In the Matter of Out-of-Cycle Amendment of UTCR 15.010, Adoption of New Form 15.010.1b, and Renumbering of Current Forms 15.010.1b, 15.010.1c, 15.010.1d, and 15.010.1e	))))))	CHIEF JUSTICE ORDER No. 11-022 ORDER OF OUT-OF-CYCLE AMENDMENT OF UTCR 15.010, ADOPTION OF NEW UTCR FORM 15.010.1b, AND RENUMBERING OF CURRENT UTCR FORMS 15.010.1b, 15.010.1c, 15.010.1d, AND 15.010.1e

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020 that:

1. Good cause has been shown and the effective date, requirements, and time limits established by UTCR 1.020(2), (3), and (4) are waived in order to make changes to the UTCR consistent with 2011 Senate Bill 77, which became effective on June 7, 2011.

2. UTCR 15.010, as shown in Attachment A to this order, is amended. For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is shown in {**braces, underline, and bold**}. When this rule, as amended, is posted and published as part of the UTCR, these highlights will not be shown.

3. New Form 15.010.1b, as shown in Attachment A to this order, is adopted.

4. The following forms are renumbered:

   15.010.1b is renumbered to 15.010.1c
   15.010.1c is renumbered to 15.010.1d
   15.010.1d is renumbered to 15.010.1e
   15.010.1e is renumbered to 15.010.1f

5. Pursuant to UTCR 1.020(5), the UTCR changes implemented by this order shall be posted for public comment as soon as is practicable and shall be placed on the agenda of the next UTCR Committee meeting, which is currently scheduled for October 14 and 15, 2011.

This order takes effect immediately.

Dated this 9th day of June, 2011.

Paul J. De Muniz
Chief Justice

AMENDMENT A

15.010 SMALL CLAIMS FORMS

(1) The following small claims documents shall be accepted, when the proper fee is tendered, by all judicial districts that accept small claims filings:

(a) Claim and Notice of Claim substantially in the form specified in Form 15.010.1a in the UTCR Appendix of Forms, to commence a small claims action pursuant to ORS 46.425 and 46.445.

{**(b) Claim and Notice of Claim substantially in the form specified in Form 15.010.1b in the UTCR Appendix of Forms, to commence a small claims action by an inmate against a public body pursuant to 2011 Senate Bill 77. The inmate must include in the caption of the form the inmate's identification number and the name of the institution in which the inmate is incarcerated.**}

([*b*]{**c**}) Request for Default Judgment, Defendant Status Affidavit substantially in the form specified in Form 15.010.1[*b*]{**c**} in the UTCR Appendix of Forms, to request a default judgment pursuant to ORS 46.475(2).

([c]{**d**}) Request for Judgment; Noncompliance Affidavit substantially in the form specified in Form 15.010.1[c]{**d**} in the UTCR Appendix of Forms, to request a judgment for failure to comply with a mediation agreement.

([d]{**e**}) Small Claims Judgment; Money Award substantially in the form specified in Form 15.010.1[d]{**e**} in the UTCR Appendix of Forms as a form for use to enter judgment in a small claims action under ORS 46.475(2), 46.485, and 46.488.

([e]{**f**}) Notice of Defendant's Election substantially in the form specified in Form 15.010.1[e]{**f**} in the UTCR Appendix of Forms as a form for use to respond to a claim and notice of claim in a small claims action pursuant to ORS 46.455.

(2) Forms in these formats may be made mandatory by SLR. SLR 15.011 is reserved for making such formats mandatory in the judicial district.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____COUNTY
Small Claims Division - _____
(court's address and phone number)

Plaintiff	Identification Number	
Institution	Address	
City	State	Zip
	County	
v.		
Defendant	Defendant	
A.K.A.	A.K.A.	

CASE No.

INMATE CLAIM AND NOTICE OF CLAIM AGAINST A PUBLIC BODY

Name, Title (if applicable) and Address for Service on Defendant(s):

Defendant	Defendant
A.K.A.	A.K.A.
Address	Address
City State Zip	City State Zip
County	County

I, Plaintiff, claim that on or about _____,_____, the above-named defendant(s) owed me the sum of $_____, and this sum is still owing for (reason) _____
_____
_____

I have incurred fees of $_____ and service expense of $_____.

Claim Amt: _____
Filing Fee: _____
Service Fee: _____

I have made a bona fide effort to collect the claim from the defendant(s) before filing the claim with the clerk.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: _____

_____
Plaintiff

****

NOTICE TO DEFENDANT: I certify that the foregoing is a true copy of the claim filed against you.

TRIAL COURT ADMINISTRATOR

By_____

NOTICE TO DEFENDANT — READ REVERSE SIDE

NOTICE TO DEFENDANT

READ THESE PAPERS CAREFULLY!

Within 30 DAYS after receiving this notice you MUST do ONE of the following things:

- Pay the claim plus filing and service expenses paid by the plaintiff; OR
- Demand a hearing; OR
- Demand a jury trial.

If you fail to do one of the following things within 30 DAYS after receiving this notice, then upon written request from the plaintiff, the clerk of the court will enter a judgment against you for the amount claimed plus filing fees and service expenses paid by the plaintiff, plus a prevailing party fee.

If you have any questions about the small claims court filing procedures after this notice, you may contact the clerk of the court; however, the clerk cannot give you legal advice on this claim.

Defendant filing fees (to be filled in by plaintiff with fees for specific county where filed):

To Demand a Hearing if the amount claimed is $1500.00 or less ..... $_____

To Demand a Hearing if the amount claimed is over $1500.00 ..... $_____

To Demand a Jury Trial (Only if the amount claimed is over $750.00) .... $_____