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**Rule 53.3. Motion to Correct Error: Time Limitation for Ruling**

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**(B) Exceptions.** The time limitation for ruling on a motion to correct error established under Section (A) of this rule shall not apply where:

~~(1) — The party has failed to serve the judge personally; or~~

~~(12)~~ The parties who have appeared or their counsel stipulate or agree on record that the time limitation for ruling set forth under Section (A) shall not apply; or

~~(23)~~ The time limitation for ruling has been extended by Section (D) of this rule.

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**Rule 59. Motion to Correct Error**

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**(C) Time for Filing: ~~Service on judge.~~** The motion to correct error, if any, shall be filed not later than thirty (30) days after the entry of a final judgment is noted in the Chronological Case Summary. ~~A copy of the motion to correct error shall be served, when filed, upon the judge before whom the case is pending pursuant to Trial Rule 5.~~ The time at which the court is deemed to have ruled on the motion is set forth in T.R. 53.3.

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**Rule 63. Disability and Unavailability of Judge**

**(A) Disability and Unavailability After the Trial or Hearing.** The judge who presides at the trial of a cause or a hearing at which evidence is received shall, if available, hear motions and make all decisions and rulings required to be made by the court relating to the evidence and the conduct of the trial or hearing after the trial or hearing is concluded. If the judge before whom the trial or hearing was held is not available by reason of death, sickness, absence or unwillingness to act, then any other judge regularly sitting in the judicial circuit or assigned to

the cause may perform any of the duties to be performed by the court ~~after the verdict is returned or the findings or decision of the court is filed~~; but if he is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial or new hearing, in whole or in part. The unavailability of any such trial or hearing judge shall be determined and shown by a court order made by the successor judge at any time.

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**Rule 84. Effective Date Vacated**

~~These rules will take effect on January 1, 1970. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

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