

NOTICE TO DEFENDANTS

Pursuant to Oregon Revised Statutes (ORS), ORS 105.135(5), the following notice is given as set forth in ORS 105.137:

Effect of failure of party to appear; appearance by attorney; scheduling of trial; unrepresented defendant. In the case of a dwelling unit to which ORS chapter 90 applies:

1. If the plaintiff appears and the defendant fails to appear at the first appearance, a default judgment shall be entered against the defendant in favor of the plaintiff for possession of the premises and costs and disbursements.
2. If the defendant appears and the plaintiff fails to appear at the first appearance, a default judgment shall be entered in favor of the defendant dismissing the plaintiff's complaint and awarding costs and disbursements.
3. An attorney at law shall be entitled to appear on behalf of any party, but no attorney fees may be awarded if the defendant does not contest the action.
4. If the plaintiff dismisses the action before the first appearance, a judgment of dismissal shall be entered in favor of the defendant dismissing the plaintiff's complaint and awarding costs and disbursements. The defendant may not recover attorney fees for prejudgment legal services provided after the delivery of written notice of the dismissal by the plaintiff to the defendant, or to an attorney for the defendant in the manner provided under ORS 90.155.
5. The plaintiff or an agent of the plaintiff may obtain a continuance of the action for as long as the plaintiff or the agent of the plaintiff deems necessary to obtain the services of an attorney at law.
6. If both parties appear in court on the date contained in the summons, the court shall set the matter for trial as soon as practicable, unless the court is advised by the parties that the matter has been settled. The trial shall be scheduled no later than 15 days from the date of such appearance. If the matter is not tried within the 15-day period, and the delay in trial is not attributable to the landlord, the court shall order the defendant to pay rent that is accruing into court, provided the court finds after hearing that entry of such an order is just and equitable.
- 7.a. The court shall permit an unrepresented defendant to proceed to trial by directing the defendant to file an answer in writing on a form which shall be available from the court clerk, and to serve a copy upon the plaintiff on the same day as first appearance.
- 7.b. The answer shall be in substantially the same format as the local form available from the court clerk.
8. If an unrepresented defendant files an answer as provided in subsection (6) of this section, the answer shall not limit the defenses available to the defendant at trial under ORS chapter 90. If such a defendant seeks to assert at trial a defense not fairly raised by the answer, the plaintiff shall be entitled to a reasonable continuance for the purposes of preparing to meet the defense.

Additional Instruction

- Where:** An Answer may be obtained at the court office or online at www.clackamas.us/justice and filed at the Clackamas County Justice Court located at 11750 SE 82nd Ave, Suite D Happy Valley, OR 97086.
- Hours:** Office hours are 8:00 a.m. to 12:00 p.m, 1:00 p.m. to 5:00 p.m..
- Fee:** The filing fee for an answer is \$88.00 (residential) and \$88.00 (commercial).

If you have any questions regarding court procedure, please call the Case Processing Office at:

503-794-3800 ext. 2.

The clerks cannot give you legal advice. You should contact an attorney if you have a legal question.

If the recipient of this document is a veteran of the armed forces, assistance may be available from a county veterans' service officer or community action agency. The contact information for a local county veterans' service officer and community action agency may be obtained by calling 2-1-1 information service.