

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1034

BY: Committee

**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	<u>Mortgage Lending Fraud Prosecution Fund surcharge</u>		
62	<u>imposed under Section 1 of House Bill No. 1034, 2007</u>		
63	<u>Regular Session.....</u>	\$	<u>1.25</u>
64	<u>Fisheries and Wildlife Fund surcharge imposed</u>		
65	<u>under Section 2 of House Bill No. 1034, 2007</u>		
66	<u>Regular Session.....</u>	\$	<u>2.25</u>
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	<u>Fisheries and Wildlife Fund surcharge imposed</u>		
74	<u>under Section 2 of House Bill No. 1034, 2007</u>		
75	<u>Regular Session.....</u>	\$	<u>2.25</u>
76	(iii) Recording each oil and gas		
77	assignment per assignee.....	\$	18.00
78	<u>Fisheries and Wildlife Fund surcharge imposed</u>		
79	<u>under Section 2 of House Bill No. 1034, 2007</u>		
80	<u>Regular Session.....</u>	\$	<u>2.25</u>
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.