

By: Representative Blackmon

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 972

1 AN ACT TO AMEND SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE THAT THE CHANCERY AND CIRCUIT CLERKS SHALL
3 CHARGE A FEE OF \$95.00 FOR THE LEAD PLAINTIFF ON EACH COMPLAINT OR
4 PETITION FILED IN THE CHANCERY AND CIRCUIT COURTS AND A FEE OF
5 \$10.00 FOR EACH PLAINTIFF, OTHER THAN THE LEAD PLAINTIFF, ON THE
6 SAME COMPLAINT OR PETITION; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1** Section 25-7-9, Mississippi Code of 1972, is
9 amended as follows:

10 25-7-9. (1) The clerks of the chancery courts shall charge
11 the following fees:

12 (a) (i) Docketing, filing, marking and registering
13 each complaint or petition, except for petitions set forth in
14 subsection (2) of this section, for the lead plaintiff on a
15 complaint or petition..... \$95.00

16 (ii) For each plaintiff, other than the lead
17 plaintiff, on the same complaint or petition..... 10.00

18 Because there is only one (1) lead plaintiff on each
19 complaint, the fee for the lead plaintiff shall be charged no more
20 than one (1) time on each complaint. The fees set forth in this
21 paragraph (a) shall be the total fees for all services performed
22 by the clerk up to and including entry of judgment with respect to
23 each complaint or petition, including all answers, claims, orders,
24 continuances and other papers filed therein, issuing each writ,
25 summons, subpoena or other such instruments, swearing witnesses,
26 taking and recording bonds and pleas, and recording judgments,
27 orders, fiats and certificates; the fees shall be payable upon
28 filing and shall accrue to the clerk at the time of collection.



29 The clerk or his successor in office shall perform all duties
30 set forth above without additional compensation or fee.

31 (b) For the act of certifying copies of filed
32 documents, for each complete document..... \$ 1.00

33 (c) Recording deeds, wills, leases, amendments,
34 subordinations, liens, releases, cancellations, orders, decrees,
35 oaths, etc., including indexing..... 6.00

36 Sectional index entries per section or subdivision.... 1.00

37 (d) Recording deeds of trust..... 10.00

38 Sectional index entries per section or subdivision.... 1.00

39 (e) (i) Recording oil and gas leases, etc., including
40 indexing in general indices..... 12.00

41 Sectional index entries per section or subdivision.... 1.00

42 (ii) Recording oil and gas cancellations,
43 assignments, etc., including indexing in general indices:

44 First page..... 5.00

45 Each additional page..... 2.00

46 Abstracting each section or subdivision..... 1.00

47 Sectional index entries per section or subdivision.... 6.00

48 (f) Furnishing copies of any papers of record or on
49 file and entering marginal notations on documents of record:

50 If performed by the clerk or his employee, per page... .50

51 If performed by any other person, per page..... .25

52 (g) For each day's attendance on the board of
53 supervisors, for himself and one (1) deputy, each..... 20.00

54 (h) For other services as clerk of the board of
55 supervisors an allowance shall be made to him (payable
56 semiannually at the July and January meetings) out of the county
57 treasury, an annual sum not exceeding..... 1,500.00

58 (i) For each day's attendance on the chancery court, to
59 be approved by the chancellor:

60 For the first chancellor sitting only, clerk and two (2)
61 deputies, each..... 30.00



62 For the second chancellor sitting, clerk only..... 30.00

63 Provided that the fees herein prescribed shall be the total
64 remuneration for the clerk and his deputies for attending chancery
65 court.

66 (j) On order of the court, clerks and not more than two
67 (2) deputies may be allowed five (5) extra days for each term of
68 court for attendance upon the court to get up records.

69 (k) For public service not otherwise specifically
70 provided for, the chancery court may by order allow the clerk to
71 be paid by the county on the order of the board of supervisors, an
72 annual sum not exceeding..... 5,000.00

73 The chancery clerk shall itemize on the original document a
74 detailed fee bill of all charges due or paid for filing, recording
75 and abstracting same. No person shall be required to pay such
76 fees until same have been so itemized, but said fees may be
77 demanded before the document is recorded.

78 (2) In accordance with Uniform Chancery Court Rule 9.01 as
79 approved by Order of the Mississippi Supreme Court, the following
80 fees shall be a total fee for all services performed by the clerk
81 with respect to a complaint which shall be payable upon filing and
82 shall accrue to the chancery clerk at the time of filing. The
83 clerk or his successor in office shall perform all duties set
84 forth without additional compensation or fee to wit:

- 85 (a) Divorce to be contested..... \$75.00
- 86 (b) Divorce uncontested..... 30.00
- 87 (c) Alteration of birth or marriage certificate. 25.00
- 88 (d) Removal of minority..... 25.00
- 89 (e) Guardianship or conservatorship..... 75.00
- 90 (f) Estate of deceased, intestate..... 75.00
- 91 (g) Estate of deceased, testate..... 75.00
- 92 (h) Adoption..... 75.00
- 93 (i) Land dispute..... 75.00
- 94 (j) Injunction..... 75.00



95	(k) Settlement of small claim.....	30.00
96	(l) Contempt in child support.....	75.00
97	(m) Partition suit.....	75.00
98	(n) Any cross-complaint.....	25.00

99 Cost of process shall be borne by the issuing party.

100 Additionally, should the attorney or person filing the pleadings
 101 desire the clerk to pay the cost to the sheriff for serving
 102 process on one person or more, or to pay the cost of publication,
 103 the clerk shall demand the actual charges therefor, at the time of
 104 filing.

105 **SECTION 2.** Section 25-7-13, Mississippi Code of 1972, is
 106 amended as follows:

107 25-7-13. (1) The clerks of the circuit court shall charge
 108 the following fees:

109 (a) Docketing, filing, marking and registering
 110 each * * * indictment..... \$75.00

111 (b) (i) Docketing, filing, marking and registering
 112 each complaint or petition, for the lead plaintiff on a complaint
 113 or petition.....\$95.00

114 (ii) For each plaintiff, other than the lead
 115 plaintiff, on the same complaint or petition..... \$10.00

116 Because there is only one (1) lead plaintiff on each
 117 complaint, the fee for the lead plaintiff shall be charged no more
 118 than one time on each complaint.

119 The fees set forth in this paragraph (a) shall be the total
 120 fees for all services performed by the clerk up to and including
 121 entry of judgment with respect to each complaint, petition or
 122 indictment, including all answers, claims, orders, continuances
 123 and other papers filed therein, issuing each writ, summons,
 124 subpoena or other such instruments, swearing witnesses, taking and
 125 recording bonds and pleas, and recording judgments, orders, fiats
 126 and certificates; the fee shall be payable upon filing and shall
 127 accrue to the clerk at the time of collection.



128 The clerk or his successor in office shall perform all duties
129 set forth above without additional compensation or fee.

130 (c) Docketing and filing each suggestion for a writ of
131 garnishment, suggestion for a writ of execution and judgment
132 debtor actions and issuing all process, filing and recording
133 orders or other papers and swearing witnesses..... \$30.00

134 (2) Except as provided in subsection (1) of this section,
135 the clerks of the circuit court shall charge the following fees:

136 (a) Filing and marking each order or other paper and
137 recording and indexing same..... \$ 2.00

138 (b) Issuing each writ, summons, subpoena, citation,
139 capias and other such instruments..... \$ 1.00

140 (c) Administering an oath and taking bond..... \$ 2.00

141 (d) Certifying copies of filed documents, for each
142 complete document..... \$ 1.00

143 (e) Recording orders, fiats, licenses, certificates,
144 oaths and bonds:

145 First page..... \$ 2.00

146 Each additional page..... \$ 1.00

147 (f) Furnishing copies of any papers of record or on
148 file and entering marginal notations on documents of record:

149 If performed by the clerk or his employee, per page... \$ 1.00

150 If performed by any other person, per page..... \$.25

151 (g) Judgment roll entry..... \$ 5.00

152 (h) Taxing cost and certificate..... \$ 1.00

153 (i) For taking and recording application for marriage
154 license, for filing and recording consent of parents when required
155 by law, for filing and recording medical certificate, filing and
156 recording proof of age, recording and issuing license, recording
157 and filing returns..... \$20.00

158 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
159 collected for a marriage license in the Victims of Domestic



160 Violence Fund established in Section 93-21-117, on a monthly
161 basis.

162 (j) For certified copy of marriage license and search
163 of record, the same fee charged by the Bureau of Vital Statistics
164 of the State Board of Health.

165 (k) For public service not particularly provided for,
166 the circuit court may allow the clerk, per annum, to be paid by
167 the county on presentation of the circuit court's order, the
168 following amount..... \$5,000.00

169 However, in the counties having two (2) judicial districts,
170 such above allowance shall be made for each judicial district.

171 (l) For drawing jurors and issuing venire, to be paid
172 by the county..... \$ 5.00

173 (m) For each day's attendance upon the circuit court
174 term, for himself and necessary deputies allowed by the court,
175 each to be paid by the county..... \$30.00

176 (n) Summons, each juror to be paid by the county upon
177 the allowance of the court..... \$ 1.00

178 (o) For issuing each grand jury subpoena, to be paid by
179 the county on allowance by the court, not to exceed Twenty-five
180 Dollars (\$25.00) in any one (1) term of court..... \$ 1.00

181 (3) On order of the court, clerks and deputies may be
182 allowed five (5) extra days for attendance upon the court to get
183 up records.

184 (4) The clerk's fees in state cases where the state fails in
185 the prosecution, or in cases of felony where the defendant is
186 convicted and the cost cannot be made out of his estate, in an
187 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
188 year, shall be paid out of the county treasury on approval of the
189 circuit court, and the allowance thereof by the board of
190 supervisors of the county. In counties having two (2) judicial
191 districts, such allowance shall be made in each judicial district;
192 however, the maximum thereof shall not exceed Eight Hundred



193 Dollars (\$800.00). Clerks in the circuit court, in cases where
194 appeals are taken in criminal cases and no appeal bond is filed,
195 shall be allowed by the board of supervisors of the county after
196 approval of their accounts by the circuit court, in addition to
197 the above fees, for making such transcript the rate of Two Dollars
198 (\$2.00) per page.

199 (5) The clerk of the circuit court may retain as his
200 commission on all money coming into his hands, by law or order of
201 the court, a sum to be fixed by the court not exceeding one-half
202 of one percent (1/2 of 1%) on all such sums.

203 (6) For making final records required by law, including, but
204 not limited to, circuit and county court minutes, and furnishing
205 transcripts of records, the circuit clerk shall charge Two Dollars
206 (\$2.00) per page. The same fees shall be allowed to all officers
207 for making and certifying copies of records or papers which they
208 are authorized to copy and certify.

209 (7) The circuit clerk shall prepare an itemized statement of
210 fees for services performed, cost incurred, or for furnishing
211 copies of any papers of record or on file, and shall submit the
212 statement to the parties or, if represented, to their attorneys
213 within sixty (60) days. A bill for same shall accompany the
214 statement.

215 **SECTION 3.** This act shall take effect and be in force from
216 and after July 1, 2003.

