

event the former procedure applies.

D. Citation. These rules may be referred to as ORCP and may be cited, for example, by citation of Rule 7, section D., subsection (3), paragraph (a), subparagraph (i), as ORCP 7 D. (3)(a)(i).

E. Local rules. These rules do not preclude a court in which they apply from regulating pleading, practice, and procedure in any manner not inconsistent with these rules.

\* \* \* \* \*

#### RULE 4

##### PERSONAL JURISDICTION

A court of this state having jurisdiction of the subject matter has jurisdiction over a party served in an action pursuant to Rule 7 under any of the following circumstances:

Sections A. through K.(2) unchanged.

K.(3) In a filiation proceeding under ORS Chapter 109, when the act [or acts] of sexual intercourse which resulted in the birth of the child are alleged to have taken place in this state and the child resides in this state.

Sections L. through O. unchanged.

\* \* \* \* \*

#### RULE 7

##### SUMMONS

Sections A. through D.(3)(d) unchanged.

D.(4) Particular actions involving motor vehicles.

D.(4)(a) Actions arising out of use of roads, highways, and streets -- service by mail. In any action arising out of any accident,

REDRAFTS SUGGESTED  
AT MARCH 22, 1979, JOINT JUDICIARY  
WORK SESSION

RULE 4

K.(3) [In any action involving paternity] In any proceeding for filiation or action for declaration of paternity, when the act of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state.

RULE 7

(7 D.(6) and 7 D.(6)(a) appear on Page 25 of printed rules as D.(5) and D.(a) -- renumbered because of addition of mail service in motor vehicle cases).

D.[(5)](6) [Service by publication or mailing to a post office address; other service by court order.] Court order for service; service by publication.

D.[(5)](6)(a) [Order for publication or mailing or other service.] Court order for service by other method. On motion upon a showing by affidavit that service cannot be made by any [other] method [more reasonably calculated to apprise the defendant of the existence and pendency of the action] specified in these rules or other rule or statute, the court, at its discretion, may order service by any method or combination of methods which under the circumstances is most reasonably calculated to apprise the defendant of the existence and pendency of the action, including but not limited to: [by publication; or at the discretion of the court,] publication of summons; [by] mailing without publication to a specified post office address of defendant, return receipt requested, deliver to addressee only; or [by any other method] posting at specified locations. If service is ordered by any manner other than publication, the court may order a time for response.

M E M O R A N D M

TO: JOINT SENATE AND HOUSE JUDICIARY COMMITTEES  
FROM: FRED MERRILL  
RE: REDRAFTS SUGGESTED AT MARCH 22, 1979, JOINT JUDICIARY WORK SESSION  
DATE: March 28, 1979

A. CHANGES SUGGESTED FOR MATERIAL PREVIOUSLY SUBMITTED

RULE 4

K.(2) [In a filiation proceeding under ORS Chapter 109] In any proceeding to establish paternity under ORS Chapters 109, 110, or 419, or in any action for declaration of paternity, when the act [or acts] of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state [and the child resides in this state].

RULE 7

(7 D.(6) and 7 D.(6)(a) appear on Page 25 of printed rules as D.(5) and D.(a) -- renumbered because of addition of mail service in motor vehicle cases).

D.[(5)](6) [Service by publication or mailing to a post office address; other service by court order.] Court order for service; service by publication.

D.[(5)](6)(a) [Order for publication or mailing or other service.] Court order for service by other method. On motion upon a showing by affidavit that service cannot be made by any [other] method [more reasonably calculated to apprise the defendant of the existence and pendency of the action] specified in these rules or other rule or statute, the court, at its discretion, may order

Rule 4

K.(3) [In a filiation proceeding under ORS Chapter 109]

In any proceeding to establish paternity under ORS Chapters 109, 110, or 419, or any action for declaration of paternity where the primary purpose of the action is to establish responsibility for child support, when the act [or acts] of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state [and the child resides in this state].

## RULE 4

### PERSONAL JURISDICTION

M. Personal representative. In any action against a personal representative to enforce a claim against the deceased person represented where one or more of the grounds stated in sections [B.] A. through L. would have furnished a basis for jurisdiction over the deceased had the deceased been living. It is immaterial whether the action is commenced during the lifetime of the deceased.

#### COMMENT

The situation covered by section M. could arise where jurisdiction is based upon section A. of this rule.

RULE 4

PERSONAL JURISDICTION

M. Personal representative. In any action against a personal representative to enforce a claim against the deceased person represented where one or more of the grounds stated in sections [B.] A. through L. would have furnished a basis for jurisdiction over the deceased had the deceased been living. It is immaterial whether the action is commenced during the lifetime of the deceased.

COMMENT

The situation covered by section M. could arise where jurisdiction is based upon section A. of this rule.

RULE 4

PERSONAL JURISDICTION

M. Personal representative. In any action against a personal representative to enforce a claim against the deceased person represented where one or more of the grounds stated in sections [B.] A. through L. would have furnished a basis for jurisdiction over the deceased had the deceased been living. It is immaterial whether the action is commenced during the lifetime of the deceased.

COMMENT

The situation covered by section M. could arise where jurisdiction is based upon section A. of this rule.

Rule 4

K. Certain marital and domestic relations actions.

K.(1) In any action to determine a question of status instituted under ORS Chapter 106 or 107 when the plaintiff is a resident of or domiciled in this state.

K.(2) In any action to enforce personal obligations arising under ORS Chapter 106 or 107, if the parties to a marriage have concurrently maintained the same or separate residences or domiciles within this state for a period of six months, notwithstanding departure from this state and acquisition of a residence or domicile in another state or country before filing of such action; but if an action to enforce personal obligations arising under ORS Chapter 106 or 107 is not commenced within one year following the date upon which the party who left the state acquired a residence or domicile in another state or country, no jurisdiction is conferred by this subsection in any such action.

K.(3) [In a filiation proceeding under ORS Chapter 109] In any proceeding to establish paternity under ORS Chapters 109, 110, or 419, or any action for declaration of paternity where the primary purpose of the action is to establish responsibility for child support, when the act [or acts] of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state [and the child resides in this state].