

**Multnomah County Courts – Evictions (FEDs)  
Frequently Asked Questions:**

**What is an FED case?**

- ✓ An FED is a court action by a landlord against a tenant to remove the tenant from a rented dwelling.

**Must the landlord file an eviction action with the Court?**

- ✓ Yes. Oregon law requires a landlord to file an action for eviction with the Court. It is illegal for a landlord to employ “self-help” methods to evict a tenant.

**Is there anything a landlord must do before filing the FED action?**

- ✓ Yes. The landlord **must** serve a written notice on the tenant to vacate the premises. The type of notice, and the period of time by which the landlord may demand that the tenant vacate the premises, is specified by statutory law, specifically the Oregon Revised Statutes, Chapter 105.

**How does a landlord file an FED case?**

- ✓ After delivering notice to the tenant, the time has expired for the notice; a landlord can file an FED action by filling out a complaint. The complaint, other forms (including the summons) and a mailing envelope are available at the public service counter in Room 210 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon 97204. OR
- ✓ There is an online Guide & File service a landlord may use to electronically fill out the eviction complaint form; they can print and deliver the documents to the court for conventional filing or they may submit it through eFile if an account is set up. The use of Guide & File and eFile, does not require a fee for using the service. The user will be prompted to pay filing fees electronically through eFile. Please go to [www.courts.oregon.gov/multnomah](http://www.courts.oregon.gov/multnomah) for further information on Guide & File and eFile.
- ✓ After properly filling out the complaint and other forms, a clerk will review the paperwork, set a first appearance date and put this date on the complaint and summons.
- ✓ The landlord will then file the complaint and pay fees to a cashier and the cashier will assign a case number.

**If the landlord resides in Multnomah County but the premises is in another county, can the landlord still file in Multnomah County?**

- ✓ No. The action must be filed in the county where the premise is located. The Multnomah County Sheriff's Department has no jurisdiction to evict outside of Multnomah County.

**What if the landlord claims damages to the premises?**

- ✓ An FED action is solely for purposes of eviction alone. If any damages are claimed, they must be pursued in a separate civil action.

**What if the landlord or tenant does not have the money to pay the filing fees?**

- ✓ If either the landlord or the tenant does not have the financial resources to pay the required filing fees, the clerk at the public service counter will provide a fee deferral application. If your financial condition merits a deferral of fees, the clerk will allow the deferral. Once the proper FED forms are completed, present the authorized deferral form to the cashier for processing.

**Is either the landlord or the tenant entitled to a court-appointed attorney?**

- ✓ No. There are no court-appointed attorneys on FED cases. If you retain an attorney, the attorney must file a notice of representation or file a formal pleading before they can be added to a case as the attorney of record.

**How is the tenant advised of the FED action?**

- ✓ A copy of the complaint and the summons will be served on the tenant by the civil process office of the Multnomah County Sheriff's Department. If the landlord wishes, the complaint and summons may be served on the tenant by a private process server who meets the requirements under Oregon law. The court also mails a copy of the summons and complaint to the tenant.

**What happens at the first appearance?**

- ✓ If the tenant does not appear at the first appearance, the court will issue a judgment of default in favor of the landlord. If the landlord does not appear at the first appearance, the court will issue a judgment of default and judgment for costs and disbursement in favor of the tenant. If neither party appears, the case will be dismissed.

### **What happens if both parties reach an agreement?**

- ✓ If the landlord and tenant reach an agreement, the judge will sign a stipulated order. If the tenant complies with the agreement, the court will dismiss the case. If the tenant does not comply, the landlord can seek a judgment to that effect.

### **What happens if the landlord and tenant cannot settle the case?**

- ✓ If a settlement cannot be reached, the court will direct the parties to the counter in Room 210 to have a trial date assigned. **Additional fees will be required of both parties at this time.**

### **If the tenant or landlord is defaulted from the case, can either do anything about it?**

- ✓ Once the tenant or landlord is in default, permission must be obtained from the court to reinstate the case and set-aside the default judgment if the tenant or landlord wishes to pursue the case. To do this, the tenant or landlord must file a **Motion to Set-Aside Default** with the clerk at the counter in Room 210. The clerk will have the tenant or landlord sign up to appear at an Ex Parte session to present their Motion to the judge.
- ✓ Until the motion is granted, the landlord may execute upon the default judgment and commence the eviction unless the judge signs a **Stay of Execution**. This stay of execution is not granted automatically, and only the judge may stay an execution.

### **How many days away will the trial date be?**

- ✓ Normally, it will be no further than eight (8) calendar days away. If the trial date turns out to be more than fifteen (15) days away, the landlord can request an order from the judge to demand the tenant pay any rent into court that may be accruing.

### **How will the trial be assigned?**

- ✓ If the case will be tried by the judge, the clerk will assign a court date with a room number. If the case is to be tried by a jury, the trial date will be determined at "**call assignment**." If a case is placed on "call assignment," the case will be "called" by the Presiding Judge in Room 208 of the Multnomah County Courthouse at 9:00 a.m. the judicial day **prior** to the assigned trial date. Both the tenant and landlord or their respective attorneys are **required** to be in attendance or the case may be dismissed. When the judge orally "calls" the case, both sides are expected to advise the court of the status of the case (whether both parties are prepared to go to trial or not). They must inform how long they expect the trial to take, and if they still desire a jury trial. At the end of "call" the judge will go case by case and assign a judge.

### **What happens at trial?**

- ✓ At trial, each side will be allowed by the court to present evidence of their claims against the other side. Landlords and tenants should bring cancelled checks, account books, dishonored checks, contracts, photographs, building inspection reports, insurance and housing reports, or any other documentation which may support their claims. Witnesses may be subpoenaed to testify on behalf of either party. Subpoenas should be served well in advance of the trial in accordance with Oregon Rules of Civil Procedure.

### **What happens after the trial?**

- ✓ The court will issue a judgment based upon either the jury verdict or the judge's decision. If the tenant prevails, a judgment will be issued and a judgment may be entered against the landlord or the case may be dismissed. If the landlord prevails, a judgment will be entered and the landlord will be allowed to commence eviction. Either party, if they prevail, may ask to recover the costs that they have incurred in the handling of the case.

### **How is the eviction performed?**

- ✓ The landlord may **not** use private help to evict a tenant, even if the judgment orders the tenant to vacate. The landlord must fill out a **Notice of Restitution** form which is available at the public service counter in Room 210, and pay a fee. The sheriff or a private process server (who meets the requirements under Oregon law), will need to serve the tenant the Notice of Restitution.
- ✓ If the tenant chooses **not** to vacate, the landlord must fill out a **Writ of Execution of Restitution** form which is also available at the public service counter in Room 210. A fee is also required for this step. The landlord will deliver the complete Writ of Execution of Restitution form to the Sheriff's office and schedule a date at that time.