

IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

vs. _____

_____ *Defendant(s)*

**HEARING TO CONTEST AFFIDAVIT
OR DECLARATION OF
NONCOMPLIANCE**

Case Number: _____

Address of Property: _____

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 the 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 section 3.):

___ **A.** The landlord is wrong. As explained in Section 3, I did comply with the agreement.

___ **B.** Before I could comply with the agreement, the landlord was supposed to do what is explained in Section 3, which the landlord did not do.

___ **C.** The landlord and I changed the agreement and I complied with the agreement as changed. The change we agreed to is explained in Section 3.

___ **D.** The landlord prevented me from keeping the agreement. The way the landlord did that is explained in Section 3

___ **E.** The agreement was not made in good faith as required by ORS 90.130 ([Obligation of good faith](#)). The lack of good faith is explained in Section 3

___ **F.** The portion of the agreement described below was unconscionable as described in OS [90.135 \(Unconscionability\)](#).

___ **G.** 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 in Section 3.

___ **H.** The landlord 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 landlord's violation of the Residential Landlord and Tenant Act or the rental agreement since the date of the court order and are explained in Section 3.

3. Here is my explanation for the reason or reasons checked in Section 2:

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.

I hereby declare that the statements provided are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Signature: _____

Mailing address: _____

Phone: _____

Dated: _____