

CHAPTER 545

MOTIONS AND ORDERS

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545.01 Motions and orders; service of notice
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NOTE: For rules of civil procedure, district court, see Appendix 8.

545.01 MOTIONS AND ORDERS; SERVICE OF NOTICE. Every direction of a court or judge made or entered in writing, not included in a judgment, shall be called an order, and every application for an order shall be known as a motion. When notice of a motion is required, it shall be served eight days before the time appointed for the hearing; but the judge, by an order to show cause, may prescribe a shorter time.

[*R L s 4123*] (9246)

NOTE: Superseded to the extent applicable by Rules of Civil Procedure, Rules 6.04, 7.02, 86.01 and 86.02.

545.02 MOTIONS, WHERE NOTICED AND HEARD. Motions for judgment on the pleadings may be heard and determined at the regular or special term of the court held in any county of the district, or at any time and place within the district which a judge thereof shall fix. All motions of which notice is required to be given shall be made, and all default matters shall be heard, within the judicial district, or at some place in an adjoining district which is nearer, by railway, to the county-seat of the county in which the action is pending than is the residence of the nearest qualified judge of the district of which such county is a part. Orders so made by the judge of another district shall be filed in the county of the venue, with like effect as though made by a judge of the local district. In any county having two special terms of court each month, all motions in actions pending therein shall be made in such county.

[*R. L. s. 4124; 1909 c. 433 s. 1; 1945 c. 563 s. 1*] (9247)

545.03 EX PARTE MOTIONS. Motions of which notice is not required to be given may be heard and granted by a judge of the district at any place within the state; but no order to stay proceedings for a longer time than 60 days, nor for a second stay thereof, shall be granted without notice to, or consent of, the adverse party.

[*R. L. s. 4125*] (9248)