

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LINCOLN COUNTY**

_____))
_____))
_____))
Plaintiff (Landlord or agent),)
v.)
_____))
_____))
_____))
Defendant(Tenants/Occupants).)

No. _____

**SUMMONS
RESIDENTIAL EVICTION**

Street Address: _____

City/State/Zip: _____

Mailing Address if different: _____

**NOTICE TO TENANTS:
READ THESE PAPERS CAREFULLY!
YOUR LANDLORD WANTS TO EVICT YOU**

ON _____, 20____ AT _____m., you must come to the County Courthouse located at **225 W Olive, Newport, Oregon**. You do not have to pay any fees to the court for this first hearing.

- ☛ If you do not appear in court and your landlord does, your landlord will win automatically and can have the Sheriff physically remove you.
- ☛ If you do show up in court and your landlord does not, this eviction action will be dropped.
- ☛ If both of you show up:
 - ☛ The judge may ask you to try to reach an agreement with your landlord, but this is voluntary.
 - ☛ The court will schedule a trial if you and your landlord do not reach an agreement or if you do not agree to move out.

IF YOU WANT A TRIAL, YOU MUST:

- ☛ Show up in court at the time scheduled above;
- ☛ On the same day, file an Answer with the Court giving a legal reason why you should not be evicted (the Court can give you a form);
- ☛ Give a copy of the Answer to your landlord (or your landlord's agent or attorney); and
- ☛ Pay a filing fee of \$_____ for a trial, \$_____ for a jury trial (the judge may allow payment to be deferred in certain circumstances).

If you have questions, you should see an attorney immediately. If you need help finding an attorney, you can call the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 or toll-free in Oregon at 800-452-7636

Signature of Plaintiff (landlord or agent)

Address Phone

STATE OF OREGON, County of Lincoln) ss.

I HEREBY CERTIFY that this is a true copy of the original summons in the above entitled action.

Plaintiff

ORS 105.137 Effect of failure of party to appear; attorney fees; judgment of dismissal; 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 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 attorney fees may not be awarded to the plaintiff 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.

[Subsection 7(b) sets out the form for an answer]