

FORMS AND INSTRUCTIONS FOR FILING A COMPLAINT FOR RETURN OF PERSONAL PROPERTY

A tenant or former tenant may bring an action to recover personal property taken or retained by a landlord in violation of ORS Chapter 90. The action is governed by the same provisions or ORS 105.105 to 105.168 (FED Actions) except the attached forms should be used.

A tenant may file the action by filling out the attached Complaint and Summons forms and filing the complaint with the circuit court. At the time of filing the plaintiff (tenant) must pay a fee of \$88.00. The court clerk will assign a court “first appearance” date and time, make the appropriate number of certified copies and return the certified copies to the plaintiff to take to the sheriff’s office for service.

At the “First Appearance” the judge will ask the landlord and tenant if they have settled the matter or if they want to go to trial. Landlords and tenants often settle cases by the landlord agreeing to return the personal property to the tenant, or by agreeing on a date by which the tenant can pick up the personal property.

If the parties cannot agree, the judge will order the defendant (landlord) to file an answer with the court and to pay the answer fee of \$88.00. Plaintiff (tenant) will be responsible for the trial fee of \$139.00. If one of the parties requests a jury trial, that party is responsible to pay the \$167.00 jury trial fee. The answer fee and the trial fee are due on the date the judge signs the order.

At the trial, if the court determines that the plaintiff is entitled to possession of the personal property that is the subject of the complaint, the court shall enter an order directing the sheriff to seize the personal property to which the court finds the plaintiff entitled, and to deliver that property to the plaintiff. The court may provide that the defendant has a period of time to deliver the property to the plaintiff voluntarily before execution. The costs of execution may be recovered in the manner provided in ORS 18.910.