

Rule 5.

COMMENT:

~~This is a more specific description of In Rem Jurisdiction than that~~
~~in Ors 14.010 and 14.020.~~ With the comprehensive personal jurisdiction provided
by rule 4 ~~XXXXXX~~ this rule probably will ^{needed in most cases} not be frequently used. No provision
is made for ~~Quasi-in-rem~~ Jurisdiction. Shaffer v Heitner 97 S. Ct. 2569 (1977)

Rule 6

COMMENT:

^{describes the}
This ~~covers the type of~~ voluntary submission to jurisdiction presently
covered ⁱⁿ by Ors 14.010 and 14.020 by reference to jurisdiction when a defendant
X "appears". The last sentence ~~XXXXXX~~ provides for a limited appearance
~~XXXXXXXX~~ by a defendant when the ~~only basis for~~ jurisdiction is in rem.

6
RULE ~~10c~~.

PERSONAL JURISDICTION, WITHOUT SERVICE OF SUMMONS

A court of this state having jurisdiction of the subject matter may, without a summons having been served upon a person, exercise jurisdiction in an action ^{or proceeding} over a person with respect to any counterclaim asserted against that person in an action ^{or proceeding} which the person has commenced in this state and also over any person who appears in the action and waives the defense of lack of jurisdiction over his or her person as provided in Rule J. 7 ^{21 C} (~~Oregon Rule of Civil Procedure J. 7~~). Where jurisdiction is exercised under Rule ~~10c~~ ⁵, a defendant may appear in an action and defend on the merits, without being subject to personal jurisdiction by virtue of this Rule (~~section~~) ^{or proceeding}

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of summons

Insufficiency of summons or process or Insufficiency of service of summons or process

COMMENT

This describes the voluntary submission to jurisdiction presently covered in ORS 14.010 and 14.020 by reference to jurisdiction when a defendant "appears." The last sentence provides for a limited appearance by a defendant when the jurisdiction is in rem.

state.

C. When the action or proceeding is to declare property within this state a public nuisance.

COMMENT

With the comprehensive personal jurisdiction provided by Rule 4, this rule probably will not be needed in most cases. ~~No provision is made for quasi in rem jurisdiction.~~ Shaffer v. Heitner, 433 U.S. 186 (1977). *Case to serve of Property -*

RULE 6

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*P 12
new
13 memo
person.*

*Halk's
memo
p 2
sub section
8724.*

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