

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

Case No: _____

Plaintiff (Landlord or Agent)

v.

**RESIDENTIAL 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:

**215 N MAIN AVE
IRRIGON, OR 97844**

IF YOU HAVE QUESTIONS, YOU SHOULD SEE A LAWYER IMMEDIATELY. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or toll-free in Oregon at 800.452.7636 or go to www.oregonstatebar.org. Veterans (and others) can call 2-1-1 for information and resources including veteran's services and community action agencies.

Signature of Plaintiff (landlord or agent)

Dated

Name of Plaintiff (printed)

Address of Plaintiff

Phone Number

(To be completed by Plaintiff)

Contact information for:

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

**MORROW COUNTY VETERAN'S OFFICE
PO BOX 560**

**215 NE MAIN AVE _____
IRRIGON, OR 97844 _____**

541-922-6420

Phone: _____

- **Community action agency for the area where Defendant lives**

CAPECO—MAIN OFFICE _____

**721 SE 3RD SUITE D _____
PENDLETON, OR 97801 _____**

1-800-752-1139

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

(Spanish) Este formulario está disponible en español en:
(Russian) Бланк этого документа можно получить на русском языке в:
(Vietnamese) Đơn này có bằng tiếng Việt tại:
(Traditional Chinese) 本表格的繁体中文版在:
(Korean) 한국어로 번역된 양식은 다음 웹 사이트에서 찾을 수 있습니다:
<https://www.courts.oregon.gov/forms/Pages/landlord-tenant.aspx>

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. Find a local service provider at <https://www.oregon.gov/ohcs/housing-assistance/pages/emergency-rental-assistance.aspx>

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

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

Case No: _____

Plaintiff (Landlord or Agent)

v.

**RESIDENTIAL EVICTION
COMPLAINT**

Filing fee at ORS 105.130

Defendant (Tenant or Occupant)

PLAINTIFFS-LANDLORDS:

Name

Name

Street

City / State / ZIP

Phone

County

DEFENDANTS-TENANTS:

Name

Name

Street

City / State / ZIP

Phone

County

Name

Name

Street

City / State / ZIP

Phone

County

1. Defendant-Tenants are in possession of the dwelling unit, premises, or rental property located at:

Street

City

State

ZIP

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 Section 55 of House Bill 2001 (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)

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 (UTCRC), 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.

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 written notice to the defendant (tenant)

➤ **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 (C) or 90.429)
- l) 30-Day Notice (month-to-month stated cause) (ORS 90.392*, 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 (manufactured or floating home stated cause) (ORS 90.632)
- o) 90-Day Notice (for specific stated causes) (ORS 90.427(5) 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*

* This is an outside site maintained by Cornell University. The Oregon Judicial Department is not responsible for

(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.

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

any information on this site. Links may have moved.

(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 OF THE STATE OF OREGON
FOR THE COUNTY OF MORROW

Case No: _____

CERTIFICATE OF SERVICE

(ORCP 7D(2))

- ☐ (a) Personal Service
☐ (b) Substitute Service
☐ (c) Office Service
☐ (d) Service by Mail

Plaintiff
v.

Defendant

I, (name) _____, declare that I am a resident of the state of _____. I am a competent person 18 years of age or older and not a party to or lawyer in this case. I certify that the person served is the person named below.

I served true copies of the original *Petition, Claim, or Complaint* and *Summons* (with attached notices of mediation and other information provided by the court clerk) and: (name any additional forms served) _____

by (check a, b, c, or d and complete all information):

(a) ☐ **Personal Service** on (date) _____, at _____ a.m./p.m., to { ☐ Plaintiff ☐ Defendant } _____ (name) in person at the following address _____ in the County of _____, State of _____.

(b) ☐ **Substitute Service** on (date) _____, at _____ a.m./p.m., by delivering them to the following address _____ in the County of _____, State of _____. Delivered to (name) _____, who is a person age 14 or older and who lives there.

(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(b). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)

☐ On (date) _____, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served: ☐ Plaintiff ☐ Defendant _____ (name), at the party's home address listed above, together with a statement of the date, time and place that the documents were hand-delivered to the party's dwelling (residence).

(c) ☐ **Office Service** on (date) _____, at _____ a.m./p.m., by delivering them to the office of the party to be served, located at: _____ (address), during normal working hours for that office, where I left the documents with _____ (name), who is a person apparently in charge, to give the documents to the party to be served.

(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(c). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)

☐ On (date)_____, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served: ☐ Plaintiff ☐ Defendant (name) _____, at the party's: ☐ home address at: _____, **OR** ☐ business address above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

(d) ☐ **Service by Mail, Return Receipt Requested** on (date)_____, I personally deposited **two** true copies with the U.S. Postal Service. **One** by first class mail, and the **other** by certified or registered mail, Return Receipt Requested, or by express mail, postage paid, addressed to the party to be served: ☐ Plaintiff ☐ Defendant _____ (name), at the party's home address located at: _____ (address). (NOTE: If mailed Return Receipt Requested, the return receipt must be attached to this Certificate of Service.)

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 of Server

Print Name

If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:

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 (UTCRC), 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.** 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 [UTCRC 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*



Glen G. Diehl
Justice of the Peace

MORROW COUNTY JUSTICE COURT

P.O. Box 130
Irrigon, OR 97844
541-922-4082
(Fax) 541-922-3472

P.O. Box 1125
Heppner, OR 97836
541-676-5644
(Fax) 541-676-5660

EVICTON DEFENSE PROJECT STATEMENT

**"Low-income statements who have received a court summons about an evlction case may contact the
eviction Defense Project at (888) 585-9638 or email evictiondefense@oregonlawcenter.org to seek
free legal defense."**

Instruction to Sheriff: Officer Society Serving of papers

Court Case # _____
I, (print name) _____ the party
requesting service in this case, hereby request the Sheriff of Morrow
County to serve the following ** List all Documents:

The name of the person(s) or Corporation to be served:

The defendant is to be served as
An individual

A corporation or limited partnership
The address of the party or corporation to be served is as follows
(Specify NE, N, SE, S), etc:

Risk Analysis (check all that apply)

To the best of my knowledge and belief the party to be served displays
or possesses the following:
Weapons (knives, guns, swords, traps) specify type and location on
property or if person carries weapon with them:

Dogs (breed, location on property)

Gang/Violent Organization Affiliation (specify what type of activity that
leads you to believe this)

Past Violence (specify

Drugs & Alcohol (specify type and frequency of
use):

Mental Status, Impression (or known psychosis):

Other, specify:

Identification of person to be served

Name: _____

Nickname of former name(s) _____

Date of Birth or approximate Age: _____

Sex: _____ Height: _____ Weight: _____ Scars and/or
Tattoos: _____

Vehicles Driven by party (specify make/model/color/license plate if
known: _____

Other: specify) _____

Your contact information

Name _____

Home Address: _____

Mailing Address: _____

Day Phone _____

Work Phone _____

Message ph one _____

Cell Phone _____

Signature of Attorney or Party requesting Service: _____

Signature: _____

Date: _____

***Please note that failure to complete this information could delay the
service or execution of your process or could result in returning your
papers without it. It is unclear to the sheriff precisely who you want served,
etc. Personal injury to a deputy sheriff could also result by omitting on
information. This information will be used solely for the execution of
process and for officer safety purposes. Information provided could be
subject to disclosure under ORS chapter 192. Your assistance is greatly
appreciated.

NOTICE TO DEFENDANT AND PLAINTIFF

YOU HAVE THE RIGHT TO CONTEST THIS EVICTION. IF YOU INTEND TO DO THIS, PLEASE COMPLETE THE ENCLOSED "ANSWER TO A RESIDENTIAL EVICTION" AND BRING IT, ALONG WITH THE REQUIRED \$88 FEE**. THE FEE IS PAYABLE WITH EXACT CASH, CHECK OR MONEY ORDER. PLEASE MAKE CHECK OR MONEY ORDER PAYABLE TO "MORROW COUNTY JUSTICE COURT." PLEASE BRING PAYMENT ON THE DAY YOU ARE SCHEDULED TO APPEAR. UNLESS YOU HAVE CONTACTED AN ATTORNEY, THE HEARING WILL BE HELD ON THAT DAY. YOU WILL NEED TO BRING WITH YOU ANY WITNESSES OR EVIDENCE WHICH MAY SUPPORT YOUR DEFENSE.

***THE \$88 FEE CAN ONLY BE WAIVED IF YOU PRESENT A CURRENT SNAP CARD.*

FEES ARE AS FOLLOWS:

1ST STEP:

- \$88 CASH, CHECK OR MONEY ORDER PAYABLE TO "MORROW COUNTY JUSTICE COURT" FOR THE FILING FEE.
- SERVICE FEES FOR THE MORROW COUNTY SHERIFF'S OFFICE ARE PROVIDED ON THE ATTACHED "CIVIL FEES" HANDOUT. AN ONLINE PAYMENT LINK IS LISTED. OTHER PAYMENT METHODS ARE CHECK OR MONEY ORDER PAYABLE TO "MORROW COUNTY SHERIFF'S OFFICE." PLEASE SEE ATTACHED CIVIL FEES DOCUMENT FOR THE CORRECT FEE AMOUNT.

2ND STEP:

- \$10 CASH, CHECK OR MONEY ORDER PAYABLE TO "MORROW COUNTY JUSTICE COURT" FOR THE FILING FEE.
- SERVICE FEES FOR THE MORROW COUNTY SHERIFF'S OFFICE ARE PROVIDED ON THE ATTACHED "CIVIL FEES" HANDOUT. AN ONLINE PAYMENT LINK IS LISTED. OTHER PAYMENT METHODS ARE CHECK OR MONEY ORDER PAYABLE TO "MORROW COUNTY SHERIFF'S OFFICE." PLEASE SEE ATTACHED CIVIL FEES DOCUMENT FOR THE CORRECT FEE AMOUNT.

3RD STEP:

- \$9 CASH, CHECK OR MONEY ORDER PAYABLE TO "MORROW COUNTY JUSTICE COURT" FOR THE FILING FEE.
- SERVICE FEES FOR THE MORROW COUNTY SHERIFF'S OFFICE ARE PROVIDED ON THE ATTACHED "CIVIL FEES" HANDOUT. AN ONLINE PAYMENT LINK IS LISTED. OTHER PAYMENT METHODS ARE CHECK OR MONEY ORDER PAYABLE TO "MORROW COUNTY SHERIFF'S OFFICE." PLEASE SEE ATTACHED CIVIL FEES DOCUMENT FOR THE CORRECT AMOUNT.



MORROW COUNTY SHERIFF

325 Willow View Drive - P.O. Box 159

Heppner, Oregon 97836

Phone: (541) 676-5317

Fax: (541) 676-5577

John A. Bowles, Sheriff

Brian L. Snyder, Undersheriff

Civil Fees

Below are the fees charged by the Morrow County Sheriff's Office for civil papers and evictions

Notice process: FED step 1 and 2, Summons (+attachments), Notice of Restitution, Civil Subpoena, Citation, Order, Small Claim (for the same court case):

# of Parties	North Boardman, Irrigon, Hermiston	South Heppner, Lexington, Ione, Echo
1	\$100	\$50
2	\$100	\$50
3	\$134	\$84
4	\$162	\$112
5	\$190	\$140

* Add \$28 for each additional party.

Eviction FED Step 3 (Writ of Execution of Judgment of Restitution).

# of Parties	North Boardman, Irrigon, Hermiston	South Heppner, Lexington, Ione, Echo
1	\$189	\$139
2	\$189	\$139
3	\$223	\$173
4	\$251	\$201
5	\$279	229

* Add \$28 for each additional party.

Sheriff fees can be paid online here:

<https://client.pointandpay.net/web/morrowcountysheriff>

Any questions, contact the Civil Unit at 541-676-2504 or civil@co.morrow.or.us

Last update: 5/25/2023 1:15 PM