

By: Representative Coleman (29th)

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1363

1 AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE FEES CHARGED BY CHANCERY COURT CLERKS FOR RECORDING
3 OIL AND GAS ASSIGNMENTS AND THE CANCELLATION OF DEEDS OF TRUST;
4 AND FOR RELATED PURPOSES.

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

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

8 25-7-9. (1) The clerks of the chancery courts shall charge
9 the following fees:

- 10 (a) For the act of certifying copies of filed
11 documents, for each complete document..... \$ 1.00
12 (b) (i) Recording deeds, wills, leases,
13 amendments, subordinations, liens, releases, cancellations,
14 orders, decrees, oaths, etc., including indexing; for the
15 first fifteen (15) pages..... \$ 10.00
16 Each additional page..... \$ 1.00
17 Sectional index entries per section or subdivision
18 lot..... \$ 1.00
19 (ii) Recording each cancellation per deed
20 of trust..... \$ 10.00
21 (c) Recording deeds of trust, for the first fifteen
22 (15) pages..... \$ 15.00
23 Each additional page..... \$ 1.00
24 Sectional index entries per section or subdivision
25 lot..... \$ 1.00
26 (d) (i) Recording oil and gas leases,
27 cancellations, * * * etc., including indexing in general
28 indices; for the first fifteen (15) pages \$ 18.00

29 Each additional page..... \$ 1.00

30 Sectional index entries per section or subdivision

31 lot..... \$ 1.00

32 (ii) Recording each oil and gas assignment

33 per assignee..... \$ 18.00

34 (e) Furnishing copies of any papers of record or on

35 file and entering marginal notations on documents of record:

36 If performed by the clerk or his employee,

37 per page..... \$.50

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

39 (f) For each day's attendance on the board of

40 supervisors, for himself and one (1) deputy, each..... \$ 20.00

41 (g) For other services as clerk of the board of

42 supervisors an allowance shall be made to him (payable

43 semiannually at the July and January meetings) out of the

44 county treasury, an annual sum not exceeding..... \$3,000.00

45 (h) For each day's attendance on the chancery court, to

46 be approved by the chancellor:

47 For the first chancellor sitting only, clerk and two (2)

48 deputies, each..... \$ 50.00

49 For the second chancellor sitting, clerk only..... \$ 50.00

50 Provided that the fees herein prescribed shall be the total

51 remuneration for the clerk and his deputies for attending chancery

52 court.

53 (i) On order of the court, clerks and not more than two

54 (2) deputies may be allowed five (5) extra days for each term of

55 court for attendance upon the court to get up records.

56 (j) For public service not otherwise specifically

57 provided for, the chancery court may by order allow the clerk to

58 be paid by the county on the order of the board of supervisors, an

59 annual sum not exceeding..... \$5,000.00

60 The chancery clerk shall itemize on the original document a

61 detailed fee bill of all charges due or paid for filing, recording

62 and abstracting same. No person shall be required to pay such
63 fees until same have been so itemized, but said fees may be
64 demanded before the document is recorded.

65 (2) In accordance with Uniform Chancery Court Rule 9.01 as
66 approved by order of the Mississippi Supreme Court, the following
67 fees shall be a total fee for all services performed by the clerk
68 with respect to a complaint which shall be payable upon filing and
69 shall accrue to the chancery clerk at the time of filing. The
70 clerk or his successor in office shall perform all duties set
71 forth without additional compensation or fee to wit:

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| 72 | (a) Divorce to be contested..... | \$75.00 |
| 73 | (b) Divorce uncontested..... | 30.00 |
| 74 | (c) Alteration of birth or marriage certificate. | 25.00 |
| 75 | (d) Removal of minority..... | 25.00 |
| 76 | (e) Guardianship or conservatorship..... | 75.00 |
| 77 | (f) Estate of deceased, intestate..... | 75.00 |
| 78 | (g) Estate of deceased, testate..... | 75.00 |
| 79 | (h) Adoption..... | 75.00 |
| 80 | (i) Land dispute..... | 75.00 |
| 81 | (j) Injunction..... | 75.00 |
| 82 | (k) Settlement of small claim..... | 30.00 |
| 83 | (l) Contempt in child support..... | 75.00 |
| 84 | (m) Partition suit..... | 75.00 |
| 85 | (n) Any cross-complaint..... | 25.00 |

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

87 Additionally, should the attorney or person filing the pleadings
88 desire the clerk to pay the cost to the sheriff for serving
89 process on one person or more, or to pay the cost of publication,
90 the clerk shall demand the actual charges therefor, at the time of
91 filing.

92 **SECTION 2.** This act shall take effect and be in force from
93 and after July 1, 2006.