

By: Senator(s) Mettetal

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3000

1 AN ACT TO PROVIDE A SURCHARGE ON DEED OF TRUST FILINGS FOR
2 MORTGAGE LENDING FRAUD PROSECUTION; TO CREATE THE MORTGAGE LENDING
3 FRAUD PROSECUTION FUND; TO AMEND SECTION 25-7-9, MISSISSIPPI CODE
4 OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) (a) Except as provided in paragraph (b) of
7 this subsection, a surcharge of One Dollar and Twenty-five Cents
8 (\$1.25) shall be charged by the chancery clerk at the time of
9 recording of each deed of trust, which will be in addition to any
10 other charge authorized by law. The chancery clerk shall retain
11 Twenty-five Cents (\$.25) to administer collection. The remaining
12 funds shall be transmitted monthly to the State Treasurer who will
13 deposit the funds into the Mortgage Lending Fraud Prosecution Fund
14 created in subsection (2).

15 (b) The surcharge imposed in this section does not
16 apply to assignments or substitutions of previously recorded deeds
17 of trust.

18 (2) There is created in the State Treasury a fund to be
19 known as the Mortgage Lending Fraud Prosecution Fund. The purpose
20 of the fund is to support prosecution of fraudulent activities
21 related to mortgage lending fraud as set forth in subsection (1).
22 Only the Director of the Department of Finance and Administration
23 or the director's designee may authorize expenditures from the
24 account. The Department of Finance and Administration, in
25 consultation with the Attorney General and local prosecutors,
26 shall develop rules for the use of these funds to pursue criminal
27 prosecution of fraudulent activities within the mortgage lending
28 process.

29 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, is
30 amended as follows:

31 25-7-9. (1) The clerks of the chancery courts shall charge
32 the following fees:

33 (a) For the act of certifying copies of filed
34 documents, for each complete document..... \$ 1.00

35 (b) (i) Recording deeds, wills, leases, amendments,
36 subordinations, liens, releases, cancellations, orders, decrees,
37 oaths, etc., including indexing; for the first fifteen (15)
38 pages..... \$ 10.00

39 Each additional page..... \$ 1.00

40 (ii) Sectional index entries per section or
41 subdivision lot..... \$ 1.00

42 (iii) Recording each cancellation
43 per deed of trust..... \$ 10.00

44 (c) Recording deeds of trust, for the first fifteen
45 (15) pages..... \$ 15.00

46 Each additional page..... \$ 1.00

47 Sectional index entries per section or subdivision
48 lot..... \$ 1.00

49 Mortgage Lending Fraud Prosecution Fund surcharge
50 specified in Section 1 of Senate Bill No. 3000,
51 2007 Regular Session..... \$ 1.25

52 (d) (i) Recording oil and gas leases,
53 cancellations, etc., including indexing in general
54 indices; for the first fifteen (15) pages \$ 18.00

55 Each additional page..... \$ 1.00

56 (ii) Sectional index entries per section or
57 subdivision lot..... \$ 1.00

58 (iii) Recording each oil and gas
59 assignment per assignee..... \$ 18.00

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

62 If performed by the clerk or his employee,
63 per page..... \$.50
64 If performed by any other person, per page..... \$.25
65 (f) For each day's attendance on the board of
66 supervisors, for himself and one (1) deputy, each..... \$ 20.00
67 (g) For other services as clerk of the board of
68 supervisors an allowance shall be made to him (payable
69 semiannually at the July and January meetings) out of the county
70 treasury, an annual sum not exceeding..... \$3,000.00
71 (h) For each day's attendance on the chancery court, to
72 be approved by the chancellor:
73 For the first chancellor sitting only, clerk and two (2)
74 deputies, each..... \$ 50.00
75 For the second chancellor sitting, clerk only..... \$ 50.00
76 Provided that the fees herein prescribed shall be the total
77 remuneration for the clerk and his deputies for attending chancery
78 court.
79 (i) On order of the court, clerks and not more than two
80 (2) deputies may be allowed five (5) extra days for each term of
81 court for attendance upon the court to get up records.
82 (j) For public service not otherwise specifically
83 provided for, the chancery court may by order allow the clerk to
84 be paid by the county on the order of the board of supervisors, an
85 annual sum not exceeding..... \$5,000.00
86 (k) For each civil filing, to be deposited into the
87 Civil Legal Assistance Fund..... \$ 5.00
88 The chancery clerk shall itemize on the original document a
89 detailed fee bill of all charges due or paid for filing, recording
90 and abstracting same. No person shall be required to pay such
91 fees until same have been so itemized, but said fees may be
92 demanded before the document is recorded.
93 (2) In accordance with Uniform Chancery Court Rule 9.01 as
94 approved by Order of the Mississippi Supreme Court, the following

fees shall be a total fee for all services performed by the clerk with respect to a complaint which shall be payable upon filing and shall accrue to the chancery clerk at the time of filing. The clerk or his successor in office shall perform all duties set forth without additional compensation or fee to wit:

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

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2007.