

MINNESOTA STATUTES 1977 SUPPLEMENT

COUNTY COURTS 487.01

Nothing in this subdivision shall be construed to prohibit the judges of the district court from removing a clerk of district court from office.

[For text of subds 4 to 8, see M.S.1976]

[1977 c 432 s 19]

485.02 [Repealed, 1977 c 432 s 49]

485.09 [Repealed, 1977 c 199 s 1]

CHAPTER 487. COUNTY COURTS

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487.01 Probate and county courts; provisions.

Subdivision 1. A probate court, which shall be a court of record having a seal, and, except in the counties of Hennepin and Ramsey shall also be a county court, is established in each county. Hearings may be had at such times and places in the county as the court may deem advisable. The county courts of the state shall be in continuous session and shall be deemed open at all times, except on legal holidays and Sundays.

[For text of subd 2, see M.S.1976]

Subd. 3. The following combined probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman and Mahnomen; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; Big Stone and Traverse; Grant and Douglas; Lincoln and Lyon; Rock and Nobles; Dodge and Olmsted; Lake and Cook; Pine, Isanti and Chisago; Sherburne, Benton and Stearns. Notwithstanding the provisions of this paragraph the separation of combined county court districts by concurrent action of county boards before April 23, 1977, shall continue to be in effect unless the districts are combined pursuant to subdivision 6.

A combined county court district may be separated into single county courts by the supreme court. Vacancies in the office of judge created by such a separation shall be filled in the manner herein provided for the selection of other county court judges.

The single county court districts so created by such separation shall each be entitled to one judge, subject to the provisions of subdivision 5, clause (5), provided, however, that if the number of judges of the combined county court district exceeds the number of counties, then, upon separation into single county court districts, the county having the largest population determined by the last United States census shall be entitled to two judges and in the event there are more judges than counties remaining, the county having the next largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin and Ramsey, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to 487.39.

[For text of subd 4, see M.S.1976]

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Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St. Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; except the towns of Toivola, Cedar Valley, Kelsey, and Cotton, the area to be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and including the towns of McDavitt, Toivola, and Cedar Valley; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and east of the west line of range 18 and including that part of Portage township west of the west line of range 18, and the towns of Kelsey and Cotton, and excluding the town of McDavitt.

(2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(3) The following districts shall each elect three judges:

Olmsted and Dodge counties,

Washington county,

Blue Earth county,

Pine, Isanti and Chisago counties;

(4) The following districts shall each elect two county court judges:

Clay county,

Carver county,

Cass and Hubbard counties,

Crow Wing county,

Douglas and Grant counties,

Freeborn county,

Marshall county,

Red Lake and Pennington counties,

Mower county,

Otter Tail county,

Rice county,

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Scott county,

Winona county,

Wright county,

Kandiyohi county.

(5) The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts; provided that no new judge positions authorized pursuant to this section may be created without specific statutory authorization. Notwithstanding the other provisions of this subdivision, county judge positions created by county board action prior to April 23, 1977, shall be continued unless terminated pursuant to subdivision 6.

Subd. 6. For the more effective administration of justice, the supreme court may combine two or more county court districts into a single county court district. If districts are combined, the office of a judge may be terminated at the expiration of his term and he shall be eligible for retirement compensation under the provisions of sections 490.121 to 490.132. If the office of a judge who has not qualified for retirement compensation is terminated he shall upon attaining age 62 or more, be entitled to an annuity or proportionate annuity as computed under the provisions of sections 490.121 to 490.132 based upon his years of service as a judge. A judge whose office is terminated shall continue to receive the insurance coverage provided for a judge of the office but shall pay the premiums himself.

[For text of subds 7 to 9, see M.S.1976]

[1977 c 35 s 14; 1977 c 204 s 1; 1977 c 432 s 20-23]

487.02 Payment of expenses.

Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the state in the amount prescribed by section 15A.083. Expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

[For text of subd 2, see M.S.1976]

[1977 c 35 s 15; 1977 c 432 s 24]

487.03 Judges.

[For text of subds 1 and 2, see M.S.1976]

Subd. 4. [Repealed, 1977 c 432 s 49]

[For text of subd 5, see M.S.1976]

487.05 MS 1976 [Repealed, 1977 c 35 s 21; 1977 c 432 s 49]

487.08 Judicial officers; office abolished.

The office of judicial officer is abolished.

[1977 c 432 s 25]

NOTE: Laws 1977, Chapter 432, Section 25 is effective July 31, 1978, pursuant to Laws 1977, Chapter 432, Section 50, Subdivision 1.

487.10 Clerks, deputies, records.

[For text of subds 1 to 5, see M.S.1976]

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Subd. 6. [Repealed, 1977 c 432 s 49]

[For text of subd 7, see M.S.1976]

487.19 Concurrent jurisdiction.

Subdivision 1. The county court shall have concurrent jurisdiction in the following cases:

(a) Proceedings for the administration of trust estates or actions relating thereto;

(b) Proceedings for divorce, annulment, and separate maintenance, and actions related thereto, as prescribed by chapter 518;

(c) Proceedings under the reciprocal enforcement of support act, sections 518.41 to 518.53;

(d) Proceedings for adoption and change of name under chapter 259;

(e) Proceedings to quiet title to real estate and real estate mortgage foreclosures by action; and

(f) Proceedings for the determination of paternity of and establishment and enforcement of child support payments for an illegitimate child.

[For text of subds 2 and 3, see M.S.1976]

[1977 c 282 s 12]

487.23 Pleading, practice, procedure and forms in civil actions.

[For text of subd 1, see M.S.1976]

Subd. 1a. **Conciliation court forms.** The supreme court shall prescribe by rule forms for use in all the conciliation courts of the state. The forms prescribed shall be uniform so that forms supplied by one conciliation court may be used in any other conciliation court of the state.

[For text of subds 2 to 10, see M.S.1976]

[1977 c 175 s 1]

487.25 Pleading, practice, procedure and forms in criminal proceedings.

[For text of subds 1 to 5, see M.S.1976]

Subd. 6. **Jury trials; imprisonment.** In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.

[For text of subds 7 to 11, see M.S.1976]

[1977 c 432 s 26]

487.30 Conciliation court.

[For text of subd 1, see M.S.1976]

Subd. 1a. A complaint or counterclaim in the uniform form prescribed by the supreme court pursuant to section 487.23 shall be accepted by any conciliation court clerk and shall be forwarded together with the entire filing fee, if any, to the clerk of the appropriate conciliation court.

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Every conciliation court shall accept a uniform complaint or counterclaim which has been properly completed and which has been properly forwarded to the court by another conciliation court.

[For text of subd 2, see M.S.1976]

Subd. 3. Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court of the county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in the county, and the summons in the action may be served anywhere within the state of Minnesota.

[1977 c 129 s 1; 1977 c 175 s 2]

487.35 Justices of the peace; abolished.

Subdivision 1. The office of justice of the peace is abolished.

Subd. 2. [Repealed, 1977 c 432 s 49]

Subd. 3. [Repealed, 1977 c 432 s 49]

Subd. 4. [Repealed, 1977 c 432 s 49]

Subd. 5. [Repealed, 1977 c 432 s 49]

Subd. 6. [Repealed, 1977 c 432 s 49]

[1977 c 432 s 27]

487.39 Appeals.

Subdivision 1. An aggrieved party may appeal to the district court from a determination of a county court or a county municipal court. The provisions of this section govern all appeals from the county court and the county municipal court; appeal provisions of all other statutes are inapplicable except as stated in section 484.63.

(a) Except as provided in clause (b), the appeal in a civil case shall be taken by filing written notice thereof with the clerk of court of the county in which the action was heard not more than 30 days after written notice of the court's determination has been served upon the aggrieved party or his attorney, or in any event within three months after the determination in a civil case.

(b) In the appeal of petty misdemeanor, ordinance or criminal cases the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing thereon, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days after filing a written notice of appeal and proof of such service shall be filed with the clerk of county court or county municipal court in the county in which the action was heard not more than three days after the service of such notice on the opposite party or his attorney. The appeal shall be heard and determined by a district court appellate panel pursuant to section 484.63.

Subd. 2. The appeal shall be confined to the typewritten record. By stipulation of all parties, the record may be shortened. The district court shall, upon request, hear oral argument and receive written briefs. The district court may affirm, reverse or modify the judgment or order appealed from, or take any other action as the interests of justice may require. On appeal from an order, the district court may review any order affecting the order from which the appeal is taken and an appeal from a judgment may review any order involving the merits or affecting the judgment. The supreme court shall formulate rules of appellate procedure applicable to a district court panel hearing appeals from a county court or county municipal court. Until otherwise provided, the rules of appellate procedure applicable to appeals to the supreme court shall apply to the district court hearing appeals from

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a county court or a county municipal court, except as provided in this section. An appeal may be taken from the determination of a district court to the supreme court with leave of the supreme court.

Subd. 3. [Repealed, 1977 c 432 s 49]

[1977 c 432 s 28]

487.41 [Repealed, 1977 c 432 s 49]

CHAPTER 488. MUNICIPAL COURTS

Sec.		Sec.	
488.01	Repealed.	488.18	Repealed.
488.02	Repealed.	488.19	Repealed.
488.03	Repealed.	488.20	Repealed.
488.04	Jurisdiction, deposits on rental property.	488.21	Repealed.
488.05	Repealed.	488.22	Repealed.
488.06	Repealed.	488.23	Repealed.
488.07	Repealed.	488.24	Repealed.
488.08	Repealed.	488.25	Repealed.
488.09	Repealed.	488.26	Repealed.
488.10	Repealed.	488.30	Repealed.
488.11	Repealed.	488.31	Repealed.
488.12	Repealed.	488.32	Repealed.
488.13	Repealed.	488.33	Repealed.
488.14	Repealed.	488.34	Repealed.
488.15	Repealed.	488.35	Repealed.
488.16	Repealed.	488.36	Repealed.
488.17	Repealed.	488.37	Repealed.

488.01 MS 1976 [Repealed, 1977 c 432 s 49]

488.02 MS 1976 [Repealed, 1977 c 432 s 49]

488.03 MS 1976 [Repealed, 1977 c 432 s 49]

488.04 Jurisdiction, deposits on rental property.

Subdivision 1. MS 1976 [Repealed, 1977 c 432 s 49]

Subd. 2. MS 1976 [Repealed, 1977 c 432 s 49]

Subd. 3. MS 1976 [Repealed, 1977 c 432 s 49]

Subd. 3a. Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, a municipal court has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in the county or counties in which the city is located, and the summons in the action may be served anywhere in the state of Minnesota.

Subd. 4. MS 1976 [Repealed, 1977 c 432 s 49]

Subd. 5. MS 1976 [Repealed, 1977 c 432 s 49]

[1977 c 129 s 2]

488.05 MS 1976 [Repealed, 1977 c 432 s 49]

488.06 MS 1976 [Repealed, 1977 c 432 s 49]

488.07 MS 1976 [Repealed, 1977 c 432 s 49]

488.08 MS 1976 [Repealed, 1977 c 432 s 49]

488.09 MS 1976 [Repealed, 1977 c 432 s 49]

488.10 MS 1976 [Repealed, 1977 c 432 s 49]

488.11 MS 1976 [Repealed, 1977 c 432 s 49]

488.12 MS 1976 [Repealed, 1977 c 432 s 49]

488.13 MS 1976 [Repealed, 1977 c 432 s 49]