

**Tenant Instructions:
Request For Hearing and Motion to Stay**

This form may be used to request a hearing and put a hold on an order to move out after a landlord has said that you have not complied with an agreement.

OR

To request a hearing and put a hold on an order to move out after missing a court appearance.

1. Fill out the section for your request (missed hearing or non-compliance with agreement)
2. You must include a reason/explanation for your request.
3. Sign and fill in your contact address and phone information.
4. If filing due to a missed hearing, **you must also** file an Answer to the Complaint and pay the required fee. If you cannot afford the fee, fill out and complete an application for fee waiver or deferral.

Go to <http://www.osbar.org/public/legalinfo/tenant.html> for information on tenant rights and the eviction process.

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

Plaintiff/Landlord,)	
)	Case No.: _____
vs.)	
)	DEFENDANT'S REQUEST FOR
)	HEARING AND MOTION TO
)	STAY EXECUTION OF
Defendant/Tenant.)	JUDGMENT

Address of Property: _____

REQUEST TO SET ASIDE JUDGMENT OF DEFAULT & REQUEST FOR HEARING-MISSED HEARING:

1. A hearing was set for _____.

I, _____ missed the hearing because:
(Name of party missing hearing)

REQUEST TO STAY & REQUEST FOR HEARING -LANDLORD FILED THAT I DID NOT COMPLY:

1. My landlord has filed a statement with the court saying that I have not complied with a court-approved agreement and that as a result my landlord is entitled to possession of the property.
2. I deny that that landlord 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 the section 3):

☐ The landlord is wrong. As explained below, I did comply with the agreement.

☐ Before I could comply with the agreement, the landlord was supposed to do what is described below, which the landlord did not do.

☐ The landlord and I changed the agreement and I complied with the agreement as changed. The change that we agreed to is explained below.

- ☐ The agreement was not made in good faith as required by OR 90.130. The lack of good faith is explained below.
- ☐ A portion of the agreement was unconscionable as described in ORS 90.135.
- ☐ The landlord 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 landlord is claiming that 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 landlord'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:

- 4. I understand that if I lose in court, I may be responsible for the landlord's costs, disbursements, any attorney fees and a prevailing party fee.
- 5. I request a delay of any enforcement actions against me until the hearing.

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.

Defendant/Tenant

Mailing Address: _____

Phone: _____

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

)	
Plaintiff/Landlord,)	Case No.: _____
)	
vs.)	ORDER ON HEARING AND STAY
)	OF EXECUTION
)	
Defendant/Tenant.)	

Based upon the Defendant's Request for Hearing and Motion to Stay Execution of Judgment:

The request for a hearing is:

☐ Allowed

☐ Denied

The request for a stay of execution of judgment is:

☐ Allowed

☐ Denied

Dated this _____ day of _____, 20_____.

Circuit Court Judge

Print, Type or Stamp Name of Judge