

## CHAPTER 485

## CLERKS OF THE DISTRICT COURT

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**485.01 ELECTION; BOND; DUTIES.** There shall be elected in each county a clerk of the district court, who, before entering upon the duties of his office, shall give bond to the county, to be approved by the county board, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. In counties having a population of more than 200,000 and less than 350,000 the amount of such bond shall be \$10,000 and in counties having a population of more than 350,000 the amount of such bond shall be \$25,000, which bond, with his oath of office, shall be filed for record with the register of deeds. Such clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

[*R. L. s. 106; 1925 c. 337 s. 1*] (191)

**485.011 SALARIES OF CLERKS OF DISTRICT COURT OF CERTAIN COUNTIES.** In each county of the state having a population of less than 45,000 the clerk of the district court thereof shall receive an annual salary in lieu of all fees provided by law for official services rendered by him for the county.

[*1909 c. 335 s. 1; 1943 c. 191 s. 1*]

**485.012 CLASSIFICATION OF CERTAIN COUNTIES.** For the purpose of fixing said salary such counties are hereby classed as follows:

Counties having a population of less than 7,500 shall be known as Class A; counties having a population of 7,500 and less than 12,500 shall be known as class B; counties having a population of 12,500 and less than 20,000 shall be known as Class C; counties having a population of 20,000 and less than 30,000 shall be known as Class D; counties having a population of 30,000 and less than 40,000 shall be known as Class E; counties having a population of 40,000 and less than 45,000 shall be known as Class F.

The county auditor, in determining the population of the county for the purpose of ascertaining the compensation to be paid to the clerk of the district court, shall take the latest federal or state census and add two per cent to the population, as shown by the census last taken, for each year expiring after the year in which such census was taken, unless the last census shall show a decrease in population from the preceding census.

[*1909 c. 335 s. 2; 1943 c. 191 s. 2*]

**485.013 COMPENSATION.** Such clerks of the district court shall receive, in full compensation for all services rendered by them for their respective counties, except in real estate tax proceedings, in lieu of the fees now provided by law, a yearly salary, payable monthly out of the county revenue fund by the treasurer of the county upon the warrant of the county auditor, as follows: Clerk of court of any county in Class A, \$650; in Class B, \$750; in Class C, \$800; in Class D, \$900; in Class E, \$1,000; in Class F, or in any county with a taxable valuation of more than \$6,000,000 wherein during the preceding year indictments and informations have been returned against at least ten defendants or wherein the district court shall have been held for 20 days or more, \$1,100. For all services rendered by such clerks, except as included in sections 485.011 to 485.014, they shall receive the same fees and compensation as now provided by law. At the end of each year, in each county

having less than 45,000 inhabitants, upon a showing by the clerk of court to the county auditor by a sworn statement that the salary herein provided, together with all fees and emoluments for official services, has not equaled \$2,000, the auditor shall issue to such clerk a warrant for an amount sufficient to make all the returns from said office equal the sum of \$2,000. In counties having an assessed valuation of less than \$7,000,000, where the salary, fees, and emoluments have not equaled \$1,500 the auditor shall issue a warrant for an amount sufficient to make all returns from said office equal the sum of \$1,500. When it appears to the county board of any county having a population less than 45,000, upon a showing made by the clerk thereof, that the salary provided in sections 485.011 to 485.014 is inadequate for the services performed by such clerk for such county, the county board may increase such salary at any regular meeting of such board to a just and reasonable salary for the services of such clerk. If dissatisfied with the action of the county board, such clerk may appeal to the district court within 30 days by filing with the auditor a notice thereof. The court, either in term or vacation and upon eight days' notice to the chairman of the county board, shall hear such appeal and determine the amount of such salary for the term of office by its order, copy of which shall be filed with the county auditor. In any county with a taxable valuation less than \$6,000,000, the clerk shall be allowed no fees, in excess of 1,000 descriptions, for entering the annual real estate tax judgments, but such fees shall be included in every case in entering said judgements.

[1909 c. 335 s. 3; 1943 c. 191 s. 3]

**485.014 INCONSISTENT ACTS REPEALED; EXCEPTIONS.** All acts and parts of acts, either general or special, except Special Laws 1891, Chapters 423 and 424, and Revised Laws 1905, Section 2694, Subdivision 49, inconsistent herewith are hereby repealed.

[1909 c. 335 s. 4; 1943 c. 191 s. 4]

**485.015 SALARY IN RAMSEY COUNTY.** The salary of the clerk of the district court of each county in this state having more than 300,000 and less than 450,000 inhabitants shall be the sum of \$4,500 per annum.

Such clerk of the district court may appoint and employ one chief deputy and 15 deputies in addition to the juvenile court deputy provided by Minnesota Statutes 1945, Section 260.04. The appointment and employment of deputies other than the chief deputy shall be pursuant to the laws establishing civil service in such county.

[1937 c 157; 1939 c 297; 1949 c 74 s 1; 1949 c 197 s 1] (193-5)

**485.016 SALARIES.** Subdivision 1. In any county having a population of less than 5,000 according to the last federal census, if the salary and fees of the clerk of district court do not aggregate \$1,500 at the end of the calendar year 1945, and each calendar year thereafter, the clerk of district court may file with the county auditor of such county a sworn statement showing the total amount of salary, fees, and emoluments received by him for official services during the calendar years, whereupon the auditor shall issue to the clerk a county warrant of the difference between the amount received by the clerk and the sum of \$1,500.

Subd. 2. In any county having a population of more than 5,000 and not to exceed 9,000, according to the last federal census, if the salary and fees of the clerk of district court do not aggregate \$2,000 at the end of the calendar year 1945, and each calendar year thereafter, the clerk of district court may file with the county auditor of such county a sworn statement showing the total amount of salary, fees and emoluments received by the clerk for official services during the calendar year, whereupon the auditor shall issue to the clerk a county warrant for the difference between the amount received by the clerk and the sum of \$2,000.

Subd. 3. In any county having a population of more than 9,000 and not to exceed 21,500, according to the last federal census, if the salary and fees of the clerk of district court do not, exclusive of fees for receiving and filing applications for instruction permit, a driver's license, a restricted driver's license, or duplicate license, aggregate \$2,400 at the end of the calendar year 1945, and each calendar year thereafter, the clerk of district court may file with the county auditor of such county a sworn statement showing the total amount of salary, fees and emoluments received by the clerk for official services during the calendar year, exclusive of fees for receiving and filing applications for instruction permit, driver's license, restricted driver's license, or duplicate license, whereupon the auditor shall issue to the clerk a county warrant for the difference between the amount so received

by the clerk and the sum of \$2,400, and in addition thereto the clerk is hereby authorized to retain ten cents for the receiving and filing of each of said applications.

Subd. 4. Fees and emoluments as referred to in this act shall include all receipts of every nature, other than salary, of the clerk of court by virtue of his office, except such sums as may have been paid any agent designated by him to issue drivers licenses, and except such as may be retained by such clerk for accepting applications for an instruction permit, a driver's license, a restricted driver's license, or a duplicate license. The clerk shall keep an accurate daily record of all fees received which shall be collected at the full rates prescribed by law.

[1945 c 568 s 1; 1947 c 605 s 1, 2]

**485.017 SALARIES IN CERTAIN COUNTIES.** Subdivision 1. In all counties of this state now or hereafter having a population of not less than 10,000 and not more than 15,000 with not less than 18 or more than 22 full and fractional congressional townships and having a valuation of not less than \$4,000,000 and not to exceed \$6,000,000 exclusive of money and credits and exclusive of homestead exemptions, the salaries in the office of the clerk of the district court shall be as fixed in subdivision 2.

Subd. 2. The clerk of the district court in any such county shall receive for compensation for his services all fees collected by him in the performance of his official duties; provided that if in any year the total of said fees, including every emolument of his office, is less than \$1,800 he shall receive from the county a sum in addition to said fees which shall make the income of his office \$1,800; provided that said clerk of court shall receive a salary of \$1,200 per annum for his services, which shall be considered a portion of his fees as herein provided. Fees in connection with naturalization proceedings are excepted from the operation hereof. There shall be allowed the clerk of the district court not to exceed \$960 per annum for clerk hire in said office or so much thereof as shall be necessary.

[1945 c. 518]

**485.02 MONEY PAID INTO COURT; FEES.** Where money is paid into court to abide the result of any legal proceedings, the judge, by order, may cause the same to be deposited in some duly incorporated bank, to be designated by him, or such judge, on application of any person paying such money into court, may require the clerk to give an additional bond, with like condition as the bond provided for in section 485.01, in such sum as the judge shall order. For receiving and paying over any money deposited with him, the clerk shall be entitled to a commission of one per cent on the amount deposited, one-half of such commission for receiving, the other for paying, the same to be paid by the party depositing such money; provided, that where the money is paid or deposited in any court by or for a city of the first class or the state of Minnesota, no fee or commission shall be paid to or for the clerk for any service performed by him in receiving or paying over any such money deposited with him.

[R. L. s. 107; 1921 c. 178; 1937 c. 188 s. 1] (192)

**485.03 DEPUTIES.** By an instrument in writing, under his hand and seal, and with the approval of the judge endorsed thereon, the clerk may appoint deputies, for whose acts he shall be responsible, and whom he may remove at pleasure. The appointment and oath of every such deputy shall be filed with the register of deeds.

[R. L. s. 108] (193)

**485.04 ASSIGNMENT CLERK IN RAMSEY COUNTY.** Subdivision 1. **Additional deputy.** In counties of this state now or hereafter having, according to the last completed state or national census, a population of not less than 240,000 and not more than 330,000 the clerk of the district court may appoint and employ a deputy clerk in addition to all other deputy clerks now provided for by law.

Subd. 2. **To be assignment clerk.** Such deputy clerk shall be known as the assignment clerk, and his duties shall be to have charge of the calendar and the assignment of cases under the supervision of the court, and he shall have such other powers and duties as shall be determined by order or rule of the court.

Subd. 3. **Salary.** The salary of such assignment clerk is hereby fixed at \$1,800 per annum, payable out of the county treasury in equal monthly instalments.

[1925 c. 52 ss. 1, 2, 3] (193-1, 193-2, 193-3)

**485.05 DEPUTY CLERK IN ST. LOUIS COUNTY.** In all counties in the state now or hereafter having a population of more than 150,000 and wherein regular terms of the district court are held in three or more places, the clerk of the district

court therein, by an instrument in writing, under his hand and seal, and with the approval of the district judge of the judicial district in which said county is situated, or, if there be more than one such district judge, with the approval of a majority thereof, may appoint deputies for whose acts he shall be responsible, such deputies to hold office as such until they shall be removed therefrom, which removal shall not be made except with the approval of the district judge or judges. The appointment and oath of every such deputy shall be filed with the register of deeds.

[1935 c. 179] (193-4)

**485.06 SEARCH OF RECORDS; CERTIFICATE; PUBLIC INSPECTION.** The clerk, upon request of any person, shall make search of the books and records of his office, and ascertain the existence, docketing, or satisfaction of any judgment or other lien, and certify the result of such search under his hand and the seal of said court, giving the name of the party against whom any judgment or lien appears of record, the amount thereof, and the time of its entry; and, if satisfied of its satisfaction, and any other entries requested relative to such judgment. Nothing in this section shall prevent attorneys or others from having access to such books and records at all reasonable times, when no certificate is necessary or required.

[R. L. s. 109; 1907 c. 203 s. 1] (194)

**485.07 BOOKS TO BE KEPT.** Every clerk shall procure, at the expense of his county, and keep, the following books:

(1) A register of actions, in which he shall enter the title of each action, whether originally commenced in his said court, or brought there by appeal or transcript of judgment from justice court or from any court of record of the state or the United States, and a minute of each paper filed in the cause, and all proceedings therein;

(2) A judgment book, in which every judgment shall be entered;

(3) A docket, in which he shall enter alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of its entry;

(4) Indexes, as described in section 485.08, and such other books as the court, in its discretion, may direct.

[R. L. s. 110] (195)

**485.08 INDEX OF RECORDS.** Every clerk shall keep in separate books a plaintiff's and defendant's index to court records, in which all cases shall be entered in alphabetical order under the name of each plaintiff and defendant. They shall set forth the names of the parties, kind of action, term commenced, the record books and pages on which recorded, the term disposed of, date of judgment, book and page of judgment dockets, execution dockets, fee books, satisfied or not satisfied, and number of case. The defendant's index shall be ruled and printed in the same manner as plaintiff's except that the parties shall be reversed. They shall be ruled and printed substantially as follows:

Plaintiffs	Defendants	Kind of Action	Term Commenced	Record Book	Pages
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Term disposed of	Date of Judgment	Judgment Docket	Execution Docket	Fee Book	Satisfied or not Satisfied	Number of Cases
	Month Day	Book Page	Book Page	Book Page		

[R. L. s. 111] (196)

**485.09 REPORT IN CRIMINAL CASES TO COUNTY ATTORNEY.** The clerk of every court of record having criminal jurisdiction, within ten days after the adjournment of any such court, shall tax the costs or disbursements paid or incurred by the state in the trial of each criminal case tried during such term, enter the amount thereof in the record in each, and forthwith report to the county attorney the amount of such costs and disbursements taxed in each case, the amount of fines imposed, and the amount thereof paid.

[R. L. s. 112] (197)

**485.10 ENTRY OF UNREGISTERED CASES.** Every clerk shall enter upon the proper registers all cases, civil and criminal, which, through a mistake, inadvertence, or neglect of his predecessor in office, have not been registered. The true date of the filings in such cases shall be entered in the registers, and the entries, when so made, shall have the same force and effect as if made by the clerk at the proper time; provided, that, in docketing any judgment, the date thereof shall be the time when actually docketed, and the lien thereof shall attach only from such date.

[R. L. s. 113] (198)

**485.11 PRINTED CALENDARS.** The clerk of the district court in each of the several counties of this state shall provide printed calendars of the cases to be tried at the general terms thereof at the expense of the counties where such court is held. This section shall not apply to a county constituting one judicial district where only one term of court is held each year.

[1909 c. 369 s. 1] (199)

**485.12 VACANCY.** Vacancies in the office of the clerk shall be filled by appointment by the senior judge, of the county where there is more than one judge therein; in judicial districts containing more than one county and having more than one judge therein, such appointment be made by the resident judge in said county, or, if there be no resident judge, by the next nearest judge of said district; and by the judge of the district court in judicial districts having only one judge.

The appointee shall give the bond and take the oath required by law, and shall hold his office for the balance of such entire term for which he shall be appointed, and until his successor qualifies. In case any such clerk is adjudged insane, the judge shall appoint a competent person to act as clerk in his place until he shall be duly declared restored to sanity. The person so appointed shall take the oath and give the bond required by law of clerks of the district court, and shall be entitled to the fees and emoluments of the office during the time he shall so act, and his acts shall have the same force and effect as if performed by such clerk.

[R. L. s. 114; 1945 c. 180 s. 1] (200)

**485.13 DESTRUCTION OF FILES AND DOCUMENTS.** The clerk of district court in all counties of this state now or hereafter having a population of more than 250,000, and constituting a single judicial district, is hereby authorized to destroy or otherwise dispose of the files, and all documents contained therein, in all cases which are more than ten years old, and which relate only to the following kinds of actions:

- (a) Uncontested garnishments;
- (b) Personal property tax judgments;
- (c) Transcripts of judgments from municipal courts;
- (d) Transcripts of judgment from other counties which pertain solely to money judgments.

Nothing herein contained shall relieve such clerk of district court from maintaining the books and index records required under sections 485.07, 485.08, and 485.10, including the filing data, of any files, of which such disposal is made.

[1945 c. 264 ss. 1, 2]