

By: Senator(s) Thames

To: Fees, Salaries and Administration

SENATE BILL NO. 2335

1 AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE AMOUNT PAID TO THE CHANCERY CLERK FOR EACH DAY'S  
3 ATTENDANCE IN COURT; 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..... \$ 50.00

44 For the second chancellor sitting, clerk only..... 50.00

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

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

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

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

87 **SECTION 2.** The Attorney General of the State of Mississippi  
88 shall submit this act, immediately upon approval by the Governor,  
89 or upon approval by the Legislature subsequent to a veto, to the  
90 Attorney General of the United States or to the United States  
91 District Court for the District of Columbia in accordance with the

92 provisions of the Voting Rights Act of 1965, as amended and  
93 extended.

94       **SECTION 3.** This act shall take effect and be in force from  
95 and after the date it is effectuated under Section 5 of the Voting  
96 Rights Act of 1965, as amended and extended, or October 1, 2005,  
97 whichever occurs later.