SENATE BILL NO. 119

INTRODUCED BY OCHSNER, HAGER, ETCHART, M. ANDERSON, LEE

IN THE SENATE

January	14,	1981	Introduced and referred to Committee on Judiciary.
January	23,	1981	Committee recommend bill do pass. Report adopted.
January	24,	1981	Sill printed and placed on members' desks.
January	26,	1981	Second reading, do pass.
January	27,	1981	Correctly engrossed.
January	28,	1961	Third reading, passed. Transmitted to House.

IN THE ROUSE

January 29, 1981	Introduced and referred to Committee on Judiciary.		
March 10, 1981	Committee recommend bill be concurred in. Report adopted.		
March 11, 1981	Second reading, concurred in.		
March 14, 1981	Third reading, concurred in. Ayes, 92; Noes, 1.		

IN THE SENATE

March 16, 1931	Returned from House. Concurred in. Sent to enrolling.
•	Reported correctly enrolled.

be entered;

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1	Genete BILL NO. 1/9
2	INTRUDUCED BY Ochant Hag- Etchant
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5	CLARIFY THE LAW RELATING TO THE DUTIES OF THE CLERK OF
ర	DISTRICT COURT; AMENDING SECTIONS 3-5-501, 3-5-502, 3-5-503,
7	3-5-513, AND 72-3-1015, MCA; AND REPEALING SECTION
8	46-13-602, MCA."
9	
LO	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
l I	Section 1. Section 3-5-501, MCA, is amended to read:
12	"3-5-501. General duties. The clerk of the district
13	court, in addition to keeping the records and performing the
14	duties prescribed elsewhere, shall:
l 5	(1) take charge of and safely keep or dispose of
16	according to law all books, papers, and records which are
7	filed or deposited in his office;
8	(2) act as clerk of the district court and attend each
19	term or session thereof and upon the judges at chambers when
20	required;
21	(3) issue all process and notices required to be
22	issued;
23	(+) enter all orders, judgments, and decrees proper to

(5) keep in each court a register of actions, as

1	provided in 3-5-504;
2	(6) keep for the district court two separate indexes
3	one labeled "general indexplaintiffs" and the other
4	labeled "general indexdefendants", which shall be in the
5	form prescribed in 3-5-502;
6	(7) keep a minute book, which must contain the daily
7	proceedings of court, which may be signed by the clerk,————————————————————————————————————
á	mustbeindexedinthenamesofbothdefendantand
è	plaintiff ;
10	(8) keep a fee book, in which must be shown in a
11	itemized form all fees that he has received for any services
12	rendered in his capacity as clerk."
13	Section 2. Section 3-5-502, MCA, is amended to read
14	#3-5-502. Indexes to court records. Each clerk o
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19	called "Inverse General Index to-Gourt-Records_Ogfendants"
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21	best fulfill the needs of the court and other users of the
22	index and shall contains at a minimums those entries
23	required by 3-5-503. The pages-of-the-General-Index-shall-be
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1	to-the-respective-columns-as-follows+
2	for-the-General-Index-thust
3	Now
4	Plaintiff
5	Defendant
6	Nature-of-Action
7	Bate-Begun
8	Entries-in-Court-Record
9	Pages
10	Bate-Biamiased
11	Bate-of-dudgment
12	Amount-of-dudgment
13	Book-(Judgment-Record)
14	Page-†dudgment-Recordy
15	Book-fdudgment-Bocket†
16	Page-†dudgment-Bocket)
17	Execution-Bate-Issue
18	Book-(Execution-Book)
19	Page-(Execution-Book)
20	Book-(Brder-of-Sale)
21	Page-(Brder-of-Sale)
22	Bate-Appented
23	Remittitur-Bate-Filed
24	Remorks
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2	Defendants
3	Plaintiffs
4	Nature-of-Action
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6	Section 3. Section 3-5-503, MCA, is amended to read
7	#3-5-503. Duties concerning indexes. Said clerk shal
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9	entries, under the appropriate headings, of each and ever
10	action begun in the court of which he is clerk, enterin
11	them alphabetically by the name of the plaintiff in th
12	General Index <u>-Plaintiffs</u> and alphabetically by the name of
13	the defendants in the Enverse General Indexy-continuing-
14	make-such-entries-in-the-manner-aforesaid-from-time-totim
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22	and must be indexed in the names of the deceased person em
23	the-executor-or-administrator-or-the-names-oftheguardis
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(3)(2) keep a book called "Register of Probate and Guardianship Proceedings", in which must be entered the name of the estate and the register number with a memorandum of every paper filed and order or proceeding had therein, with the date thereof, and a memorandum of the fees charged."

Saction 5. Section 72-3-1015, NCA, is amended to read:

"72-3-1015. Estate to be closed within two years. (1)

If an estate has not been closed within 2 years from the date of appointment of the personal representative, the elerance—the—district—court supreme court administrator shall notify the district judge thereof. The judge shall order the personal representative and his attorney to appear before the court and show cause why the estate has not been closed.

(2) If, after the show cause hearing, the judge determines that good cause does not exist for failure to close the estate, the judge may make an order directing that the estate be closed within 30 days and that the personal representative and his attorney receive no fee or other compensation from the estate."

Section 6. Repealer. Section 46-18-602, MCA, is

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-End-

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Approved by Committee on Judiciary

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(5) keep in each court a register of actions, as

2 (6) keep for the district court two separate indexes, one labeled "general index--plaintiffs" and the other labeled "general index--defendants", which shall be in the form prescribed in 3-5-502: (7) keep a minute book, which must contain the daily 6 proceedings of court, which may be signed by the clerk, -- and 7 must---be--indexed--in--the--nomes--of--both--defendent--and plaintiff; (8) keep a fee book, in which must be shown in an 10 itemized form all fees that he has received for any services 11 12 rendered in his capacity as clerk." 13 Section 2. Section 3-5-502, MCA, is amended to read: *3-5-502. Indexes to court records. Each clerk of 14 15 court in each county of the respective judicial districts of 16 the state shall keep, in addition to the records required by law: s--book an index called "General Index to--fourt 17 18 Records<u>-Plaintiffs</u>" and also a second book <u>index</u> to be 19 called "Inverse General Index to-Court-Records_Defendants". 20 Each index shall be in a form determined by the clerk to 21 best fulfill the needs of the court and other users of the 22 index and shall contain, at a minimum, those entries 23 required_by_3-5-503_ The-pages-of-the-General-Index-shall-be 24 divided--into--18--columnsy--and--the--pages--of-the-inverse 25 General-Index-shall-be-divided-into-five-columns,-with-heads

provided in 3-5-504:

1	to-the-respective-columns-as-follows:
2	For-the-General-Index-thust
3	Now
4	Plaintiff
5	Defendant
6	Nature-of-Action
7	Bate-Begun
8	Entries-in-Court-Record
9	Pages
10	Date-Bismissed
11	∂ate-of-dudgment
12	*mount-of-Judgment
13	Book~{Judgment-Record}
14	Page- (Judgment -Record)
15	Book-(Judgment-Bocket)
16	Page-(dudgment-Bocket)
17	Execution-Bate-Issue
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19	Page- (Execution-Book)
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21	Page-(Brder-of-Safe)
22	Date-Appenled
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If an estate has not been closed within 2 years from the date of appointment of the personal representative, the clerk-of-the-district court supreme court administrator shall notify the district judge thereof. The judge shall order the personal representative and his attorney to appear before the court and show cause why the estate has not been closed.

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- 21 (3) issue all process and notices required to be 22 issued:
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SENATE BILL NO. 119

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