

By: Representative Blackmon

To: Judiciary A

HOUSE BILL NO. 1234

1 AN ACT TO AMEND SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE  
2 OF 1972, TO PROVIDE A FEE TO BE DEPOSITED INTO THE MISSISSIPPI  
3 CIVIL LEGAL ASSISTANCE FUND; 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) Recording deeds, wills, leases, amendments,  
12 subordinations, liens, releases, cancellations, orders, decrees,  
13 oaths, etc., including indexing; for the first fifteen (15)  
14 pages..... \$ 10.00

15 Each additional page..... 1.00

16 Sectional index entries per section or subdivision  
17 lot..... 1.00

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

20 Each additional page..... 1.00

21 Sectional index entries per section or subdivision  
22 lot..... 1.00

23 (d) Recording oil and gas leases, cancellations,  
24 assignments, etc., including indexing in general indices; for the  
25 first fifteen (15) pages ..... \$ 18.00

26 Each additional page..... 1.00

27 Sectional index entries per section or subdivision

28 lot..... 1.00

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

31 If performed by the clerk or his employee,  
32 per page..... \$ .50

33 If performed by any other person, per page..... .25

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

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

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

42 For the first chancellor sitting only, clerk and two (2)  
43 deputies, each..... \$ 30.00

44 For the second chancellor sitting, clerk only..... 30.00

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

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

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

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

57 The chancery clerk shall itemize on the original document a  
58 detailed fee bill of all charges due or paid for filing, recording  
59 and abstracting same. No person shall be required to pay such

60 fees until same have been so itemized, but said fees may be  
61 demanded before the document is recorded.

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

|    |  |         |
|----|--|---------|
| 69 | (a) Divorce to be contested.....                 | \$75.00 |
| 70 | (b) Divorce uncontested.....                     | 30.00   |
| 71 | (c) Alteration of birth or marriage certificate. | 25.00   |
| 72 | (d) Removal of minority.....                     | 25.00   |
| 73 | (e) Guardianship or conservatorship.....         | 75.00   |
| 74 | (f) Estate of deceased, intestate.....           | 75.00   |
| 75 | (g) Estate of deceased, testate.....             | 75.00   |
| 76 | (h) Adoption.....                                | 75.00   |
| 77 | (i) Land dispute.....                            | 75.00   |
| 78 | (j) Injunction.....                              | 75.00   |
| 79 | (k) Settlement of small claim.....               | 30.00   |
| 80 | (l) Contempt in child support.....               | 75.00   |
| 81 | (m) Partition suit.....                          | 75.00   |
| 82 | (n) Any cross-complaint.....                     | 25.00   |

83 Cost of process shall be borne by the issuing party.  
84 Additionally, should the attorney or person filing the pleadings  
85 desire the clerk to pay the cost to the sheriff for serving  
86 process on one person or more, or to pay the cost of publication,  
87 the clerk shall demand the actual charges therefor, at the time of  
88 filing.

89 **SECTION 2.** Section 25-7-13, Mississippi Code of 1972, is  
90 amended as follows:

91 25-7-13. (1) The clerks of the circuit court shall charge  
92 the following fees:

93 (a) Docketing, filing, marking and registering each  
94 complaint, petition and indictment..... \$75.00

95 The fee set forth in this paragraph shall be the total fee  
96 for all services performed by the clerk up to and including entry  
97 of judgment with respect to each complaint, petition or  
98 indictment, including all answers, claims, orders, continuances  
99 and other papers filed therein, issuing each writ, summons,  
100 subpoena or other such instruments, swearing witnesses, taking and  
101 recording bonds and pleas, and recording judgments, orders, fiats  
102 and certificates; the fee shall be payable upon filing and shall  
103 accrue to the clerk at the time of collection. The clerk or his  
104 successor in office shall perform all duties set forth above  
105 without additional compensation or fee.

106 (b) Docketing and filing each suggestion for a writ of  
107 garnishment, suggestion for a writ of execution and judgment  
108 debtor actions and issuing all process, filing and recording  
109 orders or other papers and swearing witnesses..... \$30.00

110 (2) Except as provided in subsection (1) of this section,  
111 the clerks of the circuit court shall charge the following fees:

112 (a) Filing and marking each order or other paper and  
113 recording and indexing same..... \$ 2.00

114 (b) Issuing each writ, summons, subpoena, citation,  
115 capias and other such instruments..... \$ 1.00

116 (c) Administering an oath and taking bond..... \$ 2.00

117 (d) Certifying copies of filed documents, for each  
118 complete document..... \$ 1.00

119 (e) Recording orders, fiats, licenses, certificates,  
120 oaths and bonds:

121 First page..... \$ 2.00

122 Each additional page..... \$ 1.00

123 (f) Furnishing copies of any papers of record or on  
124 file and entering marginal notations on documents of record:

125 If performed by the clerk or his employee,

126 per page..... \$ 1.00

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

128           (g) Judgment roll entry..... \$ 5.00

129           (h) Taxing cost and certificate..... \$ 1.00

130           (i) For taking and recording application for marriage

131 license, for filing and recording consent of parents when required

132 by law, for filing and recording medical certificate, filing and

133 recording proof of age, recording and issuing license, recording

134 and filing returns..... \$20.00

135           The clerk shall deposit Fourteen Dollars (\$14.00) of each fee

136 collected for a marriage license in the Victims of Domestic

137 Violence Fund established in Section 93-21-117, on a monthly

138 basis.

139           (j) For certified copy of marriage license and search

140 of record, the same fee charged by the Bureau of Vital Statistics

141 of the State Board of Health.

142           (k) For public service not particularly provided for,

143 the circuit court may allow the clerk, per annum, to be paid by

144 the county on presentation of the circuit court's order, the

145 following amount..... \$5,000.00

146           However, in the counties having two (2) judicial districts,

147 such above allowance shall be made for each judicial district.

148           (l) For drawing jurors and issuing venire, to be paid

149 by the county..... \$ 5.00

150           (m) For each day's attendance upon the circuit court

151 term, for himself and necessary deputies allowed by the court,

152 each to be paid by the county..... \$50.00

153           (n) Summons, each juror to be paid by the county upon

154 the allowance of the court..... \$ 1.00

155           (o) For issuing each grand jury subpoena, to be paid by

156 the county on allowance by the court, not to exceed Twenty-five

157 Dollars (\$25.00) in any one (1) term of court..... \$ 1.00

158                   (p) For each civil filing, to be deposited into the  
159 Civil Legal Assistance Fund..... \$ 5.00

160           (3) On order of the court, clerks and deputies may be  
161 allowed five (5) extra days for attendance upon the court to get  
162 up records.

163           (4) The clerk's fees in state cases where the state fails in  
164 the prosecution, or in cases of felony where the defendant is  
165 convicted and the cost cannot be made out of his estate, in an  
166 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
167 year, shall be paid out of the county treasury on approval of the  
168 circuit court, and the allowance thereof by the board of  
169 supervisors of the county. In counties having two (2) judicial  
170 districts, such allowance shall be made in each judicial district;  
171 however, the maximum thereof shall not exceed Eight Hundred  
172 Dollars (\$800.00). Clerks in the circuit court, in cases where  
173 appeals are taken in criminal cases and no appeal bond is filed,  
174 shall be allowed by the board of supervisors of the county after  
175 approval of their accounts by the circuit court, in addition to  
176 the above fees, for making such transcript the rate of Two Dollars  
177 (\$2.00) per page.

178           (5) The clerk of the circuit court may retain as his  
179 commission on all money coming into his hands, by law or order of  
180 the court, a sum to be fixed by the court not exceeding one-half  
181 of one percent (1/2 of 1%) on all such sums.

182           (6) For making final records required by law, including, but  
183 not limited to, circuit and county court minutes, and furnishing  
184 transcripts of records, the circuit clerk shall charge Two Dollars  
185 (\$2.00) per page. The same fees shall be allowed to all officers  
186 for making and certifying copies of records or papers which they  
187 are authorized to copy and certify.

188           (7) The circuit clerk shall prepare an itemized statement of  
189 fees for services performed, cost incurred, or for furnishing  
190 copies of any papers of record or on file, and shall submit the

191 statement to the parties or, if represented, to their attorneys  
192 within sixty (60) days. A bill for same shall accompany the  
193 statement.

194         **SECTION 3.** This act shall take effect and be in force from  
195 and after July 1, 2005.