

AMENDMENTS

TO ORCP 72

promulgated by

COUNCIL ON COURT PROCEDURES

1982 to 2006

STAY OF PROCEEDINGS
TO ENFORCE JUDGMENT
RULE 72

A Immediate execution; discretionary stay. Execution or other proceedings to enforce a judgment may issue immediately upon the entry of the judgment, unless the court directing entry of the judgment, in its discretion and on such conditions for the security of the adverse party as are proper, otherwise directs. ~~No stay of proceedings to enforce judgment may be entered by the trial court under this section after the notice of appeal has been served and filed as provided in ORS 19.023 through 19.029 and during the pendency of such appeal.~~ The court shall have authority to stay execution of a judgment temporarily until the filing of a notice of appeal and to stay execution of a judgment pending disposition of an appeal, as provided in ORS 19.040 or other provision of law.

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COMMENT

Section A is amended, at the suggestion of the OSB Appellate Practice Section, to achieve consistency with ORS 19.140, and with what appears to be currently accepted practice, by clarifying that trial courts have discretionary authority to stay execution of their judgments both before and after a notice of appeal is filed.