

By: Senator(s) Thames, Davis, Jackson
(11th), Jackson (15th)

To: Fees, Salaries and
Administration

SENATE BILL NO. 2571

1 AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE FEES CHARGED BY CHANCERY CLERKS FOR RECORDING CERTAIN
3 DOCUMENTS; 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 each deed, will, lease, amendment,
12 subordination, lien, release, partial release, cancellation,
13 order, decree, oath, etc., per book and page listed where
14 applicable; for the first fifteen (15) pages..... \$ 10.00
15 Each additional page..... \$ 1.00

16 (ii) Sectional index entries per section or
17 subdivision lot..... \$ 1.00

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19 (c) Recording deeds of trust, for the first fifteen
20 (15) pages..... \$ 15.00
21 Each additional page..... \$ 1.00

22 Sectional index entries per section or subdivision
23 lot..... \$ 1.00

24 (d) (i) Recording each oil and gas lease,
25 cancellation, assignment, etc., per book and page listed where
26 applicable; for the first fifteen (15) pages \$ 18.00
27 Each additional page..... \$ 1.00

28 (ii) Sectional index entries per section or
29 subdivision lot..... \$ 1.00

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31 (e) Furnishing copies of any papers of record or on
32 file and entering marginal notations on documents of record:

33 If performed by the clerk or his employee,
34 per page..... \$.50

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

36 (f) For each day's attendance on the board of
37 supervisors, for himself and one (1) deputy, each..... \$ 20.00

38 (g) For other services as clerk of the board of
39 supervisors an allowance shall be made to him (payable
40 semiannually at the July and January meetings) out of the county
41 treasury, an annual sum not exceeding..... \$3,000.00

42 (h) For each day's attendance on the chancery court, to
43 be approved by the chancellor:

44 For the first chancellor sitting only, clerk and two (2)
45 deputies, each..... \$ 50.00

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

47 Provided that the fees herein prescribed shall be the total
48 remuneration for the clerk and his deputies for attending chancery
49 court.

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

53 (j) For public service not otherwise specifically
54 provided for, the chancery court may by order allow the clerk to
55 be paid by the county on the order of the board of supervisors, an
56 annual sum not exceeding..... \$5,000.00

57 (k) For each civil filing, to be deposited into the
58 Civil Legal Assistance Fund..... \$ 5.00

59 The chancery clerk shall itemize on the original document a
60 detailed fee bill of all charges due or paid for filing, recording

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

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

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

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

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

94 **SECTION 2.** The Attorney General of the State of Mississippi
95 shall submit this act, immediately upon approval by the Governor,
96 or upon approval by the Legislature subsequent to a veto, to the
97 Attorney General of the United States or to the United States
98 District Court for the District of Columbia in accordance with the
99 provisions of the Voting Rights Act of 1965, as amended and
100 extended.

101 **SECTION 3.** This act shall take effect and be in force from
102 and after the date it is effectuated under Section 5 of the Voting
103 Rights Act of 1965, as amended and extended, or July 1, 2007,
104 whichever occurs later.