

By: Representatives Mayhall, Baker (8th),
Hamilton (109th), Hamilton (6th), Mayo,
Upshaw, Walley, Woods

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 1168

1 AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY COST CHANCERY CLERK FEES FOR RECORDING CANCELLATION AND
3 ASSIGNMENT PER DEED OF TRUST; AND FOR RELATED PURPOSES.

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

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

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

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

28 Each additional page..... \$ 1.00

29 (ii) Sectional index entries per section or

30 subdivision lot..... \$ 1.00

31 (iii) Recording each oil and gas

32 assignment per assignee..... \$ 18.00

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

34 file and entering marginal notations on documents of record:

35 If performed by the clerk or his employee,

36 per page..... \$.50

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

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

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

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

41 supervisors an allowance shall be made to him (payable

42 semiannually at the July and January meetings) out of the county

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

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

45 be approved by the chancellor:

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

47 deputies, each..... \$ 50.00

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

49 Provided that the fees herein prescribed shall be the total

50 remuneration for the clerk and his deputies for attending chancery

51 court.

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

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

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

55 (j) For public service not otherwise specifically

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

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

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

59 (k) For each civil filing, to be deposited into the

60 Civil Legal Assistance Fund..... \$ 5.00

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

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

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

87 (3) For every civil case filed, an additional fee to be
88 deposited to the credit of the Comprehensive Electronic Court
89 Systems Fund established in Section 9-21-14..... \$10.00

90 (4) Cost of process shall be borne by the issuing party.
91 Additionally, should the attorney or person filing the pleadings
92 desire the clerk to pay the cost to the sheriff for serving
93 process on one (1) person or more, or to pay the cost of

94 publication, the clerk shall demand the actual charges therefor,
95 at the time of filing.

96 **SECTION 2.** This act shall take effect and be in force from
97 and after July 1, 2007.