

# **CHAPTER 8 - APPLICATION PROCEDURE**

## **Introduction**

### **GENERAL:**

- Application proceedings are also referred to as 'motion proceedings'
- Applicant commences proceedings by issuing a notice of motion:
  - Notice of motion is usually accompanied by a founding affidavit
  - Sometimes supporting affidavits and other documentation are attached to the founding affidavit
- Respondent who wishes to oppose the application issues an opposing/answering affidavit
  - Sometimes supporting affidavits and other documentation are attached to the opposing/answering affidavit
  - Respondent answers any allegations in against him as stated in the founding affidavit
- If necessary, applicant can issue another affidavit responding to any allegations contained in the opposing/answering affidavit, ie: the replying affidavit
- Affidavit = a oral/written statement made under oath in the presence of a commissioner of oaths
  - Person who gives the affidavit = deponent
  - Commissioner administers the oath and attests that the statements was made under oath
- Normally in application proceedings, 3 types of affidavits are exchanged (except in applications for

# Chapter 36 Application

**Oregon. Department of Justice**

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## Chapter 36 Application:

Electrical News. Generation, Transmission and Application of Electricity ,1911      The New Code (1905) of Regulations for ... Schools: Training Colleges ... National Union of Teachers,Sir James Henry Yoxall,Ernest Gray,1905      **Congressional Record** United States. Congress,1980      *Documents of the Assembly of the State of New York* New York (State). Legislature. Assembly,1896      **The Scottish Law Reporter** ,1886      United States Code United States,2008 The United States Code is the official codification of the general and permanent laws of the United States of America The Code was first published in 1926 and a new edition of the code has been published every six years since 1934 The 2012 edition of the Code incorporates laws enacted through the One Hundred Twelfth Congress Second Session the last of which was signed by the President on January 15 2013 It does not include laws of the One Hundred Thirteenth Congress First Session enacted between January 2 2013 the date it convened and January 15 2013 By statutory authority this edition may be cited U S C 2012 ed As adopted in 1926 the Code established prima facie the general and permanent laws of the United States The underlying statutes reprinted in the Code remained in effect and controlled over the Code in case of any discrepancy In 1947 Congress began enacting individual titles of the Code into positive law When a title is enacted into positive law the underlying statutes are repealed and the title then becomes legal evidence of the law Currently 26 of the 51 titles in the Code have been so enacted These are identified in the table of titles near the beginning of each volume The Law Revision Counsel of the House of Representatives continues to prepare legislation pursuant to 2 U S C 285b to enact the remainder of the Code on a title by title basis into positive law The 2012 edition of the Code was prepared and published under the supervision of Ralph V Seep Law Revision Counsel Grateful acknowledgment is made of the contributions by all who helped in this work particularly the staffs of the Office of the Law Revision Counsel and the Government Printing Office Preface      **United States Code, 2000 Edition, V. 19, Title 38, Veterans' Benefits, to Title 40, Public Buildings, Property, and Works , Immigration Law Service** ,2002      **The Code of Criminal Procedure of the State of New York, Being Chapter 442, Laws of 1881, as Amended by Laws of 1882-1920, Inclusive** New York (State),1920      *The Public General Statutes Affecting Scotland...* Scotland,1888      Annotated Consolidated Laws of the State of New York as Amended to January 1, 1918 New York (State),1923      **Biennial Report of the Attorney-General of the State of Oregon to the ... Legislative Assembly** Oregon. Attorney General's Office,1908      *Biennial Report and Opinions of the Attorney-General of the State of Oregon* Oregon. Department of Justice,1912      *The Revised Statutes of the State of New York* New York (State),1896      **Code of Virginia, 1950** Virginia,2003      The Revised Statutes of West Virginia in Force December 1878 West Virginia,1879      *Annotated Consolidated Laws of the State of New York* New York (State),1922      *Labour Legislation of the Past Decade* ,1922 Reports for 1951 1920 1928 are consolidated reports containing text of labour laws in force      *Biennial Report* Kansas. Office of the Attorney General,1908      Biennial Report to the Governor Kansas. Office of the

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