

## Senate Amendments to House Bill No. 1034

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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  
13 shall deposit the funds into the Mortgage Lending Fraud  
14 Prosecution Fund 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 Banking and Consumer Finance, in  
25 consultation with the Attorney General, shall develop rules for  
26 the use of these funds to pursue criminal prosecution of  
27 fraudulent activities within the mortgage lending process.

28        SECTION 2. A surcharge of Two Dollars and Twenty-five Cents  
29 (\$2.25) shall be charged by the chancery clerk at the time of  
30 recording of each deed, will, lease, amendment, subordination,  
31 lien, release, cancellation, order, decree, oath, deed of trust,

32 oil and gas lease, and assignment of oil and gas lease, which will  
33 be in addition to any other charge authorized by law. The  
34 chancery clerk shall retain Twenty-five Cents (25¢) to administer  
35 collection. The remaining funds shall be transmitted monthly to  
36 the State Treasurer who shall deposit the funds into the Fisheries  
37 and Wildlife Fund created under Section 49-5-21.

38 **SECTION 3.** Section 25-7-9, Mississippi Code of 1972, is  
39 amended as follows:

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

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

44 (b) (i) Recording deeds, wills, leases, amendments,  
45 subordinations, liens, releases, cancellations, orders, decrees,  
46 oaths, etc., including indexing; for the first fifteen (15)  
47 pages..... \$ 10.00  
48 Each additional page..... \$ 1.00

49 Fisheries and Wildlife Fund surcharge imposed  
50 under Section 2 of House Bill No. 1034, 2007  
51 Regular Session..... \$ 2.25

52 (ii) Sectional index entries per section or  
53 subdivision lot..... \$ 1.00

54 (iii) Recording each cancellation  
55 per deed of trust..... \$ 10.00

56 (c) Recording deeds of trust, for the first fifteen  
57 (15) pages..... \$ 15.00  
58 Each additional page..... \$ 1.00

59 Sectional index entries per section or subdivision  
60 lot..... \$ 1.00

61 Mortgage Lending Fraud Prosecution Fund surcharge  
62 imposed under Section 1 of House Bill No. 1034, 2007  
63 Regular Session..... \$ 1.25

64 Fisheries and Wildlife Fund surcharge imposed  
65 under Section 2 of House Bill No. 1034, 2007  
66 Regular Session..... \$ 2.25

67 (d) (i) Recording oil and gas leases,  
68 cancellations, etc., including indexing in general  
69 indices; for the first fifteen (15) pages ..... \$ 18.00  
70 Each additional page..... \$ 1.00

71 (ii) Sectional index entries per section or  
72 subdivision lot..... \$ 1.00

73 Fisheries and Wildlife Fund surcharge imposed  
74 under Section 2 of House Bill No. 1034, 2007  
75 Regular Session..... \$ 2.25

76 (iii) Recording each oil and gas  
77 assignment per assignee..... \$ 18.00

78 Fisheries and Wildlife Fund surcharge imposed  
79 under Section 2 of House Bill No. 1034, 2007  
80 Regular Session..... \$ 2.25

81 (e) Furnishing copies of any papers of record or on  
82 file and entering marginal notations on documents of record:  
83 If performed by the clerk or his employee,  
84 per page..... \$ .50  
85 If performed by any other person, per page..... \$ .25

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

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

92 (h) For each day's attendance on the chancery court, to  
93 be approved by the chancellor:  
94 For the first chancellor sitting only, clerk and two (2)  
95 deputies, each..... \$ 50.00  
96 For the second chancellor sitting, clerk only..... \$ 50.00

97 Provided that the fees herein prescribed shall be the total  
98 remuneration for the clerk and his deputies for attending chancery  
99 court.

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

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

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

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

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

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

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

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

144 **SECTION 4.** This act shall take effect and be in force from  
145 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.

SS02\HB1034A.1J

John O. Gilbert  
Secretary of the Senate