (delivered to) the defendant. This is typically done by the Civil Department of the Sheriff's Office. The Sheriff's Office is required by law to charge a fee for this service. The Sheriff's fee must be paid directly to them.

WHAT MUST THE DEFENDANT DO?
After the defendant is served, an answer is required within thirty (30) days if personally served (timeframes are longer if served by mail or alternate service). The defendant can:

1. Pay the Claim: The defendant may pay the claim in full including court costs. The claim is paid directly to the plaintiff. The plaintiff must report such payment to the court clerk.

2. Demand for Hearing: If the defendant requests a hearing, plaintiff will be notified by mail of the hearing date and time. You should bring all evidence and witnesses that you have to prove your case. The judge will decide who will receive judgment and the amount of the judgment.

3. Demand for Hearing and Counterclaim: If the defendant feels that you, the plaintiff, owe him/her money, he/she can counterclaim for the money. ORS 55.075(2). If the defendant asserts a counterclaim, the notice of the hearing time shall contain a copy of the counterclaim. Both the plaintiff and the defendant will present their cases and the judge will decide who will receive judgment and the amount of judgment.

4. Demand for Jury Trial: The defendant has a right to a jury trial if the claim is more than $750.00. You will receive, by mail, a "Notice of Formal Hearing". You will have twenty (20) days to file a formal complaint in Baker Justice Court. This complaint need not be limited to the amount of the small claim, but must involve the same controversy. You will have an additional filing fee in the amount of $55.00 if this occurs. This action will subsequently remove the case from the Small Claims docket and be placed in the Civil Docket.

5. Does nothing: If the defendant does not answer the claim within thirty (30) days after personal service is made, you may request a default judgment. You must fill out a "Request for Default Judgment" and "Small Claims Judgment Money Award" forms. If judgment is not requested, the case could be dismissed.

WHAT HAPPENS DURING THE HEARING?
YOU MUST APPEAR AT THE DATE AND TIME ON YOUR NOTICE TO APPEAR. FAILURE TO APPEAR AT THE TIME SET WILL CAUSE YOUR CASE TO BE DISMISSED IF YOU ARE THE PLAINTIFF, OR A DEFAULT JUDGMENT TO BE ENTERED AGAINST YOU IF YOU ARE THE DEFENDANT.

PLEASE NOTE: CELL PHONES AND OTHER ITEMS ARE NOT ALLOWED IN SECURE AREAS OF THE COURTHOUSE. BE PREPARED TO LEAVE ITEMS IN YOUR CAR OR DESIGNATED HOLDING AREAS IN THE COURTHOUSE.

As the plaintiff, at trial, you have the burden of proving your case. Bring any necessary witnesses and documentation. You should appear promptly in court on the day set for the hearing. If you are unable to appear at the date and time set, you may, if you have a good reason, request one continuance. The request must be made in writing and received by the clerk at least seven (7) days before the hearing.

The judge will briefly explain the procedure to be used in your trial. If you are confused about anything he/she says, or if you have other questions, do not be afraid to ask the judge. The hearing will be relatively informal. The judge is interested in the facts of your case. Please try to be objective and always exercise common courtesy.

When the hearing/trial begins, the judge will ask all parties and witnesses to swear to tell the truth. If you are the plaintiff, you will have the first chance to tell your story, present a statement of your case and call upon any witnesses and/or present any documents or photos. The defendant will then be given the same opportunity to tell his/her story.

After the judge has heard the facts from both sides, including witnesses, and everyone has asked all their questions, the judge will decide who wins the case and the amount, if any, the winner should receive. If the judge wants more time to think about the case, he/she will tell you when you may expect a decision.

WHAT HAPPENS AFTER A DECISION IS MADE?
When the judge makes a decision, he/she will fill out a judgment form identifying the winning party and their award. The losing party is then expected to pay the sum lost or to deliver the necessary property as directed.

HOW DO I COLLECT MY JUDGMENT?
A judgment is due and payable when the judgment is signed by the judge. The winning party is the "judgment creditor"; the losing party is the "judgment debtor". The court does not collect the judgment for you and will not dictate any terms of payments.

If the judgment debtor does not pay the judgment, then it will be necessary to pursue one of the remedies provided to judgment creditors under Oregon Law. Two of the most common procedures are as follows:

1. **Writ of Garnishment**: If you know where the judgment debtor is employed or where he/she banks, you may issue a write of garnishment against his/her wages or bank account.

Forms can typically be found at a store that sells legal documents or from the local Oregon Collectors Association. Return the completed form to the Baker Justice Court with $9.00 to transcribe the small claims case to the justice court civil docket and an additional $20.00 to file the writ of garnishment. If you want to request that service be made, please make a separate check out to the Baker County Sheriff for $25.00.

2. **Transcribing a Judgment to Circuit Court**: If you know that a judgment debtor owns real property, for a fee of $9.00 you may have the judgment transcribed to the Circuit Court to become a lien against the judgment debtor's real property. Simply make an affidavit requesting this action along with a Transcription of Judgment Docket Sheet and send payment of $9.00 to Baker Justice Court and $16.00 to Circuit Court.

If you receive money directly from the judgment debtor, you must report this to the court clerk. It is your responsibility to file a "Satisfaction of Judgment" with the court. These forms are available at the Baker Justice Court.

A judgment bears interest at the rate of 9% per annum unless a valid contract exists which provides for a higher rate of interest. Judgments are enforceable for a period of 10 years. If you have not collected within that time, the judgment may be extended upon filing a "Certificate of Extension".

WHAT IF I LOSE MY CASE?

If the judge decides against you and you are the defendant, you must pay the judgment along with any fees or costs to the plaintiff.

If the judge decides against you and you are the plaintiff, you lose the fees you paid to start the suit and you will also have to pay the defendant the fee he/she paid the court when the trial was requested and any other fees imposed by the judge or counterclaim that is awarded.

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

Small Claims Department

_____ Plaintiff *(Inmate ID #, if applicable, _____)* v. _____ _____ Defendant ☐ Defendant is a public body	**Case No:** _____ **SMALL CLAIM AND NOTICE OF SMALL CLAIM** Filing fee: $37.00

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)

SUBSCRIBED AND SWORN to before me this _____day of _____20_____.

Justice Court Clerk/Notary Public

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 **30 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 30 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 Service members Civil Relief Act.

COURT NAME / ADDRESS / PHONE #
Baker County Justice Court District 1
1995 Third Street, Suite 170
Baker City, OR 97814
Ph: (541) 523-8213

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.

Case No. _____

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR BAKER COUNTY
Small Claims Department

_____)	
)	
_____)	**Case No:** _____
Plaintiff)	
v.)	**DEFENDANT'S RESPONSE**
_____)	Filing Fee: $37.00
)	
_____)	
Defendant)	

EACH Defendant must file a separate response *(spouses and Registered Domestic Partners may file a joint response)*

☐ **PAYMENT OF CLAIM:**
Proof of payment (including fees and costs) to Plaintiff is attached (or proof that the requested property was returned to Plaintiff).

Total Amount Paid: $ _____ *(or)* Describe property and method of return: _____

_____

☐ **DENIAL OF CLAIM**
I deny the plaintiff's claim and demand a ☐ hearing {**or**} ☐ jury trial.*
*The claim must be for more than $750 (without fees and costs) to request a jury trial.

☐ **COUNTERCLAIM:**
I make the following counterclaim* against the plaintiff for $_____.
*Counterclaims must arise out of the same transaction or event as the plaintiff's claim.

I, Defendant, claim that on or about *(date)* _____, the above-named plaintiff owed me the amount claimed because _____

_____

_____

_____, and this amount is still due. If the amount is the value of property that you believe should be given to you, describe the property:_____

_____

_____ _____
Date Signature

_____
Name (Print)

_____
Street City/State/ZIP Phone

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR BAKER 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	Justice Court Judge Signature
	_____
	Justice Court Judge Name (printed)

Form 15.010.1f – SMALL CLAIMS AGREEMENT – UTCR 15.010(1)(f)
(8-1-12)

Case No. _____

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR BAKER 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 Post judgment 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 JUSTICE COURT OF THE STATE OF OREGON
FOR BAKER 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:

☐post judgment 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 30 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 Service members 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 JUSTICE COURT OF THE STATE OF OREGON
FOR BAKER COUNTY
Small Claims Department

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

☐ The court denies the claim by the plaintiff(s).
☐ The court denies the counterclaim by the defendant(s).
☐ 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 Post judgment 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 Justice Court Judge

_____
Print Name

BAKER COUNTY SHERIFF'S OFFICE
CIVIL DEPARTMENT

I request that the Sheriff of Baker County serve the attached civil papers:

DEFENDANT:_____

ADDRESS:_____

EMPLOYER:_____

EMPLOYER'S ADDRESS:_____

Defendant is known to frequent the following places:

_____

_____

Telephone Numbers: Home: _____Work:_____

Please give any other information that will help in finding and serving the Defendant, i.e. make, model and description of vehicle:

_____

_____

Plaintiff:_____Date:_____