

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VLADA NEAL,

Petitioner,

v.

PRIME RESIDENTIAL and THE FRANK ESTATE APARTMENTS,

Respondents.

APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI
(SUPREME COURT RULE 13.5)

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Applicant/Petitioner Vlada Neal (pro se) respectfully applies for an order extending the time within which to file a Petition for a Writ of Certiorari. This Application is made pursuant to Supreme Court Rule 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1257(a). This Application is submitted at least ten (10) days before the petition is due. No prior application for an extension of time has been filed in this matter.



The Petition for a Writ of Certiorari will seek review of the Oregon Court of Appeals' decision upholding Oregon's statutory eviction scheme requiring entry of a judgment of restitution based on a landlord's unilateral declaration of noncompliance, with the tenant's opportunity to be heard provided only after entry of that judgment.

Pertinent dates are as follows:

- a) **April 30, 2025:** Oregon Court of Appeals issued its opinion affirming the judgment of restitution (Prime Residential v. Neal, 340 Or App 150 (2025)).
- b) **July 9, 2025:** Oregon Court of Appeals granted reconsideration, modified the opinion to correct the judgment-entry timeline, and adhered to the decision as modified (Prime Residential v. Neal, 341 Or App 658 (2025)).
- c) **November 20, 2025:** The Oregon Supreme Court denied review.
- d) **January 15, 2026:** The Oregon Supreme Court denied reconsideration.
- e) **April 15, 2026:** Current due date for filing the Petition for Writ of Certiorari (90 days from January 15, 2026), unless extended.

True and correct copies of the above-referenced documents are attached hereto.

Good cause exists for the requested extension. Petitioner is proceeding pro se and is preparing a petition raising substantial federal constitutional questions concerning the Due Process Clause and the design of Oregon's eviction

enforcement mechanism. Preparing a Supreme Court petition and appendix requires careful review and accurate citation to the state-court record and relevant authorities, and assembling the required appendices. Additional time is necessary to ensure the petition is accurate, complete, and professionally presented, and to avoid errors that could prejudice review.

This request is made in good faith and not for purposes of delay. Petitioner seeks the extension solely to permit adequate time to prepare the Petition and appendix materials.

The position of Respondents regarding this Application is unknown.

This proceeding draws into question the constitutionality and application of an Oregon statute (including ORS 105.146 and related provisions). To the extent 28 U.S.C. § 2403(b) may apply, Petitioner is serving a copy of this Application on the Oregon Attorney General.

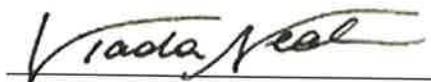
WHEREFORE, Petitioner respectfully prays that the Court grant an extension under Supreme Court Rule 13.5 of sixty (60) days, to and including June 14, 2026, within which to file her Petition for a Writ of Certiorari.

VERIFICATION

I hereby declare that the foregoing statements contained herein and exhibits attached hereto are true and correct to the best of my knowledge and belief, and

that I understand they are made for use as evidence in Court and I am subject to penalty for perjury.

Respectfully submitted this 11th day of March 2026.



Vlada Neal, Petitioner, Pro Se

P.O. Box 754

Boring, Oregon 97009

Tel: (503) 341-7072

Email: vladaneal@gmail.com

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this date, I caused to be mailed by the United States Postal Service Certified Mail the foregoing "MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI PURSUANT TO RULE 13.5" to the Clerk of the United States Supreme Court at the following address:

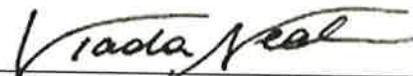
Supreme Court of the United States
Attn: Clerk of Court
1 First Street, NE
Washington, DC 20543

I further certify that on this date, I served a copy of the foregoing on all parties required to be served by both email (if known) and United States Postal Service First-Class mail, postage prepaid and addressed as follows:

Gordon Magella, Attorney
For Respondent Prime Residential
For Respondent The Frank Estate Apartments
PO Box 8441
Portland OR 97207
Email: gordon.magella@andor-law.com

Dan Rayfield, Oregon Attorney General
1162 Court Street NE
Salem, OR 97301

DATED this 11th day of March 2026



Vlada Neal, Petitioner, Pro Se
P.O. Box 754
Boring, Oregon 97009
Tel: (503) 341-7072
Email: vladaneal@gmail.com

FILED: April 30, 2025

IN THE COURT OF APPEALS OF THE STATE OF OREGON

PRIME RESIDENTIAL and THE FRANK ESTATE APARTMENTS,
Plaintiffs-Respondents,

v.

VLADA NEAL and all other occupants,
Defendant-Appellant.

Washington County Circuit Court
23LT04661

A181541

Theodore E. Sims, Judge.

Submitted on April 01, 2025.

Trevor Robins filed the briefs for appellant.

Gordon Magella and Andor Law PC, filed the brief for respondents.

Before Ortega, Presiding Judge, Lagesen, Chief Judge, and Hellman, Judge.

LAGESEN, C. J.

Affirmed.

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondents

No costs allowed.
 Costs allowed, payable by Appellant.

1 LAGESEN, C. J.

2 After landlord sought to evict tenant, the trial court entered an order by
3 stipulation as authorized by ORS 105.145(2) based on the parties' agreement that tenant
4 could retain possession of the premises on the conditions set forth in the stipulated order.
5 After landlord filed a declaration of noncompliance with the court, the trial court entered
6 judgment awarding restitution to landlord, as provided in ORS 105.146(5). Tenant
7 appeals, contending that the court erred in entering judgment (1) without ruling on
8 tenant's pending motion to modify the stipulated order; (2) without holding a hearing on
9 landlord's declaration of noncompliance; and (3) based on a stipulated agreement that, in
10 tenant's view, does not conform to the requirements of ORS 105.146(2) and is otherwise
11 unconscionable. Reviewing for legal error whether the trial court complied with the
12 applicable statutory process in entering the judgment on appeal, we affirm.

13 By way of background, ORS 105.145 through ORS 105.149 supply a
14 process through which a landlord and a tenant can negotiate a settlement of an eviction
15 proceeding that permits the tenant to retain possession of the premises contingent on
16 compliance with the parties' agreement. When the parties reach an agreement under ORS
17 105.145(2), the trial court enters a stipulated order based on the agreement. That
18 stipulated order then permits a landlord to "obtain and enforce a judgment of restitution
19 based upon [the] order" if the tenant fails to comply, provided the stipulated order
20 addresses only a limited range of obligations:

21 "(a) Future performance or conduct as described in the order for a period of
22 not more than six months following the entry of the order;

1 "(b) Payment of past due rent and other past due amounts pursuant to a
2 schedule provided in the order for a period of not more than six months
3 following entry of the order;

4 "(c) Payment of rent due for future rental periods that follow entry of the
5 order pursuant to a schedule provided in the order for not more than the
6 first three monthly rental periods following the order; and

7 "(d) Payment of any costs, disbursements or attorney fees pursuant to a
8 schedule in the order."

9 ORS 105.146(2). If the tenant fails to comply with a proper stipulated order, and upon
10 receipt of "an affidavit or declaration of noncompliance describing how the [tenant] has
11 failed to comply," the court "shall enter a judgment of restitution" and the clerk of the
12 court shall issue a "notice of restitution" to the tenant. ORS 105.146(4), (5). Upon
13 receipt of the notice of restitution, the tenant may request a hearing to contest the
14 landlord's entitlement to restitution on one or more of eight specified grounds, including,
15 that the landlord is wrong about noncompliance; that the original agreement was
16 unconscionable; or that the landlord and tenant had modified the agreement on their own.
17 ORS 105.149(2) (listing issues that a tenant may raise at a hearing); ORS 105.148(2)
18 (providing for a form for hearing requests that lists the issues a tenant may raise). If the
19 court finds in favor of the tenant following the hearing, then the court must set aside the
20 judgment of restitution. ORS 105.149(4).

21 In this case, based on the parties' agreement, the trial court entered a
22 stipulated order under ORS 105.145(2) in March 2023. That order, which stated that it
23 could be modified only by agreement of the parties, required tenant to comply with a
24 payment plan by paying specified sums on specific dates in March, April, and May. On

1 May 26, 2023, the date of the final payment under the terms of the agreement, tenant
2 filed a "Motion for Modification of Stipulated Agreement Due to Unexpected Hardship,"
3 requesting an additional 28 days in which to pay the amount due. Four days later,
4 landlord filed a declaration of noncompliance representing that that tenant failed to pay
5 the sum due on May 26. Based on that declaration of noncompliance, as contemplated by
6 ORS 105.146(2), the trial court entered a residential eviction judgment on June 1,
7 awarding restitution of the premises to landlord. The same day, tenant filed a request for
8 a hearing on the landlord's declaration of noncompliance, although the court had not yet
9 issued a notice of restitution under ORS 105.146(2). Four days later, on June 5, the court
10 issued the notice of restitution, which explained the steps tenant needed to take to request
11 a hearing on the declaration of noncompliance. Instead of requesting a hearing in
12 accordance with the notice of restitution and ORS 105.148 and ORS 105.149, tenant
13 appealed.

14 On appeal, tenant contends that the trial court erred in three respects: (1) by
15 entering judgment before considering tenant's motion for modification; (2) by entering
16 judgment without holding a hearing on tenant's request for a hearing on the declaration of
17 noncompliance; and (3) by entering judgment based on a stipulated order that, in tenant's
18 view, "contains a stipulation outside the limits of ORS 105.146(2)," and is
19 unconscionable. Tenant contends that any one of these alleged errors requires reversal of
20 the trial court's judgment.

21 We are not persuaded.

1 We start with tenant's contention that the stipulated order contained a
2 "stipulation outside the limits of ORS 105.146(2)," making the ORS 105.146 process
3 unavailable in this case, such that the trial court's entry of judgment pursuant to that
4 process was in error.¹ In support of that argument, tenant points to the following
5 provision in the stipulated order:

6 "Any payment(s) made under this Agreement shall be made by an
7 organizational or governmental payor (e.g. rent assistance) (noncertified
8 funds acceptable), or by certified funds (cashier's check or money order)
9 from the Defendant(s) or any combination thereof."

10 Tenant contends:

11 "[t]hat provision germanely includes [a rental assistance program], which
12 ran out of funding to provide the approved and expected payments of past
13 due rental monies owed under the stipulated agreement. That stipulation
14 pertains to performance by third-parties [*sic*] not under jurisdiction of this
15 case or the stipulated agreement, and is clearly outside the scope of ORS
16 105.146(2)(a), (b), (c), and (d)."

17 Tenant's reading of the provision as "pertain[ing] to the performance of

¹ Tenant did not raise this issue with the trial court before it entered the judgment of restitution. We consider it because the statutory process does not appear to afford the opportunity to raise it. Under that process, the court is required to enter judgment upon receipt of a declaration of noncompliance, so a tenant has no opportunity to object prior to entry of judgment. Although the process provides the opportunity for a hearing after entry of judgment, ORS 105.149 limits the issues that can be raised in the hearing process and does not on its face permit a tenant to question whether the stipulated order is one that is eligible to be enforced through that process in the first place. *See* ORS 105.149(2) (listing issues that a tenant may raise during the hearing); *see also* ORS 105.148(2) (specifying the form for a hearing request and identifying the issues a tenant permissibly may raise). Given those procedural limitations, we think it appropriate to consider tenant's assertion that the stipulated order was not one that allowed landlord to invoke the process under ORS 105.146. In other words, under these circumstances, tenant's ordinary obligation to preserve the issue is excused by the apparent lack of a cognizable procedural mechanism to present the issue to the trial court.

1 third parties" is not a tenable one. The plain text of the provision simply designates
2 acceptable forms for the payments required by the agreement, stating that such payments
3 can come from rental assistance programs or can come from certified funds provided by
4 tenant themselves. That specification regarding acceptable payment methods fits
5 comfortably within ORS 105.146(2)(a), which allows for a stipulated order to address
6 "[f]uture performance or conduct as described in the order for a period of not more than
7 six months following the entry of the order." Tenant does not argue that any other
8 provision of the parties' stipulated order falls outside of ORS 105.146(2), and we see
9 none. The trial court, therefore, did not err in employing the ORS 105.146(2) process to
10 enter judgment.

11 Our conclusion that the ORS 105.146(2) process applies to this case
12 disposes of tenant's remaining claims of error because those claims of error rest on the
13 predicate that the trial court should have departed from the statutory process.

14 Tenant asserts that the court erred in entering judgment without ruling on
15 tenant's motion for modification. ORS 105.146, however, mandated the court to enter
16 judgment upon receipt of landlord's declaration of noncompliance: "Upon receipt of a
17 [landlord's] affidavit or declaration * * * [t]he court *shall* enter a judgment of restitution."
18 ORS 105.146(5)(a) (emphasis added). It is not error for a court to comply with the plain
19 directive of a statute, as the trial court did here. Moreover, tenant's motion was at odds
20 with the terms of the stipulated order: "The terms of this agreement may only be changed
21 by written agreement of the parties." To conclude that the trial court had the obligation to

1 consider tenant's motion to modify would undermine the statutory process addressing
2 stipulated orders by allowing a tenant to, in effect, raise a defense to compliance that is
3 outside of those identified in ORS 105.149(2) through a procedure not spelled out in the
4 statutes themselves.

5 Tenant also argues that the trial court erred by entering judgment without
6 first holding a hearing to permit tenant to contest the declaration of noncompliance. But,
7 again, ORS 105.146(5) required the court to enter judgment upon receipt of the
8 declaration of noncompliance. Under ORS 105.149, the hearing to which a tenant is
9 entitled occurs *after* entry of judgment under ORS 105.146(5). Given the statutory
10 scheme, the trial court did not err by entering judgment without first holding a hearing.
11 To the extent tenant wished to contest the declaration of noncompliance or raise any of
12 the other defenses to enforcement identified in ORS 105.149, tenant's recourse was to
13 request the hearing provided for by those statutes and explained by the trial court in the
14 notice of restitution.

15 That observation resolves tenant's remaining argument that the court erred
16 in entering judgment because the stipulated order is unconscionable. Under ORS
17 105.149, a tenant may contest a judgment entered under ORS 105.146(2) on the ground
18 that the stipulated agreement "is unconscionable as described in ORS 90.135." ORS
19 105.149(2)(b)(A). Tenant's decision to appeal, rather than to invoke the hearing process
20 to contest the restitution judgment, means that the issue of unconscionability is not
21 properly before us. Moreover, unlike in *Hazelwood Station Apartments v. Sigler*, decided

1 today, these are not circumstances in which the face of the stipulated order--which we
2 have concluded complies with ORS 105.146(2)--raises concerns of unconscionability
3 such that it would be appropriate for us to address the issue on our own motion as
4 allowed under ORS 90.135. ___ Or App ___, ___ P3d ___ (Apr 30, 2025) (slip op at
5 2:19 - 4:2).

6 Affirmed.

FILED: July 9, 2025

IN THE COURT OF APPEALS OF THE STATE OF OREGON

PRIME RESIDENTIAL and THE FRANK ESTATE APARTMENTS,
Plaintiffs-Respondents,

v.

VLADA NEAL and all other occupants,
Defendant-Appellant.

Washington County Circuit Court
23LT04661

A181541

Theodore E. Sims, Judge.

On appellant's petition for reconsideration filed May 14, 2025. Opinion filed April 30, 2025. 340 Or App 150 (2025) (precedential opinion).

Trevor Robins, for petition.

Before Ortega, Presiding Judge, Lagesen, Chief Judge, and Hellman, Judge.

LAGESEN, C. J.

Reconsideration allowed; former opinion modified and adhered to as modified.

1 LAGESEN, C. J.

2 Tenant petitions for reconsideration of our recent decision in this matter,
3 *Prime Residential v. Neal*, 340 Or App 150, 153-55, ___ P3d ___ (2025), in which we
4 affirmed the trial court's underlying judgment of eviction. She argues that our decision
5 contains a factual error: It states that the judgment was entered on June 1, when, in fact,
6 the judgment was signed on June 1 but entered on June 5. Tenant is correct on that point.
7 Accordingly, we grant the petition for reconsideration and modify our opinion as noted
8 below to correct that factual error. We nonetheless adhere to our prior decision because
9 the factual error was not material to our reasoning.

10 First, we correct our statement that "the trial court *entered* a residential
11 eviction judgment on June 1[.]" *Prime Residential*, 340 Or App at 152 (emphasis added).
12 We strike the italicized portion of the quoted sentence and modify it to read "the trial
13 court *signed* a residential eviction judgment on June 1."

14 Second, we correct our statement that "on June 5, the court issued the
15 notice of restitution[.]" *Id.* We correct the quoted material to read "on June 5, the court
16 entered the residential eviction judgment and issued the notice of restitution[.]"

17 Those changes accurately reflect the timing of the procedural facts. The
18 changes do not, however, affect the reasoning in our original opinion, so we adhere to it
19 as modified.

20 Reconsideration allowed, former opinion modified and adhered to as
21 modified.

IN THE SUPREME COURT OF THE STATE OF OREGON

Prime Residential and The Frank Estate Apartments,
Plaintiffs-Respondents,
Respondents on Review,

v.

Vlada Neal and all other occupants,
Defendant-Appellant,
Petitioner on Review.

Oregon Court of Appeals
A181541

S072125

ORDER DENYING REVIEW

Upon consideration by the court.

The court has considered the petition for review and orders that it be denied.



Meagan A. Flynn
Chief Justice, Supreme Court
November 20, 2025

Bushong, J., not participating.

c: Trevor Robins

Gordon C Magella

ORDER DENYING REVIEW

Appellate Court Administrator, Appellate Court Records Section
1163 State Street, Salem, Oregon 97301-2563
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IN THE SUPREME COURT OF THE STATE OF OREGON

Prime Residential and The Frank Estate Apartments,
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v.

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Petitioner on Review.

Oregon Court of Appeals
A181541

S072125

ORDER DENYING PETITION FOR RECONSIDERATION

Upon consideration by the court.

The court has considered the petition for reconsideration and orders that it be denied.



Meagan A. Flynn
Chief Justice, Supreme Court
January 15, 2026

Bushong, J., not participating.

c: Trevor Robins

Gordon C Magella

ORDER DENYING PETITION FOR RECONSIDERATION

Appellate Court Administrator, Appellate Court Records Section
1163 State Street, Salem, Oregon 97301-2563
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