

FILED: August 14, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

RIVER CITY INVESTMENT CO.,
Plaintiff-Respondent,

v.

JULIE NOLTING,
Defendant-Appellant.

Multnomah County Circuit Court
120013500E

A151724

Steven A. Todd, Judge.

Submitted on July 05, 2013.

Julie Nolting filed the brief *pro se*.

No appearance for respondent.

Before Armstrong, Presiding Judge, and Nakamoto, Judge, and Egan, Judge.

PER CURIAM

Affirmed.

1 PER CURIAM

2 In this forcible entry and detainer (FED) action involving a residential unit,
3 defendant appeals a general judgment, entered after trial, awarding plaintiff restitution of
4 the property.¹

5 Defendant presents several reasons why she believes the judgment should
6 be reversed. Under Article VII (Amended) of the Oregon Constitution, as restated in
7 ORS 19.415, the Court of Appeals may reverse a judgment only if it affirmatively
8 determines that the trial court committed error that substantially affects the rights of a
9 party; thus, an appellant cannot win by default on appeal, because the court always must
10 satisfy itself, with or without a brief from the respondent, that the trial court committed
11 reversible error that substantially affects the rights of a party. We have considered
12 defendant's arguments and reviewed the record of proceedings in the trial court, and we
13 conclude that the trial court did not commit reversible error. Accordingly, we affirm.

14 Defendant raises the following issues: (1) both she and Mark DeLapp, who
15 appeared in the trial court on behalf of plaintiff, know the trial court judge who heard the
16 case and this was a "conflict of interest"; (2) the trial court struck one of her defenses
17 before she presented her case; (3) plaintiff initiated the FED action in retaliation for
18 defendant's requests for repairs and complaints about landlord entries into her apartment;
19 (4) plaintiff failed to make repairs on the property; and (5) DeLapp was not qualified to
20 appear on behalf of plaintiff. She also asserts that the parties have a dispute regarding a

¹ River City Investment Company has not appeared on appeal.

1 security deposit and disposal of possessions.

2 With limited exceptions not applicable here, this court does not address
3 issues that the parties did not adequately raise in the trial court. *See* ORAP 5.45
4 (explaining principle of preservation of error). Plaintiff did not preserve a claim of error
5 in connection with her "conflict of interest" argument, the striking of one of her defenses,
6 her defense that plaintiff initiated the FED action in retaliation for complaints about
7 landlord entries into her apartment, and her contention about De Lapp's qualification to
8 represent plaintiff. As to her arguments about repairs and retaliation for complaints about
9 repairs, the trial court considered and rejected them. As noted, we have reviewed the
10 record in this case, and we conclude that the trial court correctly concluded that (1)
11 defendant's arguments about plaintiff's failure to make repairs did not constitute a defense
12 in a 30-day no-cause FED action and (2) the evidence presented by defendant was
13 insufficient to establish that plaintiff initiated the FED action in retaliation for her
14 complaints about repairs. As to the asserted dispute about a security deposit and disposal
15 of possessions, those issues apparently arose after the general judgment was entered and,
16 accordingly, are not properly before us on this appeal of the general judgment.

17 Affirmed.