

**NOTICE SEEKING PUBLIC COMMENT ON OUT-OF-CYCLE
AMENDMENT OF UTCR 5.130, 9.180, 10.010, and REPEAL of UTCR 9.410**

(Comment Period Closes at 5:00 p.m. on October 29, 2021)

I. INTRODUCTION

We are seeking comment on out-of-cycle amendment of Uniform Trial Court Rule (UTCR) 5.130, 9.180, 10.010, and repeal of UTCR 9.410. These changes were adopted out-of-cycle by [Chief Justice Order 21-020](#), effective August 1, 2021.

II. HOW TO SUBMIT COMMENTS

You may submit your comments by:

- Clicking on the button below, next to each rule;
- Email (utcr@ojd.state.or.us); or
- Traditional mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon, 97301-2563).

Please submit your comments so that we receive them by 5:00 p.m. on October 29, 2021. Comments will be reviewed by the UTCR Committee at its next meeting on October 15, 2021, and at the spring meeting in 2022.

III. OUT-OF-CYCLE CHANGE

For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is show in {**braces, underline, and bold**}.

1. 5.130

EXPLANATION

Effective August 1, 2021, all remaining forms in the UTCR Forms Appendix were repealed and moved to the Oregon Judicial Department (OJD) website, and all rules that formerly referred to forms in the UTCR Forms Appendix were amended to refer to the forms section on the OJD website. Now that the forms are no longer a part of the UTCR, all changes to the forms will be approved by the Law & Policy Workgroup (LPWG) and the Statewide Forms Subgroup (SFSG).

Following notification that the UTCR Committee recommended repeal of the UTCR Forms Appendix, and subsequent transfer of the forms to the OJD website, LPWG and SFSG recommended that some of the forms that were formerly part of the UTCR Forms Appendix be discontinued, either because the form had become obsolete, or due to non-use of the form. As a result, UTCR 5.130, and related items 2, 3, and 4, were amended or repealed to reflect repeal of the form referenced in each rule.

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AMENDMENT

5.130 INTERSTATE DEPOSITION INSTRUMENTS—OBTAINING AN OREGON COMMISSION

- (1) A party shall request a commission pursuant to ORCP 38 to permit a deposition to be taken in a foreign jurisdiction for an action pending in an Oregon circuit court by presenting a motion and declaration[, *in substantially the form available at www.courts.oregon.gov/forms,*] at *ex parte*. If the motion is allowed, the court shall issue the commission.
- (2) Unless otherwise requested by the party in its motion and ordered by the court, the commission shall be effective for 28 days from the date of issue.
- (3) The commission may also serve to authorize the issuance of Subpoenas *Duces Tecum* in a foreign jurisdiction.

2. 9.180

EXPLANATION

See the related explanation for item 1.

AMENDMENT

9.180 VOUCHERS AND DEPOSITORY STATEMENTS

- (1) Unless otherwise provided by statute, SLR, or order of the court, a voucher for each disbursement reported in the accounting must accompany the accounting as a separate exhibit or shall be attached to a cover page showing the case caption. Vouchers required by statute or order of the court must be documents evidencing each disbursement and showing the name of the payee, date, and amount.
- (2) Unless the fiduciary is excused from the requirement of filing vouchers, the accounting shall include depository statements for each account. An opening depository statement must evidence the account beginning balance, unless one was submitted with a previous accounting. A closing depository statement must evidence the balance in the account within 30 days of the close of the accounting period or on the date of closing of an account closed during the accounting period.
- [(3) *In a proceeding involving fiduciary accounts for which the depository does not issue regular statements, the court must accept a Depository Certification of Funds on Deposit that is substantially in the form provided at www.courts.oregon.gov/forms.*]
- (4){(3)} For purposes of this rule, a “depository” is an entity holding assets of the estate or conservatorship, including a bank, stock and bond broker, mutual fund, or similar entity.

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[(5)]{(4)} Copies of vouchers and depository statements need not be served on persons entitled to copies of the accountings or on persons who have requested notice in the proceedings.

3. 9.410

EXPLANATION

See the related explanation for item 1.

AMENDMENT

9.410 PROTECTIVE PROCEEDING – CONFIDENTIAL INFORMATION ORDER
{(Repealed)}

{REPORTER'S NOTE: UTCR 9.410 was repealed effective August 1, 2021.}

[A person who submits to the court confidential and protected information from the Department of Human Services or the Oregon Health Authority pursuant to ORS 125.012 must serve a copy of the order signed by the court on all parties to the proceeding.]

4. 10.010

EXPLANATION

See the related explanation for item 1.

AMENDMENT

10.010 PETITION FOR REVIEW OF ORDER OF SUSPENSION UNDER
ORS 813.410

A petition for review of a final order of the Driver and Motor Vehicle Services Branch of the Oregon Department of Transportation (DMV) must be filed with the trial court administrator. Copies of the petition must be served on the DMV and the Attorney General. The petition filed with the trial court administrator must contain a certificate of service of the above copies. The petition as filed and served must be accompanied by a copy of the final order of the DMV from which the appeal is taken. *[The petition for review and the certificate of service must be substantially in the form provided at www.courts.oregon.gov/forms.]*

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