

By: Representative Blackmon

To: Judiciary A

HOUSE BILL NO. 961  
(As Sent to Governor)

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; TO CONFORM TO THE PROVISIONS OF HOUSE  
4 BILL NO. 1363, SENATE BILL NO. 2757 AND SENATE BILL NO. 2935, 2006  
5 REGULAR SESSION; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 25-7-9, Mississippi Code of 1972, as  
8 amended by House Bill No. 1363, 2006 Regular Session, and Senate  
9 Bill No. 2757, 2006 Regular Session, is amended as follows:

10 25-7-9. (1) The clerks of the chancery courts shall charge  
11 the following fees:

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

14 (b) (i) Recording deeds, wills, leases, amendments,  
15 subordinations, liens, releases, cancellations, orders, decrees,  
16 oaths, etc., including indexing; for the first fifteen (15)  
17 pages..... \$ 10.00

18 Each additional page..... \$ 1.00

19 Sectional index entries per section or subdivision  
20 lot..... \$ 1.00

21 (ii) Recording each cancellation per  
22 deed of trust..... \$ 10.00

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

25 Each additional page..... \$ 1.00

26 Sectional index entries per section or subdivision  
27 lot..... \$ 1.00

28           (d) (i) Recording oil and gas leases, cancellations,  
29 etc., including indexing in general indices; for the first fifteen  
30 (15) pages ..... \$ 18.00  
31           Each additional page..... \$ 1.00  
32           Sectional index entries per section or subdivision  
33 lot..... \$ 1.00  
34           (ii) Recording each oil and gas assignment  
35 per assignee..... \$ 18.00  
36           (e) Furnishing copies of any papers of record or on  
37 file and entering marginal notations on documents of record:  
38           If performed by the clerk or his employee,  
39 per page..... \$ .50  
40           If performed by any other person, per page..... \$ .25  
41           (f) For each day's attendance on the board of  
42 supervisors, for himself and one (1) deputy, each..... \$ 20.00  
43           (g) For other services as clerk of the board of  
44 supervisors an allowance shall be made to him (payable  
45 semiannually at the July and January meetings) out of the county  
46 treasury, an annual sum not exceeding..... \$3,000.00  
47           (h) For each day's attendance on the chancery court, to  
48 be approved by the chancellor:  
49           For the first chancellor sitting only, clerk and two (2)  
50 deputies, each..... \$ 50.00  
51           For the second chancellor sitting, clerk only..... \$ 50.00  
52           Provided that the fees herein prescribed shall be the total  
53 remuneration for the clerk and his deputies for attending chancery  
54 court.  
55           (i) On order of the court, clerks and not more than two  
56 (2) deputies may be allowed five (5) extra days for each term of  
57 court for attendance upon the court to get up records.  
58           (j) For public service not otherwise specifically  
59 provided for, the chancery court may by order allow the clerk to

60 be paid by the county on the order of the board of supervisors, an  
61 annual sum not exceeding..... \$5,000.00

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

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

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

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

90 (3) From and after July 1, 2006, for every civil case filed,  
91 an additional fee to be deposited to the credit of the

92 Comprehensive Electronic Court Systems Fund established in Section  
93 9-21-14..... \$ 10.00

94 (4) Cost of process shall be borne by the issuing party.  
95 Additionally, should the attorney or person filing the pleadings  
96 desire the clerk to pay the cost to the sheriff for serving  
97 process on one person or more, or to pay the cost of publication,  
98 the clerk shall demand the actual charges therefor, at the time of  
99 filing.

100 **SECTION 2.** Section 25-7-13, Mississippi Code of 1972, as  
101 amended by Senate Bill No. 2757, 2006 Regular Session, and Senate  
102 Bill No. 2935, 2006 Regular Session, is amended as follows:

103 25-7-13. (1) The clerks of the circuit court shall charge  
104 the following fees:

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

107 The fee set forth in this paragraph shall be the total fee  
108 for all services performed by the clerk up to and including entry  
109 of judgment with respect to each complaint, petition or  
110 indictment, including all answers, claims, orders, continuances  
111 and other papers filed therein, issuing each writ, summons,  
112 subpoena or other such instruments, swearing witnesses, taking and  
113 recording bonds and pleas, and recording judgments, orders, fiats  
114 and certificates; the fee shall be payable upon filing and shall  
115 accrue to the clerk at the time of collection. The clerk or his  
116 successor in office shall perform all duties set forth above  
117 without additional compensation or fee.

118 (b) Docketing and filing each motion to renew judgment,  
119 suggestion for a writ of garnishment, suggestion for a writ of  
120 execution and judgment debtor actions and issuing all process,  
121 filing and recording orders or other papers and swearing  
122 witnesses..... \$30.00

123 (c) From and after July 1, 2006, for every civil case  
124 filed, an additional fee to be deposited to the credit of the

125 Comprehensive Electronic Court Systems Fund established in Section  
126 9-21-14..... \$10.00

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

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

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

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

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

136 (e) Recording orders, fiats, licenses, certificates,  
137 oaths and bonds:

138 First page..... \$ 2.00

139 Each additional page..... \$ 1.00

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

142 If performed by the clerk or his employee,  
143 per page..... \$ 1.00

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

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

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

147 (i) For taking and recording application for marriage  
148 license, for filing and recording consent of parents when required  
149 by law, for filing and recording medical certificate, filing and  
150 recording proof of age, recording and issuing license, recording  
151 and filing returns..... \$20.00

152 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee  
153 collected for a marriage license in the Victims of Domestic  
154 Violence Fund established in Section 93-21-117, on a monthly  
155 basis.

156 (j) For certified copy of marriage license and search  
157 of record, the same fee charged by the Bureau of Vital Statistics  
158 of the State Board of Health.

159 (k) For public service not particularly provided for,  
160 the circuit court may allow the clerk, per annum, to be paid by  
161 the county on presentation of the circuit court's order, the  
162 following amount..... \$5,000.00

163 However, in the counties having two (2) judicial districts,  
164 such above allowance shall be made for each judicial district.

165 (l) For drawing jurors and issuing venire, to be paid  
166 by the county..... \$ 5.00

167 (m) For each day's attendance upon the circuit court  
168 term, for himself and necessary deputies allowed by the court,  
169 each to be paid by the county..... \$50.00

170 (n) Summons, each juror to be paid by the county upon  
171 the allowance of the court..... \$ 1.00

172 (o) For issuing each grand jury subpoena, to be paid by  
173 the county on allowance by the court, not to exceed Twenty-five  
174 Dollars (\$25.00) in any one (1) term of court..... \$ 1.00

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

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

180 (4) The clerk's fees in state cases where the state fails in  
181 the prosecution, or in cases of felony where the defendant is  
182 convicted and the cost cannot be made out of his estate, in an  
183 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
184 year, shall be paid out of the county treasury on approval of the  
185 circuit court, and the allowance thereof by the board of  
186 supervisors of the county. In counties having two (2) judicial  
187 districts, such allowance shall be made in each judicial district;  
188 however, the maximum thereof shall not exceed Eight Hundred

189 Dollars (\$800.00). Clerks in the circuit court, in cases where  
190 appeals are taken in criminal cases and no appeal bond is filed,  
191 shall be allowed by the board of supervisors of the county after  
192 approval of their accounts by the circuit court, in addition to  
193 the above fees, for making such transcript the rate of Two Dollars  
194 (\$2.00) per page.

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

199 (6) For making final records required by law, including, but  
200 not limited to, circuit and county court minutes, and furnishing  
201 transcripts of records, the circuit clerk shall charge Two Dollars  
202 (\$2.00) per page. The same fees shall be allowed to all officers  
203 for making and certifying copies of records or papers which they  
204 are authorized to copy and certify.

205 (7) The circuit clerk shall prepare an itemized statement of  
206 fees for services performed, cost incurred, or for furnishing  
207 copies of any papers of record or on file, and shall submit the  
208 statement to the parties or, if represented, to their attorneys  
209 within sixty (60) days. A bill for same shall accompany the  
210 statement.

211 **SECTION 3.** This act shall take effect and be in force from  
212 and after July 1, 2006.