

# Chapter 5

## 1981 REPLACEMENT PART

(1985 reprint)

### County Courts (Judicial Functions)

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**COURTS OF RECORD; COURT OFFICERS; JURIES**

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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]

**Note:** See note under 3.265

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**5.040** [Amended by 1961 c.344 §95; repealed by 1969 c.591 §305]

**5.050** [Repealed by 1969 c 591 §305]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**5.070** [Repealed by 1969 c.591 §305]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.** 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, order or decree 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.

**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]

**5.110 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 decree 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 decree 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 decree 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 decree 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]

## CHAPTER 6

[Reserved for expansion]

