

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
SMALL CLAIMS DEPARTMENT

Plaintiff(s),

v.

Defendant(s).

Case No. _____

**DEMAND FOR A HEARING AND
COUNTERCLAIM**

(SEE REVERSE SIDE FOR INSTRUCTIONS)

DEMAND FOR A HEARING:

I deny the claim of the plaintiff. I hereby demand a hearing in the small claims case and enclose the defendant's first appearance fee. I understand that I will be notified by mail, at the address provided below, of the date, time, place and room number of the hearing.

COUNTERCLAIM:

I, the above named defendant, claim that on or about _____,
20____, the above named plaintiff owed me the sum of \$ _____, and this sum is still
owing for (reason) _____

_____ By signing this
document, I certify to the court that the factual assertions in my counterclaim are supported
by evidence and that it is not presented for any improper purpose, such as to harass, or to
cause unnecessary delay or needless increase in the cost of litigation:

Signature of Defendant

Address

Telephone No. ()

=====DO NOT WRITE BELOW THIS LINE=====

NOTICE TO PLAINTIFF: I certify that the foregoing is a copy of the defendant's
counterclaim filed in response to your claim.

By _____
Clerk of the Court

SMALL CLAIMS DEPARTMENT
Multnomah County Courthouse
1021 SW Fourth Avenue, Room 210
Portland, OR 97204

COUNTERCLAIM INSTRUCTIONS FOR DEFENDANT

This form is to be used to demand a hearing and file a counterclaim after being served with a claim filed in the small claims department. Include a BRIEF statement of the nature of the counterclaim, which must involve the same controversy as the Plaintiff's claim.

If you desire to recover specific personal property, you should describe the property involved and state its value.

By signing this form, you certify to the court that the factual assertions in your counterclaim are supported by evidence. See ORCP 17 regarding certification and sanctions for false certification. This does not need to be a notarized document.

PROCEDURE FOR FILING A COUNTERCLAIM:

- **Counterclaim of \$0 to \$10,000** – included in defendant's first appearance fee, payable to the STATE OF OREGON. PLEASE SEE THE CURRENT FEE SCHEDULE FOR AMOUNTS.
- Upon receipt of your counterclaim and fee – the clerk will schedule a hearing and the parties will be notified by mail of the date, place, room and time of the hearing.
- If the plaintiff fails to appear at the hearing, the defendant will be entitled to a default judgment on the counterclaim. If the defendant fails to appear at the hearing, the defendant's counterclaim will be dismissed and the plaintiff will be entitled to a default judgment on the plaintiff's claim.
- **Counterclaim not over \$10,000** – You may file a counterclaim against the plaintiff if you feel money is owed to you as a part of this same controversy. If your counterclaim is not over \$10,000 **AND** you wish to have your case transferred to the civil department, **YOU MUST FILE A MOTION REQUESTING THE TRANSFER. YOU MUST PAY A TRANSFER FEE AND THE DEFENDANT'S ANSWER FEE PAYABLE TO THE STATE OF OREGON. PLEASE SEE THE CURRENT FEE SCHEDULE FOR AMOUNTS.** The court will advise the plaintiff by mail of the transfer and the plaintiff will be furnished with a copy of your counterclaim. The plaintiff will have the right to increase the amount of the complaint. After the transfer, any further pleadings or documents must be filed in the civil case, in accordance with circuit court rules. **IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONTACT AN ATTORNEY.**
- **Counterclaim of over \$10,000** – the case must be transferred to the civil department. **YOU MUST FILE A MOTION REQUESTING THE TRANSFER. YOU MUST PAY A TRANSFER FEE AND THE DEFENDANT'S ANSWER FEE PAYABLE TO THE STATE OF OREGON. PLEASE SEE THE CURRENT FEE SCHEDULE FOR AMOUNTS.** The court will advise the plaintiff by mail of the transfer and the plaintiff will be furnished with a copy of your counterclaim. The plaintiff will have the right to increase the amount of the complaint. After the transfer, any further pleadings or documents must be filed in the civil case, in accordance with circuit court rules. **IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONTACT AN ATTORNEY**
- **PLEASE REMEMBER:** If your counterclaim requires a transfer to the civil department, the plaintiff will no longer be limited to the original amount of the claim.

If you need additional information please visit our website at: <http://courts.oregon.gov/Multnomah>. If you need additional assistance, please contact the small claims clerk at **(503) 988-3022 between 8:30 a.m. and 5:00 p.m.**, except weekends and legal holidays. If you are unable to pay the fees, a form is available in room 210 to defer the fees.