

**JUSTICE COURT, STATE OF OREGON, COUNTY OF DESCHUTES
SMALL CLAIMS DEPARTMENT**

)	
)	
)	
Plaintiff(s),)	
vs.)	
)	Small Claim No. _____
)	
Defendant(s).)	DEFENDANT(S) ANSWER

To Defendant(s): Unless this completed form and the required filing fee are returned to Justice Court within 14 days from the date of service, plaintiff may request a default judgment. If you fail to include the appropriate filing fee, your answer will be returned to you without being filed. Please refer to the instructions on the back of this form. Please check only one of the four alternatives listed. If you choose alternative 1 or 3, you must also choose either a. b. or c.

1. ____ I/we hereby admit plaintiff's claim and *(choose a. b. or c.):*
 - 1-a. ____ I/we have paid to the plaintiff the amount claimed plus costs paid by plaintiff as listed at the bottom of the claim and proof of that payment is enclosed. If you cannot pay the total amount but wish to make payments, please contact the plaintiff.
 - 1-b. ____ I/we wish to pay to the plaintiff the amount claimed plus costs as listed at the bottom of the claim. However, the plaintiff and I are unable to reach an agreement on payments. Enclosed is my answer fee of \$35, please set this case for mediation.
 - 1-c. ____ (If the claim is for recovery of specific personal property) I/we have delivered the property demanded to the plaintiff as listed at the bottom of the claim and proof of that delivery and payment, if any, is enclosed. *(No filing fee required.)*

2. ____ I/we hereby deny plaintiff's claim and I/we demand a hearing in the Small Claims Department. *(Enclose defendant's filing fee of \$35.00.)*

3. ____ I/we deny plaintiff's claim and hereby counterclaim against the plaintiff. Enclosed is defendant's filing fee. I/we claim that on or about _____, the above-named plaintiff owed me/us the sum of \$_____, and this sum is still owing for: _____
 _____; and *(choose a. or b.):*
 - 3-a. ____ I/we demand a hearing. *(Enclose defendant's filing fee of \$35.00.)*
 - 3-b. ____ I/we demand a jury trial. *(The amount of the claim must exceed \$750 before you can make this election. Enclose defendant's filing fee of \$215.00.)*

4. ____ I/we deny plaintiff's claim and hereby demand a jury trial. The amount of the claim must exceed \$750 before you can make this election. *(Enclose defendant's filing fee of \$215.00.)*

I am filing this answer *(choose one)*: on behalf of myself only; on behalf of all defendants.

Defendant's Signature: _____ Date: _____

Print Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

DEFENDANTS' INSTRUCTIONS

You must check one of the four alternatives listed on the front of this form, complete and sign the form, pay the required filing fee and file it with this court within 14 days of service of the Claim and Notice on you. If you fail to do so, plaintiff may request default judgment and take action against you to satisfy the judgment. Please refer to ORS Chapter 55 for procedures regarding small claims actions in Justice Courts.

1. PAYMENT OF CLAIM

If you admit the claim, you do not pay a filing fee to the court. You may settle it:

- By paying to the plaintiff the amount of the claim plus the amount of the small claim fee and service expenses paid by the plaintiff and providing proof of payment along with your answer, **AND/OR**
- If the claim is for recovery of specific personal property, by delivering the property to the plaintiff and paying him/her the amount of the small claims fee and service expenses paid by the plaintiff, and providing proof of that delivery and payment along with your answer.

2. DEMAND FOR A HEARING

If you believe you have paid this claim or do not owe all or any portion of it, you may pay the required filing fee and demand a hearing before a judge.

- You will receive notice of the hearing date by mail. The hearing is informal.
- Both plaintiff and defendant may offer testimony, bring witnesses and other evidence pertinent to the controversy.
- No attorney or person other than you, the plaintiff and witnesses may participate without the consent of the judge of the Justice Court.

3. COUNTERCLAIM

If you believe plaintiff owes you money or holds specific personal property of yours as a part of the same controversy, you may pay the required filing fee and file a counterclaim against the plaintiff.

- The claim and counterclaim will be decided at the same hearing.
- If your counterclaim exceeds \$10,000 you must take steps to transfer the case to Circuit Court. You must pay a transfer fee to Justice Court and additional filing fees to Circuit Court.

4. DEMAND FOR A JURY TRIAL

If plaintiff's claim is for more than \$750, you may demand a jury trial.

- You must pay the required filing fee and the jury trial fee at the time you file your answer and demand for trial.

FILING FEES

If you do not pay the required filing fee, your answer will be returned to you without being filed.

Plaintiff, filing claim	\$35.00
Plaintiff, additional fee after filing formal complaint	\$55.00
Defendant, demanding hearing	\$35.00
Defendant, demanding jury trial	\$90.00 + \$125.00

Deschutes County Justice Court
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