Chapter 5

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County Courts (Judicial Functions)

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5.010 Who holds court. The county court is held by the county judge, except when county business is being transacted therein.

5.020 Juvenile court jurisdiction in certain counties. The county court of counties from which no transfer of jurisdiction is made under ORS 3.260 or 3.265 or other provisions of law shall have all juvenile court jurisdiction, authority, powers, functions and duties. [Amended by 1959 c.432 §61; 1963 c.512 §3; 1965 c.247 §2; 1965 c.618 §10; 1967 c.268 §2; 1967 c.533 §12; 1967 c.534 §3b]

5.030 Power of county judge to grant injunctions and orders in suits in circuit court. The judge of any county court having judicial functions shall grant preliminary injunctions or orders in any suit in the circuit court commenced in the county, upon application made in the manner prescribed by ORCP 79. The order or injunction shall be made returnable to the circuit court of such county, to be there heard and determined. [Amended by 1981 c.898 §15]

5.040 [Amended by 1961 c.344 §95; repealed by 1969 c.591 §305]

5.050 [Repealed by 1969 c.591 §305]

5.060 Times of holding court. There shall be a term of the county court in each county for the transaction of judicial business on the first Monday of each month, and at such other times as the court in term or the judge in vacation may appoint, in like manner and with like effect as the circuit court or judge is authorized by ORS 3.238. The court shall be open at 10 a.m.

5.070 [Repealed by 1969 c.591 §305]

5.080 County judge as interested party. Except as otherwise provided in ORS 111.115, any judicial proceedings commenced in the county court in which the county judge is a party or directly interested, may be certified to the circuit court for the county in which the proceedings are pending, and the matter shall be proceeded with in the circuit court as upon appeal from the county court to the circuit court. [Amended by 1969 c.591 §265]

5.090 Absence of county judge, or vacancy; authority of circuit judge; pro tem county judge. (1) When the county judge is incapacitated, or absent from the county, or whenever there is a vacancy in the office of county judge, any circuit judge for or assigned to the county may perform the judicial functions of the county judge, hear proceedings, and enter any judgment or order necessary to carry into effect the judicial jurisdiction of the county court in all matters with the same force and effect as if done by the county judge when present in the county.

(2) A county judge that exercises judicial functions may exercise judicial powers and functions in another county court as a pro tem county judge:

(a) In the event of a vacancy in the office of county judge in another county, until the vacancy is filled as provided by law; or

(b) In the event of the absence, incapacity or disqualification of a county judge in another county, during the period of the absence, incapacity or disqualification. [Amended by 1997 c.650 §1; 2003 c.576 §272]

5.100 Order of docketing and disposal of business; records of proceedings. (1) The business of the county court at each term shall be docketed and disposed of in the following order:

(a) Judicial business.

(b) County business.

(2) The proceedings and records of the court pertaining to the respective classifications of business specified in this section shall be kept in separate books. [Amended by 1969 c.591 §266]

5.105 Records of county court. The records of the county courts include a register and a judgment docket. [2003 c.576 §174a]

5.110 Jury. A county court trial jury shall consist of six persons drawn by lot from the jurors in attendance upon the court at a particular term and sworn to try and determine a question of fact.

5.120 Appeals. (1) A party to a judicial proceeding in a county court may appeal from a judgment or other final determinative order given therein. The appeal shall be taken at the time and in the manner prescribed by law for the taking of an appeal from a judgment or other appealable order of the justice court. The appeal shall lie to the circuit court for the county in which the county court is located and be prosecuted, heard and determined in the manner prescribed by law for the prosecution, hearing and determination of appeals from the justice court.

(2) An appeal shall lie to the Court of Appeals from the whole or a specified part of the judgment or other final determinative order of the circuit court given upon such appeal to it, in like manner and with like effect as though it were from a judgment or other appealable determinative order of such circuit court given in a suit in equity therein. [Amended by 1959 c.558 §50; 1977 c.290 §1; 2003 c.576 §273]

5.125 County court fees. In the county court there shall be charged and collected in advance by the county clerk as clerk of the court, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) Making transcription from the judgment docket, $4.

(2) Filing and entering transcript of judgment, $4.

(3) Filing and docketing copy of foreign judgment and affidavit filed as provided in ORS 24.115 and 24.125, $25.

(4) Issuing writs of execution or writs of garnishment, $3 for each writ.

(5) Preparing clerk's certificate of satisfaction of judgment, $3.75.

(6) For any service not enumerated in this section, the fees provided or established under ORS 205.320. [Formerly 21.375; 2003 c.576 §166]

CHAPTER 6

[Reserved for expansion]