

CHAPTER 487

COUNTY COURTS

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487.01 PROBATE AND COUNTY COURTS; PROVISIONS.

[For text of subd 1, see M.S.1986]

Subd. 2. The county board of a county to which sections 487.01 to 487.38 apply shall provide and furnish to the county court the courtrooms, quarters, supplies, equipment and personnel the court finds necessary for its purposes.

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 487.38.

Subd. 4. The provisions of sections 487.01 to 487.38 do not apply to the counties of Hennepin and Ramsey.

[For text of subds 5 to 9, see M.S.1986]

History: 1987 c 346 s 4-6

487.21 TRIAL OF CIVIL AND CRIMINAL ACTIONS.

[For text of subds 1 to 3, see M.S.1986]

Subd. 4. If a municipality is located in more than one county court district, or in more than one county within a county court district, the county in which the city hall of the municipality is located determines the county or county court district in which the municipality shall be deemed located for the purposes of sections 487.01 to 487.38 provided, however, that the municipality by ordinance enacted may designate, for those purposes, some other county or district in which a part of the municipality is located.

History: 1987 c 346 s 7

487.23 PLEADING, PRACTICE, PROCEDURE AND FORMS IN CIVIL ACTIONS.

Subdivision 1. **General.** Pleading, practice, procedure and forms in civil actions shall be governed by rules of civil procedure for county courts which shall be adopted by the supreme court. Until the rules become effective, such matters are governed by the rules for municipal courts and rules promulgated from time to time by the supreme court or by the statutes governing the district court insofar as the rules promulgated by the supreme court do not contain any applicable provision. The provisions of sections 487.01 to 487.38 relating to pleading, practice, and procedure in civil actions shall be effective as rules of court until modified or superseded by the rules hereafter adopted by the supreme court. Rules or statutory provisions modified or superseded by the rules of civil procedure for county courts adopted by the supreme court shall be of no effect in any county court from and after the effective date of said adopted rules.

[For text of subd 1a, see M.S.1986]

Subd. 2. **Court rules.** The court may adopt rules governing pleading, practice, procedure, and forms for civil actions which are not inconsistent with the provisions of sections 487.01 to 487.38, the rules for county courts promulgated by the supreme court, or governing statutes.

Subd. 3. **Notes of issue; demand for jury trial; waiver of jury trial.** (a) A party desiring to place a civil cause upon the calendar for trial after issue is joined shall serve a note of issue on all other parties and file it with the court administrator, with proof of service within ten days after service. The note of issue shall state whether the issues are of law or fact, whether trial by jury is demanded or waived, and the name and address of the respective counsel.

(b) If any other party to the action desires a trial by jury when none is demanded in the note of issue served upon the party, the party shall serve a demand for trial by a jury on all other parties to the action and file it with the court administrator, with proof of service, within ten days after the note of issue was served upon the party.

(c) If a jury is not demanded at the time and in the manner provided in sections 487.01 to 487.38, all parties waive trial by jury. Jury trial may be waived also in the manner provided by rule 38.02 of the rules for municipal courts promulgated by the supreme court and rules promulgated by the supreme court from time to time for county courts.

[For text of subds 4 to 10, see M.S.1986]

History: 1987 c 346 s 8-10

487.25 PLEADING, PRACTICE, PROCEDURE AND FORMS IN CRIMINAL PROCEEDINGS.

Subdivision 1. **General.** Except as otherwise provided in sections 487.01 to 487.38 but subject to the provisions of section 480.059, pleading, practice, procedure, and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision, or rule are governed by the rules of criminal procedure.

Subd. 2. **Court rules.** The court may adopt rules governing pleading, practice, procedure, and forms in actions or proceedings charging a violation of a criminal law or a municipal ordinance, charter provision, or rule. The rules shall be consistent with the rules of criminal procedure, the provisions of sections 487.01 to 487.38 and any other statute of this state.

[For text of subds 6 to 9, see M.S.1986]

Subd. 10. **Prosecuting attorneys.** Except as otherwise provided by law, violations of state law that are petty misdemeanors or misdemeanors must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred. In cities of the first, second, and third class, gross misdemeanor violations of sections 609.52, 609.595, 609.631, and 609.821 must be prosecuted by the attorney

of the city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, and gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation or by the county attorney with whom it has contracted to prosecute these matters.

In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law that are petty misdemeanors, misdemeanors, or gross misdemeanors except as provided in section 388.051, subdivision 2, must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, or gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation or by the county attorney with whom it has contracted to prosecute these matters.

[For text of subd 11, see M.S.1986]

History: 1987 c 329 s 2; 1987 c 346 s 11,12

487.30 CONCILIATION COURT.

[For text of subds 1 to 5, see M.S.1986]

Subd. 5a. Entry of judgment. The court administrator shall enter judgment immediately as ordered by the court. The judgment must be dated as of the date notice is sent to the parties. The judgment entered by the court administrator becomes finally effective 20 days after the mailing of the notice unless:

- (1) otherwise ordered by the court;
- (2) payment has been made in full;
- (3) removal to county or district court has been perfected; or
- (4) an order vacating the prior order has been filed.

Subd. 5b. Vacation of order for judgment within 20 days. When a default judgment or a judgment of dismissal on the merits has been ordered for failure to appear, the judge, within 20 days after notice of the judgment was mailed, may vacate the order for judgment ex parte and grant a new hearing, if the defaulting party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of the defaulting party's failure to appear. Absolute or conditional costs not exceeding \$25 to the other party may be ordered as a prerequisite to that relief. The court administrator shall notify the other party by mail of the new hearing date.

Subd. 5c. Vacation of order for judgment after 20 days. When a defendant shows that the defendant did not receive a summons before the hearing within sufficient time to permit a defense and that the defendant did not receive notice of the order for default judgment within sufficient time to permit the defendant to make application for relief within 20 days, or shows other good cause, a judge may vacate a default judgment with or without payment of absolute or conditional costs. The court administrator shall notify the parties by mail of the new hearing date.

[For text of subd 6, see M.S.1986]

Subd. 6a. Filing fee; affidavit of inability to pay. If the plaintiff or defendant signs and files with the court administrator an affidavit claiming no money or property and

an inability to pay a filing fee, no fee is required for the filing of the affiant's claim or counterclaim. If the affiant prevails on a claim or counterclaim, the amount of the filing fee which would have been payable by the affiant must be included in the order for judgment and paid to the administrator of conciliation court by the affiant out of any money recovered by the affiant on the judgment.

[For text of subds 7 and 8, see M.S.1986]

Subd. 9. Time limitation; service on removal. A person aggrieved by an order for judgment entered by a conciliation court judge after a contested hearing may remove the cause to county or district court by performing the removal procedures specified by the rules of the supreme court within 20 days after the date the court administrator mailed notice of the judgment order to that person. The person seeking removal may serve the demand for removal on the opposing party or the opposing party's attorney in person or by mail.

History: 1987 c 221 s 1-5

487.33 DISPOSITION OF FINES, FEES AND OTHER MONEY; ACCOUNTS.

Subdivision 1. Disposition. Except as otherwise provided by sections 487.01 to 487.38 or 574.34, the court administrator shall pay to the county treasurer all fines, penalties and fees collected by the court administrator, all sums forfeited to the court and all other money received by the court administrator no later than the tenth day of the month following the month of collection.

[For text of subds 2 to 6, see M.S.1986]

History: 1987 c 346 s 13

487.39 [Repealed, 1987 c 346 s 18]