



Oregon Rules of Civil Procedure Legislative Amendments 1979-2023

Compiled by Connor Grosshanten

Lewis & Clark Law School | Oregon Council on Court Procedures



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Legend

- **Additions**
- **Deletions**
- **Movements/Redesignations**
- **[Full text of section was omitted to save space] OR [Compiler Commentary]**

Rule 1 – Scope; Construction; Application; Citation

§	Latest Amendment
A	Or. Laws 1995 c.685 § 117
B	Unamended
C	Or. Laws 1979 c.284 § 7
D	Or. Laws 1981 s.s. c.1 § 21
E	Or. Laws 2013 c.218 § 9
F	Or. Laws 2003 c.193 § 1

Or. Laws 1979 c.284 § 7

Amends Rule 1(C), (D) & (E)

- A. [Unamended]
- B. [Unamended]
- C. **Application.** These rules, and amendments thereto, shall apply to all actions pending at the time of or filed after their effective date, **except to the extent that in the opinion of the court their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.**
- D. **"Rule" defined and local rules.** References to "these rules" shall include Oregon Rules of Civil Procedure numbered 1 through 64. General references to "rule" or "rules" shall mean only rule or rules of pleading, practice and procedure established by ORS 1.745, or promulgated under ORS 1.002, 1.735, 2.130 and 305.425, unless otherwise defined or limited. 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.
- E. **[(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).

H.B. 3131

Or. Laws 1979 c.284 § 7

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1981 s.s. c.1 § 21

Amends Rule 1(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **"Rule" defined and local rules.** References to "these rules" shall include Oregon Rules of Civil Procedure numbered 1 through 85. General references to "rule" or "rules" shall mean only rule or rules of pleading, practice and procedure established by ORS 1.745, or promulgated under ORS ~~1.002~~ **1.006**, 1.735, 2.130 and 305.425, unless otherwise defined or limited. 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.
- E. [Unamended]

H.B. 3293

Or. Laws 1981 s.s. c.1 § 21

House Introduction

10/24/81

A-Engrossed Bill

10/24/81 – Passed with amendments in House (per Judiciary Committee recommendation)

10/24/81 – Passed unamended in Senate

Governor signed Enrolled Bill

10/30/81

Or. Laws 1981 c.898 § 3

Amends Rule 1(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **"Rule" defined and local rules.** References to "these rules" shall include Oregon Rules of Civil Procedure numbered 1 through ~~64~~ 85. General references to "rule" or "rules" shall mean only rule or rules of pleading, practice and procedure established by ORS 1.745, or promulgated under ORS 1.002, 1.735, 2.130 and 305.425, unless otherwise defined or limited. 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.
- E. [Unamended]

H.B. 3261

Or. Laws 1981 c.898 §

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1995 c.658 § 117
Amends Rule 1(A)

- A. **Scope.** These rules govern procedure and practice in all circuit ~~and district~~ courts of this state, except in the small claims department of ~~district circuit~~ courts, for all civil actions and special proceedings whether cognizable as cases at law, in equity, or of statutory origin except where a different procedure is specified by statute or rule. These rules shall also govern practice and procedure in all civil actions and special proceedings, whether cognizable as cases at law, in equity, or of statutory origin, for the small claims department of ~~district circuit~~ courts and for all other courts of this state to the extent they are made applicable to such courts by rule or statute. Reference in these rules to actions shall include all civil actions and special proceedings whether cognizable as cases at law, in equity or of statutory origin.
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2625

Or. Laws 1995 c.658 § 117

House Introduction

2/10/95

A-Engrossed Bill

2/13/95 – Referred to Judiciary Committee

2/23/95 – Assigned to Civil Law and Judicial Administration Subcommittee

4/20/95 – Returned to Judiciary Committee

5/10/95 – Judiciary Committee recommended passing with amendments, printing engrossed (A-Eng.), and referring to Ways and Means Committee; Referred to Ways and Means Committee

5/30/95 – Assigned to Public Safety/Regulation Subcommittee

6/4/95 – Returned to Ways and Means Committee

6/5/95 – Ways and Means Committee recommended passing with amendments and printing engrossed (B-Eng.)

6/7/95 – Passed with amendments in House (per Judiciary Committee and Ways and Means Committee recommendations)

6/7/95 – Referred to Senate Ways and Means Committee

6/8/95 – Senate Ways and Means Committee recommended passing with amendments

B-Engrossed Bill

6/9/95 – Passed with amendments in Senate (per Ways and Means Committee recommendation); House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2003 c.194 § 1
Amends 1(E) & (F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. Use of declaration under penalty of perjury in lieu of affidavit; “declaration” defined. A declaration under penalty of perjury may be used in lieu of any affidavit required or allowed by these rules. A declaration under penalty of perjury may be made without notice to adverse parties, must be signed by the declarant and must include the following sentence in prominent letters immediately above the signature of the declarant: “I hereby declare that the above statement is true to the best of my knowledge and belief, and I understand that it is made as use for evidence in court and is subject to penalty for perjury.” As used in these rules, “declaration” means a declaration under penalty of perjury.
- F. [(E)] 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).

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 1

Or. Laws 2013 c.218 § 9
Amends Rule 1(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Use of declaration under penalty of perjury in lieu of affidavit; “declaration” defined.** A declaration under penalty of perjury, **or an unsworn declaration under sections 1 to 8 of this 2013 Act, if the declarant is physically outside the boundaries of the United States,** may be used in lieu of any affidavit required or allowed by these rules. A declaration under penalty of perjury may be made without notice to adverse parties, must be signed by the declarant and must include the following sentence in prominent letters immediately above the signature of the declarant: “I hereby declare that the above statement is true to the best of my knowledge and belief, and I understand that it is made as use for evidence in court and is subject to penalty for perjury.” As used in these rules, “declaration” means a declaration under penalty of perjury.
- F. [Unamended]

H.B. 2833

Or. Laws 2013 c.218 § 9

House Introduction

2/11/13

A-Engrossed Bill

4/17/13 – Passed with amendments in House (per Judiciary Committee recommendation)

5/14/13 – Passed unamended in Senate

Governor signed Enrolled Bill

5/23/13

Rule 4 – Jurisdiction (Personal)

§	Latest Amendment
A, B, C, D, E, F, G, H, I	Unamended
J	Or. Laws 1995 c.79 § 401
K	Or. Laws 2017 c.651 § 49
L, M, N, O	Unamended

Or. Laws 1979 c.284 § 8

Amends Rule 4(K)(3)

[Rule 4(A)–(I) unamended]

J. [Unamended]

K. **Certain marital and domestic relations actions.**

1. [Unamended]

2. [Unamended]

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 ~~are~~ alleged to have taken place in this state ~~and the child resides in this state.~~

[Rule 4(L)–(O) unamended]

H.B. 3131

Or. Laws 1979 c.284 § 8

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1993 c.33 § 364
Amends Rule 4(K)

[Rule 4(A)–(I) unamended]

J. [Unamended]

K. **Certain marital and domestic relations actions.**

1. [Unamended]

2. [Unamended]

3. In any proceeding to establish paternity under ORS chapters 109, ~~or~~ 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 of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state.

[Rule 4(L)–(O) unamended]

S.B. 257

Or. Laws 1993 c.33 § 364

Senate Introduction

1/25/93

A-Engrossed Bill

3/1/93 – Passed with amendments in Senate (via Judiciary Committee recommendation)

4/13/93 – Passed unamended in House

Governor signed Enrolled Bill

4/30/93

Or. Laws 1995 c.79 § 401
Amends Rule 4(j)

[Rule 4(A)–(I) unamended]

- J. **Securities**. In any action arising under the Oregon Securities Law, including an action brought by the ~~Corporation~~ ~~Commissioner~~ **Director of the Department of Consumer and Business Services**, against:
1. [Unamended]
 2. [Unamended]
- K. [Unamended]

[Rule 4(L)–(O) unamended]

S.B. 851 [Passed Unamended]
Or. Laws 1995 c.79 § 401

Or. Laws 1995 c.608 § 40
Amends Rule 4(K)

[Rule 4(A)–(I) unamended]

J. [Unamended]

K. **Certain marital and domestic relations actions.**

1. [Unamended]
2. [Unamended]
3. In any proceeding to establish paternity under ORS chapter 109 or ORS ~~110.005 to 110.291~~ **110.300 to 110.441**, or any action for declaration of paternity where the primary purpose of the action is to establish responsibility for child support, when the act of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state.

[Rule 4(L)–(O) unamended]

S.B. 213

Or. Laws 1995 c.608 § 40

Senate Introduction

1/17/95

A-Engrossed Bill

3/23/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/29/95 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

6/1/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/17/95

Or. Laws 2003 c.14 § 13
Amends Rule 4(K)

[Rule 4(A)–(I) unamended]

J. [Unamended]

K. **Certain marital and domestic relations actions.**

1. [Unamended]
2. [Unamended]
3. In any proceeding to establish paternity under ORS chapter 109 or ~~ORS 110.303 to 110.452~~ 110, or any action for declaration of paternity where the primary purpose of the action is to establish responsibility for child support, when the act of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state.

[Rule 4(L)–(O) unamended]

S.B. 81

Or. Laws 2003 c.14 § 13

Senate Introduction

1/15/03

A-Engrossed Bill

2/11/03 – Passed unamended in Senate

3/10/03 – Passed with amendments in House (per Judiciary Committee recommendation)

3/12/03 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

3/25/03

Or. Laws 2017 c.651 § 49
Amends Rule 4(K)

[Rule 4(A)–(I) unamended]

J. [Unamended]

K. Certain marital and domestic relations actions.

1. [Unamended]

2. [Unamended]

3. In any proceeding to establish **paternity parentage** under ORS chapter 109 or 110, or any action for declaration of **paternity parentage** where the primary purpose of the action is to establish responsibility for child support, when the act of sexual intercourse which resulted in the birth of the child is alleged to have taken place in this state.

[Rule 4(L)–(O) unamended]

S.B. 512

Or. Laws 2017 c.651 § 49

Senate Introduction

1/9/17

A-Engrossed Bill

6/26/17 – Passed with amendments in Senate (per Judiciary Committee recommendation)

7/6/17 – Passed with amendments in House (per House Committee recommendation)

B-Engrossed Bill

7/7/17 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

8/2/17

Rule 7 – Summons

§	Latest Amendment
A	Or. Laws 1979 c.284 § 9
B	Unamended
C	Or. Laws 2011 c.398 § 3.
D	Or. Laws 2003 c.194 § 5
E	Or. Laws 1981 c.898 § 5
F	Or. Laws 2003 c.194 § 5
G	Or. Laws 2003 c.194 § 5

Or. Laws 1979 c.284 § 9

Amends Rule 7(A), (C), (D), & (F)

- A. **Plaintiff and defendant defined Definitions.** For purposes of this rule, "plaintiff" shall include any party issuing summons and "defendant" shall include any party upon whom service of summons is sought. **For purposes of this rule, a "true copy" of a summons and complaint means an exact and complete copy of the original summons and complaint with a certificate upon the copy signed by an attorney of record, or if there is no attorney, by a party, which indicates that the copy is exact and complete.**
- B. [Unamended]
- C. [No text]
- [Unamended]
 - [Unamended]
 - Notice to party served.**
 - In general.** All summonses other than a summons ~~to join a party pursuant to Rule 22 D,~~ referred to in **paragraph (b) or (c) of this subsection,** shall contain a notice printed in a type size equal to at least 8-point type which may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court legal paper called a "motion" or "answer." ~~This paper~~ **The "motion" or "answer"** must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff. If you have questions, you should see an attorney immediately.

- Service on maker of contract for counterclaim.** A summons to join a party **to respond to a counterclaim** pursuant to Rule 22 D. ~~(2)~~ **(1)** shall contain notice printed in type size equal to at least 8-point type which may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal paper called a "motion" or "reply." ~~This paper~~ **The "motion" or "reply"** must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant. If you have questions, you should see an attorney immediately.

- c. **Service on persons liable for attorney fees.** A summons to join a party pursuant to Rule 22 D. ~~(3)~~(2) shall contain a notice printed in type size equal to at least 8-point type which may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a judgment for reasonable attorney fees will be entered against you, as provided by the agreement to which defendant alleges you are a party.

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal paper called a "motion" or "reply." ~~This paper~~ The "motion" or "reply" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant. If you have questions, you should see an attorney immediately.

D. **Manner of service.**

1. [Unamended]
2. **Service methods.**
 - a. **Personal service.** Personal service may be made by delivery of a **certified true** copy of the summons and a **certified true** copy of the complaint to the person to be served.
 - b. **Substituted service.** Substituted service may be made by delivering a **certified true** copy of the summons and complaint at the dwelling house or usual place of abode of the person to be served, to any person over 14 years of age residing in the dwelling house or usual place of abode of the person to be served. Where substituted service is used, the plaintiff, **immediately as soon as reasonably possible**, shall cause to be mailed a **certified true** copy of the summons and complaint to the defendant at defendant's dwelling house or usual place of abode, together with a statement of the date, time, and place at which substituted service was made. **For the purpose of computing any period of time prescribed or allowed by these rules**, substituted service shall be complete upon such mailing.
 - c. **Office service.** If the person to be served maintains an office for the conduct of business, office service may be made by leaving a **certified true** copy of the summons and complaint at such office during normal working hours with the person who is apparently in charge. Where office service is used, the plaintiff **immediately as soon as reasonably possible**, shall cause to be mailed a **certified true** copy of the summons and complaint to the defendant at the defendant's dwelling house or usual place of abode, together with a statement of the date, time, and place at which office service was made. **For the purpose of computing any period of time prescribed or allowed by these rules**, office service shall be complete upon such mailing.
 - d. **Service by mail.** Service by mail, when required or allowed by this rule, shall be made by mailing a **certified true** copy of the summons and a **certified true** copy of the complaint to the defendant by certified or registered mail, return receipt requested. **For the purpose of computing any period of time prescribed or allowed by these rules**, service by mail shall be complete when the registered or certified mail is delivered and the return receipt signed or when acceptance is refused.
3. **Particular defendants.** Service may be made upon specified defendants as follows:
 - a. [Unamended]
 - b. **Corporations; limited partnerships; unincorporated associations subject to suit under common name.** [Full section text unamended]
 - i. **Primary service method.** By personal service or office service upon a registered agent, officer, director, general partner, or managing agent of the corporation, limited partnership, or association, **or by personal service upon any clerk on duty in the office of a registered agent.**
 - ii. **Alternatives.** If a registered agent, officer, director, general partner, or managing agent cannot be found ~~and does not have an office~~ in the county where the action is filed, the summons may be served: by substituted service upon such registered agent, officer, director, general partner, or managing agent; or by personal service on any clerk or agent of the corporation, limited partnership, or association who may be found in the county where the action is filed; or by mailing a copy of the summons and complaint to ~~a registered agent, officer, director, general partner, or managing agent~~ **the last registered office of the corporation, limited partnership, or association, if any, as shown by the records on file in the office of the Corporation Commissioner or, if the**

corporation, limited partnership, or association is not authorized to transact business in this state at the time of the transaction, event, or occurrence upon which the action is based occurred, to the principal office or place of business of the corporation, limited partnership, or association, and in any case to any address the use of which the plaintiff knows or, on the basis of reasonable inquiry, has reason to believe is most likely to result in actual notice.

- c. [Unamended]
 - d. **Public bodies.** Upon any county, incorporated city, school district, or other public corporation, commission, ~~or~~ board **or agency**, by personal service or office service upon an officer, director, managing agent, clerk, or secretary thereof. When a county is a party to an action, in addition to the service of summons specified above, an additional copy of the summons and complaint shall also be served upon the district attorney of the county in the same manner as required for service upon the county clerk.
4. **Particular actions involving motor vehicles.**
- a. **Actions arising out of use of roads, highways, and streets; service by mail.** In an action arising out of any accident, collision, or liability in which a motor vehicle may be involved while being operated upon the roads, highways, and streets of this state, any defendant who operated such motor vehicle, or caused such motor vehicle to be operated on the defendant's behalf, may be served with summons by mail, except a defendant which is a foreign corporation maintaining an attorney in fact within this state. Service by mail shall be made by mailing to: (i) the address given by the defendant at the time of the accident or collision that is the subject of the action, and (ii) the most recent address furnished by the defendant to the Administrator of the Motor Vehicles Division, and (iii) any other address of the defendant known to the plaintiff, which might result in actual notice.
 - b. **Notification of change of address.** Every motorist or user of the roads, highways, and streets of this state who, while operating a motor vehicle upon the roads, highways, or streets of this state, is involved in any accident, collision, or liability, shall forthwith notify the Administrator of the Motor Vehicles Division of any change of such defendant's address within three years after such accident or collision.
 - c. **Default.** No default shall be entered against any defendant served by mail under this subsection who has not either received or rejected the registered or certified letter containing the copy of the summons and complaint, unless the plaintiff can show by affidavit that the defendant cannot be found residing at the address given by the defendant at the time of the accident or collision, or residing at the most recent address furnished by the defendant to the Administrator of the Motor Vehicles Division, or residing at any other address actually known by the plaintiff to be defendant's residence address, if it appears from the affidavit that inquiry at such address or addresses was made within a reasonable time preceding the service of summons by mail.
5. [(4)] **Service in foreign country.** When service is to be effected upon a party in a foreign country, it is also sufficient if service of summons is made in the manner prescribed by the law of the foreign country for service in that country in its courts of general jurisdiction, or as directed by the foreign authority in response to letters rogatory, or as directed by order of the court. ~~-, provided, However, that~~ in all cases such service shall be reasonably calculated to give actual notice.
6. [(5)] ~~Service by publication or mailing to a post office address; other service by court order~~ **Court order for service; service by publication.**
- 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~~ otherwise 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 of summons; or at the discretion of the court, 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.
 - b. **Contents of published summons.** In addition to the contents of a summons as described in section C. of this rule, a published summons shall also contain a summary statement of the object of the complaint and the demand for relief, and the notice required in subsection C.(3) shall state: ~~"This paper~~ The 'motion' or 'answer' (or 'reply') must be given to the court clerk or administrator

within 30 days of the date of first publication specified herein along with the required filing fee.”
The published summons shall also contain the date of the first publication of the summons.

- c. Where published. [Full section text redesignated]
 - d. Mailing summons and complaint. [Full section text redesignated]
 - e. Unknown heirs or persons. [Full section text redesignated]
 - f. Defending before or after judgment. [Full section text redesignated]
 - g. Completion of service. For the purpose of computing any period of time prescribed or allowed by these rules service by publication shall be complete at the date of the last publication.
- E. [Unamended]
- F. **Return; proof of service.**
- 1. [Unamended]
 - 2. **Proof of service.** [Full section text unamended]
 - a. [Full section text unamended]
 - i. ~~Affidavit of service~~ **Certificate of service when summons not served by sheriff or deputy.** ~~The affidavit~~ If the summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating: the time, place, and manner of service; that the server is a competent person 18 years of age or older and a resident of the state of service or this state and is not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise; and that the server knew that the person, firm, or corporation served is the identical one named in the action. If the defendant is not personally served, the server shall state in the **affidavit certificate** when, where, and with whom a copy of the summons and complaint was left or describe in detail the manner and circumstances of service. If the summons and complaint were mailed, the **affidavit certificate** shall state the circumstances of mailing and the return receipt shall be attached.
 - ii. **Certificate of service by sheriff or deputy.** If the ~~copy of the~~ summons is served by ~~the~~ a sheriff, or a sheriff's deputy, ~~proof may be made by~~ the sheriff's or deputy's certificate of service indicating the time, place, and manner of service, and if defendant is not personally served, when, where, and with whom the copy of the summons and complaint was left or describing in detail the manner and circumstances of service. If the summons and complaint were mailed, the certificate shall state the circumstances of mailing and the return receipt shall be attached.
 - iii. ~~Form. An affidavit or certificate containing proof of service may be made upon the summons or as a separate document attached to the summons.~~
 - b. **Publication.** [Full section text unamended] [*See Excerpt Below*]
 - c. [Unamended]
 - d. **Form of certificate or affidavit.** A certificate or affidavit containing proof of service may be made upon the summons or as a separate document attached to the summons.
 - 3. [Unamended]
 - 4. [Unamended]
- G. [Unamended]
- H. [Unamended]

Affidavit of Publication

State of Oregon) ss.
County of)

I, _____, being first duly sworn, depose and say that I am the (here set forth the title or job description of the person making the affidavit), of the _____ a newspaper of general circulation, ~~as defined by ORS 193.010 and 193.020;~~ published at in the aforesaid county and state; that I know from my personal knowledge that the _____, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper four times in the following issues:

(here set forth dates of issues in which the same was published).

Subscribed and sworn to before me this ____ day of ____, 19__.

Notary Public for Oregon

My commission expires
____ day of ____, 19__.

H.B. 3131

Or. Laws 1979 c.284 § 9

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1981 c.898 § 4-5

§4 Amends Rule 7(D);

§5 Amends Rule 7(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. **Particular actions involving motor vehicles.**
 - a. **Actions arising out of use of roads, highways, and streets; service by mail.**
 - i. In any action arising out of any accident, collision, or liability in which a motor vehicle may be involved while being operated upon the roads, highways, and streets of this state, any defendant who operated such motor vehicle, or caused such motor vehicle to be operated on the defendant's behalf ~~may be served with summons by mail, except a defendant which is a foreign corporation maintaining an attorney in fact within this state. Service by mail shall be made by mailing to: (i) the address given by the defendant at the time of the accident or collision that is the subject of the action, and (ii) the most recent address furnished by the defendant to the Administrator of the motor Vehicles Division, and (iii) any other address of the defendant known to the plaintiff, which might result in actual notice~~ except a defendant which is a foreign corporation maintaining a registered agent within this state, may be served with summons by personal service upon the Motor Vehicles Division and mailing a copy of the summons and complaint to the defendant.
 - ii. Summons may be served by leaving one copy of the summons and complaint with a fee of \$12.50 in the hands of the Administrator of the Motor Vehicles Division or in the Administrator's office or at any office the Administrator authorizes to accept summons. The plaintiff, as soon as reasonably possible, shall cause to be mailed a true copy of the summons and complaint to the defendant at the address given by the defendant at the time of the accident or collision that is the subject of the action, and the most recent address as shown by the Motor Vehicles Division's driver records, and any other address of the defendant known to the plaintiff, which might result in actual notice. For purposes of computing any period of time prescribed or allowed by these rules, service under this paragraph shall be complete upon such mailing.
 - iii. The fee of \$12.50 paid by the plaintiff to the Administrator of the Motor Vehicles Division shall be taxed as part of the costs if plaintiff prevails in the action. The Administrator of the Motor Vehicles Division shall keep a record of all such summonses which shall show the day of service.
 - b. [Unamended]
 - c. **Default.** No default shall be entered against any defendant served by mail under this subsection who has not either received or rejected the registered or certified letter containing the copy of the summons and complaint, unless the plaintiff can show by affidavit that the defendant cannot be found residing at the address given by the defendant at the time of the accident or collision, or residing at the most recent address ~~furnished by the defendant to the Administrator of~~ as shown by the Motor Vehicles [Division] Division's driver records, or residing at any other address actually known by the plaintiff to be defendant's residence address, if it appears from the affidavit that inquiry at such address or addresses was made within a reasonable time preceding the service of summons by mail.
 - 5. [Unamended]
 - 6. [Unamended]
- E. **By whom served; compensation.** A summons may be served by any competent person 18 years of age or older who is a resident of the state where service is made or of this state and is not a party to the action nor an officer, director, or employee of, nor attorney for, any party, corporate or otherwise. Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be paid for service. This compensation shall be part of disbursements and shall be recovered as provided in **ORS 20.020 Rule 68.**

H.B. 3261

Or. Laws 1981 c.898 § 4-5

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1983 c.751 § 3–4

§3 Amends Rule 7(D);

§4 Amends Rule 7(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of Service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Individuals.**
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. **Public bodies.** Upon any county, incorporated city, school district, or other public corporation, commission, board or agency, by personal service or office service upon an officer, director, managing agent, ~~secretary~~, or attorney thereof.
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]
- E. [Unamended]
- F. **Return; proof of service.**
 - 1. **Return of summons.** [Full section text unamended]
 - 2. **Proof of service.** [Full section text unamended]
 - a. **Service other than publication.** Service other than publication shall be proved by:
 - i. **Certificate of service when summons not served by sheriff or deputy.** If the summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating: the time, place, and manner of service; that the server is a competent person 18 years of age or older and a resident of the state of service or this state and is not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise; and that the server knew that the person, firm, or corporation served is the identical one named in the action. If the defendant is not personally served, the server shall state in the certificate when, where, and with whom a copy of the summons and complaint was left or describe in detail the manner and circumstances of service. If the summons and complaint were mailed, the certificate may be made by **the person completing the mailing** or the attorney for any party and shall state the circumstances of mailing and the return receipt shall be attached.
 - ii. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]

H.B. 2891

Or. Laws 1983 c.751 § 3–4

House Introduction

2/24/83

A-Engrossed Bill

4/28/83 – Passed with amendments in the House (per Judiciary Committee recommendation)

7/14/83 – Passed with amendments in the Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/15/83 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

Or. Laws 1995 c.79 § 402
Amends Rule 7(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Particular defendants.** [Full section text unamended]
 - a. [Unamended]
 - i. [Unamended]
 - ii. [Unamended]
 - iii. **Incapacitated persons.** Upon an incapacitated person as defined by ORS 126.003 (4), by service in the manner specified in subparagraph (i) of this paragraph upon such person, and also upon the conservator of such person's estate or guardian, or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).
 - b. **Corporations and limited partnerships.** [Full section text unamended]
 - i. [Unamended]
 - ii. **Alternatives.** If a registered agent, officer, director, general partner, or managing agent cannot be found in the county where the action is filed, the summons may be served: by substituted service upon such registered agent, officer, director, general partner, or managing agent; or by personal service on any clerk or agent of the corporation or limited partnership who may be found in the county where the action is filed; or by mailing a copy of the summons and complaint to the office of the registered agent or to the last registered office of the corporation or limited partnership, if any, as shown by the records on file in the office of the **Corporation Commissioner Secretary of State** or, if the corporation or limited partnership is not authorized to transact business in this state at the time of the transaction, event, or occurrence upon which the action is based occurred, to the principal office or place of business of the corporation or limited partnership, and in any case to any address the use of which the plaintiff knows or, on the basis of reasonable inquiry, has reason to believe is most likely to result in actual notice
 - c. [Unamended]
 - d. [Unamended]
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 4. **Particular actions involving motor vehicles.**
 - a. **Actions arising out of use of roads, highways, and streets; service by mail.**
 - i. In any action arising out of any accident, collision, or liability in which a motor vehicle may be involved while being operated upon the roads, highways, and streets of this state, any defendant who operated such motor vehicle, or caused such motor vehicle to be operated on the defendant's behalf who cannot be served with summons by any method specified in subsection **7 D(3)** of this rule, may be served with summons by leaving one copy of the summons and complaint with a fee of \$12.50 ~~in the hands of the Administrator of the Motor Vehicles Division or in the Administrator's office~~ with the Department of Transportation or at any office the **Administrator department** authorizes to accept summons or by mailing such summons and complaint with a fee of \$12.50 to the ~~office of the Administrator of the Motor Vehicles Division~~ **Department of Transportation** by registered or certified mail, return receipt requested. The plaintiff shall cause to be mailed by registered or certified mail, return receipt requested, a true copy of the summons and complaint to the defendant at the address given by the defendant at the time of the accident or collision that is the subject of the action, and at the most recent address as shown by the **Motor Vehicles Division Department of Transportation's** driver records, and at any other address of the defendant known to the plaintiff, which might result in actual notice to the defendant. For purposes of computing any period of time prescribed or allowed by these rules, service under this paragraph shall be complete upon the date of the first mailing to the defendant.
 - ii. The fee of \$12.50 paid by the plaintiff to the ~~Administrator of the Motor Vehicles Division~~ **Department of Transportation** shall be taxed as part of the costs if plaintiff prevails in the action.

The ~~Administrator of the Motor Vehicles Division~~ **Department of Transportation** shall keep a record of all such summonses which shall show the day of service.

- b. Notification of change of address. Every motorist or user of the roads, highways, and streets of this state who, while operating a motor vehicle upon the roads, highways, or streets of this state, is involved in any accident, collision, or liability, shall forthwith notify the ~~Administrator of the Motor Vehicles Division~~ **Department of Transportation** of any change of such defendant's address within three years after such accident or collision.
- c. **Default.** [Full section text unamended]
 - i. [Unamended]
 - ii. either, if the identity of the defendant's insurance carrier is known to the plaintiff or could be determined from any records of the ~~Motor Vehicles Division~~ **Department of Transportation** accessible to plaintiff, that the plaintiff not less than 14 days prior to the application for default caused a copy of the summons and complaint to be mailed to such insurance carrier by registered or certified mail, return receipt requested, or that the defendant's insurance carrier is unknown; and
 - iii. that service of summons could not be had by any method specified in subsection **7 D(3)** of this rule.
5. [Unamended]
6. [Unamended]
7. **Defendant who cannot be served.** A defendant cannot be served with summons by any method specified in subsection **7 D(3)** of this rule if the plaintiff attempted service of summons by all of the methods specified in subsection **7 D(3)** and was unable to complete service, or if the plaintiff knew that service by such methods could not be accomplished.

S.B. 851 [Passed Unamended]

Or. Laws 1995 c.851 § 402

Or. Laws 1995 c.664 § 99
Amends Rule 7(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Particular defendants.** Service may be made upon specified defendants as follows:
 - a. **Individuals.**
 - i. [Unamended]
 - ii. [Unamended]
 - iii. **Incapacitated persons.** Upon ~~an~~ **a person who is** incapacitated or **financially incapable**, **person** as defined by ~~ORS 126.003 (4)~~ **section 1 of this 1995 Act**, by service in the manner specified in subparagraph (i) of this paragraph upon such person, and also upon the conservator of such person's estate or guardian, or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).
 - b. [Unamended]
 - c. [Unamended]
 - d. [Unamended]
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]
 - 7. [Unamended]

S.B. 61

Or. Laws 1995 c.664 § 99

Senate Introduction

1/9/95

A-Engrossed Bill

4/14/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/29/95 – Passed with amendments in House (per Judiciary Committee and Civil Law and Judicial Administration Subcommittee recommendation)

B-Engrossed Bill

6/1/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2003 c.194 § 5
Amends Rule 7(D), (F) & (G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. **Court order for service; service by publication.**
 - a. **Court order for service by other method.** On motion upon a showing by affidavit **or declaration** that service cannot be made by any method otherwise 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: publication of summons; mailing without publication to a specified post office address of the defendant by first class mail and by any of the following: certified or registered mail, return receipt requested, or express mail; or posting at specified locations. If service is ordered by any manner other than publication, the court may order a time for response.
 - b. [Unamended]
 - c. **Where published.** An order for publication shall direct publication to be made in a newspaper of general circulation in the county where the action is commenced or, if there is no such newspaper, then in a newspaper to be designated as most likely to give notice to the person to be served. Such publication shall be four times in successive calendar weeks. If the plaintiff knows of a specific location other than the county where the action is commenced where publication might reasonably result in actual notice to the defendant, the plaintiff shall so state in the affidavit **or declaration** required by paragraph (a) of this subsection, and the court may order publication in a comparable manner at such location in addition to, or in lieu of, publication in the county where the action is commenced.
 - d. [Unamended]
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
- E. [Unamended]
- F. **Return; proof of service.**
 - 1. [Unamended]
 - 2. **Proof of Service.** [Full section text unamended]
 - a. [Unamended]
 - b. **Publication.** Service by publication shall be proved by an affidavit **or by a declaration in substantially the following form:**
 - i. **A publication by affidavit shall be substantially the following form:** [form is unamended]
 - ii. **A publication by declaration shall be in substantially the following form:**

Or. Laws 2007 c.129 § 23
Amends Rule 7(C)

- A. [Unamended]
- B. [Unamended]
- C. **Contents.** The summons shall contain:
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Notice to party served.**
 - a. **In general.** [Full section text unamended]

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal **paper document** called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

- b. **Service for counterclaim.** [Full section text unamended]

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal **paper document** called a "motion" or "reply." The "motion" or "reply" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

- c. **Service on persons liable for attorney fees.** [Full section text unamended]

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a judgment for reasonable attorney fees will be entered against you, as provided by the agreement to which defendant alleges you are a party.

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal **paper document** called a "motion" or "reply." The "motion" or "reply" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

H.B. 2357

Or. Laws 2007 c.129 § 23

House Introduction

1/10/07

A-Engrossed Bill

2/26/07 – Passed with amendments in House (per Judiciary Committee recommendation)

3/29/07 – Passed unamended in Senate

Governor signed Enrolled Bill

5/9/07

Or. Laws 2011 c.398 § 3
Amends Rule 7(C)

A. [Unamended]

B. [Unamended]

C. **[No text]**

1. [Unamended]

2. [Unamended]

3. **Notice to party served.**

a. **In general.** [Full section text unamended]:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may **call contact** the Oregon State Bar's Lawyer Referral Service **at online at www.oregonstatebar.org or by calling** (503) 684-3763 **(in the Portland metropolitan area)** or toll-free **elsewhere** in Oregon at (800) 452-7636.

b. **Service for counterclaim.** [Full section text unamended]:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal document called a "motion" or "reply." The "motion" or "reply" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may **call contact** the Oregon State Bar's Lawyer Referral Service **at online at www.oregonstatebar.org or by calling** (503) 684-3763 **(in the Portland metropolitan area)** or toll-free **elsewhere** in Oregon at (800) 452-7636.

c. **Service on persons liable for attorney fees.** [Full section text unamended]:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a judgment for reasonable attorney fees will be entered against you, as provided by the agreement to which defendant alleges you are a party.

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal document called a "motion" or "reply." The "motion" or "reply" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may **call contact** the Oregon State Bar's Lawyer Referral Service **at online at www.oregonstatebar.org or by calling** (503) 684-3763 **(in the Portland metropolitan area)** or toll-free **elsewhere** in Oregon at (800) 452-7636.

D. [Unamended]

- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

H.B. 2667

Or. Laws 2011 c.398 § 3

House Introduction

1/11/11

A-Engrossed Bill

4/21/11 – Passed with amendments in House (per Judiciary Committee recommendation)

5/26/11 – Passed unamended in Senate

Governor signed Enrolled Bill

6/17/11

Rule 9 – Service and Filing of Pleadings and Other Papers

§	Latest Amendment
A	Or. Laws 2003 c.194 § 6
B	Or. Laws 2003 c.194 § 6
C	Or. Laws 2003 c.194 § 6
D	Or. Laws 2003 c.194 § 6
E	Or. Laws 2007 c.129 § 24–26
F	Or. Laws 2015 c.212 § 7

Or. Laws 1979 c.284 § 10

Amends Rule 9(B) & (D)

- A. [Unamended]
- B. **Service; how made.** Whenever under these rules service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to such attorney or party or by mailing it to such attorney's or party's last known address ~~or, if no address is known, by leaving it with the clerk of the court.~~ Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at such person's office with such person's clerk or person apparently in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at such person's dwelling house or usual place of abode with some person over 14 years of age then residing therein. Service by mail is complete upon mailing.
- C. [Unamended]
- D. **Filing with the court defined.** The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court or the person exercising the duties of that office. The clerk or the person exercising the duties of that office shall endorse upon such pleading or paper the time of day, the day of the month, month, and the year. The clerk or person exercising the duties of that office is not required to receive for filing any paper unless the name of the court, the title of the cause and the paper, and the names of the parties, and the attorney **for the party requesting filing**, if there be one, are legibly endorsed on the front of the document, nor unless the contents thereof ~~can be read by a person of ordinary skill~~ **are legible.**

H.B. 3131

Or. Laws 1979 c.284 § 10

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1989 c.295 § 1

Amends 9(B), (C) & (F)

- A. [Unamended]
- B. **Service; how made.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to such attorney or party, ~~or~~ by mailing it to such attorney's or party's last known address. **or, if the party is represented by an attorney, by telephonic facsimile communication device as provided in section F. of this rule.** Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at such person's office with such person's clerk or person apparently in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at such person's dwelling house or usual place of abode with some person over 14 years of age then residing therein. A party who has appeared without providing an appropriate address for service may be served by placing a copy of the pleading or other papers in the court file. Service by mail is complete upon mailing. Service of any notice or other paper to bring a party into contempt may only be upon such party personally.
- C. **Filing; proof of service.** Except as provided by section D. of this rule, all-papers required to be served upon a party by section A. of this rule shall be filed with the court within a reasonable time after service. Except as otherwise provided in Rules 7 and 8, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit of the person making service, or by certificate of an attorney. Such proof of service may be made upon the papers served or as a separate document attached to the papers. **Where service is made by telephonic facsimile communication device, proof of service shall be made by affidavit of the person making service, or by certificate of an attorney. Attached to such affidavit or certificate shall be the printed confirmation of receipt of the message generated by the transmitting machine.**
- D. [Unamended]
- E. [Unamended]
- F. **Service by telephonic facsimile communication device.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service may be made upon the attorney by means of a telephonic facsimile communication device if the attorney maintains such a device at the attorney's office and the device is operating at the time service is made.

H.B. 2363

Or. Laws 1989 c.295 § 1

House Introduction

1/16/89

A-Engrossed Bill

3/23/89 – Passed with amendments in House (per Judiciary Committee recommendation)

5/22/89 – Passed unamended in Senate

Governor signed Enrolled Bill

6/7/89

Or. Laws 2003 c.194 § 6
Amends Rule 9(C)

- A. [Unamended]
- B. [Unamended]
- C. **Filing; proof of service.** Except as provided by section D of this rule, all papers required to be served upon a party by section A of this rule shall be filed with the court within a reasonable time after service. Except as otherwise provided in Rules 7 and 8, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit **or declaration** of the person making service, or by certificate of an attorney. Such proof of service may be made upon the papers served or as a separate document attached to the papers. Where service is made by telephonic facsimile communication device, proof of service shall be made by affidavit or declaration of the person making service, or by certificate of an attorney. Attached to such affidavit, **declaration** or certificate shall be the printed confirmation of receipt of the message generated by the transmitting machine.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 6

Or. Laws 2007 c.129 § 24–26
Amends Rule 9(A), (B) & (E)

- A. Service; when required.** Except as otherwise provided in these rules, every order; every pleading subsequent to the original complaint; every written motion other than one which may be heard ex parte; and every written request, notice, appearance, demand, offer of judgment, designation of record on appeal, and similar **paper document** shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 7.
- B. Service; how made.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to such attorney or party, by mailing it to such attorney's or party's last known address or, if the party is represented by an attorney, by telephonic facsimile communication device or e-mail as provided in sections F or G of this rule. Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at such person's office with such person's clerk or person apparently in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at such person's dwelling house or usual place of abode with some person over 14 years of age then residing therein. A party who has appeared without providing an appropriate address for service may be served by **placing filing** a copy of the pleading or other **papers in the court file documents with the court**. Service by mail is complete upon mailing. Service of any notice or other **paper document** to bring a party into contempt may only be upon such party personally.
- C.** [Unamended]
- D.** [Unamended]
- E. Filing with the court defined.** The filing of pleadings and other **papers documents** with the court as required by these rules shall be made by filing them with the clerk of the court or the person exercising the duties of that office. The clerk or the person exercising the duties of that office shall endorse upon such pleading or **paper document** the time of day, the day of the month, the month, and the year. The clerk or person exercising the duties of that office is not required to receive for filing any **paper document** unless the name of the court, the title of the cause and the **paper document**, the names of the parties, and the attorney for the party requesting filing, if there be one, are legibly endorsed on the front of the document, nor unless the contents thereof are legible.
- F.** [Unamended]

S.B. 84

Or. Laws 2007 c.129 § 24–26

Senate Introduction

1/12/07

A-Engrossed Bill

3/5/07 – Passed unamended in Senate

4/3/07 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

4/5/07 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

5/2/07

Or. Laws 2007 c.255 § 15
Amends Rule 9(C)

- A. [Unamended]
- B. [Unamended]
- C. **Filing; proof of service.** Except as provided by section D of this rule, all papers required to be served upon a party by section A of this rule shall be filed with the court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit or declaration of the person making service, or by certificate of an attorney. Such proof of service may be made upon the papers served or as a separate document attached to the papers. Where service is made by telephonic facsimile communication device or e-mail, proof of service shall be made by affidavit or declaration of the person making service, or by certificate of an attorney **or sheriff**. Attached to such affidavit, declaration, or certificate shall be the printed confirmation of receipt of the message generated by the transmitting machine, if facsimile communication is used. If service is made by e-mail under section G of this rule, the person making service must certify that he or she received confirmation that the message was received, either by return e-mail, automatically generated message, telephonic facsimile, or orally.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2869

Or. Laws 2007 c.255 § 15

House Introduction

3/1/07

A-Engrossed Bill

4/18/07 – Passed with amendments in House (per Judiciary Committee recommendation)

5/15/07 – Passed unamended in Senate

Governor signed Enrolled Bill

6/1/07

Or. Laws 2015 c.212 § 7
Amends Rule 9(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]

F. **Service by facsimile communication.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service may be made upon the attorney by means of facsimile communication if the attorney has such technology available and said technology is operating at the time service is made. Service in this manner shall be subject to Rule 10 ~~C~~ **B**. Facsimile communication includes: a telephonic facsimile communication device; a facsimile server or other computerized system capable of receiving and storing incoming facsimile communications electronically and then routing them to users on paper or via e-mail; or an internet facsimile service that allows users to send and receive facsimiles from their personal computers using an existing e-mail account.

H.B. 2911 [Passed Unamended]
Or. Laws 2015 c.212 § 7

Rule 10 – Time

§	Latest Amendment
A	Or. Laws 2002 s.s. c.10 § 9
B	Or. Laws 2015 c.212 § 6
C	Or. Laws 2015 c.212 § 6

Or. Laws 2002 s.s.1 c.10 § 9

Amends Rule 10(A)

- A. **Computation.** In computing any period of time prescribed or allowed by these rules, by the local rules of any court, or by order of court, ~~or by any applicable statute~~, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or a legal holiday, including Sunday, in which event the period runs until the end of the next day which is not a Saturday or a legal holiday. If the period so computed relates to serving a public officer or filing a document at a public office, and if the last day falls on a day when that particular office is closed before the end of or for all of the normal work day, the last day shall be excluded in computing the period of time within which service is to be made or the document is to be filed, in which event the period runs until the close of office hours on the next day the office is open for business. When the period of time prescribed or allowed (without regard to section C of this rule) is less than 7 days, intermediate Saturdays and legal holidays, including Sundays, shall be excluded in the computation. As used in this rule, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020. **This section does not apply to any time limitation governed by ORS 174.120.**
- B. [Unamended]
- C. [Unamended]

S.B. 1006

Or. Laws 2002 s.s.1 c.10 § 9

Senate Introduction

2/8/02

A-Engrossed Bill

2/8/02 – Passed without Amendment in Senate

2/10/02 – Passed with amendments in House (per Budget Reconciliation Committee recommendation); Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

2/25/02

Or. Laws 2015 c.212 § 6
Amends Rule 10 (A), (B), and (C)

- A. **Computation.** In computing any period of time prescribed or allowed by these rules, by the local rules of any court, or by order of court the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or a legal holiday, including Sunday, in which event the period runs until the end of the next day that is not a Saturday or a legal holiday. If the period so computed relates to serving a public officer or filing a document at a public office, and if the last day falls on a day when that particular office is closed before the end of or for all of the normal work day, the last day shall be excluded in computing the period of time within which service is to be made or the document is to be filed, in which event the period runs until the close of office hours on the next day the office is open for business. When the period of time prescribed or allowed (without regard to section **E B** of this rule) is less than 7 days, intermediate Saturdays and legal holidays, including Sundays, shall be excluded in the computation. As used in this rule, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020. This section does not apply to any time limitation governed by ORS 174.120.
- B. **[Section (B) repealed in full] [(C)] Additional time after service by mail, email, facsimile communication, or electronic service. [Full section text redesignated]**

H.B. 2911 [Passed Unamended]
Or. Laws 2015 c.212 § 6

Rule 13 – Kinds of Pleadings Allowed; Former Pleadings Abolished

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 11
C	Unamended

Or. Laws 1979 c.284 § 11

Amends Rule 13(B)

- A. [Unamended]
- B. **Pleadings allowed.** There shall be a complaint and an answer. An answer may include a counterclaim against a plaintiff, including a party joined under Rule 22 D., and a cross-claim against a defendant, **including a party joined under Rule 22 D.** A pleading against any person joined under Rule 22 C. is a third party complaint. There shall be an answer to a cross-claim and a third party complaint. There shall be a reply to a counterclaim denominated as such and a reply to assert any affirmative allegations in avoidance of any defenses asserted in an answer. There shall be no other pleading unless the court orders otherwise.
- C. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 11

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 14 – Motions

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 12

Or. Laws 1979 c.284 § 12

Amends Rule 14(B)

- A. [Unamended]
- B. **Form.** The rules applicable to captions, signing, and other matters ~~of~~ of form of pleadings, including Rule 17 A., apply to all motions and other papers provided for by these rules.

H.B. 3131

Or. Laws 1979 c.284 § 12

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 15 – Time for Filing Pleadings or Motions

§	Latest Amendment
A	Or. Laws 1979 c.284 § 13
B	Unamended
C	Unamended
D	Unamended

Or. Laws 1979 c.284 § 13

Amends Rule 15(A)

- A. **Time for filing motions and pleadings.** A motion or answer to the complaint or third-party complaint ~~or~~ **and** the reply to a counterclaim **or answer to a cross-claim** of a party summoned under the provisions of Rule 22 D. shall be filed with the clerk by the time required by Rule 7 D.(2) to appear and defend. Any other motion or responsive pleading shall be filed not later than 10 days after service of the pleading moved against or to which the responsive pleading is directed.
- B. [Unamended]
C. [Unamended]
D. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 13

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 17 – Signing of Pleadings, Motions and Other Papers; Sanctions

§	Latest Amendment
A	Or. Laws 2007 c.129 § 27
B	Or. Laws 1987 c.774 § 12
C	Or. Laws 2007 c.129 § 28
D	Or. Laws 2007 c.129 § 29
E	Unamended
F	Unamended

[Originally “Rule 17. Subscription of Pleadings” (CCP 12/2/1978)]

Or. Laws 1979 c.284 § 14

Amends Rule 17(A) & (B)

- A. **Subscription Signature by party or attorney; certificate.** Every pleading shall be **subscribed signed** by the party or by a resident attorney of the state, except that if there are several parties united in interest and pleading together, the pleading may be **subscribed signed** by at least one of such parties or one resident attorney. If a party is represented by an attorney, every pleading of that party shall be signed by at least one attorney of record in such attorney’s individual name. Verification of pleadings shall not be required unless otherwise required by rule or statute. The **subscription of a pleading signature** constitutes a certificate by the person signing: that such person has read the pleading; that to the best of the person’s knowledge, information, and belief, there is a good ground to support it; and that it is not interposed for harassment or delay.
- B. **Pleadings not subscribed signed.** Any pleading not duly **subscribed signed** may, on motion of the adverse party, be stricken out of the case.

H.B. 3131

Or. Laws 1979 c.284 § 14

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1987 c.774 § 12
Amends Rule 17

[Title Change: Rule 12 – Signing of Pleadings, Motions and other Papers; Sanctions”]

- A. **Signing by party or attorney; certificate.** Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion, or other paper and state ~~that party's~~ the address of the party. ~~Except when otherwise specifically provided by rule or statute,~~ Pleadings need not be verified or accompanied by affidavit. The signature constitutes a ~~certification~~ **certificate** that the person ~~signing~~ has read the pleading, motion, or other paper, ~~that to the best of that person's the knowledge,~~ information, and belief **of the person** formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
- B. **Pleadings, motions, and other papers not signed.** If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.
- C. **Sanctions.** If a pleading, motion, or other paper is signed in violation of this rule, the court upon motion or upon its own initiative shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney fee.

S.B. 323

Or. Laws 1987 c.774 § 12

Senate Introduction

2/15/87

A-Engrossed Bill

3/25/87 – Judiciary Committee recommended passing with amendments; Majority and Minority recommend differing amendments

3/26/87 – Referred back to Judiciary Committee

4/6/87 – Senate Judiciary Committee Majority recommended Senate pass with amendments; Minority recommended Senate pass with different set of amendments

4/8/87 – Failed to pass Senate; Senate voted to reconsider; Referred to Rules Committee “on voice vote” [*sic*]

4/15/87 – Rules Committee recommended Senate pass with amendments

4/17/87 – Passed with amendments in Senate (per Rules Committee recommendation)

4/20/87 – Referred to House Judiciary Committee

6/12/87 – House Judiciary Committee recommended Senate pass with amendments

6/16/87 – Passed with amendments in House (per Rules Committee recommendation)

B-Engrossed Bill

6/16/87 – Senate refused to concur with House Amendments; Conference Committee formed

Conference Committee Bill

6/26/87 – Conference Committee recommended Senate concur with House amendments

6/27/87 – Senate adopted and repassed Conference Committee bill; House adopted and repassed Conference Committee bill

Governor signed Enrolled Bill

7/17/87

Or. Laws 1995 c.618 § 4
Amends Rule 17

- A. **Signing by party or attorney; certificate.** Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion or other paper and state the address of the party. Pleadings need not be verified or accompanied by affidavit. ~~The signature constitutes a certificate that the person has read the pleading, motion or other paper, that to the best of the knowledge, information and belief of the person formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.~~
- B. [Unamended]
- C. ~~**Sanctions.** If a pleading, motion or other paper is signed in violation of this rule, the court upon motion or upon its own initiative shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney fee.~~ **Certifications to court.**
1. An attorney or party who signs, files or otherwise submits an argument in support of a pleading, motion or other paper makes the certifications to the court identified in subsections (2) to (5) of this section, and further certifies that the certifications are based on the person's reasonable knowledge, information and belief, formed after the making of such inquiry as is reasonable under the circumstances.
 2. A party or attorney certifies that the pleading, motion or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
 3. An attorney certifies that the claims, defenses, and other legal positions taken in the pleading, motion or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law.
 4. A party or attorney certifies that the allegations and other factual assertions in the pleading, motion or other paper are supported by evidence. Any allegation or other factual assertion that the party or attorney does not wish to certify to be supported by evidence must be specifically identified. The attorney or party certifies that the attorney or party reasonably believes that an allegation or other factual assertion so identified will be supported by evidence after further investigation and discovery.
 5. The party or attorney certifies that any denials of factual assertion are supported by evidence. Any denial of factual assertion that the party or attorney does not wish to certify to be supported by evidence must be specifically identified. The attorney or party certifies that the attorney or party believes that a denial of a factual assertion so identified is reasonably based on a lack of information or belief.
- D. **Sanctions.**
1. The court may impose sanctions against a person or party who is found to have made a false certification under section C of this rule, or who is found to be responsible for a false certification under section C of this rule. A sanction may be imposed under this section only after notice and an opportunity to be heard are provided to the party or attorney. A law firm is jointly liable for any sanction imposed against a partner, associate or employee of the firm, unless the court determines that joint liability would be unjust under the circumstances.
 2. Sanctions may be imposed under this section upon motion of a party or upon the court's own motion. If the court seeks to impose sanctions on its own motion, the court shall direct the party or attorney to appear before the court and show cause why the sanctions should not be imposed. The court may not issue an order to appear and show cause under this subsection at any time after the filing of a voluntary dismissal, compromise or settlement of the action with respect to the party or attorney against whom sanctions are sought to be imposed.
 3. A motion by a party to the proceeding for imposition of sanctions under this section must be made separately from other motions and pleadings, and must describe with specificity the alleged false certification. A motion for imposition of sanctions based on a false certification under subsection C(4) of this rule may not be filed until 120 days after the filing of a complaint if the alleged false certification is an allegation or other factual assertion in a complaint filed within 60 days of the

running of the statute of limitations for a claim made in the complaint. Sanctions may not be imposed against a party until at least 21 days after the party is served with the motion in the manner provided by Rule 9. Notwithstanding any other provision of this section, the court may not impose sanctions against a party if, within 21 days after the motion is served on the party, the party amends or otherwise withdraws the pleading, motion, paper or argument in a manner that corrects the false certification specified in the motion. If the party does not amend or otherwise withdraw the pleading, motion, paper or argument but thereafter prevails on the motion, the court may order the moving party to pay to the prevailing party reasonable attorney fees incurred by the prevailing party by reason of the motion for sanctions.

4. Sanctions under this section must be limited to amounts sufficient to reimburse the moving party for attorney fees and other expenses incurred by reason of the false certification, including reasonable attorney fees and expenses incurred by reason of the motion for sanctions, and amounts sufficient to deter future false certification by the party or attorney and by other parties and attorneys. The sanction may include monetary penalties payable to the court. The sanction must include an order requiring payment of reasonable attorney fees and expenses incurred by the moving party by reason of the false certification.
 5. An order imposing sanctions under this section must specifically describe the false certification and the grounds for determining that the certification was false. The order must explain the grounds for the imposition of the specific sanction that is ordered.
- E. Rule not applicable to discovery. This rule does not apply to any motion, pleading or conduct that is subject to sanction under Rule 46.

S.B. 385

Or. Laws 1995 c.618 § 4

Senate Introduction

1/30/95

A-Engrossed Bill

1/30/95 – Referred to Senate Judiciary Committee

2/1/95 – Assigned to Civil Process Subcommittee

4/20/95 – Printed engrossed (A-Eng.) and rereferred to Judiciary Committee (per Civil Process Subcommittee recommendation)

5/8/95 – Returned to Judiciary Committee

5/18/95 – Judiciary Committee recommended passing with amendments to A-Eng. (printed “B-Eng.”)

B-Engrossed Bill

5/23/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/6/95 – House Judiciary Committee recommended passing with amendments to B-Eng. (printed “C-Eng.”)

C-Engrossed Bill

6/8/95 – Passed with amendments in House (per Judiciary Committee recommendation)

6/9/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/17/95

Or. Laws 2003 c.194 § 7
Amends Rule 17(A)

- A. **Signing by party or attorney; certificate.** Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion or other paper and state the address of the party. Pleadings need not be verified or accompanied by affidavit **or declaration.**
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 7

Or. Laws 2007 c.194 § 27–29

§27 Amends Rule 17(A);

§28 Amends Rule 17(C);

§29 Amends Rule 17(D)

- A. Signing by party or attorney; certificate.** Every pleading, motion and other [paper] document of a party represented by an attorney shall be signed by at least one attorney of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney shall sign the pleading, motion or other [paper] document and state the address of the party. Pleadings need not be verified or accompanied by affidavit or declaration.
- B.** [Unamended]
- C. Certifications to court.**
1. An attorney or party who signs, files or otherwise submits an argument in support of a pleading, motion or other **paper document** makes the certifications to the court identified in subsections (2) to (5) of this section, and further certifies that the certifications are based on the person's reasonable knowledge, information and belief, formed after the making of such inquiry as is reasonable under the circumstances.
 2. A party or attorney certifies that the pleading, motion or other **paper document** is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
 3. An attorney certifies that the claims, defenses, and other legal positions taken in the pleading, motion or other **paper document** are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law.
 4. A party or attorney certifies that the allegations and other factual assertions in the pleading, motion or other **paper document** are supported by evidence. Any allegation or other factual assertion that the party or attorney does not wish to certify to be supported by evidence must be specifically identified. The attorney or party certifies that the attorney or party reasonably believes that an allegation or other factual assertion so identified will be supported by evidence after further investigation and discovery.
 5. [Unamended]
- D. Sanctions.**
1. [Unamended]
 2. [Unamended]
 3. A motion by a party to the proceeding for imposition of sanctions under this section must be made separately from other motions and pleadings, and must describe with specificity the alleged false certification. A motion for imposition of sanctions based on a false certification under subsection C(4) of this rule may not be filed until 120 days after the filing of a complaint if the alleged false certification is an allegation or other factual assertion in a complaint filed within 60 days of the running of the statute of limitations for a claim made in the complaint. Sanctions may not be imposed against a party until at least 21 days after the party is served with the motion in the manner provided by Rule 9. Notwithstanding any other provision of this section, the court may not impose sanctions against a party if, within 21 days after the motion is served on the party, the party amends or otherwise withdraws the pleading, motion, **paper document** or argument in a manner that corrects the false certification specified in the motion. If the party does not amend or otherwise withdraw the pleading, motion, **paper document** or argument but thereafter prevails on the motion, the court may order the moving party to pay to the prevailing party reasonable attorney fees incurred by the prevailing party by reason of the motion for sanctions.
 4. [Unamended]
 5. [Unamended]
- E.** [Unamended]
- F.** [Unamended]

H.B. 2357

Or. Laws 2007 c.194 § 27–29

House Introduction

1/10/07

A-Engrossed Bill

2/26/07 – Passed with amendments in House (per Judiciary Committee recommendation)
3/29/07 – Passed unamended in Senate

Governor signed Enrolled Bill
5/9/07

Rule 18 – Claims for Relief

§	Latest Amendment
A	Or. Laws 1987 c.774 § 12(A)
B	Or. Laws 1987 c.774 § 12(A)

Or. Laws 1987 c.774 § 12(A)

Amends Rule 18

A. Claims for relief. [Full section text unamended]

1. [Unamended]
2. [(B)] A demand of the relief which the party claims; if recovery of money or damages is demanded, the amount thereof shall be stated, except as provided in section B. of this rule; relief in the alternative or of several different types may be demanded.

B. [No text]

1. The amount sought in a civil action for noneconomic damages, as defined in section 6 of this Act, shall not be pleaded in a complaint, counterclaim, cross-claim or third-party claim.
2. The prayer in such actions shall contain only a demand for the payment of damages without specifying the amount.
3. The party making the claim may supply to any adverse party a statement of the amount claimed for such damages, and shall do so within 10 days of a request for such statement. The request and the statement shall not be made a part of the trial court file.

S.B. 323

Or. Laws 1987 c.774 § 12

Senate Introduction

2/15/87

A-Engrossed Bill

3/25/87 – Judiciary Committee recommended passing with amendments; Majority and Minority recommend differing amendments

3/26/87 – Referred back to Judiciary Committee

4/6/87 – Senate Judiciary Committee Majority recommended Senate pass with amendments; Minority recommended Senate pass with different set of amendments

4/8/87 – Failed to pass Senate; Senate voted to reconsider; Referred to Rules Committee “on voice vote” [sic]

4/15/87 – Rules Committee recommended Senate pass with amendments

4/17/87 – Passed with amendments in Senate (per Rules Committee recommendation)

4/20/87 – Referred to House Judiciary Committee

6/12/87 – House Judiciary Committee recommended Senate pass with amendments

6/16/87 – Passed with amendments in House (per Rules Committee recommendation)

B-Engrossed Bill

6/16/87 – Senate refused to concur with House Amendments; Conference Committee formed

Conference Committee Bill

6/26/87 – Conference Committee recommended Senate concur with House amendments

6/27/87 – Senate adopted and repassed Conference Committee bill; House adopted and repassed Conference Committee bill

Governor signed Enrolled Bill

7/17/87

Rule 21 – Defenses and Objections; How Presented; By Pleading or Motion; Motion for Judgment on the Pleadings

§	Latest Amendment
A	Or. Laws 2003 c.194 § 8
B	Unamended
C	Unamended
D	Unamended
E	Or. Laws 1983 c.763 § 58
F	Or. Laws 1979 c.284 § 15
G	Or. Laws 1995 c.658 § 118

Or. Laws 1979 c.284 § 15–16

§15 Amends Rule 21(F)

§16 Amends Rule 21(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. **Consolidation of defenses in motion.** A party who makes a motion under this rule may join with it any other motions herein provided for and then available to the party. If a party makes a motion under this rule, **except a motion to dismiss for lack of jurisdiction over the person or insufficiency of summons or process or insufficiency of service of summons or process**, but omits therefrom any defense or objection then available to the party which this rule permits to be raised by motion, the party shall not thereafter make a motion based on the defense or objection so omitted, except a motion as provided in subsection G.(2) of this rule on any of the grounds there stated. **A party may make one motion to dismiss for lack of jurisdiction over the person or insufficiency of summons or process or insufficiency of service of summons or process without consolidation of defenses required by this section.**
- G. **Waiver or preservation of certain defenses.**
1. A defense of lack of jurisdiction over the person, ~~that a plaintiff has not legal capacity to sue~~, that there is another action pending between the same parties for the same cause, insufficiency of summons or process, insufficiency of service of summons or process, ~~or that the party asserting the claim is not the real party in interest~~, is waived **under either of the following circumstances:** (a) if **the defense is** omitted from a motion in the circumstances described in section F. of this rule, or (b) if ~~it~~ **the defense** is neither made by motion under this rule nor included in a responsive pleading. ~~or an amendment thereof permitted by Rule 23 A. to be made as a matter of course; provided, however, the defenses denominated (2) and (5) of section A. of this rule referred to in this subsection shall not be raised by amendment.~~
 2. **A defense of failure to state ultimate facts constituting a claim, a defense that the action has not been commenced within the time limited by statute, a defense of failure to join a party indispensable under Rule 29, and an objection of failure to state a legal defense to a claim or insufficiency of new matter in a reply to avoid a defense, may be made in any pleading permitted or ordered under Rule 13 B. or by motion for judgment on the pleadings, or at the trial on the merits. The objection or defense, if made at trial, shall be disposed of as provided in Rule 23 B. in light of any evidence that may have been received.**
 3. ~~[(2)]~~ **A defense of failure to state ultimate facts constituting a claim, a defense that the action has not been commenced within the time limited by statute,** a defense of failure to join a party indispensable under Rule 29, and an objection of failure to state a legal defense to a claim or insufficiency of new matter in a reply to avoid a defense, may be made in any pleading permitted or ordered under Rule 13 B. or by motion for judgment on the pleadings, or at the trial on the merits. The objection or defense,

if made at trial, shall be disposed of as provided in Rule 23 B. in light of any evidence that may have been received.

4. [(3)] If it appears by motion of the parties or otherwise that the court lacks jurisdiction over the subject matter, the court shall dismiss the action.

H.B. 3131

Or. Laws 1979 c.284 §15-16

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1983 c.763 § 58
Amends Rule 21(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Motion to strike.** Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 10 days after the service of the pleading upon such party or upon the court's own initiative at any time, the court may order stricken: (1) any sham, frivolous, or irrelevant pleading or defense or any pleading containing more than one claim or defense not separately stated; (2) any insufficient defense or any sham, frivolous, irrelevant, or redundant matter inserted in a pleading. **If, on a motion under this section, the facts supporting the motion do not appear on the face of the pleading or defense and matters outside the pleading or defense, including affidavits and other evidence, are presented to the court, all parties shall be given a reasonable opportunity to present evidence and affidavits, and the court may determine the existence or nonexistence of the facts supporting such motion if such facts are not materially disputed or may defer such determination until further discovery or until trial on the merits.**
- F. [Unamended]
- G. [Unamended]

H.B. 2364

Or. Laws 1983 c. 763 § 58

House Introduction
1/18/83

A-Engrossed Bill

3/31/83 – Passed with amendments in House (per Judiciary Committee recommendation)
7/13/83 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/15/83 – House refused to concur with Senate Amendments; Conference Committee created; Senate adopted and repassed Conference Committee bill; House adopted and repassed Conference Committee bill.

Governor signed Enrolled Bill

8/4/83

Or. Laws 1987 c.714 § 6
Amends Rule 21(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **Waiver or preservation of certain defenses.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. **Except as provided in sections 2 and 4 of this 1987 Act**, if it appears by motion of the parties or otherwise that the court lacks jurisdiction over the subject matter, the court shall dismiss the action.

H.B. 2293

Or. Laws 1987 c.714 § 6

House Introduction

1/15/87

A-Engrossed Bill

5/11/87 – Passed with amendments in House (per Judiciary Committee recommendation)

6/8/87 – Passed unamended in Senate

Governor signed Enrolled Bill

7/16/87

Or. Laws 1995 c.658 § 118
Amends Rule 21(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **Waiver or preservation of certain defenses.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. **Except as provided in ORS 3.227 and 46.064,** If it appears by motion of the parties or otherwise that the court lacks jurisdiction over the subject matter, the court shall dismiss the action.

H.B. 2625

Or. Laws 1995 c.658 § 118

House Introduction

2/10/95

A-Engrossed Bill

2/13/95 – Referred to Judiciary Committee

2/23/95 – Assigned to Civil Law and Judicial Administration Subcommittee

4/20/95 – Returned to Judiciary Committee

5/10/95 – Judiciary Committee recommended passing with amendments, printing engrossed (A-Eng.), and referring to Ways and Means Committee; Referred to Ways and Means Committee

5/30/95 – Assigned to Public Safety/Regulation Subcommittee

6/4/95 – Returned to Ways and Means Committee

6/5/95 – Ways and Means Committee recommended passing with amendments and printing engrossed (B-Eng.)

6/7/95 – Passed with amendments in House (per Judiciary Committee and Ways and Means Committee recommendations)

B-Engrossed Bill

6/7/95 – Referred to Senate Ways and Means Committee

6/8/95 – Senate Ways and Means Committee recommended passing with amendments

C-Engrossed Bill

6/9/95 – Passed with amendments in Senate (per Ways and Means Committee recommendation); House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2003 c.194 § 8
Amends Rule 21(A)

- A. How presented.** Every defense, in law or fact, to a claim for relief in any pleading, whether a complaint, counterclaim, cross-claim or third party claim, shall be asserted in the responsive pleading thereto, except that the following defenses may at the option of the pleader be made by motion to dismiss: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) that there is another action pending between the same parties for the same cause, (4) that plaintiff has not the legal capacity to sue, (5) insufficiency of summons or process or insufficiency of service of summons or process, (6) that the party asserting the claim is not the real party in interest, (7) failure to join a party under Rule 29, (8) failure to state ultimate facts sufficient to constitute a claim, and (9) that the pleading shows that the action has not been commenced within the time limited by statute. A motion to dismiss making any of these defenses shall be made before pleading if a further pleading is permitted. The grounds upon which any of the enumerated defenses are based shall be stated specifically and with particularity in the responsive pleading or motion. No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. If, on a motion to dismiss asserting defenses (1) through (7), the facts constituting such defenses do not appear on the face of the pleading and matters outside the pleading, including affidavits, **declarations** and other evidence, are presented to the court, all parties shall be given a reasonable opportunity to present ~~evidence and~~ affidavits, **declarations and other evidence**, and the court may determine the existence or nonexistence of the facts supporting such defense or may defer such determination until further discovery or until trial on the merits. If the court grants a motion to dismiss, the court may enter judgment in favor of the moving party or grant leave to file an amended complaint. If the court grants the motion to dismiss on the basis of defense (3), the court may enter judgment in favor of the moving party, stay the proceeding, or defer entry of judgment pursuant to subsection B(3) of Rule 54.
- B.** [Unamended]
C. [Unamended]
D. [Unamended]
E. [Unamended]
F. [Unamended]
G. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 8

Rule 22 – Counterclaims, Cross-Claims, and Third-Party Claims

§	Latest Amendment
A	Unamended
B	Unamended
C	Unamended
D	Or. Laws 1979 c.284 § 17
E	Unamended

Or. Laws 1979 c.284 § 17

Amends to Rule 22(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. ~~Joinder of Persons in contract actions.~~ **Joinder of additional parties.**
 - 1. ~~As used in this section of this rule:~~ **Persons other than those made parties to the original action may be made parties to a counterclaim or cross-claim in accordance with the provisions of Rules 28 and 29.**
 - a. ~~“Maker” means the original party to the contract which is the subject of the action who is the predecessor in interest of the plaintiff under the contract; and~~
 - b. ~~“Contract” includes any instrument or document evidencing a debt.~~
 - 2. ~~The defendant may, in an action on a contract brought by an assignee of rights under that contract, join as a party to the action the maker of that contract if the defendant has a claim against the maker of the contract arising out of that contract.~~ [(3)] **A defendant may, in an action on a contract brought by an assignee of rights under that contract, join as parties to that action all or any persons liable for attorney fees under ORS 20.097. As used in this subsection "contract" includes any instrument or document evidencing a debt.**
 - 3. [(4)] **In any action against a party joined under this section of this rule, the party joined shall be treated as a defendant for purposes of service of summons and time to answer under Rule 7.**
- E. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 17

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 24 – Joinder of Claims

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 18
C	Unamended

Or. Laws 1979 c.284 § 18

Amends Rule 24(B)

- A. [Unamended]
- B. **Forcible entry and detainer and rental due.** If a claim of forcible entry and detainer and a claim for rental due are joined, the defendant shall have the same time to appear as is provided by ~~law~~ **rule or statute** in actions for the recovery of rental due.
- C. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 18

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 27 – Unemancipated Minors or Incapacitated Parties

§	Latest Amendment
A	Or. Laws 1979 c.284 § 19
B	Or. Laws 1995 c.64 § 100

Or. Laws 1979 c.284 § 19

Amends Rule 24(A) & (B)

A. Appearance of minor parties by guardian or conservator.

1. [Unamended]
2. When the minor is defendant, upon application of the minor, if the minor is 14 years of age or older, filed within the period of time specified by **law these rules or other rule or statute** for appearance and answer after service of summons, or if the minor fails so to apply or is under 14 years of age, upon application of any other party or of a relative or friend of the minor.

B. Appearance of incapacitated person by conservator or guardian.

1. [Unamended]
2. When the incapacitated person is defendant, upon application of a relative or friend of the incapacitated person filed within the period of time specified by **law these rules or other rule or statute** for appearance and answer after service of summons, or if the application is not so filed, upon application of any party other than the incapacitated person.

H.B. 3131

Or. Laws 1979 c.284 § 19

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1995 c.79 § 403
Amends Rule 24(B)

- A. [Unamended]
- B. **Appearance of incapacitated person by conservator or guardian.** When an incapacitated person as defined by ORS 126.003 (↔), who has a conservator of such person's estate or a guardian, is a party to any action, the incapacitated person shall appear by the conservator or guardian as may be appropriate or, if the court so orders, by a guardian ad litem appointed by the court in which the action is brought. If the incapacitated person does not have a conservator of such person's estate or a guardian, the incapacitated person shall appear by a guardian ad litem appointed by the court. The court shall appoint some suitable person to act as guardian ad litem:
 - 1. [Unamended]
 - 2. [Unamended]

S.B. 851 [Passed Unamended]
Or. Laws 1995 c.79 § 401

Or. Laws 1995 c.664 § 100
Amends Rule 24(B)

- A. [Unamended]
- B. **Appearance of incapacitated person by conservator or guardian.** When ~~an incapacitated person as defined by ORS 126.003 (4)~~, a person who is incapacitated or financially incapable, as defined in section 1 of this 1995 Act, who has a conservator of such person's estate or a guardian, is a party to any action, the ~~incapacitated~~ person shall appear by the conservator or guardian as may be appropriate or, if the court so orders by a guardian ad litem appointed by the court in which the action is brought. If the ~~incapacitated~~ person does not have a conservator of such person's estate or a guardian, the ~~incapacitated~~ person shall appear by a guardian ad litem appointed by the court. The court shall appoint some suitable person to act as guardian ad litem.
1. When the ~~incapacitated~~ person who is incapacitated or financially incapable, as defined in section 1 of this 1995 Act, is plaintiff, upon application of a relative or friend of the [incapacitated] person.
 2. When the ~~incapacitated~~ person is defendant, upon application of a relative or friend of the ~~incapacitated~~ person filed within the period of time specified by these rules or other rule or statute for appearance and answer after service of summons, or if the application is not so filed, upon application of any party other than the ~~incapacitated~~ person.

S.B. 61

Or. Laws 1995 c.664 § 100

Senate Introduction

1/9/95

A-Engrossed Bill

4/14/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/29/95 – Passed with amendments in House (per Judiciary Committee and Civil Law and Judicial Administration Subcommittee recommendation)

B-Engrossed Bill

6/1/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Rule 29 – Joinder of Persons Needed for Just Adjudication

§	Latest Amendment
A	Unamended
B	Unamended
C	Unamended
D	Or. Laws 1979 c.284 § 20.

Or. Laws 1979 c.284 § 20

Amends Rule 29(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. ~~State agencies as parties in governmental administration actions. In any action arising out of county administration of functions delegated or contracted to the county by a state agency, the state agency must be made a party to the action.~~

H.B. 3131

Or. Laws 1979 c.284 § 20

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 31 – Interpleader

§	Latest Amendment
A	Unamended
B	Unamended
C	Or. Laws 1991 c.733 § 1

Or. Laws 1991 c.733 § 1

Amends Rule 31(C)

- A. [Unamended]
- B. [Unamended]
- C. **Attorney Fees.** In any suit or action in interpleader filed pursuant to this rule by any party other than a party who has been compensated for acting as a surety with respect to the funds or property interpled, the party filing the suit or action in interpleader shall be awarded a reasonable attorney fee in addition to costs and disbursements upon the court ordering that the funds or property interpled be deposited with the court, secured or otherwise preserved and that the party filing the suit or action in interpleader be discharged from liability as to the funds or property. The attorney fees awarded shall be assessed against and paid from the funds or property ordered interpled by the court.

H.B. 1203

Or. Laws 1991 c.733 § 1

Senate Introduction

4/12/91

A-Engrossed Bill

5/15/91 – Passed unamended in House

6/17/91 – Passed unamended in Senate

Governor signed Enrolled Bill

7/31/91

Rule 32 – Class Actions

§	Latest Amendment
A	Or. Laws 1979 c.284 § 1
B	Unamended
C	Unamended
D	Unamended
E	Unamended
F	Or. Laws 2015 c.2 § 1
G	Unamended
H	Or. Laws 1979 c.284 § 1
I	Or. Laws 1979 c.284 § 1
J	Or. Laws 1979 c.284 § 1
K	Repealed and redesignated: Or. Laws 2009 c.552 § 1
L	Or. Laws 2015 c.2 § 2
M	Or. Laws 2009 c.552 § 3
N	Or. Laws 2009 c.552 § 4
O	Or. Laws 2015 c.2 § 3

Or. Laws 1981 c.912 § 1
Amends Rule 32(A), (F), (H)–(O)

- A. **Requirement for class action.** [Full section text unamended]
1. [Unamended]
 2. [Unamended]
 3. [Unamended]
 4. The representative parties will fairly and adequately protect the interests of the class; **and**.
 5. **In an action for damages under subsection (3) of section B. of this rule, the representative parties have complied with the prelitigation notice provisions of section H. of this rule.**
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. **Notice required; content; statements of class members ~~may be~~ required; form; content; [sic] effect of failure to file required statements.**
1. [Unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. ~~Each member of the class, not a representative party, whose potential monetary recovery or liability is estimated to exceed \$100 shall be given personal or mailed notice if such class member's identity and whereabouts can be ascertained by the exercise of reasonable diligence.~~ **Members of the class shall be given the best notice practicable under the circumstances. Individual notice shall be given to all members who can be identified through reasonable effort.**
 - e. [Unamended]
 - f. The court may order a defendant who has a mailing list of class members to cooperate with the representative parties in notifying the class members. **The court ~~and~~ may also direct that separate and distinctive notice be included with a regular mailing by the defendant to the class members who are current customers or employees [sic] of the defendant.**

- g. The court may order, as an alternative to the order and direction under paragraph (f) of this subsection, that a defendant who has a mailing list of class members, including those who are or were current customers or employees of the defendant, provide a copy of that list to the representative parties. The representative parties shall be required to pay the reasonable costs of generating, printing or duplicating the mailing list.
 - h. The court may order a defendant who has a list of former customers or employees to provide that list to the representative parties. The court may further order that a separate and distinctive notice be included with a regular mailing by the defendant to current customers or employees of the defendant.
2. Prior to the final entry of a judgment against a defendant the court ~~may~~ shall request members of the class to submit a statement in a form prescribed by the court requesting affirmative relief which may also, where appropriate, require information regarding the nature of the loss, injury, claim, transactional relationship, or damage. The statement shall be designed to meet the ends of justice. In determining the form of the statement, the court shall consider the nature of the acts of the defendant, the amount of knowledge a class member would have about the extent of such member's damages, the nature of the class including the probable degree of sophistication of its members, and the availability of relevant information from sources other than the individual class members. **The amount of damages assessed against the defendant shall not exceed the total amount of damages determined to be allowable by the court for each individual class member who has filed a statement required by the court, assessable court costs, and an award of attorney fees, if any, as determined by the court.**
 3. ~~If the court requires class members to file a statement requesting affirmative relief~~ Failure of a class member to file a statement required by the court ~~may~~ will be grounds for the entry of judgment dismissing such class member's claim without prejudice to the right to maintain an individual, but not a class, action for such claim.
 4. ~~Unless the court orders otherwise, the plaintiffs shall bear the expense of notification. The court may, if justice requires, require that the defendant bear the expense of notification or may allocate the costs of notice, among the parties if the court determines there is a reasonable likelihood that the plaintiffs may prevail. The court may hold a preliminary hearing to determine how the costs of notice should be apportioned.~~ Except as otherwise provided in this subsection, the plaintiffs shall bear the expense of notification. The court may, if justice requires, require that the defendant bear the expense of notification to the current customers or employees of the defendant. ~~t~~ included with a regular mailing by the defendant. The court may hold a preliminary hearing to determine how the costs of notice shall be apportioned.
 5. No duty of compliance with due process notice requirements is imposed on a defendant by reason of the defendant including notice with a regular mailing by the defendant to current customers or employees of the defendant under this section.
 6. As used in this section, "customer" includes a person, including but not limited to a student, who has purchased services or goods from a defendant.
- G. [Unamended]
- H. Notice and demand required prior to commencement of action for damages.
1. Thirty days or more prior to the commencement of an action for damages pursuant to the provisions of subsection (3) of section B. of this rule, the potential plaintiffs' class representative shall:
 - a. Notify the potential defendant of the particular alleged cause of action; and
 - b. Demand that such person correct or rectify the alleged wrong.
 2. Such notice shall be in writing and shall be sent by certified or registered mail, return receipt requested, to the place where the transaction occurred, such person's principal place of business within this state, or, if neither will effect actual notice, the office of the Secretary of State.
- I. [(H)] Limitation on maintenance of class actions for damages. [Full section text unamended]
- J. ~~[(I)] Amendment of complaints for equitable relief to request damages permitted. Application of sections H. and I. of this rule to actions of equitable relief; amendment of complaints for equitable relief to request damages permitted.~~
1. An action for equitable relief brought under sections A. and B. of this rule may be commenced without compliance with the provisions of section H. of this rule. Not less than 30 days after the commencement of an action for equitable relief, and after compliance with the provisions of section H. of this rule, the class representative's complaint may be amended without leave of court to include a request for damages. The provisions of section ~~H~~ I. of this rule shall be applicable if the complaint for injunctive relief is amended to request damages.

- K. [\[\(J\)\] Limitation on maintenance of class actions for recovery of certain statutory penalties.](#) [Full section text unamended]
- L. [\[\(K\)\] Coordination of pending class actions sharing common question of law or fact.](#) [Full section text unamended]
- M. [\[\(L\)\] Judgment; inclusion of class members; description; names.](#) The judgment in an action maintained as a class action under subsections (1) or (2) of section B. of this rule, whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under subsection (3) of section B. of this rule, whether or not favorable to the class, shall include and specify **by name** those to whom the notice provided in section F. of this rule was directed, and who have not requested exclusion and whom the court finds to be members of the class, **and the judgment shall state the amount to be recovered by each member.**
- N. [\[\(M\)\] Attorney fees, costs- disbursements and litigation expenses.](#) [Full section text unamended]
- O. [\[\(N\)\] Statute of Limitations.](#) [Full section text unamended]

H.B. 3122

Or. Laws 1981 c.912 §

House Introduction

3/16/81

A-Engrossed Bill

6/15/81 – Passed with amendments in House (per Judiciary Committee recommendation)

7/31/81 – Passed with amendments in Senate (per Justice Committee recommendation)

B-Engrossed Bill

8/1/81 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 2003 c.576 § 173, 259

§173 Amends Rule 32(M);

§259 Amends Rule 32(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. **Notice and exclusion.**
 - 1. [Unamended]
 - 2. Prior to the entry of a **final** judgment against a defendant the court shall request members of the class who may be entitled to individual monetary recovery to submit a statement in a form prescribed by the court requesting affirmative relief which may also, where appropriate, require information regarding the nature of the loss, injury, claim, transactional relationship, or damage. The statement shall be designed to meet the ends of justice. In determining the form of the statement, the court shall consider the nature of the acts of the defendant, the amount of knowledge a class member would have about the extent of such member's damages, the nature of the class including the probable degree of sophistication of its members, and the availability of relevant information from sources other than the individual class members. The amount of damages assessed against the defendant shall not exceed the total amount of damages determined to be allowable by the court for each individual class member who has filed a statement required by the court, assessable court costs, and an award of attorney fees, if any, as determined by the court.
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]
- G. [Unamended]
- H. [Unamended]
- I. [Unamended]
- J. [Unamended]
- K. [Unamended]
- L. [Unamended]
- M. **Form of judgment.** The judgment in an action ordered maintained as a class action, whether or not favorable to the class, shall specify or describe those found to be members of the class or who, as a condition of exclusion, have agreed to be bound by the judgment. If a **money** judgment **that includes a money award** is entered in favor of a class, **the judgment must, it shall** when possible, identify by name each member of the class and the amount to be recovered thereby.
- N. [Unamended]
- O. [Unamended]

H.B. 2646

Or. Laws 2003 c.576 § 173, 259

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Or. Laws 2009 c.552 § 1-5

- §1 Repeals Rule 32(K);
- §2 Amends Rule 32(L);
- §3 Amends Rule 32(M);
- §4 Amends Rule 32(N);
- §5 Amends Rule 32(O)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]
- I. [Unamended]
- J. [Unamended]
- K. **[Full section text repealed]** [(L)] Coordination of pending class actions sharing common questions of law or fact. [Full section text redesignated]
- L. [(M)] Form of judgment. [Full section text redesignated]
- M. [(N)] Attorney fees, costs, disbursements, and litigation expenses. [Full section text redesignated]
- N. [(O)] Statute of limitations. [Full section text redesignated]

H.B. 2585

Or. Laws 2009 c.552 § 1-5

House Introduction

2/5/09

A-Engrossed Bill

5/4/09 – Passed with amendments in House (per Judiciary Committee recommendation)

6/4/09 – Passed unamended in Senate

Governor signed Enrolled Bill

6/25/09

Or. Laws 2015 c.2 § 1-3

§1 Amends Rule 32(F);

§2 Amends Rule 32(L);

§3 Amends Rule 32(O)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. **Notice and exclusion.**
 - 1. [Unamended]
 - 2. [(F)(5)] Plaintiffs shall bear costs of any notice ordered prior to a determination of liability. The court may, however, order that defendant bear all or a specified part of the costs of any notice included with a regular mailing by defendant to its current customers or employees. The court may hold a hearing to determine how the costs of such notice shall be apportioned.
 - a. [Subsections (F)(2)(i)-(v) [sic] deleted in full]
 - 3. [(F)(6)] No duty of compliance with due process notice requirements is imposed on a defendant by reason of the defendant including notice with a regular mailing by the defendant to current customers or employees of the defendant under this section.
 - 4. [F(7)] As used in this section, "customer" includes a person, including but not limited to a student, who has purchased services or goods from a defendant.
- G. [Unamended]
- H. [Unamended]
- I. [Unamended]
- J. [Unamended]
- K. [Unamended]
- L. **Form of judgment.** The judgment in an action ordered maintained as a class action, whether or not favorable to the class, **must generally describe the members of the class and must specifically identify any persons who requested exclusion from the class and are not bound by the judgment.** ~~shall specify or describe those found to be members of the class or who, as a condition of exclusion, have agreed to be bound by the judgment. If a judgment that includes a money award is entered in favor of a class, the judgment must, when possible, identify by name each member of the class and the amount to be recovered thereby.~~
- M. [Unamended]
- N. [Unamended]
- O. **Payment of damages.** As part of the settlement or judgment in a class action, the court may approve a process for the payment of damages. The process may include the use of claim forms. If any amount awarded as damages is not claimed within the time specified by the court, or if the court finds that payment of all or part of the damages to class members is not practicable, the court shall order that:
 - 1. At least 50 percent of the amount not paid to class members be paid or delivered to the Oregon State Bar for the funding of legal services provided through the Legal Services Program established under ORS 9.572; and
 - 2. The remainder of the amount not paid to class members be paid to any entity for purposes that the court determines are directly related to the class action or directly beneficial to the interests of class members.

H.B. 2700 [Passed Unamended]

Or. Laws 2015 c.2 § 1-3

House Introduction

1/12/15

A-Engrossed Bill

2/9/15 – Passed unamended in House (per Judiciary Committee Majority recommendation; Judiciary Committee Minority recommended passing with amendments); Motion to substitute Minority Report for Committee Report failed
3/3/15 – Passed unamended in Senate (per Judiciary Committee Majority recommendation, with Senators Kruse and Thatcher not concurring; Judiciary Committee Minority recommended passing with amendments (printed “A-Eng.

Minority’)); Motion to substitute Minority Report for Committee Report failed; Motion to refer to Senate Rules Committee to adopt prior proposed amendments failed; Motion to refer to Senate Ways & Means to adopt prior proposed amendments failed

Governor signed Enrolled Bill

3/4/15

Rule 33 – Intervention

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 21
C	Unamended
D	Unamended

Or. Laws 1979 c.284 § 21

Amends Rule 33(B)

- A. [Unamended]
- B. **Intervention of right.** At any time before trial, any person shall be permitted to intervene in an action when a statute of this state, ~~or~~ these rules, **or the common law** confers an unconditional right to intervene.
- C. [Unamended]
- D. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 21

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 34 – Substitution of Parties

§	Latest Amendment
A	Unamended
B	Unamended
C	Unamended
D	Or. Laws 1979 c.284 § 22
E	Unamended
F	Unamended
G	Unamended

Or. Laws 1979 c.284 § 22

Amends Rule 34(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Death of a party; surviving parties.** In the event of the death of one or more of the plaintiffs or of one or more of the defendants in an action in which the right sought to be enforced survives only to the surviving plaintiffs or only against the surviving defendants, the action does not abate. The death shall be shown upon the record **by a written statement of a party signed in conformance with Rule 17** and the action shall proceed in favor of or against the surviving parties.
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 22

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 36 – General Provisions Regarding Discovery

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.294 § 23
C	Unamended

[Originally “Rule 36. General Provisions Governing Discovery” (CCP 12/2/1978)]

Or. Laws 1979 c.284 § 23

Amends Rule 36(B)

- A. [Unamended]
- B. [Unamended]
 - 1. [Unamended]
 - 2. **Insurance agreements or policies.**
 - a. ~~A party may obtain discovery of the existence and limits of liability of any insurance agreement under which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. The policy need not be provided unless a person or entity carrying on an insurance business has formally or informally raised any question regarding the existence of coverage for the claims being asserted in the action. In such case, the party seeking discovery shall be informed of any prior question regarding the existence of coverage at the time discovery of the existence and limits of the insurance agreement is sought. If any question of the existence of coverage later arises, the party discovered against has the duty to inform the party who sought discovery immediately of the question regarding the existence of coverage. The party seeking discovery shall be informed of the basis for contesting coverage and upon request shall be furnished a copy of the insurance agreement or policy. A party, upon the request of an adverse party, shall disclose the existence and contents of any insurance agreement or policy under which a person transacting insurance may be able to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.~~
 - b. The obligation to disclose under this subsection shall be performed as soon as practicable following the filing of the complaint and the request to disclose. The court may supervise the exercise of disclosure to the extent necessary to insure that it proceeds properly and expeditiously. However, the court may limit the extent of disclosure under this subsection as provided in section C. of this rule.
 - c. [b] Information concerning the insurance agreement or policy is not by reason of disclosure admissible in evidence at trial. For purposes of this subsection, an application for insurance shall not be treated as part of an insurance agreement or policy.
 - d. As used in this subsection, “disclose” means to afford the adverse party an opportunity to inspect or copy the insurance agreement or policy.
 - 3. [Unamended]
 - 4. ~~Expert witnesses.~~ [Rule 36(B)(4) deleted in full]
- C. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 23

House Introduction
5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 38 – Persons Who May Administer Oaths for Depositions; Foreign Depositions

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 42
C	Or. Laws 2013 c.1 § 2

Or. Laws 1979 c.284 § 24

Amends Rule 38(B) & (C)

- A. [Unamended]
- B. **Outside the state.** Within another state, or within a territory or insular possession subject to the dominion of the United States, or in a foreign country, depositions may be taken (1) on notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of the United States, or (2) before a person appointed or commissioned by the court **in which the action is pending**, and such a person shall have the power by virtue of such person's appointment or commission to administer any necessary oath and take testimony, or (3) pursuant to a letter rogatory. A commission or letter rogatory shall be issued on application and notice and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter rogatory that the taking of the deposition in any other manner is impracticable or inconvenient; and both a commission and a letter rogatory may be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either by name or descriptive title. A letter rogatory may be addressed "To the Appropriate Authority in (here name the state, territory, or country).1* Evidence obtained in a foreign country in response to a letter rogatory need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within the United States under these rules.
- C. **Foreign depositions.**
- [Unamended]
 - This **rule section** shall be so interpreted and construed as to effectuate its general purposes to make uniform the laws of those states which have similar rules or statute.

H.B. 3131

Or. Laws 1979 c.284 § 24

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 2013 c.1 § 2
Amends Rule 38(C)

- A. [Unamended]
 - B. [Unamended]
 - C. **Foreign depositions and subpoenas.**
 - 1. **Definitions.** For the purpose of this **rule section**: [Subsections (C)(1)(a) and (C)(1)(b) unamended]
 - 2. **Issuance of subpoena.**
 - a. To request issuance of a subpoena under this **rule section**, a party or attorney shall submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state.
 - b. [Unamended]
 - c. A subpoena under this subsection shall:
 - i. ~~conform~~ **Conform** to the requirements of these Oregon Rules of Civil Procedure, including Rule 55, and conform substantially to the form provided in Rule 55 A but may otherwise incorporate the terms used in the foreign subpoena as long as those terms conform to these rules; and
 - ii. ~~contain~~ **Contain** or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.
 - 3. **Service of subpoena.** A subpoena issued by a clerk of court under subsection (2) of this **rule section** shall be served in compliance with Rule 55.
 - 4. **Effects of request for subpoena.** A request for issuance of a subpoena under this **rule section** does not constitute an appearance in the court. A request does allow the court to impose sanctions for any action in connection with the subpoena that is a violation of applicable law.
 - 5. **Motions.** A motion to the court, or a response thereto, for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court pursuant to this **rule section** is an appearance before the court and shall comply with the rules and statutes of this state. The motion shall be submitted to the court in the county in which discovery is to be conducted.
- C(6) Uniformity of application and construction.
In applying and construing this [rule] section, consideration shall be given to the need to promote the uniformity of the law with respect to its subject matter among states that enact it.

H.B. 2148 [Passed Unamended]
Or. Laws 2013 c.1 § 2

Rule 39 – Depositions Upon Oral Examination

§	Latest Amendment
A	Unamended
B	Unamended
C	Unamended
D	Unamended
E	Unamended
F	Or. Laws 1979 c.284 § 25
G	Unamended
H	Unamended
I	Or. Laws 1989 c. 275 § 5

Or. Laws 1979 c.284 § 25

Amends Rule 39(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. **Submission to witness; changes; signing statement.** When the testimony is taken by stenographic means, or is recorded by other than stenographic means as provided in subsection C.(4) of this rule, and if the transcription or recording is to be used at any proceeding in the action or if any party requests that the transcription or recording thereof be filed with the court, such transcription or recording shall be submitted to the witness for examination, unless such examination is waived by the witness and by the parties. Any changes **in form or substance** which the witness desires to make shall be entered upon the transcription or stated in a writing to accompany the recording by the party taking the deposition, together with a statement of the reasons given by the witness for making them. Notice of such changes and reasons shall promptly be served upon all parties by the party taking the deposition. The witness shall then state in writing that the transcription or recording is correct subject to the changes, if any, made by the witness, unless the parties waive the statement or the witness is physically unable to make such statement or cannot be found. If the statement is not made by the witness within 30 days, or within a lesser time upon court order, after the deposition is submitted to the witness, the party taking the deposition shall state on the transcription or in a writing to accompany the recording the fact of waiver, or the physical incapacity or absence of the witness, or the fact of refusal of the witness to make the statement, together with the reasons, if any, given therefor; and the deposition may then be used as fully as though the statement had been made unless, on a motion to suppress under Rule 41 D., the court finds that the reasons given for the refusal to make the statement require rejection of the deposition in whole or in part
- G. [Unamended]
- H. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 25

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill
6/26/79

Or. Laws 1987 c.275 § 2
Amends Rule 39(I)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]
- I. **Perpetuation of testimony after commencement of action.**
 - 1. [Unamended]
 - 2. The notice is subject to subsections C.(1) ~~-~~ **through** (7) of this rule and shall additionally state:
 - a. [Unamended]
 - b. [Unamended]
 - 3. Prior to the time set for the deposition, any other party may object to the perpetuation deposition. Such objection shall be governed by the standards of Rule 36 C. At any hearing on such an objection, the burden shall be on the party seeking perpetuation to show that: (a) the witness may be unavailable as defined in ORS ~~40.465 (1) for the trial or hearing, or that~~ **40.465 (1)(d) or (e) or ORS 45.250 (2)(a) through (d); or (b) it would be an undue hardship on the witness to appear at the trial or hearing; or (c)** other good cause exists for allowing the perpetuation. If no objection is filed, or if perpetuation is allowed, the testimony taken shall be admissible at any subsequent trial or hearing in the ~~case~~ action, subject to the Oregon ~~Rules of~~ Evidence **Code**.
 - 4. Any perpetuation deposition shall be taken not less than seven days before the trial or hearing on not less than ~~fourteen~~ **14** days' notice, unless ~~good cause is shown~~ **the court in which the action is pending allows a shorter period upon a showing of good cause.**
 - 5. To the extent that a discovery deposition is allowed by law, any party ~~other than the one giving notice~~ may conduct a discovery deposition of the witness prior to the perpetuation deposition.
 - 6. The perpetuation examination shall proceed as set forth in subsection D. ~~herein of this rule~~. All objections to any testimony or evidence taken at the deposition shall be made at the time and noted upon the ~~transcription or recording~~ **record**. The court before which the testimony is offered shall rule on any objections before the testimony is offered. Any objections not made at the deposition shall be deemed waived.

H.B. 2298

Or. Laws 1987 c.275 § 2

House Introduction

1/15/87

A-Engrossed Bill

3/26/87 – Passed with amendments in House (per Judiciary Committee recommendation)

5/25/87 – Passed unamended in Senate

Governor signed Enrolled Bill

6/10/87

Or. Laws 1989 c.980 § 5
Amends Rule 39(I)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]
- I. **Perpetuation of testimony after commencement of action.**
 - 1. [Unamended]
 - 2. [Unamended]
 - a. [Unamended]
 - b. [Unamended]
 - 3. Prior to the time set for the deposition, any other party may object to the perpetuation deposition. Such objection shall be governed by the standards of Rule 36 C. At any hearing on such an objection, the burden shall be on the party seeking perpetuation to show that: (a) the witness may be unavailable as defined in ORS 40.465 (1)(d) or (e) or 45.250 (2)(a) through ~~(d)~~ (c); or (b) it would be an undue hardship on the witness to appear at the trial or hearing; or (c) other good cause exists for allowing the perpetuation. If no objection is filed, or if perpetuation is allowed, the testimony taken shall be admissible at any subsequent trial or hearing in the action, subject to the Oregon Evidence Code.
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. The perpetuation examination shall proceed as set forth in **subsection section** D. of this rule. All objections to any testimony or evidence taken at the deposition shall be made at the time and noted upon the record. The court before which the testimony is offered shall rule on any objections before the testimony is offered. Any objections not made at the deposition shall be deemed waived.

S.B. 273

Or. Laws 1989 c.980 § 5

Senate Introduction

1/17/89

A-Engrossed Bill

5/22/89 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/22/89 – Passed unamended in House

Governor signed Enrolled Bill

8/3/89

Rule 43 – Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes

§	Latest Amendment
A	Or. Laws 1979 c.284 § 26
B	Unamended
C	Unamended
D	Unamended

Or. Laws 1979 c.284 § 26

Amends Rule 43(A)

- A. Scope.** Any party may serve on any other party a request: (1) to produce and permit the party making the request or someone acting on behalf of the party making the request, to inspect and copy, any designated documents (including writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained, **and** translated, if necessary, by the respondent through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of Rule 36 B. and which are in the possession, custody, or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 36 B.
- B.** [Unamended]
C. [Unamended]
D. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 26

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 44 – Physical and Mental Examination of Persons; Reports of Examination

§	Latest Amendment
A	Or. Laws 1989 c.1084 § 2
B	Or. Laws 1989 c.1084 § 2
C	Unamended
D	Or. Laws 1989 c.1084 § 2
E	Or. Laws 1979 c.284 § 28

Or. Laws 1979 c.284 § 27–28

§27 Amends Rule 44(A);

§28 Amends Rule 44(E)

- A. **Order for examination.** When the mental or physical condition ~~(including the blood group)~~ or the blood relationship of a party ~~or of a, or of an agent, employee, or~~ person in the custody or under the legal control of a party ~~(including the spouse of a party in an action to recover for injury to the spouse)~~, is in controversy, the court may order the party to submit to a physical or mental examination by a physician or to produce for examination the person in such party's custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Access to hospital records.** Any party legally liable or against whom a claim is asserted for compensation or damages for injuries may examine and make copies of all records of any hospital in reference to and connected with ~~the hospitalization of the injured person~~ any hospitalization or provision of medical treatment by the hospital of the injured person within the scope of discovery under Rule 36 B. Any party seeking access to hospital records under this section shall give written notice of any proposed action to seek access to hospital records, at a reasonable time prior to such action, to the injured person's attorney or, if the injured person does not have an attorney, to the injured person.

H.B. 3131

Or. Laws 1979 c.284 § 27–28

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1989 c.1084 § 2
Amends Rule 44(A), (B) & (D)

- A. Order for examination.** When the mental or physical condition or the blood relationship of a party, or of an agent, employee, or person in the custody or under the legal control of a party (including the spouse of a party in an action to recover for injury to the spouse), is in controversy, the court may order the party to submit to a physical or mental examination by a physician **or a mental examination by a psychologist** or to produce for examination the person in such party's custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.
- B. Report of examining physician or psychologist.** If requested by the party against whom an order is made under section A. of this rule or the person examined, the party causing the examination to be made shall deliver to the requesting person or party a copy of a detailed report of the examining physician **or psychologist** setting out such physician's **or psychologist's** findings, including results of all tests made, diagnoses and conclusions, together with like reports of all earlier examinations of the same condition. After delivery the party causing the examination shall be entitled upon request to receive from the party against whom the order is made a like report of any examination, previously or thereafter made, of the same condition, unless, in the case of a report of examination of a person not a party, the party shows inability to obtain it. This section applies to examinations made by agreement of the parties, unless the agreement expressly provides otherwise.
- C.** [Unamended]
- D. Report; effect of failure to comply.**
- 1. Preparation of written report.** If an obligation to furnish a report arises under sections B. or C. of this rule and the examining physician **or psychologist** has not made a written report, the party who is obliged to furnish the report shall request that the examining physician **or psychologist** prepare a written report of the examination, and the party requesting such report shall pay the reasonable costs and expenses, including the **examining physician's examiner's** fee, necessary to prepare such a report.
 - 2. Failure to comply or make report or request report.** If a party fails to comply with sections B. and C. of this rule, or if a physician **or psychologist** fails or refuses to make a detailed report within a reasonable time, or if a party fails to request that the examining physician **or psychologist** prepare a written report within a reasonable time, the court may require the physician **or psychologist** to appear for a deposition or may exclude the physician's **or psychologist's** testimony if offered at the trial.
- E.** [Unamended]

S.B. 389

Or. Laws 1989 c.1084 § 2

Senate Introduction

1/23/89

A-Engrossed Bill

5/1/89 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/2/89 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

6/14/89 – Senate concurred with House amendments and repassed bill.

Governor signed Enrolled Bill

8/7/89

Rule 45 – Requests for Admission

§	Latest Amendment
A	Or. Laws 1979 c.284 § 29
B	Or. Laws 1979 c.284 § 30
C	Unamended
D	Unamended
E	Unamended
F	Unamended

Or. Laws 1979 c.284 § 29–30

Amends Rule 45(A);

Amends Rule 45(B)

- A. **Request for admission.** After commencement of an action, a party may serve upon any other party a request for the admission by the latter of the truth of relevant matters within the scope of Rule 36 B. specified in the request, including facts or opinions of fact, or the application of law to fact, or of the genuineness of any relevant documents or physical objects described in or exhibited with the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Each matter of which an admission is requested shall be separately set forth. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party. **The request for admission shall be preceded by the following statement printed in capital letters of the type size in which the request is printed: “FAILRUE TO SERVE A WRITTEN ANSWER OR OBJECTION WITHIN THE TIME ALLOWED BY ORCP 45 B. WILL RESULT IN ADMISSION OF THE FOLLOWING REQUESTS.”**
- B. **Response.** ~~The request for admissions shall be preceded by the following statement printed in capital letters of the type size in which the request is printed: “FAILURE TO SERVE A WRITTEN ANSWER OR OBJECTION WITHIN THE TIME ALLOWED BY ORCP 45 B. WILL RESULT IN ADMISSION OF THE FOLLOWING REQUESTS.”~~ Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of 45 days after service of the summons and complaint upon such defendant. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the answering party states that reasonable inquiry has been made and that the information known or readily obtainable by the answering party is insufficient to enable the answering party to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 46 C., deny the matter or set forth reasons why the party cannot admit or deny it.
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 29-30

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Rule 46 – Failure to Make Discovery; Sanctions

§	Latest Amendment
A	Unamended
B	Or. Laws 1999 c.59 § 4
C	Unamended
D	Unamended

Or. Laws 1999 c.59 § 4

Amends Rule 46(B)

- A. [Unamended]
- B. **Failure to comply with order.**
 - 1. **Sanctions by court in the county where the deponent is located.** If a deponent fails to be sworn or to answer a question after being directed to do so by a circuit ~~or district~~ court judge in the county in which the deponent is located, the failure may be considered a contempt of court.
 - 2. [Unamended]
 - 3. [Unamended]
- C. [Unamended]
- D. [Unamended]

S.B. 564

Or. Laws 1999 c.59 § 4

Senate Introduction

2/4/99

A-Engrossed Bill

3/9/99 – Passed unamended in Senate

3/31/99 – Passed with amendments in House (per General Government Committee recommendation)

4/2/99 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

4/20/99

Rule 47 – Summary Judgment

§	Latest Amendment
A	Or. Laws 2003 c.194 § 9
B	Or. Laws 2003 c.194 § 9
C	Or. Laws 2007 c.339 § 15
D	Or. Laws 2007 c.339 § 16
E	Or. Laws 2003 c.194 § 9
F	Or. Laws 2007 c.339 § 17
G	Or. Laws 2003 c.576 § 260

Or. Laws 1979 c.284 § 31

Amends Rule 47(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Form of affidavits; defense required.** Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions or further affidavits. When a motion for summary judgment is made and supported as provided in this **section rule**, an adverse party may not rest upon the mere allegations or denials of that party's pleading, but the adverse party's response, by affidavits or as otherwise provided in this section, must set forth specific facts showing that there is a genuine issue as to any material fact for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against such party.
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 31

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1981 c.898 § 6
Amends Rule 47(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **Multiple parties or claims final judgment.** In any action involving multiple parties or multiple claims, a summary judgment which is not entered in compliance with ~~ORS 18.125 Rule 67 B.~~ shall not constitute a final judgment.

H.B. 3261

Or. Laws 1981 c.898 § 6

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1991 c.724 § 30
Amend Rule 47(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **Affidavits made in bad faith.** Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney fees, and any offending party or attorney may be ~~adjudged guilty of~~ **subject to sanctions for** contempt.

S.B. 376

Or. Laws 1991 c.724 § 30

Senate Introduction

1/21/91

A-Engrossed Bill

4/10/91 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/12/91 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

6/20/91 – Senate refused to concur with House Amendments; Conference Committee formed

6/26/91 – Conference Committee recommended Senate concur with House Amendments, further amend the bill, and repass

Conference Committee Bill

6/27/91 – Senate adopted Conference Committee Bill and repassed; House adopted Conference Committee Bill and repassed.

Governor signed Enrolled Bill

7/31/91

Or. Laws 1995 c.618 § 5
Amends Rule 47(C)

- A. [Unamended]
- B. [Unamended]
- C. **Motion and proceedings thereon.** The motion and all supporting documents shall be served and filed at least 45 days before the date set for trial. The adverse party shall have 20 days in which to serve and file opposing affidavits and supporting documents. The moving party shall have five days to reply. The court shall have discretion to modify these stated times. The judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. **No genuine issue as to a material fact exists if, based upon the record before the court viewed in a manner most favorable to the adverse party, no objectively reasonable juror could return a verdict for the adverse party on the matter that is the subject of the motion for summary judgment.** A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

S.B. 385

Or. Laws 1995 c.618 § 5

Senate Introduction

1/30/95

A-Engrossed Bill

1/30/95 – Referred to Senate Judiciary Committee

2/1/95 – Assigned to Civil Process Subcommittee

4/20/95 – Printed engrossed (A-Eng.) and rereferred to Judiciary Committee (per Civil Process Subcommittee recommendation)

5/8/95 – Returned to Judiciary Committee

5/18/95 – Judiciary Committee recommended passing with amendments to A-Eng. (printed “B-Eng.”)

B-Engrossed Bill

5/23/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/6/95 – House Judiciary Committee recommended passing with amendments to B-Eng. (printed “C-Eng.”)

C-Engrossed Bill

6/8/95 – Passed with amendments in House (per Judiciary Committee recommendation)

6/9/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/17/95

Or. Laws 1999 c.815 § 1
Amends Rule 47(C)

- A. [Unamended]
- B. [Unamended]
- C. **Motion and proceedings thereon.** The motion and all supporting documents shall be served and filed at least 45 days before the date set for trial. The adverse party shall have 20 days in which to serve and file opposing affidavits and supporting documents. The moving party shall have five days to reply. The court shall have discretion to modify these stated times. The ~~judgment sought shall be rendered forthwith~~ **court shall enter judgment for the moving party** if the pleadings, depositions, **affidavits** and admissions on file, ~~together with the affidavits, if any,~~ show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. No genuine issue as to a material fact exists if, based upon the record before the court viewed in a manner most favorable to the adverse party, no objectively reasonable juror could return a verdict for the adverse party on the matter that is the subject of the motion for summary judgment. **The adverse party has the burden of producing evidence on any issue raised in the motion as to which the adverse party would have the burden of persuasion at trial. The adverse party may satisfy the burden of producing evidence with an affidavit under section E of this rule.** A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

H.B. 2721

Or. Laws 1999 c.815 § 1

House Introduction

2/26/99

A-Engrossed Bill

5/3/99 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee)

6/1/99 – Passed unamended in Senate

Governor signed Enrolled Bill

7/20/99

Or. Laws 2003 c.194 § 9
Amends Rule 47

- A. **For claimant.** A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party, move, with or without supporting affidavits **or declarations**, for a summary judgment in that party's favor upon all or any part thereof.
- B. **For defending party.** A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move, with or without supporting affidavits **or declarations**, for a summary judgment in that party's favor as to all or any part thereof.
- C. **Motion and proceedings thereon.** The motion and all supporting documents shall be served and filed at least 60 days before the date set for trial. The adverse party shall have 20 days in which to serve and file opposing affidavits **or declarations** and supporting documents. The moving party shall have five days to reply. The court shall have discretion to modify these stated times. The court shall enter judgment for the moving party if the pleadings, depositions, affidavits, **declarations** and admissions on file show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. No genuine issue as to a material fact exists if, based upon the record before the court viewed in a manner most favorable to the adverse party, no objectively reasonable juror could return a verdict for the adverse party on the matter that is the subject of the motion for summary judgment. The adverse party has the burden of producing evidence on any issue raised in the motion as to which the adverse party would have the burden of persuasion at trial. The adverse party may satisfy the burden of producing evidence with an affidavit **or a declaration** under section E of this rule. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.
- D. **Form of affidavits and declarations; defense required.** Except as provided by section E of this rule, supporting and opposing affidavits **and declarations** shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant **or declarant** is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit **or a declaration** shall be attached thereto or served therewith. The court may permit affidavits **or declarations** to be supplemented or opposed by depositions or further affidavits or declarations. When a motion for summary judgment is made and supported as provided in this rule an adverse party may not rest upon the mere allegations or denials of that party's pleading, but the adverse party's response, by affidavits, **declarations** or as otherwise provided in this section, must set forth specific facts showing that there is a genuine issue as to any material fact for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against such party.
- E. **Affidavit or declaration of attorney when expert opinion required.** Motions under this rule are not designed to be used as discovery devices to obtain the names of potential expert witnesses or to obtain their facts or opinions. If a party, in opposing a motion for summary judgment, is required to provide the opinion of an expert to establish a genuine issue of material fact, an affidavit **or a declaration** of the party's attorney stating that an unnamed qualified expert has been retained who is available and willing to testify to admissible facts or opinions creating a question of fact, will be deemed sufficient to controvert the allegations of the moving party and an adequate basis for the court to deny the motion. The affidavit **or declaration** shall be made in good faith based on admissible facts or opinions obtained from a qualified expert who has actually been retained by the attorney who is available and willing to testify and who has actually rendered an opinion or provided facts which, if revealed by affidavit **or declaration**, would be a sufficient basis for denying the motion for summary judgment.
- F. **When affidavits or declarations are unavailable.** Should it appear from the affidavits **or declarations** of a party opposing the motion that such party cannot, for reasons stated, present by affidavit **or declaration** facts essential to justify the opposition of that party, the court may refuse the application for judgment, or may order a continuance to permit affidavits **or declarations** to be obtained or depositions to be taken or discovery to be had, or may make such other order as is just.
- G. **Affidavits or declarations made in bad faith.** Should it appear to the satisfaction of the court at any time that any of the affidavits **or declarations** presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits **or declarations** caused the other party to incur, including reasonable attorney fees, and any offending party or attorney may be subject to sanctions for contempt.
- H. [Unamended]

H.B. 2064 [Passed Unamended]

Or. Laws 2003 c.194 § 9

Or. Laws 2003 c.576 § 260
Amends Rule 47(H)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. ~~Multiple parties or claims; final limited judgment. In any action involving multiple parties or multiple claims, a summary judgment which is not entered in compliance with Rule 67 B shall not constitute a final judgment.~~ **If the court grants summary judgment for less than all parties and claims in an action, a limited judgment may be entered if the court makes the determination required by Rule 67 B.**

H.B. 2646

Or. Laws 2003 c.576 § 260

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Or. Laws 2007 c.339 § 15–17

§15 Amends Rule 47(C);

§16 Amends Rule 47(D);

§17 Amends Rule 47 (F)

- A. [Unamended]
- B. [Unamended]
- C. **Motion and proceedings thereon.** The motion and all supporting documents shall be served and filed at least 60 days before the date set for trial. The adverse party shall have 20 days in which to serve and file opposing affidavits or declarations and supporting documents. The moving party shall have five days to reply. The court shall have discretion to modify these stated times. The court shall ~~enter judgment for the moving party~~ **grant the motion** if the pleadings, depositions, affidavits, declarations and admissions on file show that there is no genuine issue as to any material fact and that the moving party is entitled to ~~a judgment prevail~~ **a judgment prevail** as a matter of law. No genuine issue as to a material fact exists if, based upon the record before the court viewed in a manner most favorable to the adverse party, no objectively reasonable juror could return a verdict for the adverse party on the matter that is the subject of the motion for summary judgment. The adverse party has the burden of producing evidence on any issue raised in the motion as to which the adverse party would have the burden of persuasion at trial. The adverse party may satisfy the burden of producing evidence with an affidavit or a declaration under section E of this rule. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.
- D. **Form of affidavits and declarations; defense required.** Except as provided by section E of this rule, supporting and opposing affidavits and declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant or declarant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit or a declaration shall be attached thereto or served therewith. The court may permit affidavits or declarations to be supplemented or opposed by depositions or further affidavits or declarations. When a motion for summary judgment is made and supported as provided in this rule an adverse party may not rest upon the mere allegations or denials of that party's pleading, but the adverse party's response, by affidavits, declarations or as otherwise provided in this section, must set forth specific facts showing that there is a genuine issue as to any material fact for trial. If the adverse party does not so respond, ~~summary judgment, if appropriate, shall be entered against such party~~ **the court shall grant the motion if appropriate.**
- E. [Unamended]
- F. **When affidavits or declarations are unavailable.** Should it appear from the affidavits or declarations of a party opposing the motion that such party cannot, for reasons stated, present by affidavit or declaration facts essential to justify the opposition of that party, the court may ~~refuse the application for judgment,~~ **deny the motion** or may order a continuance to permit affidavits or declarations to be obtained or depositions to be taken or discovery to be had, or may make such other order as is just.
- G. [Unamended]
- H. [Unamended]

S.B. 501

Or. Laws 2007 c.339 § 15–17

House Introduction

2/5/07

A-Engrossed Bill

3/19/07 – Passed unamended in Senate

5/18/07 – Passed with amendments in House (per Judiciary Committee recommendation

5/22/07 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

6/11/07

Rule 52 – Postponement of Cases

§	Latest Amendment
A	Unamended
B	Or. Laws 2003 c.194 § 10

Or. Laws 2003 c.194 § 10

Amends Rule 52(B)

- A. [Unamended]
- B. **Absence of evidence.** If a motion is made for postponement on the grounds of absence of evidence, the court may require the moving party to submit an affidavit **or a declaration** stating the evidence which the moving party expects to obtain. If the adverse party admits that such evidence would be given and that it be considered as actually given at trial, or offered and overruled as improper, the trial shall not be postponed. However, the court may postpone the trial if, after the adverse party makes the admission described in this section, the moving party can show that such affidavit **or declaration** does not constitute an adequate substitute for the absent evidence. The court, when it allows the motion, may impose such conditions or terms upon the moving party as may be just.

H.B. 2064 [Passed Unamended]

Or. Laws 2003 c.194 § 10

Rule 54 – Dismissal of Actions; Compromise

§	Latest Amendment
A	Or. Laws 1979 c.284 § 32
B	Or. Laws 1979 c.284 § 32
C	Unamended
D	Or. Laws 1995 c.608 § 1
E	Or. Laws 1995 c.608 § 1
F	Or. Laws 1995 c.608 § 1

Or. Laws 1979 c.284 § 32

Amends Rule 54(A), (B) & (D)

A. **Voluntary dismissal; effect thereof.**

1. **By plaintiff; by stipulation.** Subject to the provisions of Rule 32 E. and of any statute of this state, an action may be dismissed by the plaintiff without order of court (a) by filing a notice of dismissal with the court and serving such notice on the defendant not less than five days prior to the day of trial if no counterclaim has been pleaded, or (b) by filing a stipulation of dismissal signed by all adverse parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action against the same parties on or including the same claim **unless the court directs that the dismissal shall be without prejudice**. Upon notice of dismissal or stipulation under this subsection, the court shall enter a judgment of dismissal.

2. [Unamended]

B. [Unamended]

1. [Unamended]

2. [Unamended]

3. [Unamended]

4. **Effect of judgment of dismissal.** Unless the court in its judgment of dismissal otherwise specifies, a dismissal under this section operates as an adjudication ~~with~~ **without** prejudice.

C. [Unamended]

- #### D. **Costs of previously dismissed action.**
- If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of ~~costs of~~ **any unpaid judgment for costs and disbursements against plaintiff** the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order.

E. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 32

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1981 c.912 § 2
Amends Rule 54(A)

A. Voluntary dismissal; effect thereof.

1. **By plaintiff; by stipulation.** Subject to the provisions of Rule 32 ~~E. D.~~ and of any statute of this state, an action may be dismissed by the plaintiff without order of court (a) by filing a notice of dismissal with the court and serving such notice on the defendant not less than five days prior to the day of trial if no counterclaim has been pleaded, or (b) by filing a stipulation of dismissal signed by all adverse parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action against the same parties on or including the same claim unless the court directs that the dismissal shall be without prejudice. Upon notice of dismissal or stipulation under this subsection, the court shall enter a judgment of dismissal.

2. [Unamended]

B. [Unamended]

C. [Unamended]

D. [Unamended]

E. [Unamended]

H.B. 3122

Or. Laws 1981 c.912 § 2

House Introduction

3/16/81

A-Engrossed Bill

6/15/81 – Passed with amendments in House (per Judiciary Committee recommendation)

7/31/81 – Passed with amendments in Senate (per Justice Committee recommendation)

B-Engrossed Bill

8/1/81 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1983 c.531 § 1

Amends Rule 54(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Compromise; effect of acceptance or rejection.** Except as provided in ORS 17.065 through 17.085, the party against whom a claim is asserted may, at any time up to ~~three~~ 10 days prior to trial, serve upon the party asserting the claim an offer to allow judgment to be given against the party making the offer for the sum, or the property, or to the effect therein specified. If the party asserting the claim accepts the offer, the party asserting the claim or such party's attorney shall endorse such acceptance thereon, and file the same with the clerk before trial, and within three days from the time it was served upon such party asserting the claim; and thereupon judgment shall be given accordingly, as a stipulated judgment. Unless agreed upon otherwise by the parties, costs, disbursements, and attorney fees shall be entered in addition as part of such judgment as provided in Rule 68. If the offer is not accepted and filed within the time prescribed, it shall be deemed withdrawn, and shall not be given in evidence on the trial; and if the party asserting the claim fails to obtain a more favorable judgment, the party asserting the claim shall not recover costs, disbursements, and attorney fees incurred after the date of the offer, but the party against whom the claim was asserted shall recover of the party asserting the claim costs and disbursements from the time of the service of the offer.

H.B. 2888

Or. Laws 1983 c. 531§ 1

House Introduction

2/24/83

A-Engrossed Bill

4/25/83 – Passed with amendments in House (per Judiciary Committee recommendation)

6/29/83 – Passed with amendments in Senate (per Justice Committee recommendation)

B-Engrossed Bill

7/6/83 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

7/28/83

Or. Laws 1995 c.608 § 1
Amends Rule 54(D)–(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Costs of previously dismissed action.**
 - 1. [Unamended]
 - 2. **If a party who previously asserted a claim, counterclaim, cross-claim or third party claim that was dismissed with prejudice subsequently makes the same claim, counterclaim, cross-claim or third party claim against the same party, the court shall enter a judgment dismissing the claim, counterclaim, cross-claim or third party claim and may enter a judgment requiring the payment of reasonable attorney fees incurred by the party in obtaining the dismissal.**
- E. **Compromise; effect of acceptance or rejection.** Except as provided in ORS 17.065 through 17.085, the party against whom a claim is asserted may, at any time up to 10 days prior to trial, serve upon the party asserting the claim an offer to allow judgment to be given against the party making the offer for the sum, or the property, or to the effect therein specified. If the party asserting the claim accepts the offer, the party asserting the claim or such party's attorney shall endorse such acceptance thereon, and file the same with the clerk before trial, and within three days from the time it was served upon such party asserting the claim; and thereupon judgment shall be given accordingly, as a stipulated judgment. Unless agreed upon otherwise by the parties, costs, disbursements, and attorney fees shall be entered in addition as part of such judgment as provided in Rule 68. If the offer is not accepted and filed within the time prescribed, it shall be deemed withdrawn, and shall not be given in evidence on the trial; and if the party asserting the claim fails to obtain a more favorable judgment, the party asserting the claim shall not recover costs, **prevailing party fees**, disbursements, ~~and~~ **or** attorney fees incurred after the date of the offer, but the party against whom the claim was asserted shall recover of the party asserting the claim costs and disbursements, **not including prevailing party fees**, from the time of the service of the offer.
- F. **Settlement conferences. A settlement conference may be ordered by the court at any time at the request of any party or upon the court's own motion. Unless otherwise stipulated to by the parties, a judge other than the judge who will preside at trial shall conduct the settlement conference.**

S.B. 385

Or. Laws 1995 c.608 § 1

Senate Introduction

1/30/95

A-Engrossed Bill

1/30/95 – Referred to Senate Judiciary Committee

2/1/95 – Assigned to Civil Process Subcommittee

4/20/95 – Printed engrossed (A-Eng.) and rereferred to Judiciary Committee (per Civil Process Subcommittee recommendation)

5/8/95 – Returned to Judiciary Committee

5/18/95 – Judiciary Committee recommended passing with amendments to A-Eng. (printed “B-Eng.”)

B-Engrossed Bill

5/23/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/6/95 – House Judiciary Committee recommended passing with amendments to B-Eng. (printed “C-Eng.”)

C-Engrossed Bill

6/8/95 – Passed with amendments in House (per Judiciary Committee recommendation)

6/9/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/17/95

Rule 55 – Subpoena

§	Latest Amendment
A	Or. Laws 1979 c.284 § 33
B	Unamended
C	Or. Laws 1999 c.59 § 1
D	Or. Laws 1997 c.249 § 10
E	Or. Laws 1989 c.980 § 3
F	Unamended
G	Unamended
H	Or. Laws 2003 c.194 § 11
I	Or. Laws 1995 c. 694 § 1

Or. Laws 1979 c.284 § 33–35

§33 Amends Rule 55(A);

§34 Amends Rule 55(C);

§35 Amends Rule 55(H)

- A. **Defined; form.** A subpoena is a writ or order directed to a person and requires the attendance of such person at a particular time and place to testify as a witness on behalf of a particular party therein mentioned. **It also requires that the witness remain till the testimony is closed unless sooner discharged, but at the end of each day's attendance a witness may demand of the party, or the party's attorney, the payment of legal witness fees for the next following day and if not then paid, the witness is not obliged to remain longer in attendance.** Every subpoena shall state the name of the court and the title of the action.
- B. [Unamended]
- C. **Issuance.**
1. **By whom issued.** A subpoena is issued as follows: (a) to require attendance before a court, or at the trial of an issue therein, or upon the taking of a deposition in an action pending therein: (i) it may be issued **in blank** by the clerk of the court in which the action is pending, or if there is no clerk, then by a judge or justice of such court; or (ii) it may be issued by an attorney of record of the party to the action on whose behalf the witness is required to appear, subscribed by the signature of such attorney; (b) to require attendance before any person authorized to take the testimony of a witness in this state under Rule 38 C., or before any officer empowered by the laws of the United States to take testimony, it may be issued by the clerk of a circuit or district court in the county in which the witness is to be examined; (c) to require attendance out of court in cases not provided for in paragraph (a) of this subsection, before a judge, justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this state, it may be issued by the judge, justice, or other officer before whom the attendance is required.
 2. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. **Hospital records.**
1. [Unamended]
 2. [Unamended]
 3. [Unamended]
 4. [Unamended]
 5. **Tender and payment of fees.** Nothing in this **rule section** requires the tender or payment of more than one witness and mileage fee or other charge unless there has been agreement to the contrary.

H.B. 3131

Or. Laws 1979 c.284 § 33–35

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1983 c.751 § 5
Amends Rule 55(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Service; service on law enforcement agency; service by mail; proof of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Service by mail. [Full section text unamended]**
 - a. The attorney certifies in connection with or upon the return of service that the attorney, or ~~his/her~~ **the attorney's** agent, has had personal or telephone contact with the witness, and the witness indicated a willingness to appear at trial if subpoenaed;
 - b. The attorney, or ~~his/her~~ **the attorney's** agent, made arrangements for payment to the witness of fees and mileage satisfactory to the witness ~~and the attorney has satisfied the agreement with respect thereto;~~ and
 - c. The subpoena was mailed to the witness more than ~~ten~~ **10** days before trial by certified mail or some other designation of mail that provides a receipt for the mail signed by the recipient, and the attorney received a return receipt signed by the witness more than three days prior to trial.
 - 4. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

H.B. 2891

Or. Laws 1983 c.751 § 5

House Introduction

2/24/83

A-Engrossed Bill

4/28/83 – Passed with amendments in the House (per Judiciary Committee recommendation)

7/14/83 – Passed with amendments in the Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/15/83 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

8/4/83

Or. Laws 1989 c.980 § 3
Amends Rule 55(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Subpoena for hearing or trial; obligation of witness to attend; prisoners.**
 - 1. ~~**Obligation to attend; fees. A witness is not obliged to attend for trial or hearing at a place outside the county in which the witness resides or is served with subpoena unless the residence of the witness is within 100 miles of such place, or, if the residence of the witness is not within 100 miles of such place, unless there is paid or tendered to the witness upon service of the subpoena: (a) double attendance fee, if the residence of the witness is not more than 200 miles from the place of examination; or (b) triple attendance fee, if the residence of the witness is more than 200 miles and not more than 300 miles from such place; or (c) quadruple attendance fee, if the residence of the witness is more than 300 miles from such place; and (d) single mileage to and from such place.**~~
 - 2. ~~**Witness confined to prison or jail.**~~ If the witness is confined in a prison or jail in this state, a subpoena may be served on such person only upon leave of court, and attendance of the witness may be compelled only upon such terms as the court prescribes. The court may order temporary removal and production of the prisoner for the purpose of giving testimony or may order that testimony only be taken upon deposition at the place of confinement. The subpoena and court order shall be served upon the custodian of the prisoner.
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

S.B. 273

Or. Laws 1989 c.980 § 3

Senate Introduction

1/17/89

A-Engrossed Bill

5/22/89 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/22/89 – Passed unamended in House

Governor signed Enrolled Bill

8/3/89

Or. Laws 1993 c.18 § 3
Amends Rule 55(H)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

H. Hospital records.

1. **Hospitals.** As used in this section, unless the context requires otherwise, "hospital" means a health care facility defined in ORS 442.015 ~~(13)~~ (14)(a) through (d) and licensed under ORS 441.015 through 441.097 and community health programs established under ORS 430.610 through 430.700.
2. [Unamended]
3. [Unamended]
4. [Unamended]
5. [Unamended]

H.B. 2476

Or. Laws 1993 c.18 § 3

House Introduction

1/26/93

A-Engrossed Bill

3/3/93 – Passed with amendments in House (per Judiciary committee Recommendation)

3/23/93 – Passed unamended in Senate

Governor signed Enrolled Bill

4/7/93

Or. Laws 1995 c.79 §404
Amends Rule 55(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Service; service on law enforcement agency; service by mail; proof of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. **[(D)(3)(d)] Service by mail; exception.** [Full section text redesignated]
 - 5. **[(D)(4)] Proof of service.** [Full section text redesignated]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

S.B. 851 [Passed Unamended]
Or. Laws 1995 c.79 § 404

Or. Laws 1995 c.694 §1
Amends Rule 55(I)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

I. **Medical Records.**

1. **Service on patient or health care recipient required.** Except as provided in subsection (3) of this section, a subpoena duces tecum for medical records served on a custodian or other keeper of medical records is not valid unless proof of service of a copy of the subpoena on the patient or health care recipient, or upon the attorney for the patient or health care recipient, made in the same manner as proof of service of a summons, is attached to the subpoena served on the custodian or other keeper of medical records.
2. **Manner of service.** If a patient or health care recipient is represented by an attorney, a true copy of a subpoena duces tecum for medical records of a patient or health care recipient must be served on the attorney for the patient or health care recipient at least 24 hours before the subpoena is served on a custodian or other keeper of medical records. Service on the attorney for a patient or health care recipient under this section may be made in the manner provided by ORCP 9 B. If the patient or health care recipient is not represented by an attorney, service of a true copy of the subpoena must be made on the patient or health care recipient at least 24 hours before the subpoena is served on the custodian or other keeper of medical records. Service on a patient or health care recipient under this section must be made in the manner specified by ORCP 7 D(3)(a) for service on individuals.
3. **Affidavit of attorney.** If a true copy of a subpoena duces tecum for medical records of a patient or health care recipient cannot be served on the patient or health care recipient in the manner required by subsection (2) of this section, and the patient or health care recipient is not represented by counsel, a subpoena duces tecum for medical records served on a custodian or other keeper of medical records is valid if the attorney for the person serving the subpoena attaches to the subpoena the affidavit of the attorney attesting to the following: (a) That reasonable efforts were made to serve the copy of the subpoena on the patient or health care recipient, but that the patient or health care recipient could not be served; (b) That the party subpoenaing the records is unaware of any attorney who is representing the patient or health care recipient; and (c) That to the best knowledge of the party subpoenaing the records, the patient or health care recipient does not know that the records are being subpoenaed.
4. **Application.** The requirements of this section apply only to subpoenas duces tecum for patient care and health care records kept by a licensed, registered or certified health practitioner as described in ORS 18.550, a health care service contractor as defined in ORS 750.005, a home health agency licensed under ORS chapter 443 or a hospice program licensed, certified or accredited under OHS chapter 443.

S.B. 597

Or. Laws 1995 c.694 § 1

Senate Introduction

2/28/95

A-Engrossed Bill

5/11/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/30/95 – Passed unamended in House

Governor signed Enrolled Bill

7/19/95

Or. Laws 1997 c.249 § 10

Amends Rule 55(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Service; service on law enforcement agency; service by mail; proof of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. **Proof of service.** Proof of service of subpoena is made in the same manner as proof of service of a summons **except that the server need not certify that the server is not a party in the action, an attorney for a party in the action or an officer, director or employee of a party in the action.**
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]
- I. [Unamended]

H.B. 2509

Or. Laws 1997 c.249 § 10

House Introduction

2/4/97

A-Engrossed Bill

3/18/97 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

5/7/97 – Passed with amendments in Senate (per Judiciary Committee and Business, Law, and Government Subcommittee recommendation)

B-Engrossed Bill

5/9/97 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/9/97

Or. Laws 1999 c.59 § 1
Amends Rule 55(C)

- A. [Unamended]
- B. [Unamended]
- C. **Issuance.**

1. **By whom issued.** A subpoena is issued as follows: (a) to require attendance before a court, or at the trial of an issue therein, or upon the taking of a deposition in an action pending therein or, if separate from a subpoena commanding the attendance of a person, to produce books, papers, documents or tangible things and to permit inspection thereof: (i) it may be issued in blank by the clerk of the court in which the action is pending, or if there is no clerk, then by a judge or justice of such court; or (ii) it may be issued by an attorney of record of the party to the action in whose behalf the witness is required to appear, subscribed by the signature of such attorney; (b) to require attendance before any person authorized to take the testimony of a witness in this state under Rule 38 C, or before any officer empowered by the laws of the United States to take testimony, it may be issued by the clerk of a circuit ~~or district~~ court in the county in which the witness is to be examined; (c) to require attendance out of court in cases not provided for in paragraph (a) of this subsection, before a judge, justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this state, it may be issued by the judge, justice, or other officer before whom the attendance is required.

2. [Unamended]

- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]
- I. [Unamended]

S.B. 564

Or. Laws 1999 c.59 § 1

Senate Introduction

2/4/99

A-Engrossed Bill

3/9/99 – Passed unamended in Senate

3/31/99 – Passed with amendments in House (per General Government Committee recommendation)

4/2/99 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

4/20/99

Or. Laws 2001 c.104 § 3
Amends Rule 55(H)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

H. Hospital records.

1. **Hospital.** As used in this rule, unless the context requires otherwise, “hospital” means a ~~health care facility~~ **hospital, as defined in ORS 442.015 (14)(a) through (d) and (19), or a long term care facility or an ambulatory surgical center, as those terms are defined in ORS 442.015, that is** licensed under ORS 441.015 through 441.097 and community health programs established under ORS 430.610 through 430.695.

- 2. [Unamended]
- 3. [Unamended]
- 4. [Unamended]

- I. [Unamended]

H.B. 2609

Or. Laws 2001 c.104 § 3

House Introduction

1/29/01

A-Engrossed Bill

3/20/01 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

4/4/01 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

4/6/01 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

4/23/01

Or. Laws 2003 c.194 § 11
Amends Rule 55(H)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. **Individually identifiable health insurance.**
 - 1. [Unamended]
 - 2. **Mode of Compliance.** [Full section text unamended]
 - a. [Unamended]
 - b. Except as provided in subsection (4) of this section, when a subpoena is served upon a custodian of individually identifiable health information in an action in which the entity or person is not a party, and the subpoena requires the production of all or part of the records of the entity or person relating to the care or treatment of an individual, it is sufficient compliance therewith if a custodian delivers by mail or otherwise a true and correct copy of all the records responsive to the subpoena within five days after receipt thereof. Delivery shall be accompanied by ~~the~~ **an affidavit** **or a declaration as** described in subsection (3) of this section.
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]
- I. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 11

Rule 56 – Trial by Jury

§	Latest Amendment
A	Or. Laws 1995 c.658 § 119
B	Or. Laws 1995 c.658 § 119

Or. Laws 1995 c.658 § 119

Amends Rule 56

Trial by jury defined.

- A. **Twelve-person juries.** A trial jury in the circuit court is a body of 12 persons drawn as provided in Rule 57. The parties may stipulate that a jury shall consist of any number less than 12 or that a verdict or finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.
- B. **Six-person juries. Notwithstanding section A of this rule, a jury in circuit court shall consist of six persons if the amount in controversy is less than \$10,000.**

H.B. 2625

Or. Laws 1995 c.658 § 119

House Introduction

2/10/95

A-Engrossed Bill

2/13/95 – Referred to Judiciary Committee

2/23/95 – Assigned to Civil Law and Judicial Administration Subcommittee

4/20/95 – Returned to Judiciary Committee

5/10/95 – Judiciary Committee recommended passing with amendments, printing engrossed (A-Eng.), and referring to Ways and Means Committee; Referred to Ways and Means Committee

5/30/95 – Assigned to Public Safety/Regulation Subcommittee

6/4/95 – Returned to Ways and Means Committee

6/5/95 – Ways and Means Committee recommended passing with amendments and printing engrossed (B-Eng.)

6/7/95 – Passed with amendments in House (per Judiciary Committee and Ways and Means Committee recommendations)

B-Engrossed Bill

6/7/95 – Referred to Senate Ways and Means Committee

6/8/95 – Senate Ways and Means Committee recommended passing with amendments

C-Engrossed Bill

6/9/95 – Passed with amendments in Senate (per Ways and Means Committee recommendation); House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Rule 57 – Jurors

§	Latest Amendment
A	Or. Laws 1985 c.610 § 20
B	Or. Laws 1985 c.610 § 20
C	Or. Laws 1979 c.284 § 36
D	Or. Laws 1997 c.801 § 69
E	Unamended
F	Or. Laws 1979 c.284 § 37

Or. Laws 1979 c.284 § 36–37

Amends Rule 57(C);

Amends Rule 57(F)

- A. [Unamended]
- B. [Unamended]
- C. **Examination of jurors.** The full number of jurors having been called shall thereupon be examined as to their qualifications. The court may examine the prospective jurors to the extent it deems appropriate, and ~~shall permit the parties or their attorneys to ask reasonable questions thereupon~~ **the court shall permit the parties to examine each juror, first by the plaintiff, and then by the defendant.**
- D. [Unamended]
- E. [Unamended]
- F. **Alternate jurors.** The court may direct that not more than six jurors in addition to the regular jury be called and impanelled [**sic**] to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retired to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged as the jury retires to consider its verdict. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by ~~law~~ **these rules or other rule or statute** if one or two alternate jurors are to be impanelled [**sic**], two peremptory challenges if three or four alternate jurors are to be impanelled [**sic**], and three peremptory challenges if five or six alternate jurors are to be impanelled [**sic**]. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by ~~law~~ **these rules or other rule or statute** shall not be used against an alternate juror.

H.B. 3131

Or. Laws 1979 c.284 § 36–37

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1985 c.610 § 20
Amends Rule 57(A), (B) & (D)

- A. Challenging compliance with selection procedures.**
1. **Motion.** Within 7 days after the moving party discovered or by the exercise of diligence could have discovered the grounds therefor, and in any event before the jury is sworn to try the case, a party may move to stay the proceedings or for other appropriate relief, on the ground of substantial failure to comply with ~~ORS 10.010 through 10.490~~ **the applicable provisions of ORS chapter 10** in selecting the jury.
 2. **Stay of proceedings.** Upon motion filed under subsection (1) of this section containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with ~~ORS 10.010 through 10.490~~ **the applicable provisions of ORS chapter 10 in selecting the jury**, the moving party is entitled to present in support of the motion: the testimony of the clerk or court administrator, any relevant records and papers not public or otherwise available used **by** the clerk or court administrator, and any other relevant evidence. If the court determines that in selecting the jury there has been a substantial failure to comply with ~~ORS 10.010 through 10.490~~ **the applicable provisions of ORS chapter 10**, the court shall stay the proceedings pending the selection of the jury in conformity with ~~ORS 10.010 through 10.490~~ **the applicable provisions of ORS chapter 10**, or grant other appropriate relief.
 3. **Exclusive means of challenge.** The procedures prescribed by this section are the exclusive means by which a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with ~~ORS 10.010 through 10.490~~ **the applicable provisions of ORS chapter 10.**
- B. Jury; how drawn.** When the action is called for trial the clerk shall draw ~~from the trial jury box of the court, one by one, the ballots containing the names of the jurors until the jury is completed or the ballots are exhausted~~ **names at random from the names of jurors in attendance upon the court until the jury is completed or the names of jurors in attendance are exhausted.** If the ~~ballots~~ **names of jurors in attendance** become exhausted before the jury is complete, the sheriff, under the direction of the court, shall summon from the bystanders, or the body of the county, so many qualified persons as may be necessary to complete the jury. Whenever the sheriff shall summon more than one person at a time from the bystanders or the body of the county, the sheriff shall return a list of the persons so summoned to the clerk. The clerk shall ~~write the names of such persons upon separate ballots, and deposit the same in the trial jury box, and then draw such ballots therefrom, as in the case of the panel of trial jurors for the term~~ **draw names at random from the list until the jury is completed.**
- C.** [Unamended]
- D. Challenges.**
1. **Challenges for cause; grounds.** [Full section text unamended]
 - a. The want of any qualifications prescribed by ORS 10.030 for a person ~~competent~~ **eligible** to act as a juror ~~or improper summons under ORS 10.030(3).~~
 - b. [Unamended]
 - c. [Unamended]
 - d. [Unamended]
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 2. [Unamended]
 3. [Unamended]
- E.** [Unamended]
- F.** [Unamended]

H.B. 2545

Or. Laws 1985 c.610 § 20

House Introduction
2/19/85

A-Engrossed Bill

5/21/85 – Passed with amendments in House (per Judiciary Committee recommendation)

6/17/85 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

6/19/85 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

7/13/85

Or. Laws 1995 c.530 § 1
Amends Rule 57(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Challenges.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Conduct of peremptory challenges.** After the full number of jurors have been passed for cause, peremptory challenges shall be conducted **by written ballot or outside the presence of the jury** as follows: the plaintiff may challenge one and then the defendant may challenge one, and so alternating until the peremptory challenges shall be exhausted. After each challenge, the panel shall be filled and the additional juror passed for cause before another peremptory challenge shall be exercised, and neither party is required to exercise a peremptory challenge unless the full number of jurors are in the jury box at the time. The refusal to challenge by either party in the order of alternation shall not defeat the adverse party of such adverse party's full number of challenges, and such refusal by a party to exercise a challenge in proper turn shall conclude that party as to the jurors once accepted by that party, and if that party's right of peremptory challenge be not exhausted, that party's further challenges shall be confined, in that party's proper turn, to such additional jurors as may be called. The court may, for good cause shown, permit a challenge to be taken to any juror before the jury is completed and sworn, notwithstanding the juror challenged may have been theretofore accepted, but nothing in this subsection shall be construed to increase the number of peremptory challenges allowed.
 - 4. **Challenge of peremptory challenge exercised on basis of race, ethnicity or sex.**
 - a. **A party may not exercise a peremptory challenge on the basis of race, ethnicity or sex. Courts shall presume that a peremptory challenge does not violate this paragraph, but the presumption may be rebutted in the manner provided by this section.**
 - b. **If a party believes that the adverse party is exercising a peremptory challenge on a basis prohibited under paragraph (a) of this subsection, the party may object to the exercise of the challenge. The objection must be made before the court excuses the juror. The objection must be made outside of the presence of potential jurors. The party making the objection has the burden of establishing a prima facie case that the adverse party challenged the potential juror on the basis of race, ethnicity or sex.**
 - c. **If the court finds that the party making the objection has established a prima facie case that the adverse party challenged a prospective juror on the basis of race, ethnicity or sex, the burden shifts to the adverse party to show that the peremptory challenge was not exercised on the basis of race, ethnicity or sex. If the adverse party fails to meet the burden of justification as to the questioned challenge, the presumption that the challenge does not violate paragraph (a) of this subsection is rebutted.**
 - d. **If the court finds that the adverse party challenged a prospective juror on the basis of race, ethnicity or sex, the court shall disallow the peremptory challenge.**
- E. [Unamended]
- F. [Unamended]

S.B. 869

Or. Laws 1995 c.530 § 1

Senate Introduction

3/10/95

A-Engrossed Bill

5/1/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/18/95 – Passed unamended in House

Governor signed Enrolled Bill

7/7/95

Or. Laws 1995 c.707 § 1
Amends Rule 57(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]

D. Challenges.

1. Challenges for cause; grounds. [Full section text unamended]

- a. [Unamended]
- b. [Unamended]
- c. [Unamended]
- d. [Unamended]
- e. [Unamended]
- f. [Unamended]

g. ~~Actual bias, which is the existence of a state of mind on the part of the juror, in reference to the action, or to either party, which satisfies the court, in the exercise of a sound discretion, that the juror cannot try the issue impartially and without prejudice to the substantial rights of the party challenging.~~ **Actual bias on the part of a juror. Actual bias is the existence of a state of mind on the part of a juror that satisfies the court, in the exercise of sound discretion, that the juror cannot try the issue impartially and without prejudice to the substantial rights of the party challenging the juror. Actual bias may be in reference to: (i) the action; (ii) either party to the action; (iii) the sex of the party, the party's attorney, a victim or a witness; or (iv) a racial or ethnic group that the party, the party's attorney, a victim or a witness is a member of, or is perceived to be a member of. A challenge for actual bias may be taken for the cause mentioned in this paragraph, but on the trial of such challenge, although it should appear that the juror challenged has formed or expressed an opinion upon the merits of the cause from what the juror may have heard or read, such opinion shall not of itself be sufficient to sustain the challenge, but the court must be satisfied, from all the circumstances, that the juror cannot disregard such opinion and try the issue impartially.**

2. [Unamended]

- E. [Unamended]
- F. [Unamended]

S.B. 868

Or. Laws 1995 c.707 § 1

Senate Introduction

3/10/95

A-Engrossed Bill

5/1/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/22/95 – Passed unamended in House

Governor signed Enrolled Bill

7/19/95

Or. Laws 1997 c.801 § 69
Amends Rule 57(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Challenges.**
 - 1. [Unamended]
 - 2. **Peremptory challenges; numbers.** A peremptory challenge is an objection to a juror for which no reason need be given, but upon which the court shall exclude such juror. ~~Either party shall be entitled to three peremptory challenges, and no more.~~ **Either party is entitled to no more than three peremptory challenges if the jury consists of more than six jurors, and no more than two peremptory challenges if the jury consists of six jurors.** Where there are multiple parties plaintiff or defendant in the case or where cases have been consolidated for trial, the parties plaintiff or defendant must join in the challenge and are limited to ~~a total of three peremptory challenges~~ **the number of peremptory challenges specified in this subsection**, except the court, in its discretion and in the interest of justice, may allow any of the parties, single or multiple, additional peremptory challenges and permit them to be exercised separately or jointly.
 - 3. [Unamended]
 - 4. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 3737

Or. Laws 1997 c.801 § 69

House Introduction

5/23/97

A-Engrossed Bill

7/4/97 – Passed with amendments in House (per Ways and Means Committee and Public Safety/Regulation Subcommittee recommendation); Passed unamended in Senate

Governor signed Enrolled Bill

8/6/97

Rule 59 – Instructions to Jury and Deliberation

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 38
C	Or. Laws 1981 c.892 § 97(B)
D	Unamended
E	Unamended
F	Unamended
G	Or. Laws 1997 c.249 § 11
H	Unamended

Or. Laws 1979 c.284 § 38

Amends Rule 59(B)

- A. [Unamended]
- B. **Charging the jury.** In charging the jury, the court shall state to them all matters of law necessary for their information in giving their verdict. Whenever the knowledge of the court is by statute made evidence of a fact, the court shall declare such knowledge to the jury, who are bound to accept it as conclusive. If **either party requires it, and at commencement of the trial gave notice of that party's intention so to do, or if** in the opinion of the court it is desirable, the charge shall be reduced to writing, and then read to the jury by the court. The jury shall take such written instructions with it while deliberating upon the verdict, and then return them to the clerk immediately upon conclusion of its deliberations. The clerk shall file the instructions in the court file of the case.
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 38

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1981 c.662 § 1
Amends Rule 59(C)

- A. [Unamended]
- B. [Unamended]
- C. **Deliberation.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. **Custody of and communications with jury.** After hearing the charge **and submission of the cause to harm**, the jury shall retire for deliberation. When they retire, they must be kept together in some convenient place, under the charge of an officer, until they agree upon their verdict **or are allowed by the court to separate** or are discharged by the court. Unless by order of the court, the officer must not suffer any communication to be made to them, or make any personally, except to ask them if they are agreed upon a verdict, and the officer must not, before their verdict is rendered, communicate to any person the state of their deliberations, or the verdict agreed upon. Before any officer takes charge of a jury, this section shall be read to the officer who shall be then sworn to follow its provisions to the utmost of such officer's ability.
 - 6. **Separation during deliberation.** **The court in its discretion may allow the jury to separate for the evening during the during its deliberation when the court is of the opinion that the deliberative process will not be adversely affected. In such cases the court will give the jury appropriate cautionary instruction.**
 - 7. **[6] Juror's use of private knowledge or information.** [Full section text unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

S.B. 85

Or. Laws 1981 c.662 § 1

Senate Introduction

1/13/81

A-Engrossed Bill

5/7/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/20/81 – Passed unamended in House

Governor signed Enrolled Bill

8/18/81

Or. Laws 1981 c.892 § 97(B)
Amends Rule 59(C)

- A. [Unamended]
- B. [Unamended]
- C. **Deliberation.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. **Juror's use of private knowledge or information.** A juror shall not communicate any private knowledge or information that the juror may have of the matter in controversy to other jurors, ~~except when called as a witness,~~ nor shall the juror be governed by the same in giving his or her verdict.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

H.B. 2030

Or. Laws 1981 c.892 § 97(b)

House Introduction

1/12/81

A-Engrossed Bill

7/10/81 – Passed with amendments in House (per Judiciary Committee recommendation)

7/31/81 – Passed with amendments in Senate (per Justice Committee recommendation)

B-Engrossed Bill

8/1/81 – House refused to concur with Senate Amendments; Conference Committee appointed

Conference Committee Bill

8/2/81 – House adopted and repassed Conference Committee Bill

8/2/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1997 c.249 § 11
Amends Rule 59(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **Return of jury verdict.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Polling the jury.** When the verdict is given, and before it is filed, the jury may be polled on the request of a party, for which purpose each juror shall be asked whether ~~it is his or her verdict~~ **the verdict is the juror's verdict.** If ~~a less number of fewer~~ jurors answer in the affirmative than the number required to render a verdict, the jury shall be sent out for further deliberations.
 - 4. [Unamended]
 - 5. [Unamended]
- H. [Unamended]

H.B. 2509

Or. Laws 1997 c.249 § 11

House Introduction

2/4/97

A-Engrossed Bill

3/18/97 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

5/7/97 – Passed with amendments in Senate (per Judiciary Committee and Business, Law, and Government Subcommittee recommendation)

B-Engrossed Bill

5/9/97 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/9/97

Rule 63 – Judgment Notwithstanding the Verdict

§	Latest Amendment
A	Unamended
B	Unamended
C	Unamended
D	Unamended
E	Or. Laws 2003 c.576 § 223
F	Unamended

Or. Laws 1995 c.79 § 405

Amends Rule 63(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Duties of the clerk.** The clerk shall, on the date an order made pursuant to this rule is entered or on the date a motion is deemed denied pursuant to section D of this rule, whichever is earlier, mail a notice of the date of entry of the order or denial of the motion to the attorney of record, if any, of each party who is not in default for failure to appear. If a party who is not in default for failure to appear does not have an attorney of record, such ~~notice~~ **notice** shall be mailed to the party. The clerk also shall make a note in the docket of the mailing.
- F. [Unamended]

S.B. 851 [Passed Unamended]

Or. Laws 1995 c.79 § 405

Or. Laws 2003 c.576 § 223
Amends Rule 63(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Duties of the clerk.** The clerk shall, on the date an order made pursuant to this rule is entered or on the date a motion is deemed denied pursuant to section D of this rule, whichever is earlier, mail a notice of the date of entry of the order or denial of the motion to the attorney of record, if any, of each party who is not in default for failure to appear. If a party who is not in default for failure to appear does not have an attorney of record, such notice shall be mailed to the party. The clerk also shall make a note in the ~~docket~~ **register** of the mailing.
- F. [Unamended]

H.B. 2646

Or. Laws 2003 c.576 § 223

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Rule 64 – New Trials

§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 39
C	Unamended
D	Or. Laws 2003 c.194 § 12
E	Or. Laws 2003 c.194 § 12
F	Or. Laws 2003 c.194 § 12
G	Unamended

Or. Laws 1979 c.284 § 39

Amends Rule 64(B)

- A. [Unamended]
- B. **Jury trial; grounds for new trial.** [Full section text unamended]
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. ~~Excessive damages, appearing to have been given under the influence of passion or prejudice.~~ [(6)]
Insufficiency of the evidence to justify the verdict or other decision, or that it is against law.
 - 6. [(7)] Error in law occurring at the trial and objected to or excepted to by the party making the application.
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 39

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 2003 c.194 § 12
Amends Rule 64(D)–(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Specification of rounds of motion; when motion must be on affidavits or declarations.** In all cases of motion for a new trial, the grounds thereof shall be plainly specified, and no cause of new trial not so stated shall be considered or regarded by the court. When the motion is made for a cause mentioned in subsections (1) through (4) of section B of this rule, it shall be upon affidavit **or declaration**, setting forth the facts upon which the motion is based. If the cause is newly discovered evidence, the affidavits **or declarations** of any witness or witnesses showing what their testimony will be, shall be produced, or good reasons shown for their nonproduction.
- E. **When counteraffidavits or counterdeclarations are allowed, former proceedings considered.** If the motion is supported by affidavits **or declarations**, counteraffidavits **or counterdeclarations** may be offered by the adverse party. In the consideration of any motion for a new trial, reference may be had to any proceedings in the case prior to the verdict or other decision sought to be set aside.
- F. **Time of motion; counteraffidavits or counterdeclarations hearing and determination.** A motion to set aside a judgment and for a new trial, with the affidavits **or declarations**, if any, in support thereof, shall be filed not later than 10 days after the entry of the judgment sought to be set aside, or such further time as the court may allow. When the adverse party is entitled to oppose the motion by counteraffidavits **or counterdeclarations**, such party shall file the same within 10 days after the filing of the motion, or such further time as the court may allow. The motion shall be heard and determined by the court within 55 days from the time of the entry of the judgment, and not thereafter, and if not so heard and determined within said time, the motion shall conclusively be deemed denied.
- G. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 12

Rule 65 – Referees

§	Latest Amendment
A	Or. Laws 2012 s.s. c.48 § 14
B	Unamended
C	Unamended
D	Unamended
E	Unamended

Or. Laws 2012 s.s. c.48 § 14

Amends Rule 65(A)

A. In general.

1. [Unamended]

2. **Compensation.** The fees to be allowed to a referee shall be ~~fixed by the court and shall be charged upon the parties or paid out of any fund or subject matter of the action which is in the custody and control of the court, as the court may direct~~ as provided in ORS 21.400.

3. **Delinquent fees.** The referee ~~shall~~ may not retain the referee's report as security for compensation. ~~If a party ordered to pay the fee allowed by the court does not pay it after notice and within the time prescribed by the court, the referee is entitled to a writ of execution against the delinquent party.~~

B. [Unamended]

C. [Unamended]

D. [Unamended]

E. [Unamended]

H.B. 4168

Or. Laws 2012 c.48 § 14

House Introduction

2/6/12

A-Engrossed Bill

2/24/12 – Passed with amendments in House (per Ways and Means Committee and Public Safety Subcommittee recommendation)

2/29/12 – Passed unamended in Senate (per Ways and Means Committee recommendation)

Governor signed Enrolled Bill

3/16/12

Rule 67 – Judgments

§	Latest Amendment
A	Or. Laws 2003 c.568 § 568.
B	Or. Laws 2003 c.568 § 90.
C	Unamended
D	Unamended
E	Unamended
F	Unamended
G	Or. Laws 2003 c.568 § 261.

Or. Laws 2003 c.576 § 90, 261 & 568

§90 Amends Rule 67(B);

§261 Amends Rule 67(G);

§568 Amends Rule 67(A)

- A. **Definitions.** “Judgment as used in these rules ~~is the final determination of the rights of the parties in an action; judgment includes a decree and a final judgment entered pursuant to section B or G of this rule~~ has the meaning given that term in section 1 of this 2003 Act. “Order” as used in these rules **is means** any other determination by a court or judge ~~which that~~ is intermediate in nature.
- B. **Judgment for less than all claims or parties in action.** When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third party claim, or when multiple parties are involved, the court may ~~direct the entry of a final~~ **render a limited** judgment as to one or more but fewer than all of the claims or parties ~~only upon an express determination. A judge may render a limited judgment under this section only if the judge determines that there is no just reason for delay. and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.~~
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **Judgment on portion of claim exceeding counterclaim.** The court may direct entry of a **final limited** judgment as to that portion of any claim which exceeds a counterclaim asserted by the party or parties against whom the judgment is entered, if such party or parties have admitted the claim and asserted a counterclaim amounting to less than the claim.

H.B. 2646

Or. Laws 2003 c.576 § 90, 261 & 568

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Rule 68 – Allowance and Taxation of Attorney Fees, Costs, and Disbursement

§	Latest Amendment
A	Or. Laws 1997 c.872 § 17
B	Or. Laws 1979 c.284 § 7
C	Or. Laws 2005 c.568 § 31(A)

Or. Laws 1981 c.898 § 7 Amends Rule 68

[Title Changed: Rule 68 – Allowance and Taxation of Attorney Fees, and Costs, and Disbursements]

A. **Definitions.** As used in this rule:

1. **Costs and Attorney fees.** ~~“Costs” are fixed sums provided by statute, intended to indemnify a party.~~ “Attorney fees” are the reasonable ~~and necessary~~ value of legal services related to the prosecution or defense of an action.
2. **Costs and disbursements.** “Costs and disbursements” are reasonable and necessary expenses incurred in the prosecution or defense of an action other than for legal services, and include the fees of officers and witnesses; the necessary expenses of taking depositions; ~~the expense of~~ publication of summonses or notices, ~~and~~ the postage where the same are served by mail; the compensation of referees; ~~the necessary expense of~~ copying of any public record, book, or document used as evidence on the trial; a reasonable sum paid a person for executing any bond, recognizance, undertaking, stipulation, or other obligation ~~(not exceeding one percent per annum of the amount of the bond or other obligation), therein~~; and any other expense specifically allowed by agreement, by these rules, or by other rule or statute.

B. **Allowance of costs and disbursements.** In any action, costs and disbursements shall be allowed to the prevailing party, unless these rules or other rule or statute direct that in the particular case costs and disbursements shall not be allowed to the prevailing party or shall be allowed to some other party, or unless the court otherwise directs. If, under a special provision of these rules or any other rule or statute, a party has a right to recover costs, such party shall also have a right to recover disbursements. ~~If a party is awarded attorney fees, such party shall not also recover the prevailing party costs authorized by ORS 20.070.~~

C. Award of and entry of judgment for attorney fees, and costs, and disbursements.

1. Application of this section to award of attorney fees. Notwithstanding Rule 1 A. and the procedure provided in any rule or statute permitting recovery of attorney fees in a particular case, this section governs the pleading, proof, and award of attorney fees, ~~costs, and disbursements~~ in all cases, regardless of the source of the right to recovery of such fees, except where:
 - a. ~~Subsection (2) of~~ ORS 105.405 (2) or ~~paragraph (h) of subsection (1) of~~ ORS 107.105 (1)(h) provide the substantive right to such items; or
 - b. [Unamended]
 - c. [Unamended]
2. [Unamended]
3. **Proof.** The items of attorney fees, ~~and~~ costs, and disbursements shall be submitted in the manner provided by subsection (4) of this section, without proof being offered during the trial.
4. **Award of attorney fees, and costs, and disbursements; entry and enforcement of judgment.** Attorney fees, ~~and~~ costs, and disbursements shall be entered as part of the judgment as follows:
 - a. Entry by clerk. Attorney fees, ~~and~~ costs, and disbursements (whether ~~the a~~ cost or disbursement has been paid or not) shall be entered as part of a judgment if the party claiming them:
 - i. Serves, in accordance with Rule 9 B., a verified and detailed statement of the amount of attorney fees, ~~and~~ costs, and disbursements upon all parties who are not in default for failure to appear, not later than 10 days after the entry of the judgment; and
 - ii. [Unamended]
 - b. **Objections.** A party may object to the allowance of attorney fees, ~~and~~ costs, and disbursements or any part thereof as part of a judgment by filing and serving written objections to such statement, signed in accordance with Rule 17, not later than 15 days after the service of the statement of the amount of such

items upon such party under paragraph (a) of this subsection. Objections shall be specific and may be founded in law or in fact and shall be deemed controverted without further pleading. Statements and objections may be amended in accordance with Rule 23.

- c. [Unamended]
- d. **Entry by court.** After the hearing the court shall make a statement of the attorney fees, ~~and~~ costs, and disbursements allowed, which shall be entered as a part of the judgment. No other findings of fact or conclusions of law shall be necessary.
5. **Enforcement.** Attorney fees, ~~and~~ costs, and disbursements entered as part of a judgment pursuant to this section may be enforced as part of that judgment. Upon service and filing of objections to the entry of attorney fees, ~~and~~ costs, and disbursements as part of a judgment, pursuant to paragraph (4)(b) of this section, enforcement of that portion of the judgment shall be stayed until the entry of a statement of attorney fees, ~~and~~ costs, and disbursements by the court pursuant to paragraph (4)(d) of this section.
6. **Avoidance of multiple collection of ~~costs, disbursements, and~~ attorney fees and costs and disbursements.**
 - a. Separate judgments for separate claims. Where separate final judgments are granted in one action for separate claims, pursuant to Rule 67 B., the court shall take such steps as necessary to avoid the multiple taxation of the same ~~costs~~, attorney fees, and ~~costs and~~ disbursements in more than one such judgment.
 - b. Separate judgments for the same claim. When there are separate judgments entered for one claim (where separate actions are brought for the same claim against several parties who might have been joined as parties in the same action, or where pursuant to Rule 67 B. separate final judgments are entered against several parties for the same claim), ~~costs~~, attorney fees, and costs and disbursements may be entered in each such judgment as provided in this rule, but satisfaction of one such judgment shall bar recovery of ~~costs~~, attorney fees, or costs and disbursements included in all other judgments.

H.B. 3261

Or. Laws 1981 c.898 § 7

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1983 c.728 § 6
Amends Rule 68(C)

- A. [Unamended]
- B. [Unamended]
- C. **Award of and entry of judgment for attorney fees and costs and disbursements.**
 - 1. **Application of this section to award of attorney fees.** [Full section text unamended]
 - a. ORS 105.405 (2) or 107.105 (1) ~~(h)~~(i) provide the substantive right to such items; or
 - b. [Unamended]
 - c. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]

S.B. 12

Or. Laws 1983 c.728 § 6

Senate Introduction

1/17/83

A-Engrossed Bill

6/8/83 – Passed with amendments in Senate (per Joint Interim Committee on Judiciary recommendation)

7/1/83 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

7/7/83 – Senate concurred with House amendments and repassed bill.

Governor signed Enrolled Bill

8/4/83

Or. Laws 1987 c.596 § 43
Amends Rule 68(A)

A. Definitions. As used in this rule:

1. [Unamended]
2. **Costs and disbursements.** "Costs and disbursements" are reasonable and necessary expenses incurred in the prosecution or defense of an action other than for legal services, and include the fees of officers and witnesses; the expense of publication of summonses or notices, and the postage where the same are served by mail; the compensation of referees; the necessary expense of copying of any public record, book, or document used as evidence on the trial; **recordation of any document where recordation is required to give notice of the creation, modification or termination of an interest in real property**; a reasonable sum paid a person for executing any bond, recognizance, undertaking, stipulation, or other obligation therein; and any other expense specifically allowed by agreement, by these rules, or by other rule or statute. The expense of taking depositions shall not be allowed, even though the depositions are used at trial, except as otherwise provided by rule or statute.

B. [Unamended]

C. [Unamended]

H.B. 2323

Or. Laws 1987 c.596 § 43

House Introduction

1/16/87

A-Engrossed Bill

6/8/87 – Passed with amendments in House (per Judiciary Committee recommendation)

6/19/87 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/22/87 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

7/11/87

Or. Laws 1993 c.18 § 4
Amends Rule 68(C)

- A. [Unamended]
- B. [Unamended]
- C. **Award of and entry of judgment for attorney fees and costs and disbursements.**
 - 1. [Unamended]
 - 2. **[No Text]**
 - a. **Alleging right to attorney fees.** A party seeking attorney fees shall allege the facts, statute, or rule which provides a basis or the award of such fees in a pleading filed by that party. Attorney fees may be sought before the substantive right to recover such fees accrues. No attorney fees shall be awarded unless a right to recover such fee is alleged as provided in this subsection.
 - b. [Unamended]
 - c. [Unamended]
 - d. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]

H.B. 2476

Or. Laws 1993 c.18 § 4

House Introduction

1/26/93

A-Engrossed Bill

3/3/93 – Passed with amendments in House (per Judiciary committee Recommendation)

3/23/93 – Passed unamended in Senate

Governor signed Enrolled Bill

4/7/93

Or. Laws 1997 c.872 § 17
Amends Rule 68(A)

A. Definitions. As used in this rule:

1. [Unamended]
2. **Costs and disbursements.** "Costs and disbursements" are reasonable and necessary expenses incurred in the prosecution or defense of an action other than for legal services, and include the fees of officers and witnesses; the expense of publication of summonses or notices, and the postage where the same are served by mail; any fee charged by the Department of Transportation for providing address information concerning a party served with summons pursuant to subparagraph D(4)(a)(i) of Rule 7; the compensation of referees; the expense of copying of any public record, book, or document admitted into evidence at trial; recordation of any document where recordation is required to give notice of the creation, modification or termination of an interest in real property; a reasonable sum paid a person for executing any bond, recognizance, undertaking, stipulation, or other obligation therein; and any other expense specifically allowed by agreement, by these rules, or by other rule or statute. **The court, acting in its sole discretion, may allow as costs reasonable expenses incurred by a party for interpreter services.** The expense of taking depositions shall not be allowed, even though the depositions are used at trial, except as otherwise provided by rule or statute.

B. [Unamended]

C. [Unamended]

S.B. 273

Or. Laws 1997 c.872 § 17

Senate Introduction

1/16/97

A-Engrossed Bill

2/26/97 – Passed with amendments in Senate (per Business, Law, and Government Committee recommendation)

[NOTE: “Business, Law, and Government” has been referred to as a subcommittee of the Senate Judiciary Committee until this point, where it is neither referenced as a “committee” nor a “subcommittee” and does not report to or receive reports from another committee or subcommittee. It is reproduced here as “Committee” under this understanding.]

6/18/97 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

B-Engrossed Bill

3/7/97 – Senate concurred in House Amendments and repassed bill

Governor signed Enrolled Bill

8/15/97

Or. Laws 2003 c.194 § 13
Amends Rule 68(C)

- A. [Unamended]
- B. [Unamended]
- C. **Award of and entry of judgment for attorney fees and costs and disbursements.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. **Procedure for seeking attorney fees or costs and disbursements.** [Full section text unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. **Hearing on objections.**
 - i. If objections are filed in accordance with paragraph C(4)(b) of this rule, the court, without a jury, shall hear and determine all issues of law and fact raised by the statement of attorney fees or costs and disbursements and by the objections. The parties shall be given a reasonable opportunity to present ~~evidence and~~ affidavits, **declarations and other evidence** relevant to any factual issue, including any factors that ORS 20.075 or any other statute or rule requires or permits the court to consider in awarding or denying attorney fees or costs and disbursements.
 - ii. [Unamended]
 - d. [Unamended]
 - e. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 13

Or. Laws 2003 c.576 § 262
Amends Rule 68(C);

- A. [Unamended]
- B. [Unamended]
- C. **Award of and entry of judgment for attorney fees and costs and disbursements.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. **Avoidance of multiple collection of attorney fees and costs and disbursements.**
 - a. **Separate judgments for separate claims.** ~~Where separate final judgments are granted in one action for separate claims, pursuant to Rule 67 B~~ **If more than one judgment is entered in an action**, the court shall take such steps as necessary to avoid the multiple taxation of the same attorney fees and costs and disbursements in ~~more than one such judgment~~ **those judgments.**
 - b. **Separate judgments for the same claim.** ~~When there are separate judgments entered for one~~ **If more than one judgment is entered for the same claim** (where separate actions are brought for the same claim against several parties who might have been joined as parties in the same action, or where pursuant to Rule 67 B separate ~~final limited~~ judgments are entered against several parties for the same claim), attorney fees and costs and disbursements may be entered in each ~~such~~ judgment as provided in this rule, but satisfaction of one ~~such judgment shall bar~~ **judgment bars** recovery of attorney fees or costs and disbursements included in all other judgments.

H.B. 2646

Or. Laws 2003 c.576 § 262

House Introduction
2/13/03

A-Engrossed Bill
5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)
6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill
7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill
7/17/03

Or. Laws 2005 c.22 § 4
Amends Rule 68(C)

- A. [Unamended]
- B. [Unamended]
- C. **Award of and entry of judgment for attorney fees and costs and disbursements.**
 - 1. **Application of this section to award of attorney fees.** Notwithstanding Rule 1 A and the procedure provided in any rule or statute permitting recovery of attorney fees in a particular case, this section governs the pleading, proof, and award of attorney fees in all cases, regardless of the source of the right to recovery of such fees, except **where when:** [Subsections (C)(1)(a) and (C)(1)(b) unamended]
 - 2. [No text]
 - a. **Alleging right to attorney fees.** A party seeking attorney fees shall allege the facts, statute, or rule **which that** provides a basis for the award of such fees in a pleading filed by that party. Attorney fees may be sought before the substantive right to recover such fees accrues. No attorney fees shall be awarded unless a right to recover such fee is alleged as provided in this subsection.
 - b. [Unamended]
 - c. [Unamended]
 - d. Any allegation of a right to attorney fees in a pleading or motion shall be deemed denied and no responsive pleading shall be necessary. The opposing party may make a motion to strike the allegation or to make the allegation more definite and certain. Any objections to the form or specificity of allegation of the facts, statute, or rule **which that** provides a basis for the award of fees shall be waived if not alleged prior to trial or hearing.
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. **Judgment concerning attorney fees or costs and disbursements.**
 - a. [Unamended]
 - b. **By supplemental judgment; notice.** When any issue regarding attorney fees or costs and disbursements has not been determined before a judgment pursuant to Rule 67 is entered, any award or denial of attorney fees or costs and disbursements shall be made by a separate supplemental judgment. The supplemental judgment shall be filed and entered and notice shall be given to the parties **in the same manner** as provided in **Rule 70 B(1) ORS 18.078.**
 - 6. **Avoidance of multiple collection of attorney fees and costs and disbursements.**
 - a. [Unamended]
 - b. **Separate judgments for the same claim.** If more than one judgment is entered for the same claim (**where when** separate actions are brought for the same claim against several parties who might have been joined as parties in the same action, or **where when** pursuant to Rule 67 B separate limited judgments are entered against several parties for the same claim), attorney fees and costs and disbursements may be entered in each judgment as provided in this rule, but satisfaction of one judgment bars recovery of attorney fees or costs and disbursements included in all other judgments.

H.B. 2261

Or. Laws 2005 c.22 § 4

House Introduction

1/12/05

A-Engrossed Bill

2/16/05 – Passed unamended in House

3/22/05 – Passed with amendments in Senate (per Judiciary Committee recommendation)

Governor signed Enrolled Bill

4/7/05

Or. Laws 2005 c.568 § 31(A)
Amends Rule 68(C)

- A. [Unamended]
- B. [Unamended]
- C. **Award of and entry of judgment for attorney fees and costs and disbursements.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. **Judgment concerning attorney fees or costs and disbursements.**
 - a. **As part of judgment.** ~~When~~ **If** all issues regarding attorney fees or costs and disbursements ~~have been determined~~ **are decided** before **entry of** a judgment pursuant to Rule 67 ~~is entered~~, the court shall include any award or denial of attorney fees or costs and disbursements in that judgment.
 - b. **By supplemental judgment notice.** ~~When~~ **If** any issue regarding attorney fees or costs and disbursements ~~has~~ is not ~~been determined~~ **decided** before **entry of a general** judgment ~~pursuant to Rule 67 is entered~~, any award or denial of attorney fees or costs and disbursements shall be made by ~~a separate~~ supplemental judgment. ~~The supplemental judgment shall be filed and entered and notice shall be given to the parties as provided in ORS 18.078.~~
 - 6. [Unamended]

H.B. 2359

Or. Laws 2005 c.568 § 31(A)

House Introduction

1/14/05

A-Engrossed Bill

5/17/05 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

6/27/05 – Passed with amendments in Senate (per Judiciary Committee recommendation) and printed engrossed

B-Engrossed Bill

6/29/05 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/20/05

Rule 69 – Default Orders and Judgments

§	Latest Amendment
A	Or. Laws 2003 c.194 § 13.
B	Or. Laws 2003 c.194 § 13
C	Or. Laws 2019 c.17 § 2
D	Unamended
E	Unamended

Or. Laws 1981 c.898 § 8

Amends Rule 69(B)

- A. [Unamended]
- B. **Entry of default judgment.**
- By the clerk.** [Full section text unamended]
 - [Unamended]
 - [Unamended]
 - [Unamended]
 - The party against whom judgment is sought is not **an infant a minor** or **incompetent an incapacitated** person and such fact is shown by affidavit;
 - [Unamended]
 - [Unamended]
 - Summons was personally served within the State of Oregon upon the party, or an agent, officer, director, or partner of a party, against whom judgment is sought pursuant to Rule 7 D.(3)(a)(i) ~~or~~, 7 D.(3)(b)(i), **7 D.(3)(e) or 7 D.(3)(f)**. The judgment entered by the clerk shall be for the amount due as shown by the affidavit, and may include costs, **and** disbursements, and attorney fees entered pursuant to Rule 68.
 - By the court.** In all other cases, the party seeking a judgment by default shall apply to the court therefor, but no judgment by default shall be entered against **an infant a minor** or **incompetent an incapacitated** person unless they have a general guardian or they are represented in the action by another representative as provided in Rule 27. If the party against whom judgment by default is sought has appeared in the action, ~~such party~~ **or if the party seeking judgment has received notice that the party against whom judgment is sought is represented by an attorney in the pending proceeding, the party against whom judgment is sought** (or, if appearing by representative, such party's representative) shall be served with written notice of the application for judgment at least 10 days, unless shortened by the court, prior to the hearing on such application. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearing, or make an order of reference, or order that issues be tried by a jury, as it deems necessary and proper. The court may determine the truth of any matter upon affidavits.
 - [Unamended]
- C. [Unamended]
- D. [Unamended]

H.B. 3261

Or. Laws 1981 c.898 § 8

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1995 c.79 § 406
Amends Rule 69(B)

- A. [Unamended]
- B. **Entry of default judgment.**
 - 1. **By the court or the clerk.** [Full section text unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. The party against whom judgment is sought is not a minor or an incapacitated person as defined by ORS 126.003 (↔) and such fact is shown by affidavit;
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 2. **By the court.** In all other cases, the party seeking a judgment by default shall apply to the court therefor, but no judgment by default shall be entered against a minor or an incapacitated person as defined by ORS 126.003 (↔) unless the minor or incapacitated person has a general guardian or is represented in the action by another representative as provided in Rule 27. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearing, or make an order of reference, or order that issues be tried by a jury, as it deems necessary and proper. The court may determine the truth of any matter upon affidavits.
 - 3. [Unamended]
 - 4. [Unamended]
- C. [Unamended]
- D. [Unamended]

S.B. 851 [Passed Unamended]
Or. Laws 1995 c.79 § 406

Or. Laws 1995 c.664 § 101
Amends Rule 69(B)

- A. [Unamended]
- B. **Entry of default judgment.**
 - 1. **By the court or the clerk.** [Full section text unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. The party against whom judgment is sought is not a minor or ~~an incapacitated person as defined by ORS 126.003 (4)~~ **a person who is incapacitated or financially incapable, as defined by section 1 of this 1995 Act**, and such fact is shown by affidavit;
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 2. **By the court.** In all other cases, the party seeking a judgment by default shall apply to the court therefor, but no judgment by default shall be entered against a minor or ~~an incapacitated person as defined by ORS 126.003 (4)~~ **a person who is incapacitated or financially incapable, as defined by section 1 of this 1995 Act**, unless the minor or ~~incapacitated~~ person has a general guardian or is represented in the action by another representative as provided in Rule 27. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearing, or make an order of reference, or order that issues be tried by a jury, as it deems necessary and proper. The court may determine the truth of any matter upon affidavits.
 - 3. [Unamended]
 - 4. [Unamended]
- C. [Unamended]
- D. [Unamended]

S.B. 61

Or. Laws 1995 c.664 § 101

Senate Introduction

1/9/95

A-Engrossed Bill

4/14/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/29/95 – Passed with amendments in House (per Judiciary Committee and Civil Law and Judicial Administration Subcommittee recommendation)

B-Engrossed Bill

6/1/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2001 c.418 § 1
Amends Rule 69(B)

- A. [Unamended]
- B. **Entry of default judgment.**
1. **By the court or the clerk.** [Full section text unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. ~~The party against whom judgment is sought is not a minor or a person who is incapacitated or financially incapable, as defined by ORS 125.005, and such fact is shown by affidavit;~~ The party seeking judgment submits an affidavit stating that, to the best knowledge and belief of the party seeking judgment, the party against whom judgment is sought is not incapacitated as defined in ORS 125.005, a minor, a protected person as defined in ORS 125.005 or a respondent as defined in ORS 125.005;
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 2. ~~By the court. In all other cases, the party seeking a judgment by default shall apply to the court therefor, but no judgment by default shall be entered against a minor or a person who is incapacitated or financially incapable, as defined by ORS 125.005, unless the minor or person has a general guardian or is represented in the action by another representative as provided in Rule 27.~~ **By the court.** In cases other than those cases described in subsection (1) of this section, the party seeking judgment must apply to the court for judgment by default. The party seeking judgment must submit the affidavit required by subsection (1)(d) of this section if, to the best knowledge and belief of the party seeking judgment, the party against whom judgment is sought is not incapacitated as defined in ORS 125.005, a minor, a protected person as defined in ORS 125.005 or a respondent as defined in ORS 125.005. If the party seeking judgment cannot submit an affidavit under this subsection, a default judgment may be entered against the other party only if a guardian ad litem has been appointed or the party is represented by another person as described in Rule 27. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearing, or make an order of reference, or order that issues be tried by a jury as it deems necessary and proper. The court may determine the truth of any matter upon affidavits.
 3. [Unamended]
 4. [Unamended]
- C. [Unamended]
- D. [Unamended]

H.B. 2382

Or. Laws 2001 c.418 § 1

House Introduction

1/12/01

A-Engrossed Bill

4/27/01 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

5/30/01 – Passed unamended in Senate

Governor signed Enrolled Bill

6/18/01

Or. Laws 2003 c.194 § 13
Amends Rule 69(A) & (B)

A. Entry of order of default.

1. **In general.** When a party against whom a judgment for affirmative relief is sought has been served with summons pursuant to Rule 7 or is otherwise subject to the jurisdiction of the court and has failed to plead or otherwise defend as provided in these rules, the party seeking affirmative relief may apply for an order of default. If the party against whom an order of default is sought has filed an appearance in the action, or has provided written notice of intent to file an appearance to the party seeking an order of default, then the party against whom an order of default is sought shall be served with written notice of the application for an order of default at least 10 days, unless shortened by the court, prior to entry of the order of default. These facts, along with the fact that the party against whom the order of default is sought has failed to plead or otherwise defend as provided in these rules, shall be made to appear by affidavit, **declaration** or otherwise, and upon such a showing, the clerk or the court shall enter the order of default.
2. **Certain motor vehicle issues.** Notwithstanding subsection A(1) of this section, no default shall be entered against a defendant served with summons pursuant to subparagraph D(4)(a)(i) of Rule 7 unless the plaintiff submits an affidavit **or a declaration** showing:
 - a. [Unamended]
 - b. [Unamended]

B. Entry of default judgment.

1. **By the court or the clerk.** [Full section text unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. The party seeking judgment submits an affidavit **or a declaration** stating that, to the best knowledge and belief of the party seeking judgment, the party against whom the judgment is sought is not incapacitated as defined in ORS 125.005, a minor, a protected person as defined in ORS 125.005 or a respondent as defined in ORS 125.005;
 - e. The party seeking judgment submits an affidavit **or a declaration** of the amount due.
 - f. An affidavit **or a declaration** pursuant to subsection B(3) of this rule has been submitted; and
 - g. [Unamended]
2. **By the court.** In cases other than those cases described in subsection (1) of this section, the party seeking judgment must apply to the court for judgment by default. The party seeking judgment must submit the affidavit **or declaration** required by subsection (1)(d) of this section if, to the best knowledge and belief of the party seeking judgment, the party against whom judgment is sought is not incapacitated as defined in ORS 125.005, a minor, a protected person as defined in ORS 125.005 or a respondent as defined in ORS 125.005. If the party seeking judgment cannot submit an affidavit **or a declaration** under this subsection, a default judgment may be entered against the other party only if a guardian ad litem has been appointed or the party is represented by another person as described in Rule 27. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearing, or make an order of reference, or order that issues be tried by a jury, as it deems necessary and proper. The court may determine the truth of any matter upon affidavits **or declarations**.
3. **Amount of judgment.** The judgment entered shall be for the amount due as shown by the affidavit **or declaration**, and may include costs and disbursements and attorney fees entered pursuant to Rule 68.
4. **Non-military affidavit or declaration required.** No judgment by default shall be entered until the filing of an affidavit **or a declaration** on behalf of the plaintiff, showing that the affiant **or declarant** reasonably believes that the defendant is not a person in military service as defined in Article 1 of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended, except upon order of the court in accordance with that Act.

- C. [Unamended]
- D. [Unamended]
- E. [Unamended]

Or. Laws 2017 c.13 § 2
Amends Rule 69(C)

- A. [Unamended]
- B. [Unamended]
- C. **Motion for order of default.**
 - 1. The party seeking default must file a motion for order of default. That motion must be accompanied by an affidavit or declaration to support that default is appropriate and contain facts sufficient to establish the following:
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. [Unamended]
 - e. whether the party against whom the order is sought is or is not a person in the military service, or stating that the movant is unable to determine whether or not the party against whom the order is sought is in the military service as required by **Section section** 201(b)(1) of the Servicemembers Civil Relief Act, 50 ~~App. U.S.C. §521~~ **U.S.C. App. 521**, as amended.
 - 2. If the party seeking default states in the affidavit or declaration that the party against whom the order is sought:
 - a. is incapacitated as defined in ORS 125.005, a minor, a protected person as defined in ORS 125.005, or a respondent as defined in ORS 125.005, an order of default may be entered against the party against whom the order is sought only if a guardian ad litem has been appointed or the party is represented by another person as described in Rule 27; **or**
 - b. [Unamended]
 - c. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
- D. [Unamended]
- E. [Unamended]

H.B. 2601

Or. Laws 2017 c.13 § 2

House Introduction

1/9/17

A-Engrossed Bill

2/13/17 – Passed unamended in House

3/29/17 – Passed with amendments in Senate (per Judiciary Committee recommendation)

4/3/17 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

4/13/17

Or. Laws 2019 c.17 § 2
Amends Rule 69(C)

- A. [Unamended]
- B. [Unamended]
- C. **Motion for order of default.**
 - 1. [Unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. [Unamended]
 - e. whether the party against whom the order is sought **is or is not** a person in the military service, or stating that the movant is unable to determine whether or not the party against whom the order is sought is in the military service as required by section 201(b)(1) of the Servicemembers Civil Relief Act, 50 U.S.C. ~~App-~~ **521 3931**, as amended.
 - 2. [Unamended]
 - 3. [Unamended]
- D. [Unamended]
- E. [Unamended]

S.B. 355

Or. Laws 2019 c.17 § 2

Senate Introduction

1/14/19

A-Engrossed Bill

1/31/19 – Passed with amendments in Senate (per Judiciary Committee recommendation)

3/20/19 – Passed unamended in House

Governor signed Enrolled Bill

3/27/19

Rule 70 – Form of Entry of Judgment [REPEALED (Or. Laws 2003, c.576 § 580)]

§	Latest Amendment
A	Repealed (as of 2003)
B	Repealed (as of 2003)
C	Repealed (as of 2003)
D	Repealed (as of 2003)

Or. Laws 1981 c.898 § 9

Amends Rule 70(C)

- A. [Unamended]
- B. [Unamended]
- C. **Submission of forms of judgment.** Attorneys shall submit proposed forms for judgment at the direction of the court rendering the judgment. ~~Unless otherwise~~ **When so** ordered by the court, ~~any~~ **the** proposed form of judgment shall be served in accordance with Rule 9 B. The proposed form of judgment shall be filed and proof of service made in accordance with Rule 9 C.

H.B. 3261

Or. Laws 1981 c.898 § 9

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1987 c.873 § 19
Amends Rule 70(A)

- A. **Form.** [Full section text unamended]
1. **Content.** [Full section text unamended]
 - a. [Unamended]
 - b. ~~The judgment shall~~ Be signed by the court or judge rendering such judgment or, in the case of judgment entered pursuant to Rule 69 B.(1), by the clerk.
 - c. If the judgment provides for the payment of money, contain a summary of the type described in section 70 A.(2) of this rule.
 2. **Summary.** When required under section 70 A.(1)(c) of this rule a judgment shall comply with the requirements of this part. These requirements relating to a summary are not jurisdictional for purposes of appellate review and are subject to the requirements under section 70 A.(3) of this rule. A summary shall include all of the following:
 - a. The names of the judgment creditor and the creditor's attorney.
 - b. The name of the judgment debtor.
 - c. The amount of the judgment.
 - d. The interest owed to the date of the judgment, either as a specific amount or as accrual information, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.
 - e. Any specific amounts awarded in the judgment that are taxable as costs or attorney fees.
 - f. Post-judgment interest accrual information, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.
 - g. For judgments that accrue on a periodic basis, any accrued arrearages, required further payments per period and accrual dates.
 3. **Submitting and certifying summary.** The following apply to the summary described under section 70 A.(2) of this rule:
 - a. The summary shall be served on the opposing parties who are not in default or on their attorneys of record as required under ORCP 9.
 - b. The attorney for the party in whose favor the judgment is rendered or the party directed to prepare the judgment shall certify on the summary that the information in the summary accurately reflects the judgment.

S.B. 566

Or. Laws 1987 c.873 § 19

Senate Introduction

3/26/87

A-Engrossed Bill

6/2/87 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/19/87 – Passed with amendments in House (per Judiciary Committee recommendation)

[NOTE: House Judiciary Committee recommended passing with amendments as *A-Engrossed*. This seems to be erroneous since the Senate had already passed the bill, making *B-Engrossed* being the proper designation.]

B-Engrossed Bill

6/24/87 – Senate refused to concur with House Amendments; Conference Committee formed

6/25/87 – Conference Committee failed to agree; Conference Committee reformed

6/27/87 – Conference Committee recommended Senate concur with House amendments; Senate adopted and repassed bill; House adopted Conference Committee report

Governor signed Enrolled Bill

7/20/87

[NOTE: If the above note is correct, *C-Engrossed* is the proper designation for the Enrolled Bill.]

Or. Laws 1989 c.768 § 1
Amends Rule 70(A)–(C)

- A. **Form.** Every judgment shall be in writing plainly **labeled titled** as a judgment and set forth in a separate document. A default or stipulated judgment may have appended or subjoined thereto such affidavits, certificates, motions, stipulations, and exhibits as may be necessary or proper in support of the entry thereof.
1. **Content.** [Full section text unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. ~~If the judgment provides for the payment of money, contain a summary of the type described in section 70 A.(2) of this rule.~~
 2. **Summary.** When required under A.(1)(c) of this rule a judgment shall comply with the requirements of this part. These requirements relating to a summary are not jurisdictional for purposes of appellate review and are subject to The requirements under section 70 A.(3) of this rule. A summary shall include all of the following:
 - a. **Money judgment; contents.** Money judgments are judgments that require the payment of money, including judgments for the payment of costs or attorney fees. The requirements of this subsection are not jurisdictional for purposes of appellate review. Money judgments shall include all of the following:
 - i. The names of the judgment creditor and the creditor's attorney.
 - ii. [(b)] The name of the judgment debtor.
 - iii. [(c)] The amount of the judgment.
 - iv. [(d)] The interest owed to the date of the judgment, either as a specific amount or as accrual information, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.
 - v. ~~[(e)] Any specific amounts awarded in the judgment that are taxable as costs or attorney fees.~~ [(f)] Post-judgment interest accrual information, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.
 - vi. [(g)] For judgments that accrue on a periodic basis, any accrued arrearages, required further payments per period and accrual dates.
 - vii. If the judgment awards costs and disbursements or attorney fees, that they are awarded and any specific amounts awarded. This subparagraph does not require inclusion of specific amounts where such will be determined later under Rule 68 C.
 - b. **Form.** To comply with the requirements of paragraph A.(2)(a) of this rule, the requirements in that paragraph must be presented in a manner that complies with all of the following:
 - i. The requirements must be presented in a separate, discrete section immediately above the judge's signature if the judgment contains more provisions than just the requirements of paragraph A.(2)(a) of this rule.
 - ii. The separate section must be clearly labeled at its beginning as a money judgment.
 - iii. The separate section must contain no other provisions except what is specifically required by this rule for judgments for the payment of money.
 - iv. The requirements under paragraph A.(2)(a) of this rule must be presented in the same order as set forth in that paragraph.
 3. ~~Submitting and certifying summary. The following apply to the summary described under section 70 A.(2) of this rule:~~ A.(3) If the proposed judgment does not comply with the requirements in subsections A.(1) and (2) of this rule, it shall not be signed by the judge. If the judge signs the judgment, it shall be entered in the register whether or not it complies with the requirements in subsections A.(1) and (2) of this rule.
 - a. ~~The summary shall be served on the opposing parties who are not in default or on their attorneys of record as required under ORCP 9.~~
 - b. ~~The attorney for the party in whose favor the judgment is rendered or the party directed to prepare the judgment shall certify on the summary that the information in the summary accurately reflects the judgment.~~
- B. **Entry of judgments.**

1. **Filing; entry; notice.** All judgments shall be filed and **notation of the filing** shall be entered **in the register** by the clerk. The clerk ~~shall~~, on the date judgment is entered, **shall** mail a notice of the date of entry of the judgment **in the register and shall mail a copy of the entry in the judgment docket. If the judgment was not docketed in the judgment docket, the clerk shall give notice of this fact. The clerk shall mail the notice** to the attorneys of record, if any, of each party who is not in default for failure to appear. If a party who is not in default for failure to appear does not have an attorney of record, such notice shall be mailed to the party. The clerk also shall make a note in the ~~judgment docket register~~ of the mailing. In the entry of all judgments, except a judgment by default under Rule 69 B.(1), the clerk shall be subject to the direction of the court. Entry of judgment **in the register and docketing of the judgment in the judgment docket** shall not be delayed for taxation of costs, disbursements, and attorney fees under Rule 68.
 2. **Judgment effective upon entry.** Notwithstanding ORS 3.070 or any other rule or statute, for purposes of these rules, a judgment is effective only when entered **in the register** as provided in this rule.
 3. **Time for entry.** The clerk shall enter the judgment **in the register** within 24 hours, excluding Saturdays and legal holidays, of the time the judgment is filed. When the clerk is unable to or omits to enter judgment within the time prescribed in this subsection, it may be entered any time thereafter.
- C. **Submission of forms of judgment.** Attorneys shall submit proposed forms for judgment at the direction of the court rendering the judgment. **The proposed form must comply with section A. of this rule.** When so ordered by the court, the proposed form of judgment shall be served five days prior to the submission of judgment in accordance with Rule 9 B. The proposed form of judgment shall be filed and proof of service made in accordance with Rule 9 C.
- D. [Unamended]

H.B. 2127

Or. Laws 1989 c.768 § 1

House Introduction

1/9/89

A-Engrossed Bill

4/28/89 – Passed with amendments in House (per Judiciary Committee recommendation)

6/24/89 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

6/27/89 – House concurred with Senate Amendments and repassed the bill

Governor signed Enrolled Bill

7/22/89

Or. Laws 1991 c.202 § 20
Amends Rule 70(A)

A. Form. [Full section text unamended]

1. [Unamended]

2. **[No text]**

a. [Unamended]

b. **Form. [Full section text unamended]**

i. [Unamended]

ii. [Unamended]

iii. The separate section must contain no other provisions except what is specifically required by this rule for judgments ~~and, if applicable, by section 8 of this 1991 Act~~ for the payment of money.

iv. [Unamended]

3. [Unamended]

B. [Unamended]

C. [Unamended]

D. [Unamended]

S.B. 401

Or. Laws 1991 c.202 § 20

Senate Introduction

1/22/91

A-Engrossed Bill

3/7/91 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/14/91 - Passed unamended in House

Governor signed Enrolled Bill

6/10/91

Or. Laws 1993 c.763 § 3
Amends Rule 70(A)

A. Form. [Full section text unamended]

1. [Unamended]
 2. **[No text]**
 - a. [Unamended]
 - b. **Form.**
 - i. [Unamended]
 - ii. The separate section must be clearly labeled at its beginning as a money judgment. **On or after the effective date of this 1993 Act, if the money judgment includes a child support obligation, the label must so indicate.**
 - iii. [Unamended]
 - iv. [Unamended]
 3. [Unamended]
- B.** [Unamended]
C. [Unamended]
D. [Unamended]

H.B. 2976

Or. Laws 1993 c.763 § 3

House Introduction

2/17/93

A-Engrossed Bill

4/29/93 – Passed with amendments in House (per Judiciary Committee recommendation)

7/19/93 – Passed with amendments in Senate (per Judiciary Committee recommendation)

7/21/93 – House refused to concur with Senate Amendments; Conference Committee created

7/31/93 – Conference Committee recommended House concur with Senate Amendments, further amend the bill, and repass.

B-Engrossed Bill

8/1/93 – House adopted Conference Committee bill and repassed; Senate adopted Conference Committee report and repassed.

Governor signed Enrolled Bill

8/30/93

Or. Laws 1999 c.195 §
Amends Rule 70(A)

A. Form. [Full section text unamended]

1. [Unamended]

2. [No text]

a. **Money judgment; contents.**

- i. The ~~names~~ **name and address** of ~~the~~ **each** judgment creditor and the **name, address and phone number of each** creditor's attorney, **if any.**
- ii. The name of ~~the~~ **each** judgment debtor **and, if known, the address, date of birth, Social Security number and driver license number for each judgment debtor, the state of issuance for each judgment debtor's driver license and the name of each judgment debtor's attorney.**
- iii. **The name of any person or public body known to the judgment creditor, other than the judgment creditor's attorney, who is entitled to any portion of a payment made on the judgment.**
- iv. [(iii)] **The amount of the judgment.**
- v. [(iv)] **The interest owed to the date of the judgment, either as a specific amount or as accrual information, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest is simple or compounded and, if compounded, at what intervals at each rate on each balance runs, and whether in**
- vi. [(v)] **Post-judgment interest accrual information, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.**
- vii. [(vi)] **For judgments that accrue on a periodic basis, any accrued arrearages, required further payments per period and accrual dates.**
- viii. [(vii)] **If the judgment awards costs and disbursements or attorney fees, that they are awarded and any specific amounts awarded. This subparagraph does not require inclusion of specific amounts where such will be determined later under Rule 68 C.**

b. [Unamended]

B. [Unamended]

C. [Unamended]

D. [Unamended]

S.B. 415

Or. Laws 1999 c.195 §

Senate Introduction

1/11/99

A-Engrossed Bill

3/2/99 – Passed with amendments in Senate (per Judiciary Committee recommendation)

4/20/99 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

B-Engrossed Bill

4/26/99 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

5/27/99

Or. Laws 2001 c.417 § 2
Amends Rule 70(A)

A. Form. [Full section text unamended]

1. [Unamended]

2. **[No text]**

a. **Money judgment; contents.** [Full section text unamended]

i. [Unamended]

ii. [Unamended]

iii. [Unamended]

iv. [Unamended]

v. [Unamended]

vi. [Unamended]

vii. [Unamended]

viii. If the judgment awards costs and disbursements or attorney fees, that they are awarded **and**, any specific amounts awarded, **a clear identification of the specific claims for which any attorney fees are awarded and the amount of attorney fees awarded for each claim.** This subparagraph does not require inclusion of specific amounts where such will be determined later under Rule 68 C.

b. [Unamended]

3. [Unamended]

B. [Unamended]

C. [Unamended]

D. [Unamended]

H.B. 2374

Or. Laws 2001 c.417 § 2

House Introduction

1/11/01

A-Engrossed Bill

4/18/01 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

5/22/01 – Passed unamended in Senate

Governor signed Enrolled Bill

6/18/01

Or. Laws 2003 c.194 § 15
Amends Rule 70(A)

- A. **Form.** Every judgment shall be in writing plainly titled as a judgment and set forth in a separate document. A default or stipulated judgment may have appended or subjoined thereto such affidavits, **declarations**, certificates, motions, stipulations, and exhibits as may be necessary or proper in support of the entry thereof.
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 15

Or. Laws 2003 c.380 § 5
Amends Rule 70(A)

- A. **Form.** [Full section text unamended]
 - 1. [Unamended]
 - 2. **[No text]**
 - a. **Money judgment; contents.** [Full section text unamended]
 - i. [Unamended]
 - ii. The name of each judgment debtor and, if known, the address, date of birth, Social Security number and driver license number for each judgment debtor, the state of issuance for each judgment debtor's driver license and the name of each judgment debtor's attorney. **However, for a judgment issued in a proceeding under ORS 107.085 or 107.485, the Social Security number must be included in a manner established under section 1 of this 2003 Act.**
 - iii. [Unamended]
 - iv. [Unamended]
 - v. [Unamended]
 - vi. [Unamended]
 - vii. [Unamended]
 - viii. [Unamended]
 - b. [Unamended]
 - 3. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]

H.B. 3015

Or. Laws 2003 c.380 § 5

House Introduction

3/6/03

A-Engrossed Bill

5/9/03 – Passed with amendments in House (per Judiciary Committee recommendation)

5/29/03 – Passed unamended in Senate

Governor signed Enrolled Bill

6/16/03

Or. Laws 2003 c.576 § 580
[Rule Repealed]

H.B. 2646

Or. Laws 2003 c.576 § 580

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Rule 71 – Relief from Judgment or Order

§	Latest Amendment
A	Unamended
B	Unamended
C	Or. Laws 2021 c.97 § 2
D	Unamended

Or. Laws 2021, ch.97 § 2

Amends Rule 71(C)

- A. [unamended]
- B. [unamended]
- C. **Relief from judgment by other means.** This rule does not limit the inherent power of a court to modify a judgment within a reasonable time, or the power of a court to entertain an independent action to relieve a party from a judgment, or the power of a court to grant relief to a defendant under Rule 7 ~~D.(6)(f)~~ **D(6)(d)**, or the power of a court to set aside a judgment for fraud upon the court.
- D. [unamended]

H.B. 3104

Or. Laws 2021, ch.97 § 2

House Introduction

2/2/21

A-Engrossed Bill

4/1/21 – Passed with amendments in House (per Judiciary Committee recommendation)

5/13/21 – Passed unamended in Senate

Governor signed Enrolled Bill

5/26/21

Rule 72 – Stay of Proceedings to Enforce Judgment

§	Latest Amendment
A	Or. Laws 1997 c.71 § 18
B	Unamended
C	Unamended
D	Or. Laws 2003 c.576 § 263

Or. Laws 1997 c.71 § 18

Amends Rule 72(A)

- A. **Immediate execution; discretionary stay.** Execution or other proceeding to enforce a judgment may issue immediately upon the entry of the judgment, unless the court directing entry of the judgment, in its discretion and on such conditions for the security of the adverse party as are proper, otherwise directs. The court shall have authority to stay execution of a judgment temporarily until the filing of a notice of appeal and to stay execution of a judgment pending disposition of an appeal, as provided in ~~ORS 19.0401~~ sections 6, 7 and 8 of this 1997 Act or other provision of law.
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]

H.B. 2262

Or. Laws 1997 c.71 § 18

House Introduction

1/14/97

A-Engrossed Bill

2/17/97 – Passed with amendments in House (per Judiciary Committee recommendation)

3/17/97 – Passed with amendments in Senate (per Business, Law, and Government Committee recommendation)

B-Engrossed Bill

3/19/97 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

4/17/97

Or. Laws 2003 c.576 § 263
Amends Rule 72(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Stay of judgment as to multiple claims or multiple parties.** ~~When a court has ordered a final judgment under the conditions stated in Rule 67 B~~ **If a court enters a limited judgment under the provisions of Rule 67 B**, the court may stay enforcement of ~~that the~~ judgment ~~or judgments~~ and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.

H.B. 2646

Or. Laws 2003 c.576 § 263

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Rule 78 – Order or Judgment for Specific Acts

§	Latest Amendment
A	Unamended
B	Or. Laws 1991 c.724 § 31
C	Or. Laws 2021 c.597 § 76
D	Unamended

Or. Laws 1985 c.610 § 1

Amends Rule 78(C)

- A. [Unamended]
- B. [Unamended]
- C. **Application.** [Full section text unamended]
 - 1. Actions for ~~dissolutions of marriages~~ **dissolution or annulment of marriage or separation from bed and board.**
 - 2. ~~Actions for separation from bed and board.~~ **Proceedings upon support orders entered under ORS chapter 108, 109, 110 or 419 and ORS 416.400 to 416.470.**
 - 3. ~~Proceedings under ORS 108.110 and 108.120.~~
- D. [Unamended]

S.B. 250

Or. Laws 1985 c.610 § 1

Senate Introduction

1/30/85

A-Engrossed Bill

6/10/85 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/17/85 – Passed unamended in House

Governor signed Enrolled Bill

7/13/85

Or. Laws 1991 c.724 § 31
Amends Rule 78(B)

- A. [Unamended]
- B. **Enforcement; contempt.** The court or judge thereof may enforce an order or judgment directing a party to perform a specific act by punishing the party refusing or neglecting to comply therewith, as for a contempt as provided in ~~ORS 33.010 through 33.150~~ **sections 1 to 14 of this 1991 Act.**
- C. [Unamended]
- D. [Unamended]

S.B. 376

Or. Laws 1991 c.724 § 31

Senate Introduction

1/21/91

A-Engrossed Bill

4/10/91 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/12/91 – Passed with amendments in House (per Judiciary Committee recommendation)

6/20/91 – Senate refused to concur with House Amendments; Conference Committee formed

6/26/91 – Conference Committee recommended Senate concur with House Amendments, further amend the bill, and repass

B-Engrossed Bill

6/27/91 – Senate adopted Conference Committee Bill and repassed; House adopted Conference Committee Bill and repassed.

Governor signed Enrolled Bill

7/31/91

Or. Laws 1993 c.33 § 365
Amends Rule 78(C)

- A. [Unamended]
- B. [Unamended]
- C. **Application.** [Full section text unamended]
 - 1. [Unamended]
 - 2. Proceedings upon support orders entered under ORS chapter 108, 109, **or** 110, ~~or 419 and~~ ORS 416.400 to 416.470 **or section 121 or 256 of this 1993 Act.**

S.B. 257

Or. Laws 1993 c.33 § 365

Senate Introduction

1/25/93

A-Engrossed Bill

3/1/93 – Passed with amendments in Senate (via Judiciary Committee recommendation)

4/13/93 – Passed unamended in House

Governor signed Enrolled Bill

4/30/93

Or. Laws 1995 c.608 § 41
Amends Rule 78(C)

- A. [Unamended]
- B. [Unamended]
- C. **Application.** [Full section text unamended]
 - 1. [Unamended]
 - 2. Proceedings upon support orders entered under ORS chapter 108 or 109 or ORS ~~110.005 to 110.291~~ 110.300 to 110.441, 416.400 to 416.470, 419B.400 or 419C.590.

S.B. 213

Or. Laws 1995 c.608 § 41

Senate Introduction

1/17/95

A-Engrossed Bill

3/23/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/29/95 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

6/1/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/17/95

Or. Laws 2003 c.14 § 14
Amends Rule 78(C)

- A. [Unamended]
- B. [Unamended]
- C. **Application.** [Full section text unamended]
 - 1. [Unamended]
 - 2. Proceedings upon support orders entered under ORS chapter 108, ~~or~~ 109 or ~~ORS 110.303 to 110.452~~ 110, or **under ORS** 416.400 to 416.470, 419B.4000 or 419C.590.

S.B. 81

Or. Laws 2003 c.14 § 14

Senate Introduction

1/15/03

A-Engrossed Bill

2/11/03 – Passed unamended in Senate

3/10/03 – Passed with amendments in House (per Judiciary Committee recommendation)

3/12/03 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

3/25/03

Or. Laws 2007 c.71 § 4
Amends Rule 78(C)

- A. [Unamended]
- B. [Unamended]
- C. **Application [Full section text unamended]**
 - 1. [Unamended]
 - 2. Proceedings upon support orders entered under ORS chapter 108, 109 or 110, or under ORS 416.400 to ~~416.470~~ **416.465**, 419B.400 or 419C.590.

S.B. 84

Or. Laws 2007 c.71 § 4

Senate Introduction

1/12/07

A-Engrossed Bill

3/5/07 – Passed unamended in Senate

4/3/07 – Passed with amendments in House (per Judiciary Committee recommendation)

4/5/07 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

5/2/07

Or. Laws 2021, ch.97 § 3
Amends Rule 78(C)

- A. [Unamended]
- B. [Unamended]
- C. **Application.** [text unamended]
 - 1. Actions for dissolutions or annulments of marriages or separation from bed and board.
 - 2. Proceedings upon support orders entered under ORS 108, 109, or 110, or under ORS ~~416.400 to 416.465~~ **25.501 to 25.556**, 419B.400 or 419C.590.
- D. [Unamended]

H.B. 3104

Or. Laws 2021, ch.97 § 3

House Introduction

2/2/21

A-Engrossed Bill

4/1/21 – Passed with amendments in House (per Judiciary Committee recommendation)

5/13/21 – Passed unamended in Senate

Governor signed Enrolled Bill

5/26/21

Or. Laws 2021 c.597 § 76
Amends Rule 78(C)

- A. [Unamended]
- B. [Unamended]
- C. **Application.** [Text unamended]
 - 1. [Unamended]
 - 2. Proceedings upon support orders entered under ORS chapter 108, 109 or 110, or under ORS 416.400 to 416.465, or 419B.400 ~~or 419C.590.~~
- D. [Unamended]

S.B. 817

Or. Laws 2021 c.597 § 76

Senate Introduction

3/3/21

A-Engrossed Bill

4/23/21 – Senate Judiciary Committee recommended passing with amendments; Referred to Ways and Means Committee

6/16/21 – Assigned to Public Safety Subcommittee

6/17/21 – Returned to Ways and Means Committee

6/25/21 – Ways and Means Committee recommended passing without Amendments; Passed unamended in Senate (per Ways and Means Committee recommendation)

6/26/21 – House Rules Committee recommended passing with amendments; Passed with amendments in House (per Rules Committee recommendation)

B-Engrossed Bill

6/26/21 – Senate concurred with House amendments and repassed bill.

Governor signed Enrolled Bill

7/19/21

Rule 79 – Temporary Restraining Order and Preliminary Injunctions

§	Latest Amendment
A	Or. Laws 2005 c.22 § 5(A)
B	Or. Laws 2003 c.194 § 16
C	Unamended
D	Unamended
E	Or. Laws 2013 c.687 § 18
F	Unamended

Or. Laws 1995 c.666 § 27

Amends Rule 79(B)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Scope of rule.**
 - 1. This rule does not apply to a temporary restraining order issued by authority of ORS 107.700 to 107.730 **or sections 2 to 9 of this 1995 Act.**
 - 2. [Unamended]
 - 3. [Unamended]
- F. [Unamended]

S.B. 493

Or. Laws 1995 c.666 § 27

Senate Introduction

2/21/95

A-Engrossed Bill

4/7/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/7/95 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

6/8/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2003 c.194 § 16
Amends Rule 79(B)

- A. [Unamended]
- B. **Temporary restraining order.**
 - 1. **Notice.** [Full section text unamended]
 - a. It clearly appears from specific facts shown by **an** affidavit, **a declaration** or **by** a verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or the adverse party's attorney can be heard in opposition, and
 - b. The applicant or applicant's attorney submits an affidavit **or a declaration** setting forth the efforts, if any, which have been made to notify defendant or defendant's attorney of the application, including attempts to provide notice by telephone, and the reasons supporting the claim that notice should not be required. The affidavit **or declaration** required in this paragraph shall not be required for orders granted by authority of ORS 107.095 (1)(c), (d), (e), (f) or (g).
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 16

Or. Laws 2005 c.22 § 5(A)
Amends Rule 79(A)

- A. Availability generally.**
- 1. Circumstances. [Full section text unamended]**
- a.** [Unamended]
- b.** When it appears that the party against whom a judgment is sought is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of a party seeking judgment concerning the subject matter of the action, and tending to render the judgment ineffectual. This paragraph shall not apply when the provisions of Rule ~~83 F, G(4), and 1(2)~~ **83 E, F(4) and H(2)** are applicable, whether or not provisional relief is ordered under those provisions.
- 2.** [Unamended]
- B.** [Unamended]
- C.** [Unamended]
- D.** [Unamended]
- E.** [Unamended]
- F.** [Unamended]

H.B. 2261

Or. Laws 2005 c.22 § 5(A)

House Introduction

1/12/05

A-Engrossed Bill

2/16/05 – Passed unamended in House

3/22/05 – Passed with amendments in Senate (per Judiciary Committee recommendation)

Governor signed Enrolled Bill

4/7/05

Or. Laws 2007 c.71 § 5
Amends Rule 79(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Scope of rule.**
 - 1. This rule does not apply to a temporary restraining order issued by authority of ORS 107.700 to ~~107.732~~ **107.735** or 124.005 to 124.040.
 - 2. [Unamended]
 - 3. [Unamended]
- F. [Unamended]

S.B. 84

Or. Laws 2007 c.71 § 5

Senate Introduction

1/12/07

A-Engrossed Bill

3/5/07 – Passed unamended in Senate

4/3/07 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

4/5/07 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

5/2/07

Or. Laws 2013 c.687 § 18
Amends Rule 79(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Scope of rule.**
 - 1. This rule does not apply to a temporary restraining order issued by authority of ORS 107.700 to 107.735 or 124.005 to 124.040 **or sections 1 to 8 of this 2013 Act.**
 - 2. [Unamended]
 - 3. [Unamended]
- F. [Unamended]

H.B. 2779

Or. Laws 2013 c.687 § 18

House Introduction

2/6/13

A-Engrossed Bill

3/25/13 – House Judiciary Committee recommended passing with amendments; Referred to Ways and Means Committee

5/8/13 – Assigned to Public Safety Subcommittee

6/25/13 – Returned to Ways and Means Committee

7/1/13 – Ways and Means Committee recommended passing with amendments and printing engrossed (B-Eng.)

B-Engrossed Bill

7/1/13 – Passed with amendments in House (per Judiciary Committee and Ways and Means Committee recommendation)

7/5/13 – Senate Ways and Means Committee recommended passing with amendments to resolve conflicts and printing engrossed (“C-Eng.”)

7/6/13 – Passed with amendments in Senate (per Ways and Means Committee recommendation)

C-Engrossed Bill

7/7/13 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/29/13

Rule 80 – Receivers

§	Latest Amendment
A	Or. Laws 2017 c.258 § 43
B	Unamended
C	Or. Laws 1981 c.898 § 9(A)
D	Unamended
E	Unamended
F	Or. Laws 1981 c.898 § 10

Or. Laws 1981 c.898 § 9(A), 10

§9(A) Amends Rule 80(C);

§10 Amends Rule 80(F)

- A. [Unamended]
- B. [Unamended]
- C. **Appointment of receivers; notice.** No receiver shall be appointed without notice to the adverse party at least ~~10~~ **five** days before the time specified for the hearing, unless a different period is fixed by order of the court.
- D. [Unamended]
- E. [Unamended]
- F. **Special Notices.**
1. **Required notice.** Creditors filing claims with the receiver, all persons making contracts with the receiver, all persons having known claims against the receiver, all persons **having actually or constructively known to be claiming** any interest in receivership property, and all persons against whom the receiver asserts claims shall receive notice of any proposed action by the court affecting their rights.
 2. **Request for special notice.** At any time after a receiver is appointed, any person interested in ~~said~~ **the** receivership as a party, creditor, or otherwise, may serve upon the receiver (or upon the attorney for such receiver) and file with the clerk a written request stating that such person desires special notice of any and all of the following named steps in the administration of ~~said the~~ receivership:
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. [Unamended]
 3. **Form and service of notices.** Any notice required by-this-rule (except petitions for the sale of perishable property, or other personal property, the keeping of which will involve expense or loss) shall be addressed to the person to be notified, or such person's attorney, at their post-office address, and deposited in the United States Post Office, with the postage thereon prepaid, at least five days (10 days for notices under ~~sections C and section G.~~ **sections C and section G.** of this rule) before the hearing on any of the matters above described; or personal service of such notice may be made on the person to be notified or such person's attorney not less than five days (10 days for notices under ~~sections C and section G.~~ **sections C and section G.** of this rule) before such hearing. Proof of mailing or personal service must be filed with the clerk before the hearing. If upon the hearing it appears to the satisfaction of the court that the notice has been regularly given, the court shall so find in its order.

H.B. 3261

Or. Laws 1981 c.898 § 9(A); 10

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 2017 c.258 § 43
Amends Rule 80(A)

A. Receiver defined; applicability.

1. [Unamended]

2. **The provisions of the Oregon Receivership Code control over conflicting provisions of this rule with respect to receiverships governed by the Oregon Receivership Code.**

B. [Unamended]

C. [Unamended]

D. [Unamended]

E. [Unamended]

F. [Unamended]

S.B. 899

Or. Laws 2017 c.258 § 43

Senate Introduction

2/28/17

A-Engrossed Bill

4/18/17 – Passed with amendments in Senate (per Judiciary Committee recommendation; no recommendation from General Government and Accountability Committee nor Ways and Means Committee)

6/1/17 – Passed unamended in House

Governor signed Enrolled Bill

6/14/17

Rule 81 – Definitions; Service; Adverse Claimants

§	Latest Amendment
A	Or. Laws 2003 c.576 § 264
B	Or. Laws 1981 c.898 § 11
C	Or. Laws 1981 c.883 § 37
D	Or. Laws 1981 c.898 § 12

Or. Laws 1981 c.883 § 36–37

§36 Amends Rule 81;

§37 Amends Rule 81(C)

[Note from §37, referring to Rule 81(C): “If House Bill 3261 (1981) becomes law, sections 11 and 12, chapter 898, Oregon Laws 1981 (Enrolled House Bill 3261), are repealed, and ORCP 81(C), as amended by section 36 of this Act, is amended to read: [...]”; **H.B. 3261 (1981) became law. The changes to Rule 81(C) in 1981 c.883 § 36 have been omitted below and replaced by the changes in 1981 c.883 § 37.]**

-
- A. **Definitions.** As used in Rules ~~81-85~~ **81 through 85**, unless the context otherwise requires:
1. [Unamended]
 2. [Unamended]
 3. [Unamended]
 4. [Unamended]
 5. [Unamended]
 6. [Unamended]
 7. **Levy.** "Levy" means to create a lien upon property prior to judgment by any of the procedures provided by Rules ~~81-85~~ **81 through 85** that create a lien.
 8. [Unamended]
 9. [Unamended]
 10. [Unamended]
 11. [Unamended]
 12. [Unamended]
- B. ~~Notice to defendant following levy.~~ [Section deleted in full] [(C)] **Service of notices or orders; proof of service.**
1. **Service.** Except where some other method is expressly permitted, any notice or order to show cause required or permitted to be served by Rules ~~81-85~~ **81 through 85** shall be served in the manner in which a summons may be served.
 2. **Proof of service.** [Full section text unamended]
- C. [D] **Adverse Claimants.** A person other than the defendant claiming to be the actual owner of property subject to provisional process, or any interest in such property, may move the court for an order establishing the claimant's title or interest, extinguishing the plaintiff's lien, or other appropriate relief. **A hearing upon such motion shall be conducted within 20 days after service pursuant to Rule 9. After hearing:**
1. **Summary release of attachment.** In a case where there is no genuine issue as to any material fact and the claimant is entitled to relief as a matter of law, the court may make an order establishing claimant's title or interest, extinguishing or limiting the plaintiff's lien, or granting other appropriate relief. **In such case, the court may enter an order directing the plaintiff to pay the claimant the reasonable expenses incurred in securing such order, including attorney fees.**
 2. **Continuation of attachment.** [Full section text unamended]

S.B. 527

Or. Laws 1981 c.883 § 36-37

Senate Introduction

3/30/81

A-Engrossed Bill

7/8/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/27/81 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

7/29/81 – Senate concurred with House Amendments and repassed the bill.

Governor signed Enrolled Bill

8/22/81

Or. Laws 1981 c.898 § 11–12

§11 Amends Rule 81(B);

§12 Amends Rule 81(D)

A. [Unamended]

B. Notice to defendant following levy.

1. Form of notice. [Full section text unamended]

IN THE _____ COURT OF
THE STATE OF OREGON
FOR _____ COUNTY

)	
Plaintiff)	No. _____
v.)	
Defendant)	NOTICE OF LEVY
)	

TO: (Defendant) IMPORTANT NOTICE. READ CAREFULLY. IT CONCERNS YOUR PROPERTY.

1. Action was commenced against you on _____ for \$_____.
2. To secure payment the following has been levied on:
(E.g.: 1979 Chevrolet, License # ABC 123
Savings account in Fiduciary Trust &
Savings Co.
Etc.)
3. This property will (be held in court)(remain subject to a lien) while the action is pending and may be taken from you permanently if judgment is entered against you.
4. You may release the property from the levy by delivering a bond to the clerk of the court.

If you have any questions about this matter, you should consult an attorney.

IF YOU DO NOTHING ABOUT THIS, YOU MAY LOSE THIS PROPERTY PERMANENTLY.

Name and address of plaintiff
or plaintiff's attorney

2. Notice of exemption. If the defendant is a natural person, the notice served shall also contain **the following statement:**

~~SOME KINDS OF PROPERTY CANNOT BE TAKEN FROM YOU IN A LEGAL PROCEEDING. THE PROPERTY DESCRIBED IN THIS NOTICE MAY OR MAY NOT BE THE KIND OF PROPERTY THAT CANNOT BE TAKEN IF YOUR PROPERTY IS PROTECTED, YOU MUST TAKE ACTION IMMEDIATELY TO CLAIM THAT YOUR PROPERTY CANNOT BE TAKEN IF YOU DO NOT ACT, YOU WILL LOSE THE PROPERTY, WHETHER OR NOT IT IS PROTECTED. YOU SHOULD GET LEGAL ADVICE TO DETERMINE IF THE PROPERTY DESCRIBED IN THIS NOTICE CAN BE TAKEN IN THIS PROCEEDING AND HOW TO TAKE THE REQUIRED ACTION TO CLAIM THAT YOUR PROPERTY CANNOT BE TAKEN.~~

- a. A list of all property and funds declared exempt under state or federal law;
- b. An explanation of the procedure by which the defendant may claim an exemption;
- c. A statement that the forms necessary to claim an exemption are available at the county courthouse at no cost to the defendant; and
- d. A statement that if the defendant has any questions, the defendant should consult an attorney.

3. [Unamended]

C. [Unamended]

- D. **Adverse claimants.** A person other than the defendant claiming to be the actual owner of property subject to provisional process, or any interest in such property, may move the court for an order establishing the claimant's title or interest, extinguishing the plaintiff's lien, or other appropriate relief. **A hearing upon such motion shall be conducted within 20 days after service pursuant to Rule 9.** After hearing:
1. **Summary release of attachment.** In a case where there is no genuine issue as to any material fact and the claimant is entitled to relief as a matter of law, the court may make an order establishing claimant's title or interest, extinguishing or limiting the plaintiff's lien, or granting other appropriate relief. **In such case, the court may enter an order directing the plaintiff to pay the claimant the reasonable expenses incurred in securing such order, including attorney fees.**
 2. [Unamended]

H.B. 3261

Or. Laws 1981 c.898 § 11

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1995 c.658 § 120
Amends Rule 81(A)

A. Definitions. [Full section text unamended]

1. [Unamended]
2. [Unamended]
3. [Unamended]
4. [Unamended]
5. [Unamended]
6. [Unamended]
7. [Unamended]
8. [Unamended]
9. [Unamended]
10. [Unamended]
11. **Sheriff.** “Sheriff” includes a constable of a ~~district or~~ justice court.
12. [Unamended]

B. [Unamended]

C. [Unamended]

D. [Unamended]

H.B. 2625

Or. Laws 1995 c.658 § 120

House Introduction

2/10/95

A-Engrossed Bill

2/13/95 – Referred to Judiciary Committee

2/23/95 – Assigned to Civil Law and Judicial Administration Subcommittee

4/20/95 – Returned to Judiciary Committee

5/10/95 – Judiciary Committee recommended passing with amendments, printing engrossed (A-Eng.), and referring to Ways and Means Committee; Referred to Ways and Means Committee

5/30/95 – Assigned to Public Safety/Regulation Subcommittee

6/4/95 – Returned to Ways and Means Committee

6/5/95 – Ways and Means Committee recommended passing with amendments and printing engrossed (B-Eng.)

6/7/95 – Passed with amendments in House (per Judiciary Committee and Ways and Means Committee recommendations)

B-Engrossed Bill

6/7/95 – Referred to Senate Ways and Means Committee

6/8/95 – Senate Ways and Means Committee recommended passing with amendments

6/9/95 – Passed with amendments in Senate (per Ways and Means Committee recommendation)

C-Engrossed Bill

6/9/95 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2001 c.445 § 186
Amends Rule 81(A)

A. Definitions. [Full section text unamended]

1. [Unamended]
 2. [Unamended]
 3. [Unamended]
 4. **Consumer goods.** “Consumer goods” means consumer goods as defined in ~~ORS 79.1090~~ **section 2 of this 2001 Act.**
 5. [Unamended]
 6. [Unamended]
 7. [Unamended]
 8. [Unamended]
 9. [Unamended]
 10. [Unamended]
 11. [Unamended]
 12. [Unamended]
- B.** [Unamended]
C. [Unamended]
D. [Unamended]

S.B. 171

Or. Laws 2001 c.445 § 186

Senate Introduction

1/11/01

A-Engrossed Bill

1/24/01 – Passed unamended in Senate

3/27/01 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

B-Engrossed Bill

3/29/01 – Senate refused to concur with House Amendments; Conference Committee created

Conference Committee Bill

5/30/01 – Conference Committee recommended Senate concur with House Amendments and bill (A-Eng) be further amended and repassed.

6/1/01 – Senate adopted Conference Committee bill and repassed.

6/5/01 – House adopted Conference Committee bill and repassed.

Governor signed Enrolled Bill

6/19/01

Or. Laws 2003 c.576 § 264
Amends Rule 81(A)

A. Definitions. [Full section text unamended]

1. [Unamended]
2. [Unamended]
3. [Unamended]
4. [Unamended]
5. [Unamended]
6. [Unamended]
7. [Unamended]
8. [Unamended]
9. **Provisional process.** "Provisional process" means attachment under Rule 84, claim and delivery under Rule 85, temporary restraining orders under Rule 83, preliminary injunctions under Rule 83, or any other legal or equitable judicial process or remedy which before **final entry of a** judgment enables a plaintiff, or the court on behalf of the plaintiff, to take possession or control of, or to restrain use or disposition of, or fix a lien on property in which the defendant claims an interest, except an order appointing a provisional receiver under Rule 80 or granting a temporary restraining order or preliminary injunction under Rule 79.
10. [Unamended]
11. [Unamended]
12. [Unamended]

B. [Unamended]

C. [Unamended]

D. [Unamended]

H.B. 2646

Or. Laws 2003 c.576 § 264

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Rule 82 – Security; Bonds and Undertakings; Justification of Sureties

§	Latest Amendment
A	Or. Laws 1997 c.631 § 561
B	Or. Laws 1997 c.631 § 562
C	Or. Laws 1997 c.631 § 563
D	Or. Laws 1981 c.898 § 13
E	Or. Laws 2003 c.194 § 17
F	Unamended
G	Or. Laws 1995 c.79 § 407

Or. Laws 1981 c.898 § 13

Amends Rule 82(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Qualifications of sureties.**
 - 1. **Individuals.** Each individual surety must be a resident of the state. ~~Each must be worth~~ **If there is one individual surety, that surety must be worth twice** the sum specified in the undertaking, exclusive of property exempt from execution, and over and above all just debts and liabilities; ~~except that~~ where there ~~are~~ is more than ~~two sureties~~ **one individual surety**, each may be worth a lesser amount if the total net worth of all of them is equal to twice the sum specified in the undertaking. No attorney at law, peace officer, clerk of any court, or other officer of any court is qualified to be surety on the undertaking.
 - 2. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

H.B. 3261

Or. Laws 1981 c.898 § 13

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1991 c.331 § 2
Amends Rule 82(A)

- A. **Security Required.**
1. [Unamended]
 2. [Unamended]
 3. **Attachment or claim and delivery.**
 - a. Before any property is attached under Rule 84 or taken by the sheriff under Rule 85, the plaintiff must file with the clerk a surety bond **or an irrevocable letter of credit issued by a commercial bank as that term is defined in ORS 706.005**, in an amount fixed by the court, and to the effect that the plaintiff will pay all costs that may be adjudged to the defendant, and all damages which the defendant may sustain by reason of the attachment or taking, if the same be wrongful or without sufficient cause, not exceeding the sum specified in the bond **or letter of credit.**
 - b. Upon motion by the defendant and a showing that defendant's potential costs or damages exceed the amount of the bond **or letter of credit** the court may require the plaintiff to give additional security.
 - c. No bond **or letter of credit** shall be required before property is taken by the sheriff under Rule 85 if the court, in the order authorizing issuance of provisional process, finds that the claim for which probable cause exists is that defendant acquired the property contrary to law.
 4. [Unamended]
 5. **Form of security or bond.** Unless otherwise ordered by the court under subsection (6) of this section, any security or bond provided for by these rules shall be in the form of a security bond issued by a corporate surety qualified by law to issue surety insurance as defined in ORS 731.186, **or a letter of credit issued by a commercial bank, as that term is defined in ORS 706.005.**
 6. [Unamended]
- B. **Security; proceedings against sureties.** Whenever these rules or other rule or statute require or permit the giving of security by a party, and security is given in the form of a bond or stipulation or other undertaking with one or more sureties, **or in the form of an irrevocable letter of credit issued by a commercial bank as that term is defined in ORS 706.005**, each surety **and each letter of credit issuer** submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as such surety's **or such issuer's** agent upon whom any papers affecting the surety's **or issuer's** liability on the bond, ~~or~~ undertaking **or letter of credit** may be served. Any surety's **or issuer's** liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the sureties **or issuers** if their addresses are known.
- C. **Approval by clerk.** Except where approval by a judge is otherwise required, the clerk is authorized to approve all **irrevocable letters of credit**, undertakings, bonds, and stipulations of security given in the form and amount prescribed by statute, rule, or order of the court, where the same are executed by a corporate surety under subsection D.(2) of this rule, **or where the same are issued by a commercial bank as that term is defined in ORS 706.005.**
- D. [Unamended]
- E. **Affidavits of sureties.**
1. [Unamended]
 2. [Unamended]
 3. **Service.** When ~~a~~ **an irrevocable letter of credit**, bond or undertaking is given for the benefit of a party, a copy of such letter of credit, bond or undertaking shall be served on that party promptly in the manner prescribed in Rule 9 A., proof of service thereof shall thereupon be filed promptly in the court in which the **letter of credit**, bond or undertaking has been filed.
- F. **Objections to sureties.** If the party for whose benefit ~~a~~ **an irrevocable letter of credit**, bond or undertaking is given is not satisfied with the sufficiency of the **issuers or** sureties, that party may, within 10 days after the receipt of a copy of the **letter of credit or** bond, serve upon the party giving the **letter of credit or** bond, or the attorney for the party giving the **letter of credit or** bond, a notice that the party for whose benefit the **letter of credit or** bond is given objects to the sufficiency of such **issuers or** sureties. If the party for whose benefit the **letter of credit or** bond is given fails to do so, that party is deemed to have waived all objection to the **issuers or** sureties.
- G. **Hearing on objections to sureties.**
1. **Request for hearing.** Notice of objections to an issuer or a surety as provided in section F. of this rule shall be filed in the form of a motion for hearing on objections to the **irrevocable letter of credit or** bond. Upon demand of the objecting party, each **issuer or** surety shall appear at the hearing of such motion and be subject to examination as to such **issuer's or** surety's pecuniary responsibility or the validity of the execution of the **letter of credit or** bond. Upon hearing of such motion, the court may approve or reject the letter of credit or

bond as filed or require such amended, substitute, or additional **letter of credit or** bond as the circumstances will warrant.

2. **Information to be furnished.** Sureties on any bond or undertaking **and any irrevocable letter of credit issuers** shall furnish such information as may be required by the judge approving the same.
3. **Surety insurers.** It shall be sufficient justification for a surety insurer when examined as to its qualifications to exhibit the certificate of authority issued to it by the Insurance Commissioner ~~Director of the Department of Insurance and Finance~~ or a certified copy thereof.

S.B. 666

Or. Laws 1991 c.331 § 2

Senate Introduction

2/25/91

A-Engrossed Bill

5/22/91 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/10/91 – Passed unamended in House

Governor signed Enrolled Bill

6/25/91

Or. Laws 1995 c.79 § 407
Amends Rule 82(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **[No text]**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Surety insurers.** It shall be sufficient justification for a surety insurer when examined as to its qualifications to exhibit the certificate of authority issued to it by the ~~Insurance Commissioner~~ **Director of the Department of Consumer and Business Services** or a certified copy thereof.

S.B. 851 [Passed Unamended]
Or. Laws 1995 c.79 § 407

Or. Laws 1997 c.631 § 561–563

§561 Amends Rule 82(A);

§562 Amends Rule 82(B);

§563 Amends Rule 83(C)

A. **Security required.**

1. [Unamended]

2. [Unamended]

3. **Attachment or claim and delivery.**

a. Before any property is attached under Rule 84 or taken by the sheriff under Rule 85, the plaintiff must file with the clerk a surety bond or an irrevocable letter of credit issued by ~~a commercial bank as that term is defined in ORS 706.005~~ **an insured institution, as defined in section 3 of this 1997 Act**, in an amount fixed by the court, and to the effect that the plaintiff will pay all costs that may be adjudged to the defendant, and all damages which the defendant may sustain by reason of the attachment or taking, if the same be wrongful or without sufficient cause, not exceeding the sum specified in the bond or letter of credit.

b. [Unamended]

c. [Unamended]

4. [Unamended]

5. Unless otherwise ordered by the court under subsection (6) of this section any security or bond provided for by these rules shall be in the form of a security bond issued by a corporate surety qualified by law to issue surety insurance as defined in ORS 731.186, or a letter of credit issued by ~~a commercial bank, as that term is defined in ORS 706.005~~ **an insured institution, as defined in section 3 of this 1997 Act**.

6. [Unamended]

B. **Security; proceedings against sureties.** Whenever these rules or other rule or statute require or permit the giving of security by a party, and security is given in the form of a bond or stipulation or other undertaking with one or more sureties, or in the form of an irrevocable letter of credit issued by ~~a commercial bank as that term is defined in ORS 706.005~~ **an insured institution, as defined in section 3 of this 1997 Act**, each surety and each letter of credit issuer submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as such surety's or such issuer's agent upon whom any papers affecting the surety's or issuer's liability on the bond, undertaking or letter of credit may be served. Any surety's or issuer's liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the sureties or issuers if their addresses are known.

C. **Approval by clerk.** Except where approval by a judge -is otherwise required, the clerk is authorized to approve all irrevocable letters of credit, undertakings, bonds, and stipulations of security given in the form and amount prescribed by statute, rule, or order of the court, where the same are executed by a corporate surety under subsection D(2) of this rule, or where the same are issued by ~~a commercial bank as that term is defined in ORS 706.005~~ **an insured institution, as defined in section 3 of this 1997 Act**.

D. [Unamended]

E. [Unamended]

F. [Unamended]

G. [Unamended]

S.B. 125

Or. Laws 1997 c.631 § 561–563

Senate Introduction

3/25/97

A-Engrossed Bill

4/34/95 – Passed with amendments in Senate (per Judiciary Committee and Business, Law, and Government Subcommittee recommendation)

6/27/97 – Passed with amendments in House (per Commerce Committee recommendation)

B-Engrossed Bill

7/1/97 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/25/97

Or. Laws 2003 c.194 § 17
Amends Rule 82(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Affidavits or declarations of sureties.**
 - 1. **Individuals.** The bond or undertaking must contain an affidavit **or a declaration** of each surety which shall state that such surety possesses the qualifications prescribed by section D of this rule.
 - 2. **Corporations.** The bond or undertaking of a corporate surety must contain affidavits **or declarations** showing the authority of the agent to act for the corporation and stating that the corporation is qualified to issue surety insurance as defined in ORS 731.186.
 - 3. [Unamended]
- F. [Unamended]
- G. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 17

Rule 83 – Provisional Process

§	Latest Amendment
A	Or. Laws 2003 c.194 § 18
B	Unamended
C	Or. Laws 2003 c.194 § 18
D	Or. Laws 1991 c.83 § 7
E	Or. Laws 1987 c.586 § 44
F	Or. Laws 2005 c.22 § 4(B)
G	Or. Laws 2003 c.194 § 18
H	Unamended
I	Unamended

Or. Laws 1987 c.586 § 44

Amends Rule 83(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Issuance of provisional process where damage to property threatened.** Subject to section B. of this rule, if the court finds that before hearing on a show cause order the defendant or other person in possession or control of the claimed property is engaging in, or is about to engage in, conduct which would place the claimed property in danger of destruction, serious harm, concealment, removal from this state, or transfer to an innocent purchaser or that the defendant or other person in possession or control of the claimed property would not comply with a temporary restraining order, and if Rule 82 A. has been complied with, the court shall order issuance of provisional process in property which probably would be the subject of such destruction, harm, concealment, removal, transfer, or violation. **Where real property is subject to provisional process as provided by this section, the plaintiff shall have recorded in the County Clerk Lien Record a certified copy of that order.**
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]
- I. [Unamended]

H.B. 2323

Or. Laws 1987 c.586 § 44

House Introduction

1/16/87

A-Engrossed Bill

6/8/87 – Passed with amendments in House (per Judiciary Committee recommendation)

6/19/87 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

6/22/87 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

7/11/87

Or. Laws 1991 c.83 § 6–7
§6 Amends Rule 83(A);
§7 Amends Rule 83(D)

A. Requirements for issuance. [Full section text unamended]

1. [Unamended]
2. [Unamended]
3. [Unamended]
4. [Unamended]
5. [Unamended]
6. [Unamended]
7. [Unamended]
8. [Unamended]
9. If provisional process is based on notice of a bulk transfer ~~under ORS chapter 76 or a similar statute or provision of law~~, a copy of the notice.
10. [Unamended]
11. [Unamended]
12. [Unamended]
13. [Unamended]

B. [Unamended]

C. [Unamended]

D. Effect of notice of bulk transfer. Subject to section B. of this rule, if the court finds that with respect to property of the defendant notice of bulk transfer ~~under ORS chapter 76 or a similar statute or provision of law~~ has been given and that the time for possession by the transferee has not passed, the court shall order issuance of provisional process.]

E. [Unamended]

F. [Unamended]

G. [Unamended]

H. [Unamended]

I. [Unamended]

S.B. 396 [Passed Unamended]

Or. Laws 1991 c.83 § 6–7

Or. Laws 2003 c.194 § 18
Amends Rule 83(A), (C), and (G)

- A. Requirements for issuance.** To obtain an order for issuance of provisional process the plaintiff shall cause to be filed with the clerk of the court from which such process is sought a sworn petition and any necessary supplementary affidavits **or declarations** requesting specific provisional process and showing, to the best knowledge, information, and belief of the plaintiff, ~~or~~ **affiant**, **or declarant** that the action is one in which provisional process may issue, and: **[Subsections A(1)–(12) unamended]**
- B.** [Unamended]
- C. Evidence admissible; choice of remedies available to court.**
1. The court shall consider the affidavit, **declaration** or petition filed under section A of this rule and may consider other evidence including, but not limited to, an affidavit, **a declaration, a** deposition, **an** exhibit, or oral testimony.
 2. If from the affidavit, **declaration** or petition or other evidence, if any, the court finds that a complaint on the underlying claim has been filed and that there is probable cause for sustaining the validity of the underlying claim, the court shall consider whether it shall order issuance of provisional process, as provided in section D or E of this rule, or a restraining order, as provided in section F of this rule, in addition to a show cause order. The finding under this subsection is subject to dissolution upon hearing.
- D.** [Unamended]
- E.** [Unamended]
- F.** [Unamended]
- G. Appearance; hearing; service of show cause order; content; effect of service on person in possession of property.**
1. [Unamended]
 2. [Unamended]
 3. The order shall:
 - a. State that the defendant may file affidavits **or declarations** with the court and may present testimony at the hearing; and
 - b. [Unamended]
 - c. [Unamended]
- H.** [Unamended]
- I.** [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 18

Or. Laws 2005 c.22 § 4(B)
Amends Rule 83(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. **Appearance: hearing service of show cause order; content; effect of service on person in possession of property.**
 - 1. [G(1)] Subject to section B of this rule, the court shall issue an order directed to the defendant and each person having possession or control of the claimed property requiring the defendant and each such other person to appear for hearing at a place fixed by the court and at a fixed time after the third day after service of the order and before the seventh day after service of the order to show cause why provisional process should not issue. Upon request of the plaintiff the hearing date may be set later than the seventh day.
 - 2. [G(2)] The show cause order issued under subsection (1) of this section shall be served on the defendant and on each other person to whom the order is directed.
 - 3. [G(3)] The order shall:
 - a. [G(3)(a)] State that the defendant may file affidavits or declarations with the court and may present testimony at the hearing; and
 - b. [G(3)(b)] State that if the defendant fails to appear at the hearing the court will order issuance of the specific provisional process sought.
 - 4. [G(4)] If at the time fixed for hearing the show cause order under subsection (1) of this section has not been served on the defendant but has been served on a person in possession or control of the property, and if Rule 82 A has been complied with, the court may restrain the person so served from injuring, destroying, transferring, removing, or concealing the property pending further order of the court or continue a temporary restraining order issued under section ~~F~~ E of this rule. Such order shall conform to the requirements of Rule 79 D. Any restraining order issued under this subsection does not create a lien.
- G. [Unamended]
- H. [Unamended]
- I. [Unamended]

H.B. 2261

Or. Laws 2005 c.22 § 4(B)

House Introduction

1/12/05

A-Engrossed Bill

2/16/05 – Passed unamended in House

3/22/05 – Passed with amendments in Senate (per Judiciary Committee recommendation)

Governor signed Enrolled Bill

4/7/05

Rule 84 – Attachment

§	Latest Amendment
A	Or. Laws 2003 c.576 § 224
B	Or. Laws 2003 c.576 § 265
C	Or. Laws 2003 c.576 § 266
D	Or. Laws 2001 c.249 § 79

Or. Laws 1981 c.883 § 38–39

§38 Amends Rule 84(C);

§39 Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. **Attachment by claim of lien.**
- Property subject to claim of lien.** When attachment is authorized, the plaintiff may attach the **following defendant's real** property by filing a claim of lien.†
 - Defendant's real property; or**
 - Personal property of the defendant in which a consensual security interest within ORS chapter 79.1020 would be required to be perfected by filing a financing statement under ORS 79.3020.**
 - Form of claim; filing.**
 - [Unamended]
 - Filing.** [(b)(i)] **Filing.** [Full section text unamended]
 - Filing.** ~~A claim of attachment lien in real property shall be filed with the clerk of the court that authorized the claim and with the county clerk of the county in which the property is located. The county clerk shall certify upon every claim of lien so filed the time when it was received. Upon receiving the claim of lien, the county clerk shall immediately file such claim of lien in the county clerk's office, and record it in a book to be kept for that purpose. When the claim of lien is so filed for record, the lien in favor of the plaintiff attaches to the real property described in the claim of lien. Whenever such lien is discharged, the county clerk shall enter upon the margin of the page on which the claim of lien is recorded a minute of the discharge.~~
 - ~~A claim of attachment lien in personal property shall be filed with the clerk of the court that authorized the claim of lien and in the same office or offices in which a financing statement would be required to be filed. A lien arises in the property described in the claim upon a filing of the claim of lien.~~
- D. **Writ of attachment.**
- [Unamended]
 - [Unamended]
 - Personal property not in possession of third party.** **Tangible** personal property ~~capable of manual delivery to the sheriff, and~~ not shall be attached by taking it into the sheriff's custody. If any property attached is perishable, or livestock, where the cost of keeping is great, the sheriff shall sell the same in the manner in which property is sold on execution. The proceeds thereof and other property attached shall be retained by the sheriff to answer any judgment that may be recovered in the action, unless sooner subjected to execution upon another judgment. Plaintiff's lien shall attach when the property is taken into the sheriff's custody.
 - Other personal property.** **Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached as provided in sections 2 to 28, chapter 883, Oregon Laws 1981 (Enrolled Senate Bill 527).** ~~Other personal property shall be attached by leaving a certified copy of the writ and a notice with the person having possession of the same, or if it be a debt, then with the individual debtor, and if such debt arises out of a wage or salary claim against a corporate debtor then with the registered agent of the corporation, the president or other head of the corporation, vice president, secretary, cashier, assistant cashier or managing agent or such other person designated by the corporation to accept the writ and notice, or if it be rights or shares in the stock of an association or~~

- ~~corporation, or interests or profits thereon, then with such person or officer of the association or corporation as a summons is authorized to be served upon; provided that if it be a security, as defined in ORS 78.1020 or a share or any other interest for which a certificate is outstanding the requirements of ORS 78.3170 must be satisfied. However, debts owing to the defendant by a bank or trust company or savings and loan association maintaining branch offices, or credits or other personal property whether or not capable of manual delivery, belonging to the defendant and in the possession of or under the control of such a bank or trust company or savings and loan association, shall be attached by leaving a certified copy of the writ and the notice with the president, vice president, treasurer, secretary, cashier, or assistant cashier of the bank or trust company or savings and loan association at the office or branch thereof at which the account evidencing such indebtedness is carried or at which the bank or trust company or savings and loan association has credits or other personal property belonging to the defendant in its possession or under its control, or, if no such officers be found at such office or branch, by leaving a certified copy of the writ and the notice with the manager or assistant manager of such office or branch; and no attachment shall be effective as to any debt owing by such bank or trust company or savings and loan association if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served, except that such service on the head office of any such institution shall be effective service upon all offices or branches thereof located in the same city as the head office. Plaintiff's lien shall attach upon service of the copy of the writ and notice as provided in this paragraph.~~
- c. ~~Savings and loan association.~~ [Rule 82(D)(2)(c) deleted in full]
 - d. ~~Form of notice.~~ [Rule 82(D)(2)(d) deleted in full]
 - e. ~~Interest in estate.~~ [Rule 84(D)(2)(e) deleted in full]
1. ~~Procedure after garnishment.~~ [(4)] [Return of writ; inventory.](#) [Full section text redesignated]
 2. [(5)] [Indemnity to sheriff.](#) [Full section text redesignated]

S.B. 527

Or. Laws 1981 c.883 § 38–39

Senate Introduction

3/30/81

A-Engrossed Bill

7/8/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/27/81 – Passed with amendments in House

B-Engrossed Bill

7/29/81 – Senate concurred with House amendments and repassed the bill.

Governor signed Enrolled Bill

8/22/81

Or. Laws 1987 c.586 § 45–46

§45 Amends Rule 84(A);

§46 Amends Rule 84(C)

A. **Actions in which attachment allowed.**

1. **Order for provisional process.** Before a writ of attachment may be issued or any property attached by any means provided by this rule, the plaintiff must obtain, **and have recorded in the County Clerk Lien Record,** an order under Rule 83 that provisional process may issue.
2. [Unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
3. [Unamended]

B. [Unamended]

C. **Attachment by claim of lien.**

1. [Unamended]
2. [Unamended]
 - a. [Unamended]
 - i. [Unamended]
 - ii. [Unamended]
 - iii. [Unamended]
 - iv. [Unamended]
 - b. **Filing.** A claim of attachment lien in real property shall be filed with the clerk of the court that authorized the claim and with the county clerk of the county in which the property is located. The county clerk shall certify upon every claim of lien so filed the time when it was received. Upon receiving the claim of lien, the county clerk shall immediately ~~file such claim of lien in the county clerk's office, and record it in a book to be kept for that purpose~~ **record it in the County Clerk Lien Record.** When the claim of lien is so ~~filed for record~~ **recorded,** the lien in favor of the plaintiff attaches to the real property described in the claim of lien. Whenever such lien is discharged, the county clerk shall enter upon the margin of the page on which the claim of lien is recorded a minute of the discharge.

D. [Unamended]

H.B. 2323

Or. Laws 1987 c.586 § 45–46

House Introduction

1/16/87

A-Engrossed Bill

6/8/87 – Passed with amendments in House (per Judiciary Committee recommendation)

6/19/87 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

6/22/87 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

7/11/87

Or. Laws 1987 c.873 § 20
Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Writ of attachment.**
 - 1. [Unamended]
 - 2. **Manner of executing writ.** [Full section text unamended]
 - a. [Unamended]
 - b. **Other personal property.** Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached by **writs of garnishment issued by the clerk of a court** as provided in ORS 29.125 to 29.375
 - 3. [Unamended]
 - 4. [Unamended]

S.B. 566

Or. Laws 1987 c.873 § 20

Senate Introduction

3/26/87

A-Engrossed Bill

6/2/87 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/19/87 – Passed with amendments in House (per Judiciary Committee recommendation)

[NOTE: House Judiciary Committee recommended passing with amendments as *A-Engrossed*. This seems to be erroneous since the Senate had already passed an amended bill, making *B-Engrossed* being the proper designation.]

B-Engrossed Bill

6/24/87 – Senate refused to concur with House Amendments; Conference Committee formed

6/25/87 – Conference Committee failed to agree; Conference Committee reformed

6/27/87 – Conference Committee recommended Senate concur with House amendments; Senate adopted and repassed bill; House adopted Conference Committee report

Governor signed Enrolled Bill

7/20/87

[NOTE: If the above note is correct, *C-Engrossed* is the proper designation for the Enrolled Bill.]

Or. Laws 1997 c.439 § 9
Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Writ of attachment.**
 - 1. [Unamended]
 - 2. **Manner of executing writ. [Full section text unamended]**
 - a. [Unamended]
 - b. **Other personal property.** Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached by writs of garnishment issued by the clerk of a court **or by an attorney** as provided in ORS 29.125 to 29.375 and 29.401 to 29.415
 - 3. [Unamended]
 - 4. [Unamended]

H.B. 2468

Or. Laws 1997 c.439 § 9

House Introduction

2/11/97

A-Engrossed Bill

4/9/97 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

6/5/97 – Passed unamended in Senate

Governor signed Enrolled Bill

6/27/97

Or. Laws 1997 c.631 § 564
Amends Rule 84(A)

A. Actions in which attachment allowed.

1. [Unamended]
2. [Unamended]
3. **Exception for ~~bank~~ financial institution.** Notwithstanding subsection (2) of this section, no attachment shall be issued against any ~~bank~~ financial institution, as that term is defined in section 3 of this 1997 Act, or ~~its~~ against the property of a financial institution before final judgment as security for the satisfaction of any judgment that may be recovered against such ~~bank~~ financial institution.

B. [Unamended]

C. [Unamended]

D. [Unamended]

S.B. 125

Or. Laws 1997 c.631 § 564

Senate Introduction

3/25/97

A-Engrossed Bill

4/34/95 – Passed with amendments in Senate (per Judiciary Committee and Business, Law, and Government Subcommittee recommendation)

6/27/97 – Passed with amendments in House (per Commerce Committee recommendation)

B-Engrossed Bill

7/1/97 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/25/97

Or. Laws 2001 c.249 § 79
Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Writ of attachment.**
 - 1. [Unamended]
 - 2. **Manner of executing writ.** [Full section text unamended]
 - a. [Unamended]
 - b. **Other personal property.** Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached by writs of garnishment issued by the clerk of a court or by an attorney as provided in ~~ORS 29.125 to 29.375 and 29.401 to 29.415~~ sections 1 to 65 of this 2001 Act.
 - 3. **Notice to defendant.** After taking property into custody under subsection (2)(a) of this section, the sheriff shall promptly mail or deliver to the defendant, at the last-known address of the defendant, a copy of the writ of attachment, a copy of the claim of lien filed pursuant to section C of this rule, if any, a notice of exemptions form provided by section 64 of this 2001 Act, and a challenge to garnishment form provided by section 65 of this 2001 Act. The sheriff may meet the requirements of this subsection by mailing the documents to the last known address of the defendant as provided by the plaintiff. The sheriff may withhold execution of the writ until the plaintiff provides such address or a statement that the plaintiff has no knowledge of the defendant's address. The sheriff shall have no duty under this subsection if the plaintiff provides a statement that the plaintiff has no knowledge of the defendant's address.
 - 4. [D(3)] **Return of writ: inventory.** [Full section text redesignated]
 - 5. [D(4)] **Indemnity to sheriff.** [Full section text redesignated]

H.B. 2386

Or. Laws 2001 c.104 § 79

House Introduction

1/12/01

A-Engrossed Bill

3/21/01 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

5/11/01 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

5/15/01 – House concurred with Senate Amendments and repassed the bill

Governor signed Enrolled Bill

5/30/01

Or. Laws 2003 c.576 § 224, 265–266

§224 Amends Rule 84(A);

§265 Amends Rule 84(B);

§266 Amends Rule 84(C)

A. Actions in which attachment allowed.

1. [Unamended]

2. [Unamended]

3. **Exception for financial institution.** Notwithstanding subsection (2) of this section, no attachment shall be issued against any financial institution, as that term is defined in ORS 706.008, or against the property of a financial institution. ~~before final judgment as security for the satisfaction of any judgment that may be recovered against such financial institution.~~

B. Property that may be attached. Only the following kinds of property are subject to lien or levy before **final** judgment:

1. [Unamended]

2. [Unamended]

3. [Unamended]

4. [Unamended]

C. Attachment by claim of lien.

1. [Unamended]

2. **Form of claim; filing.**

a. **Form.** [Full section text unamended]

i. Identify the action by names of parties, court, ~~docket~~ **case** number, and judgment demanded;

ii. [Unamended]

iii. [Unamended]

iv. [Unamended]

b. [Unamended]

D. [Unamended]

H.B. 2646

Or. Laws 2003 c.576 § 224, 265–266

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03

Rule 85 – Claim and Delivery

§	Latest Amendment
A	Unamended
B	Unamended
C	Or. Laws 2003 c.85 § 24
D	Unamended
E	Unamended

Or. Laws 2003 c.85 § 24

Amends Rule 85(C)

- A. [Unamended]
- B. [Unamended]
- C. **Custody and delivery of property.** Upon receipt of the order of provisional process issued by the court as provided in Rule 83, the sheriff shall forthwith take the property described in the order, if it be in the possession of the defendant or another person, and retain it in the sheriff's custody. **If any part of the property is concealed in a building or other enclosure, the sheriff shall demand delivery of the property. If the property is not delivered, the sheriff shall break open the building or enclosure and take the property into possession.** The sheriff shall keep ~~it~~ **the property** in a secure place, and deliver it to the party entitled thereto upon receiving the lawful fees for taking, and the necessary expenses for keeping the same. The court may waive the payment of such fees and expenses upon a showing of indigency.
- D. [Unamended]
- E. [Unamended]

H.B. 2274

Or. Laws 2003 c.85 § 24

House Introduction

1/14/03

A-Engrossed Bill

2/19/03 – Passed with amendments in House (per Judiciary Committee recommendation)

5/1/03 – Passed unamended in Senate

Governor signed Enrolled Bill

5/24/03