

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

The filing fee for a Small Claim is \$32.50 if your claim is less than \$5,000.00. There is a \$28.00 service fee to Baker County Sheriff. Areas 75 miles and above round trip within Baker County limits have an additional fee of \$25.00. The filing fee is payable to Baker Justice Court and the service fee is payable to Baker County Sheriff/ the process server. The forms must be filled out completely. You are the plaintiff and the person being sued is the defendant. The defendant's address must be an address where the sheriff can serve him/her personally. A post office box will not work. The amount you are asking for as a plaintiff will be the amount stated in the body of the complaint plus the court costs. The Judge will determine the amount of judgment (see 2 and 3 below).

**THE COMPLAINT MUST BE SIGNED BY THE PLAINTIFF IN FRONT OF THE CLERK OF THE COURT OR A NOTARY PUBLIC.**

The original complaint stays with the court and the copies (2) go the sheriff for service upon the defendant. When the defendant is served, he/she has fourteen (14) days to answer the claim. This is personal service.

After he/she has been served, he/she can do one of the following:

- (1) Pay the claim: The defendant may pay the claim in full including court cost. Pay directly to the plaintiff.
- (2) Demand for hearing: If the defendant requests a hearing, you 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 plaintiffs, owe him money, he 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 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 \$5.00 if this occurs.

If the defendant does not answer the claim in fourteen (14) days after service, you may request a default judgment. There is a form you must fill out and return to the court before judgment will be entered. This form is called a "Request for Judgment." If judgment is not requested, the case could be dismissed