

1 SCOPE; CONSTRUCTION; APPLICATION; RULE; CITATION

2 RULE 1

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4 E Use of declaration under penalty of perjury in lieu of affidavit[; *“declaration”*
5 *defined*].

6 **E(1) Definition. As used in these rules, “declaration” means a declaration under**
7 **penalty of perjury.** A declaration [*under penalty of perjury*] may be used in lieu of any affidavit
8 required or allowed by these rules. A declaration [*under penalty of perjury*] may be made
9 without notice to adverse parties[,].

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12 letters immediately above the signature of the declarant: “I hereby declare that the above
13 statement is true to the best of my knowledge and belief, and that I understand it is made for
14 use as evidence in court and is subject to penalty for perjury.” [*As used in these rules,*
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16 **E(3) Declaration made outside the United States. A declaration made outside the**
17 **United States as defined in ORS 194. must be signed by the declarant and must include**
18 **the following language in prominent letters immediately following the signature of the**
19 **declarant: “I declare under penalty of perjury under the laws of Oregon that the foregoing is**
20 **true and correct, and that I am physically outside the geographic boundaries of the United**
21 **States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession**
22 **subject to the jurisdiction of the United States. Executed on the _____ (day) of**
23 **(month), _____ (year) at _____ (city or other location),**
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1 **SCOPE; CONSTRUCTION; APPLICATION; RULE; CITATION**

2 **RULE 1**

3 **A Scope.** These rules govern procedure and practice in all circuit courts of this state,
4 except in the small claims department of circuit courts, for all civil actions and special
5 proceedings whether cognizable as cases at law, in equity, or of statutory origin except where a
6 different procedure is specified by statute or rule. These rules shall also govern practice and
7 procedure in all civil actions and special proceedings, whether cognizable as cases at law, in
8 equity, or of statutory origin, for the small claims department of circuit courts and for all other
9 courts of this state to the extent they are made applicable to [*such*] **these** courts by rule or
10 statute. Reference in these rules to actions shall include all civil actions and special proceedings
11 whether cognizable as cases at law, in equity or of statutory origin.

12 **B Construction.** These rules shall be construed to secure the just, speedy, and
13 inexpensive determination of every action.

14 **C Application.** These rules, and amendments thereto, shall apply to all actions pending
15 at the time of or filed after their effective date, except to the extent that in the opinion of the
16 court their application in a particular action pending when the rules take effect would not be
17 feasible or would work injustice, in which event the former procedure applies.

18 **D “Rule” defined and local rules.** References to “these rules” shall include Oregon Rules
19 of Civil Procedure numbered 1 through 85. General references to “rule” or “rules” shall mean
20 only rule or rules of pleading, practice, and procedure established by ORS 1.745, or
21 promulgated under ORS 1.006, 1.735, 2.130, and 305.425, unless otherwise defined or limited.
22 These rules do not preclude a court in which they apply from regulating pleading, practice, and
23 procedure in any manner not inconsistent with these rules.

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19 **F Electronic filing.** Any reference in these rules to any document, except a summons,
20 [*which*] **that** is exchanged, served, entered, or filed during the course of civil litigation shall be
21 construed to include electronic images or other digital information in addition to printed
22 versions[*of such items*], as may be permitted by rules of the court in which the action is
23 pending.

24 **G Citation.** These rules may be referred to as ORCP and may be cited, for example, by
25 citation of Rule 7, section D, subsection (3), paragraph (a), subparagraph (iv), part (A), as ORCP
26 7 D(3)(a)(iv)(A).

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