

# THE CONFEDERATED TRIBES OF COOS, LOWER UMPQUA AND SIUSLAW INDIANS TRIBAL COURT

## SMALL CLAIMS COURT INFORMATION SHEET

1. Small Claims Court proceedings are governed by Chapter 2-12 of the Tribal Code of the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. The purpose of the Small Claims Court procedure is to hear and decide civil suits promptly and economically. The hearings are informal. The parties (Plaintiff and Defendant) appear without lawyers. There is no appeal from a Small Claims Court decision.
2. The amount claimed must be \$5,000 or less. You may file for the return of property or the value of any loss or damage to the property not exceeding \$5,000. You may file to require someone to complete a contract in an amount not exceeding \$5,000. You may file for "in-kind" services valued at an amount not exceeding \$5,000. Interest can also be recovered on the value of the claim.
3. The damage or loss you suffered or incurred must have become known to you no more than one year before the filing of the claim.
4. A claim may be for recovery of money and/or specific personal property, or performance of a contract. The loan, injury, or contract (execution or performance) must have occurred within the Tribes' five-county service area (Coos, Curry, Lincoln, Douglas and Lane), or must have been executed or required to be performed within the service area.
5. Either the Plaintiff or the Defendant must be a member of the Confederated Tribes of Coos, Lower Umpqua, & Siuslaw Indians or reside on reservation. If the Plaintiff is not a Tribal member, the Plaintiff must agree to allow the Tribal Court to decide the case.
6. Names and mailing addresses of the Plaintiff and Defendant must be provided by the Plaintiff.
7. Before you may file a claim in Small Claims Court, you must have made a good faith effort to collect the claim.
8. A Small Claim shall be filed in the form prescribed by the Tribal Court. The Tribal Court Clerk has the forms. Forms are also available on the court section of the tribal web site ([www.ctclusi.org](http://www.ctclusi.org).)
9. The Plaintiff or the Defendant can be an individual, a business, or a corporation. If a party is a business, you will need to name the persons who own the business, "doing business as" the name of the business. If it is a Corporation, you will name the corporation only, but you will need to know the name and address of the "registered agent" designated to receive a copy of the claim. You can find this out by calling the main office of the corporation or the appropriate office of the state of incorporation.
10. On the claim form summarize the facts of what happened including dates as best you can, and what you are seeking as a remedy. You may gather copies of any written documents or other exhibits which support your claim and submit them to the Court as attachments or exhibits to the claim.
11. The original Claim must be sworn to and signed in front of a Notary Public or the Clerk of the Tribal Court.
12. The original Claim form must be filed with the Clerk of the Tribal Court, 1245 Fulton Avenue, Coos Bay, OR 97420.
13. A filing fee of \$40 for claims up to \$1500, and a filing fee of \$75 for claims of \$1501-\$5000 must be submitted with the claim document.
14. Upon filing of the claim, the Tribal Court Clerk will issue the Notice to Defendant. The Clerk will serve that Notice, and a copy of the Claim and any attachments, on the Defendant by certified mail designated to "Deliver to Addressee Only, Return Receipt Requested" to the mailing address Plaintiff provides, usually the last known address.

15. After receiving the Claim and Notice of Claim, the Defendant must respond within 21 days, unless good cause can be shown. Defendant may respond by filing an Answer in the court. Failure to respond may result in a default judgment being taken against the Defendant upon a written request from Plaintiff or by a ruling from the Court. (2.12.8).
16. If Defendant admits the claim, the Defendant may settle the suit as follows:
  - a. Pay the plaintiff the amount of Plaintiff's claim and the filing fees and service expenses paid by the plaintiff as shown on claim; complete the **Answer of Defendant** form, plus: provide proof of payment to the court with the **Answer of Defendant** form; or
  - b. Deliver the property in dispute to the plaintiff, and if applicable, an amount of money equaling the value of the loss or damage to the property, and mail or provide proof of delivery to the court with the completed **Answer of Defendant** form; or
  - c. Complete performance of the promised service(s) and mail or provide proof of performance to the court with the completed **Answer of Defendant** form; and
  - d. Pay defendant's filing and service fees.
17. If Defendant denies the Claim, the Defendant may do one of the following:
  - a. Demand a tribal court hearing in writing by submitting an **Answer of Defendant to Tribal Court** within 21 days of receiving the claim filed by Plaintiff , or
  - b. File a counterclaim and demand for Tribal Court hearing by submitting within 21 days of receiving the claim filed by the plaintiff and submitting a **Counterclaim** if it arises out of the same transaction, act or occurrence that is the subject matter of the Claim. The Tribal Court Clerk will serve the Counterclaim on the Plaintiff. All rules which apply to the filing of a Claim also apply to the filing of a Counterclaim; and
  - c. Pay defendant's filing and service fees.
18. If a hearing is requested, the Tribal Court Clerk will set a hearing and mail Notice of Hearing to the Plaintiff and Defendant. **It is each party's responsibility to keep the Court informed of any new mailing address.** The Notice of Hearing will include instructions to bring witnesses, documents, and any other evidence that would support a claim or defense. The hearing will be informal. No attorneys will be allowed to represent or advise the Plaintiff or Defendant. The proceeding is open to the public, but no one will be allowed to address the Court except the Plaintiff, Defendant, their witnesses, and spokespersons who appear at no charge to assist the Plaintiff or Defendant and who are immediate family members of a party.
19. A written request for one extension of time of no more than 30 days may be granted by the Court for Plaintiff and/or Defendant if good cause is shown.
20. If Defendant fails to admit and pay the claim, request a hearing, or appear at the hearing, a default judgment may be entered against the defendant for the relief claimed plus the amount of any filing or service fees. If the Plaintiff fails to appear at a hearing, or answer a Counterclaim, the case may be dismissed, or a default judgment may be entered against the Plaintiff as to the Counterclaim for the relief claimed plus the amount of any filing or service fees. A default judgment may not be entered against, or may, on motion, may be set aside for any party who failed to appear for good cause.
21. The Judge of the Tribal Court will usually decide a small claims case at the time of the hearing. In some cases the Judge may decide to take extra time to consider the matter before making a decision. You will then receive your decision in the mail.