MISSISSIPPI LEGISLATURE REGULAR SESSION 2006

By: Representative Coleman (29th)

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1363

AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THE FEES CHARGED BY CHANCERY COURT CLERKS FOR RECORDING OIL AND GAS ASSIGNMENTS AND THE CANCELLATION OF DEEDS OF TRUST; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-7-9, Mississippi Code of 1972, is amended as follows:

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

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

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

Each additional page..... $ 1.00

Sectional index entries per section or subdivision lot..... $ 1.00

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

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

Each additional page..... $ 1.00

Sectional index entries per section or subdivision lot..... $ 1.00

(d) (i) Recording oil and gas leases, cancellations, * * * etc., including indexing in general indices; for the first fifteen (15) pages ..... $ 18.00

Each additional page..... $ 1.00

Sectional index entries per section or subdivision lot..... $ 1.00

(ii) Recording each oil and gas assignment per assignee..... $ 18.00

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

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

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

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

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

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

For the first chancellor sitting only, clerk and two (2) deputies, each..... $ 50.00

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

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

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

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

The chancery clerk shall itemize on the original document a detailed fee bill of all charges due or paid for filing, recording

and abstracting same. No person shall be required to pay such fees until same have been so itemized, but said fees may be demanded before the document is recorded.

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

(a) Divorce to be contested..... $75.00

(b) Divorce uncontested..... 30.00

(c) Alteration of birth or marriage certificate. 25.00

(d) Removal of minority..... 25.00

(e) Guardianship or conservatorship..... 75.00

(f) Estate of deceased, intestate..... 75.00

(g) Estate of deceased, testate..... 75.00

(h) Adoption..... 75.00

(i) Land dispute..... 75.00

(j) Injunction..... 75.00

(k) Settlement of small claim..... 30.00

(l) Contempt in child support..... 75.00

(m) Partition suit..... 75.00

(n) Any cross-complaint..... 25.00

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2006.