

## Amendments to Rule 27

Rule 27 is amended as follows:

### **RULE 27.** Depositions Before Action or Pending Appeal

#### (a) Before Action.

(1) Petition. \* \* \*

(2) Notice and Service. **At least 20 days before the hearing date,** [The] the petitioner [~~shall thereafter serve a notice upon each person named in the petition as an expected adverse party, together~~] **must serve each expected adverse party** with a copy of the petition **and a notice stating the time and place of the hearing.** [~~stating that the petitioner will apply to the court, at a time and place named therein, for the order described in the petition.~~] **The notice shall be served in the manner provided in Rule 4.** [~~At least 20 days before the date of hearing, the notice shall be served in the manner provided in Rule 4 for service of summons; but if~~ **If** [~~such~~] **that** service cannot with due diligence be made [~~upon any~~] **on an** expected adverse party [~~named in the petition~~], the court may [~~make such~~] order [~~as is just for~~] service by publication or otherwise. [~~and shall~~] **The court must** appoint **an attorney to represent** [~~for~~] persons not served in the manner [~~prescribed~~] **provided** by Rule 4 [~~an attorney who shall represent them, and, in case they are not otherwise represented, shall~~] **and to** cross-examine the deponent **if an unserved person is not otherwise represented.** [~~If any expected adverse party is a minor or incompetent the provisions of~~] Rule 17(c) [~~apply~~] **applies if any expected adverse party is a minor or is incompetent.**

(3) Order and Examination. \* \* \*

(4) Use of Deposition. \* \* \*

(b) Pending Appeal. \* \* \*

(c) Perpetuation by Action. \* \* \*

(As amended July 28, 1988, eff. Nov. 1, 1988; Aug. 29, 2000, eff. Jan. 1, 2001; Sept. 30, 2003, eff. Jan. 1, 2004; **Nov. 27, 2007, eff. Jan. 1, 2008.**)