

By: Senator(s) Mettetal

To: Judiciary, Division B

SENATE BILL NO. 3000  
(As Passed the Senate)

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.

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

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 will  
13 deposit the funds into the Mortgage Lending Fraud Prosecution Fund  
14 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.** Section 25-7-9, Mississippi Code of 1972, is  
29 amended as follows:

30           25-7-9. (1) The clerks of the chancery courts shall charge  
31 the following fees:

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

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

38           Each additional page..... \$     1.00

39           (ii) Sectional index entries per section or  
40 subdivision lot..... \$     1.00

41           (iii) Recording each cancellation  
42 per deed of trust..... \$    10.00

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

45           Each additional page..... \$     1.00

46           Sectional index entries per section or subdivision  
47 lot..... \$     1.00

48           Mortgage Lending Fraud Prosecution Fund surcharge  
49 specified in Section 1 of Senate Bill No. 3000,  
50 2007 Regular Session..... \$     1.25

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

54           Each additional page..... \$     1.00

55           (ii) Sectional index entries per section or  
56 subdivision lot..... \$     1.00

57           (iii) Recording each oil and gas  
58 assignment per assignee..... \$    18.00

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

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

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

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

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

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

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

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

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

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

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

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

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

92 (2) In accordance with Uniform Chancery Court Rule 9.01 as  
93 approved by Order of the Mississippi Supreme Court, the following

94 fees shall be a total fee for all services performed by the clerk  
95 with respect to a complaint which shall be payable upon filing and  
96 shall accrue to the chancery clerk at the time of filing. The  
97 clerk or his successor in office shall perform all duties set  
98 forth without additional compensation or fee to wit:

- 99 (a) Divorce to be contested..... \$75.00
- 100 (b) Divorce uncontested..... \$30.00
- 101 (c) Alteration of birth or marriage certificate. \$25.00
- 102 (d) Removal of minority..... \$25.00
- 103 (e) Guardianship or conservatorship..... \$75.00
- 104 (f) Estate of deceased, intestate..... \$75.00
- 105 (g) Estate of deceased, testate..... \$75.00
- 106 (h) Adoption..... \$75.00
- 107 (i) Land dispute..... \$75.00
- 108 (j) Injunction..... \$75.00
- 109 (k) Settlement of small claim..... \$30.00
- 110 (l) Contempt in child support..... \$75.00
- 111 (m) Partition suit..... \$75.00
- 112 (n) Any cross-complaint..... \$25.00

113 (3) For every civil case filed, an additional fee to be  
114 deposited to the credit of the Comprehensive Electronic Court  
115 Systems Fund established in Section 9-21-14..... \$10.00

116 (4) Cost of process shall be borne by the issuing party.  
117 Additionally, should the attorney or person filing the pleadings  
118 desire the clerk to pay the cost to the sheriff for serving  
119 process on one (1) person or more, or to pay the cost of  
120 publication, the clerk shall demand the actual charges therefor,  
121 at the time of filing.

122 **SECTION 3.** This act shall take effect and be in force from  
123 and after July 1, 2007.