

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

**DEFENDANT'S REQUEST FOR HEARING  
TO CONTEST AN AFFIDAVIT OR  
DECLARATION OF  
NONCOMPLIANCE**

**CASE NO.** \_\_\_\_\_

\_\_\_\_\_  
Plaintiff (Property Owner or Agent),

v.

\_\_\_\_\_  
Defendant (Tenants/Occupants).

Address of Property:

STREET ADDRESS

CITY

STATE

ZIP

1. The plaintiff has filed a statement with the court saying that I have not complied with a court-approved agreement and that as a result the plaintiff is entitled to possession of the property.
2. I deny the plaintiff is entitled to possession of the property because:  
(The reason must be one of the following. You must check one or more of these responses and you must explain in section 3.)
  - ☐ The plaintiff is wrong. As explained below, I did comply with the agreement.
  - ☐ Before I could comply with the agreement, the plaintiff was supposed to do what is explained below, which the plaintiff did not.
  - ☐ The plaintiff and I changed the agreement and I complied with the agreement as changed. The change we agreed to is explained below.
  - ☐ The plaintiff prevented me from keeping the agreement. The way the plaintiff did that is explained below.
  - ☐ The agreement was not made in good faith as required by ORS 90.130. The lack of good faith is explained below.
  - ☐ The portion of the agreement described below was unconscionable as described in ORS 90.135.
  - ☐ The plaintiff is required by law or contract to have good cause to force me to move out and my alleged conduct or performance does not meet the standard of good cause, as explained below.
  - ☐ The plaintiff is claiming I did not pay rent for a period of time following the date of the agreement. I did not pay that rent because I have claims for money against the landlord to offset the rent. Those claims arise from the plaintiff's violation of the Residential Landlord and Tenant Act or the rental agreement since the date of the court order and are explained below.

3. Here is my explanation for the reason or reasons checked above: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ☐ See Attached

4. I understand that if I lose in court, I may be responsible for the plaintiff's costs, disbursements, any attorney fees and a prevailing party fee.

**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.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant (Tenant), Agent or Attorney OSB#

\_\_\_\_\_  
Address/City/State/Zip of Defendant (Tenant), Agent or Attorney

\_\_\_\_\_  
Printed / Typed Name of Defendant (Tenant), Agent or Attorney