

CHAPTER 485

CLERKS OF DISTRICT COURT

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485.01 APPOINTMENT; BOND; DUTIES.

A clerk of the district court for each county within the judicial district shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the chief judge of the judicial district, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. The bond, with his oath of office, shall be filed for record with the county recorder. The clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

History: *RL s 106; 1925 c 337 s 1; 1973 c 524 s 9; 1974 c 322 s 7; 1976 c 181 s 2; 1977 c 347 s 61; 1977 c 432 s 18 (191)*

485.011 [Repealed, 1969 c 1151 s 9]

485.012 [Repealed, 1969 c 1151 s 9]

485.013 [Repealed, 1969 c 1151 s 9]

485.014 [Repealed, 1969 c 1151 s 9]

485.015 [Repealed, 1974 c 322 s 26]

485.016 [Repealed, 1969 c 1151 s 9]

485.017 [Repealed, 1969 c 1151 s 9]

485.018 SALARY, COUNTIES UNDER 75,000 INHABITANTS.

Subdivision 1. **Minimum salary.** The clerk of district court in all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive as full compensation for services rendered by them as clerk of district court for their respective counties annual salaries not less than the following amounts based on the population according to the then last preceding federal census:

- (a) In counties with less than 10,000 inhabitants, \$6,000;
- (b) In counties with 10,000 but less than 20,000 inhabitants, \$6,500;
- (c) In counties with 20,000 but less than 30,000 inhabitants, \$7,000;
- (d) In counties with 30,000 but less than 40,000 inhabitants, \$7,500;
- (e) In counties with 40,000 but less than 75,000 inhabitants, \$8,000.

Subd. 2. **Set by board.** The county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the clerk of district court which shall be paid to the clerk of district court at such intervals as the board shall determine but not less often than once each month. At the January meeting prior to the first date on which applicants may file for the office of clerk of district court the board shall set by resolution the minimum salary to be paid

the clerk of district court for the term next following. In the event a vacancy occurs in the office of the clerk of district court the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimums provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the clerk of district court shall not be reduced during the term for which he is elected or appointed.

In the event that duties are assigned to the clerk of district court which are in addition to his duties as clerk, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Subd. 2a. Withholding salary. Upon certification by the state court administrator that the clerk of district court has failed to perform any of the duties assigned to him by law or by rule of court, the county board shall withhold the salary of the clerk, and shall not pay the salary until receipt of notice from the state court administrator that the clerk has performed the duties assigned to him by law or by rule of court.

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

Subd. 3. [Repealed, 1975 c 301 s 16]

Subd. 4. Effect upon certain sections. Subdivisions 1 and 2 shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the clerk of district court in any of the counties specified in subdivision 1.

Subd. 5. Collection of fees. The clerk of district court shall charge and collect all fees as prescribed by law and all such fees collected by him as clerk of district court shall be paid to the county in the manner and at the times prescribed by the county board, but not less often than once each month. The clerk of district court shall not retain any additional compensation, per diem or other emolument for his services as clerk of district court, but may receive and retain mileage and expense allowances as prescribed by law.

Subd. 6. Budget for office. The county board by resolution shall provide the budget for (1) the salaries of deputies, clerks and other employees in the office of the clerk of district court; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of the clerk of district court or any deputy, clerk or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the clerk of district court.

Subd. 7. Appeal from resolution of the board. The clerk of district court if dissatisfied with the action of the county board in setting the amount of his salary or the amount of the budget for the office of clerk of district court, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in a hearing de novo and may hear new or additional evidence, or the court may order the officer appealing and the board

to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the responsibilities and duties of the office of the clerk, it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith.

Subd. 8. Provisions to take effect. The provisions of subdivisions 1 to 7 shall take effect in the respective counties specified in subdivisions 1 to 7 (1) upon the expiration of the term of the incumbent holding the office on July 1, 1965 or (2) upon the occurrence prior thereto of a vacancy in the office of clerk of district court or (3) subsequent to July 1, 1965 and upon not less than 30 days written notice by the clerk of district court, the county board shall make the provisions of subdivisions 1 to 7 effective on the first day of the month following the expiration of the notice period.

History: 1965 c 822 s 6,7; 1967 c 388 s 6,7; 1969 c 1151 s 5,7; 1977 c 432 s 19; 1980 c 509 s 173

NOTE: Laws 1965, Chapter 822, Sections 8 and 9 read as follows:

"Sec. 8. All laws relating to the compensation, fees, budget of the office of clerk of district court inconsistent herewith are superseded.

Sec. 9. This act shall not apply to the district court of any county having a special act governing fees applicable thereto and enacted during the 1965 session of the legislature."

485.02 [Repealed, 1977 c 432 s 49]

485.021 INVESTMENT OF FUNDS DEPOSITED WITH CLERK.

When money is paid into court pursuant to court order, the clerk of district court, unless the court order specifies otherwise, may place such moneys with the county treasurer for investment, as provided by law. When such moneys are subsequently released, or otherwise treated, by court order, the same shall be immediately paid over by the county treasurer to the clerk of district court who shall then fulfill the direction of the court order relative to such moneys.

History: 1969 c 836 s 1; 1980 c 509 s 174

485.03 DEPUTIES.

The county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the clerk of district court and shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. The clerk shall appoint in writing the deputies and other employees, for whose acts he shall be responsible, and whom he may remove at pleasure. Before entering upon his official duties, the appointment and oath of each shall be filed with the county recorder.

History: RL s 108; 1969 c 1151 s 6; 1976 c 181 s 2 (193)

485.04 [Repealed, 1957 c 110 s 1]

485.05 DEPUTY CLERK IN ST. LOUIS COUNTY.

In all counties in the state now or hereafter having a population of more than 150,000 and wherein regular terms of the district court are held in three or more places, the clerk of the district court therein, by an instrument in writing, under his hand and seal, and with the approval of the district judge of the judicial district in which said county is situated, or, if there be more than one such district judge, with the approval of a majority thereof, may appoint deputies for whose acts he shall be responsible, such deputies to hold office as such until

they shall be removed therefrom, which removal shall not be made except with the approval of the district judge or judges. The appointment and oath of every such deputy shall be filed with the county recorder.

History: 1935 c 179; 1976 c 181 s 2 (193-4)

485.06 SEARCH OF RECORDS; CERTIFICATE; PUBLIC INSPECTION.

The clerk, upon request of any person, shall make search of the books and records of his office, and ascertain the existence, docketing, or satisfaction of any judgment or other lien, and certify the result of such search under his hand and the seal of said court, giving the name of the party against whom any judgment or lien appears of record, the amount thereof, and the time of its entry; and, if satisfied of its satisfaction, and any other entries requested relative to such judgment. Nothing in this section shall prevent attorneys or others from having access to such books and records at all reasonable times, when no certificate is necessary or required.

History: RL s 109; 1907 c 203 s 1 (194)

485.07 RECORDS TO BE KEPT.

Every clerk shall procure, at the expense of his county, and keep, the following records:

(1) A register of actions, in which he shall enter the title of each action, whether originally commenced in his said court, or brought there by appeal or transcript of judgment from justice court or from any court of record of the state or the United States, and a minute of each paper filed in the cause, and all proceedings therein;

(2) A judgment record, in which every judgment shall be entered;

(3) A docket, in which he shall enter alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of its entry;

(4) Indexes, as described in section 485.08, and such other records as the court, in its discretion, may direct.

History: RL s 110; 1969 c 472 s 1 (195)

485.08 INDEX OF RECORDS.

Every clerk shall keep a plaintiff's and defendant's index to court records, in which all cases shall be entered in alphabetical order under the name of each plaintiff and defendant. The index shall set forth the names of the parties, date commenced, file number of the case, and such other data as the court may direct.

History: RL s 111; 1969 c 472 s 2 (196)

485.09 [Repealed, 1977 c 199 s 1]

485.10 ENTRY OF UNREGISTERED CASES.

Every clerk shall enter upon the proper registers all cases, civil and criminal, which, through a mistake, inadvertence, or neglect of his predecessor in office, have not been registered. The true date of the filings in such cases shall be entered in the registers, and the entries, when so made, shall have the same force and effect as if made by the clerk at the proper time; provided, that, in docketing any judgment, the date thereof shall be the time when actually docketed, and the lien thereof shall attach only from such date.

History: RL s 113 (198)

485.11 PRINTED CALENDARS.

The clerk of the district court in each of the several counties of this state shall provide calendars either printed or otherwise duplicated of the cases to be tried at the general terms thereof at the expense of the counties where such court is held. This section shall not apply to a county where only one term of court is held each year.

History: 1909 c 369 s 1; 1961 c 648 s 1; 1969 c 867 s 1 (199)

485.12 VACANCY.

Vacancies in the office of the clerk shall be filled by appointment by the senior judge, of the county where there is more than one judge therein; in judicial districts containing more than one county and having more than one judge therein, such appointment be made by the resident judge in said county, or, if there be no resident judge, by the next nearest judge of said district; and by the judge of the district court in judicial districts having only one judge.

The appointee shall give the bond and take the oath required by law, and shall hold his office for the balance of such entire term for which he shall be appointed, and until his successor qualifies. In case any such clerk is adjudged insane, the judge shall appoint a competent person to act as clerk in his place until he shall be duly declared restored to sanity. The person so appointed shall take the oath and give the bond required by law of clerks of the district court, and shall be entitled to the fees and emoluments of the office during the time he shall so act, and his acts shall have the same force and effect as if performed by such clerk.

History: RL s 114; 1945 c 180 s 1 (200)

485.13 DESTRUCTION OF FILES AND DOCUMENTS.

The clerk of district court in all counties of this state is hereby authorized to destroy or otherwise dispose of the files, and all documents contained therein, in all cases which are more than ten years old, and which relate only to the following kinds of actions:

- (a) Uncontested garnishments;
- (b) Personal property tax judgments;
- (c) Transcripts of judgments from municipal courts;
- (d) Transcripts of judgment from other counties which pertain solely to money judgments.

Nothing herein contained shall relieve such clerk of district court from maintaining the books and index records required under sections 485.07, 485.08, and 485.10, including the filing data, of any files, of which such disposal is made.

History: 1945 c 264 s 1,2; 1969 c 50 s 1

485.14 VITAL STATISTICS, RECORDS RECEIVED FOR PRESERVATION.

The clerks of the district court may, at their option as county registrars of vital statistics, receive for preservation records or certificates of live birth, death or stillbirth from town clerks, statutory city clerks, city health officers of cities which are not primary registration districts under section 144.154, or other local officers, who may have lawful custody and possession thereof in their respective counties. The clerks of court taking possession of such records and certificates shall with regard to them be subject to all applicable provisions of sections 144.151 to 144.203.

History: 1955 c 249 s 1; 1973 c 123 art 5 s 7

485.15 LAND TITLE REGISTRATION DOCUMENTS, DISPOSAL.

Subdivision 1. The clerk of district court in any county of this state is hereby authorized to destroy or otherwise dispose of the files, and all documents contained therein, in all cases which are more than ten years old, and which relate only to proceedings subsequent to original registration of land titles wherein there are no defendants.

Subd. 2. Nothing herein contained shall relieve such clerk of district court from maintaining the books and index records required under sections 485.07, 485.08, and 485.10, including the filing data, of any files, of which such disposal is made.

History: 1955 c 285 s 1,2; 1969 c 50 s 2

485.16 RECORD ALL ACTIONS FILED.

The clerks of the district courts of the several counties shall keep a record of all actions and proceedings, civil and criminal, filed in the court, and shall furnish to the state Supreme Court any information concerning said actions as shall be prescribed by rule of civil procedure.

History: 1955 c 767 s 1

485.23 DESTRUCTION OF CERTAIN RECORDS.

Subdivision 1. The clerk of the district court in all counties is authorized to destroy, or otherwise dispose of, the following documents on file in their respective offices under the conditions herein specified:

1. Not less than ten years after filing:

(a) County board petit jury lists, order to draw petit jury, venire for petit jury, order appointing bailiffs, copies of certificates for per diem and mileage for jurors, witnesses, and bailiffs, and copies of court calendars.

(b) Delinquent personal property tax lists.

(c) All warrants and citations of personal property tax delinquents in which judgment for such delinquent taxes has not been entered.

(d) Notice of election or appointment, and notice of qualification of city and township officers on file in the clerk of district court office.

2. Not less than two years from the date thereof:

(a) Copies of law library receipts.

(b) Copies of certificates for payment of local registrars of vital statistics.

(c) Affidavits or statements on application for certified copies of records for veterans purposes or for use by branches of military service.

(d) Affidavits and prescriptions filed with clerk of district court as provided in Laws 1919, Chapter 455.

(e) All copies of rules and regulations of state departments filed with the clerk of district court.

3. Not less than one year after the final determination of any civil action, and with the order of approval of any judge of the respective district:

(a) All exhibits, except written instruments, X-Ray negatives, maps, surveys, plats, and profiles in drainage proceedings or other actions or proceedings affecting real estate or the title thereto.

(b) Settled cases, including stipulations for and order settling such case.

Subd. 2. This section shall not affect any existing statute for destruction of files and documents in the clerk of district court office in certain counties, or any special rule for destruction of records of the clerk of district court office which may now be in effect or hereafter be adopted by the judge or judges of the respective judicial districts.

History: *1957 c 132 s 1,2; 1973 c 123 art 5 s 7*

485.24 [Repealed, 1969 c 1151 s 9]

485.25 [Repealed, 1969 c 1151 s 9]

485.26 [Repealed, 1969 c 1151 s 9]