

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1034: Mortgage lending fraud prosecution; provide surcharge to fund.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

6        **SECTION 1.** (1) Except as provided in subsection (2) of this  
7 section, a surcharge of One Dollar and Twenty-five Cents (\$1.25)  
8 shall be charged by the chancery clerk at the time of recording of  
9 each deed of trust, which will be in addition to any other charge  
10 authorized by law. The chancery clerk shall retain Twenty-five  
11 Cents (\$.25) to administer the collection of the surcharge. The  
12 remaining funds shall be transmitted monthly to the State  
13 Treasurer, who shall deposit the funds into the Mortgage Lending  
14 Fraud Prosecution Fund created in Section 2 of this act. The  
15 Department of Finance and Administration is responsible for the  
16 distribution of the funds in the Prosecution Fund and shall, in  
17 consultation with the Attorney General and local prosecutors,  
18 develop rules for the use of these funds to pursue criminal  
19 prosecution of fraudulent activities within the mortgage lending  
20 process.

21        (2) The surcharge imposed in this section does not apply to  
22 assignments or substitutions of previously recorded deeds of  
23 trust.

24        (3) This section shall stand repealed on July 1, 2009.

25        **SECTION 2.** The Mortgage Lending Fraud Prosecution Fund is  
26 created as a special fund in the State Treasury. All receipts

27 from the surcharge imposed in Section 1 of this act, except those  
28 retained by the chancery clerk for administration, shall be  
29 deposited into the special fund. Expenditures from the special  
30 fund shall be made only upon appropriation of the Legislature, and  
31 may be used only for criminal prosecution of fraudulent activities  
32 within the mortgage lending process. Only the Executive Director  
33 of the Department of Finance and Administration or the director's  
34 designee may authorize expenditures from the special fund.

35 This section shall stand repealed on July 1, 2009.

36 **SECTION 3.** Section 25-7-9, Mississippi Code of 1972, as  
37 amended by House Bill No. 1166, 2007 Regular Session, is amended  
38 as follows:

39 25-7-9. (1) The clerks of the chancery courts shall charge  
40 the following fees:

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

43 (b) (i) Recording each deed, will, lease, amendment,  
44 subordination, lien, release, cancellation, order, decree, oath,  
45 etc., per book and page listed where applicable; for the first  
46 fifteen (15) pages..... \$ 10.00  
47 Each additional page..... \$ 1.00

48 (ii) Sectional index entries per section or  
49 subdivision lot..... \$ 1.00

50 \* \* \*

51 (c) Recording each deed of trust, for the first  
52 fifteen (15) pages..... \$ 15.00  
53 Each additional page..... \$ 1.00

54 Sectional index entries per section or subdivision  
55 lot..... \$ 1.00

56 Mortgage Lending Fraud Prosecution Fund  
57 surcharge, which is authorized until July 1, 2009..... \$ 1.25

58 (d) (i) Recording oil and gas leases,

59 cancellations, etc., including indexing in general  
60 indices; for the first fifteen (15) pages ..... \$ 18.00  
61 Each additional page..... \$ 1.00  
62 (ii) Sectional index entries per section or  
63 subdivision lot..... \$ 1.00  
64 (iii) Recording each oil and gas  
65 assignment per assignee..... \$ 18.00  
66 (e) (i) Furnishing copies of any papers of record or  
67 on file \* \* \*:  
68 If performed by the clerk or his employee,  
69 per page..... \$ .50  
70 If performed by any other person, per page..... \$ .25  
71 (ii) Entering marginal notations on  
72 documents of record..... \$ 1.00  
73 (f) For each day's attendance on the board of  
74 supervisors, for himself and one (1) deputy, each..... \$ 20.00  
75 (g) For other services as clerk of the board of  
76 supervisors an allowance shall be made to him (payable  
77 semiannually at the July and January meetings) out of the county  
78 treasury, an annual sum not exceeding..... \$3,000.00  
79 (h) For each day's attendance on the chancery court, to  
80 be approved by the chancellor:  
81 For the first chancellor sitting only, clerk and two (2)  
82 deputies, each..... \$ 50.00  
83 For the second chancellor sitting, clerk only..... \$ 50.00  
84 Provided that the fees herein prescribed shall be the total  
85 remuneration for the clerk and his deputies for attending chancery  
86 court.  
87 (i) On order of the court, clerks and not more than two  
88 (2) deputies may be allowed five (5) extra days for each term of  
89 court for attendance upon the court to get up records.

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

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

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

101 (2) \* \* \* The following fees shall be a total fee for all  
102 services performed by the clerk with respect to a complaint which  
103 shall be payable upon filing and shall accrue to the chancery  
104 clerk at the time of filing. The clerk or his successor in office  
105 shall perform all duties set forth without additional compensation  
106 or fee to wit:

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

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

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

130 **SECTION 4.** This act shall take effect and be in force from  
131 and after July 1, 2007.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
Guice

X (SIGNED)  
Tollison

X (SIGNED)  
Rotenberry

(NOT SIGNED)  
Posey

X (SIGNED)  
Davis

X (SIGNED)  
Bryan