

2008 SESSION

SENATE SUBSTITUTE

089407328

HOUSE BILL NO. 1106

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 13, 2008)

(Patron Prior to Substitute—Delegate Kilgore)

A BILL to amend and reenact §§ 8.01-446, 8.01-446.1, 8.01-449, 17.1-223, 17.1-225, 17.1-226, 17.1-227.1, 17.1-228, 17.1-244, 17.1-249, 17.1-258.3, 17.1-258.4, 17.1-275, and 17.1-276 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 17.1-258.3:1 and by adding in Article 8 of Chapter 2 of Title 17.1 a section numbered 17.1-295, relating to electronic filing of land records; digital reproduction; recordation of judgments; secure remote access; deed cover sheets; fees collected by clerks.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-446, 8.01-446.1, 8.01-449, 17.1-223, 17.1-225, 17.1-226, 17.1-227.1, 17.1-228, 17.1-244, 17.1-249, 17.1-258.3, 17.1-258.4, 17.1-275, and 17.1-276 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 17.1-258.3:1 and by adding in Article 8 of Chapter 2 of Title 17.1 a section numbered 17.1-295 as follows:

§ 8.01-446. Clerks to keep judgment dockets; what judgments to be docketed therein.

The clerk of each court of every circuit shall keep in his office, in a well-bound book, or by microphotographic or electronic process allowed by § 17.1-240, a judgment docket, in which he shall docket, without delay, any judgment for a specific amount of money rendered in his court, and shall likewise docket without delay any judgment for a specific amount of money rendered in this Commonwealth by any other court of this Commonwealth or federal court, when he shall be required so to do by any person interested, on such person delivering to him an authenticated legible abstract of it and also upon the request of any person interested therein, any such judgment rendered by a district court judge whose book has been filed in his office under the provisions of Title 16.1 or of which a legible abstract is delivered to him certified by the district court judge who rendered it; provided, that judgments docketed in the clerk's office of the Circuit Court of the City of Williamsburg and the County of James City shall be docketed and indexed in one book. A specific judgment for money shall state that it is a judgment for money in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. An order of restitution docketed pursuant to § 19.2-305.2 shall have the same force and effect as a specific judgment for money and shall state that it is an order of restitution in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. If the clerk determines that an abstract is not legible, the clerk shall refuse to record it and shall return it to the person who tendered the abstract for recording.

§ 8.01-446.1. Keeping of docket books by clerk of court using micrographic process; form.

Whenever judgments are docketed in the judgment lien book in the office of the clerk of the circuit court and are recorded by a procedural micrographic process as provided in § 17.1-240, or by any other method or process which renders impractical or impossible the subsequent entry of notations upon the docketed judgment, an appropriate certificate of assignment, release, partial release, certified copy of any order, or other separate instrument setting forth the necessary information as provided in this section shall be recorded and indexed according to law. Such instrument shall conform substantially with the following form:

TYPE OF FILING (Check One)

() Assignment ORIGINAL BOOK # PAGE

() Release (or instrument no. _____)

() Partial Release ORIGINAL DATE DOCKETED:

() Credit(s)

() Additional Debtor(s)

() New Name of Debtor

Date of Judgment:

Amount of Judgment:

Plaintiff(s):

Defendant(s):

Assignee (If assignment):

Payments (If credits): AMOUNT DATE PAID

SENATE SUBSTITUTE

HB1106S1

3/20/10 22:39

59 (Complete below if additional debtor or change of name of debtor)
60 Debtor:
61 Social Security Number of Debtor (*Last Four Digits*)(If known):
62 Given under my hand this day of,

63
64 (Plaintiff) (Attorney for Plaintiff)

65 (Authorized Agent for Plaintiff)

66 Any judgment creditor who knowingly gives false information upon such
67 certificate made under this section shall be guilty of a Class 1
68 misdemeanor.

69 § 8.01-449. How judgments are docketed.

70 A. The judgment docket required by § 8.01-446 may be kept in a well-bound book, or any other
71 media permitted by § 17.1-240. The date and time of docketing shall be recorded with each judgment
72 docketed. The clerk of the circuit court of any county using card files on July 1, 1975, may continue to
73 use the card file system. The docketing may be done by copying the wording of the judgment order
74 verbatim or by abstracting the information therefrom into a book or into fixed fields of an electronic
75 data storage system. Where a procedural microphotographic system is used, the docketing may be done
76 by recording and storing a retrievable image of the judgment order, judgment abstract, or other source
77 document such as a certificate of assignment or release. Where an electronic imaging system is used, the
78 document image shall be stored in a data format which permits recall of the image. *Any judgment*
79 *docketed pursuant to this subsection shall contain the information required by subsection B.*

80 B. Where a well-bound book is used for the judgment docket there shall be stated in separate
81 columns (i) the date and amount of the judgment, (ii) the time from which it bears interest, (iii) the
82 costs, (iv) the full names of all the parties thereto, including the address, date of birth and the last four
83 digits of the social security number, if known, of each party against whom judgment is rendered, (v) the
84 alternative value of any specific property recovered by it, (vi) the date and the time of docketing it, (vii)
85 the amount and date of any credits thereon, (viii) the court by which it was rendered and the case
86 number, and (ix) when paid off or discharged in whole or in part, the time of payment or discharge and
87 by whom made when there is more than one defendant. And in case of a judgment or decree by
88 confession, the clerk shall also enter in such docket the time of day at which the same was confessed, or
89 at which the same was received in his office to be entered of record. There shall also be shown on such
90 book the name of the plaintiff's attorney, if any.

91 C. Error or omission in the entry of the address or addresses or the social security number or
92 numbers of each party against whom judgment is rendered shall in no way affect the validity, finality or
93 priority of the judgment docketed.

94 D. Beginning July 1, 2010, any judgment made available to subscribers via secure remote access
95 pursuant to § 17.1-294 shall contain only the last four digits of the social security number of any party.
96 However, the information otherwise required in the judgment docket pursuant to ~~subsection B~~ of this
97 section shall be provided.

98 E. The attorney or party who prepares or submits the judgment for recordation has the responsibility
99 for ensuring that only the last four digits of the social security number are included in the judgment
100 prior to the instrument's being submitted for recordation. The clerk has the authority to reject any
101 judgment that does not comply with the provisions of this section.

102 § 17.1-223. Duty of clerk to record writings, etc., and make index.

103 A. Every writing authorized by law to be recorded, with all certificates, plats, schedules or other
104 papers thereto annexed or thereon endorsed, upon payment of fees for the same and the tax thereon, if
105 any, shall, when admitted to record, be recorded by or under the direction of the clerk on such media as
106 are prescribed by § 17.1-239. However, the clerk has the authority to reject any writing for filing or
107 recordation unless (i) each individual's surname only, where it first appears in the writing, is underscored
108 or written entirely in capital letters, (ii) each page of the instrument or writing is numbered, (iii) the
109 Code section under which any exemption from recordation taxes is claimed is clearly stated on the face
110 of the writing, (iv) the names of all grantors and grantees are listed as required by §§ 55-48 and 55-58,
111 *and if a cover sheet is used pursuant to § 17.1-227.1, that the names of all grantors and grantees on the*
112 *face of such writing are the same on the cover sheet*, and (v) the first page of the document bears an
113 entry showing the name of either the person or entity who drafted the instrument, except that papers or
114 documents prepared outside of the Commonwealth shall be recorded without such an entry. Such
115 writing, once recorded, shall be returned to the grantee unless otherwise indicated clearly on the face of
116 the writing including an appropriate current address to which such writing shall be returned.

117 B. The attorney or party who prepares the writing for recordation shall ensure that the writing
118 satisfies the requirements of subsection A and that (i) the social security number is removed from the
119 writing prior to the instrument being submitted for recordation, (ii) a deed conveying not more than four

residential dwelling units states on the first page of the document the name of the title insurance underwriter insuring such instrument or a statement that the existence of title insurance is unknown to the preparer.

C. If the writing or deed is accepted for record and spread on the deed books, it shall be deemed to be validly recorded for all purposes. Such books shall be indexed by him as provided by § 17.1-249 and carefully preserved. Upon admitting any such writing or other paper to record the clerk shall endorse thereon the day and time of day of such recordation. More than one book may be used contemporaneously under the direction of the clerk for the recordation of the writings mentioned in this section whenever it may be necessary to use more than one book for the proper conduct of the business of his office. After being so recorded such writings may be delivered to the party entitled to claim under the same.

§ 17.1-225. Remote access to nonconfidential court records.

The clerk of the circuit court of any county or city may provide remote access, including Internet access, to all nonconfidential court records maintained by his office and described in § 17.1-242. The clerk shall be responsible for insuring that proper security measures are implemented and maintained to prevent remote access users from obtaining any data that are confidential under this Code and to prevent the modification or destruction of any records by remote access users. For purposes of this section, remote access users are those individuals who are not employees of the clerk's office. *Secure remote access to land records shall be governed by § 17.1-294.*

§ 17.1-226. Remote access to certain agencies from clerk of court.

The governing body of any ~~county or city~~ *locality* may give the clerk of its circuit court, ~~pursuant to § 17.1-225, the authority to provide remote access users with~~ information from ~~county, city or local~~ agencies *that the clerk may provide to remote access users.*

§ 17.1-227.1. Use of cover sheets on deeds or other instruments by circuit court clerks.

Circuit court clerks may require that any deed or other instrument conveying or relating to an interest in real property be filed with a cover sheet detailing the information contained in the deed or other instrument necessary for the clerk to properly index such instrument. The cover sheet shall be developed in conjunction with the Supreme Court of Virginia. *The attorney or party who prepares or submits the cover sheet on any deed or other instrument conveying or relating to an interest in real property for recordation has the responsibility for ensuring the accuracy of the information contained in the cover sheet.*

The cover sheet shall not be included as a page for determining the amount of any applicable filing fees pursuant to subdivision A 2 of § 17.1-275, nor shall the cover sheet be construed to convey title to any interest in real property or purport to be a document in the chain of title conveying any interest in real property.

§ 17.1-228. Recording releases of deeds of trust, partial releases of deeds of trust, court ordered releases, or other liens or assignments in cities and counties using microfilm.

Notwithstanding any other provision of law, whenever the writings required by law to be recorded in the deed book in the office of the clerk of the circuit court of any city or county are recorded by a microphotographic process or by any other method or process which renders impractical or impossible the subsequent entering of marginal notations upon a recorded instrument, an appropriate certificate, certificate of satisfaction, certificate of partial satisfaction, certified copy of order, or other separate instrument setting forth the necessary information shall be recorded and indexed according to law.

When existing deed books in the office of the clerk of the circuit court of any county or city are to be microfilmed *or digitally reproduced* for security purposes, the clerk may provide that marginal notations to accomplish the release of deeds of trust or other liens shall not be made in such deed book so microfilmed *or digitally reproduced*.

§ 17.1-244. Books, etc., in clerks' offices rebound, transcribed, microfilmed or digitally reproduced; credit given to transcripts, etc.

Any court of record or, if so designated by the judge, the clerk thereof may cause any of the books or records in the clerk's office which may be in need thereof to be rebound, transcribed, microfilmed or digitally reproduced. The same faith and credit shall be given to such transcript or reproductions from the microfilm *or digitally reproduced record* as the book or record transcribed would have been entitled to.

§ 17.1-249. General indexes for clerks' offices; daily index.

A. There shall be kept in every clerk's office modern, family name or ledgerized alphabetical key-table general indexes to all deed books, miscellaneous liens, will books, judgment dockets and court order books. The clerk shall enter daily either in such general indexes or in the daily index to instruments admitted to record every deed, corrected or amended deed, deed of release, deed of trust, contract of sale, or any addendum or memorandum relating to any of these instruments, indexing each

instrument in the names of all parties listed in the first clause of each instrument as required by §§ 55-48 and 55-58. Any clerk, deputy clerk, or employee of any clerk who so indexes any such instrument shall index any name appearing in the first clause of the original instrument, *unless the instrument is submitted for recordation with a cover sheet pursuant to § 17.1-227.1, in which case, the instrument may be indexed by the information contained in the cover sheet. The clerk shall comply with the provisions of § 17.1-223.*

B. A deed made to one or more trustees to secure the payment of an indebtedness, and any certificate of satisfaction or certificate of partial satisfaction, assignment, loan modification agreement, substitution of trustees or similar instrument subsequently recorded with respect to such deed, shall be sufficiently indexed if the clerk enters in the appropriate places in the general index to deeds provided for in subsection A the names of the grantor and the name of the beneficiary or, in lieu of the name of the beneficiary, the first listed trustee as grantee. The beneficiary need not be named in the first clause of the deed as a condition of recordation.

C. A deed made by a person in a representative capacity, or by devisees or coparceners, shall be indexed in the names of the grantors and grantees and the name of the former record title owner listed in the first clause of the instrument.

D. The general indexes of civil causes shall be sufficiently kept if the clerk indexes such causes under the short style or title thereof, except that in multiple suits brought under § 58.1-3968, the names of all of the defendants disclosed by the pleadings shall be entered in the general index or book.

E. Every deed of conveyance of real estate in which a vendor's lien is reserved shall be double indexed so as to show not only the conveyance from the grantor to the grantee in the instrument, but also the reservation of the lien as if it were a grant of the same from the grantee to the grantor by a separate instrument and the fact of the lien shall be noted in the index.

F. All deed books, miscellaneous liens, will books, judgment dockets, and court order books shall be numbered or otherwise adequately designated and the clerk upon the delivery of any writing to him for record required by law to be recorded shall duly index it upon the general index in the manner hereinbefore required. When the writing has been actually transcribed on the book, the clerk shall add to the general index the number of the book in which, and the page on which, the writing is recorded.

G. The clerk on receipt of any such writing for record may immediately index it in a book to be known as the "daily index of instruments admitted to record" and within 90 days after its admission to record the clerk shall index all such writings indexed in the daily index in the appropriate general index as hereinbefore provided. The daily index book shall, at all times, be kept in the office of the clerk and conveniently available for examination by the public. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

H. The judge of any circuit court may make such orders as he deems advisable as to the time and method of indexing the order books in the clerk's office of the court and may dispense with a general index for order books of the court.

I. The clerk may maintain his indexes on computer, word processor, microfilm, microfiche, or other micrographic medium and, in addition, may maintain his grantor and grantee indexes on paper.

§ 17.1-258.3. Electronic filing in civil or criminal actions.

A clerk of circuit court may establish a system for electronic filing ~~or recordation of documents pursuant to the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). Once established, any person, as defined in subdivision 11 of § 59.1-480, may electronically file land records, instruments, judgments, and UCC financing statements.~~ Electronic filing of papers in civil or criminal actions *that* shall be governed by Rule 1:17 of the Rules of Supreme Court of Virginia. The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to file documents electronically, specifying the electronic filing procedures to be followed, including, but not limited to, security procedures, as defined in the Uniform Electronic Transactions Act, for transmitting notarized documents.

§ 17.1-258.3:1. *Electronic filing of land records.*

A clerk of a circuit court may provide a network or system for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages. The clerk may charge a fee to be assessed for each instrument recorded electronically in an amount not to exceed \$5 per document. The fee shall be paid to the clerk's office and deposited by the clerk into a special nonreverting local fund to be used to cover operational expenses of such network or system. Operational expenses of such network or system shall include, but not be limited to, computer support, maintenance, enhancements, upgrades, and replacements, and consulting services. The clerk shall enter into an electronic filing agreement with each filer in accordance with Virginia Real Property Electronic Recording Standards established by the Virginia Information Technologies Agency. Nothing herein shall be construed to prevent the clerk from entering into agreements with designated application service providers to provide all or part of the network or system for electronic filing of land records as

provided herein.

§ 17.1-258.4. Signature; when effective as original.

A. If the electronically filed document contains an electronic signature pursuant to the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), any statutory requirement for original signature shall be deemed to be satisfied.

B. Any statutory requirement for a document to be notarized shall be deemed satisfied by the appropriately executed electronic signature of such notary pursuant to the Virginia Notary Act (§ 47.1-1 et seq.).

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 25 for estates not exceeding \$50,000, \$25 30 for estates not exceeding \$100,000 and \$30 35 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 15,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10 15.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$35.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

304 12. Upon the defendant's being required to successfully complete traffic school or a driver
305 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as
306 if he had been convicted.

307 13. In all civil actions that include one or more claims for the award of monetary damages the clerk's
308 fee chargeable to the plaintiff shall be ~~\$60~~ 62 in cases seeking recovery not exceeding \$50,000, \$10 of
309 which shall be apportioned to the Courts Technology Fund established under § 17.1-132; ~~\$110~~ 112 in
310 cases seeking recovery not exceeding \$100,000, \$10 of which shall be apportioned to the Courts
311 Technology Fund established under § 17.1-132; and ~~\$160~~ 162 in cases seeking recovery exceeding
312 \$100,000, \$10 of which shall be apportioned to the Courts Technology Fund established under
313 § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in
314 lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any
315 pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a
316 counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected
317 upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable
318 to cases filed in the Supreme Court of Virginia.

319 13a. For the filing of any petition seeking court approval of a settlement where no action has yet
320 been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the
321 time of filing the petition.

322 14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by
323 confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or
324 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the
325 amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering
326 judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as
327 prescribed in subdivision A 17.

328 15. For qualifying notaries public, including the making out of the bond and any copies thereof,
329 administering the necessary oaths, and entering the order, \$10.

330 16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required
331 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

332 17. For docketing and indexing a judgment from any other court of this Commonwealth, for
333 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of
334 § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment
335 pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper
336 to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee
337 of \$20.

338 18. For all services rendered by the clerk in any court proceeding for which no specific fee is
339 provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of
340 filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the
341 entry of a decree of divorce from the bond of matrimony.

342 19, 20. [Repealed.]

343 21. For making the endorsements on a forthcoming bond and recording the matters relating to such
344 bond pursuant to the provisions of § 8.01-529, ~~\$15~~.

345 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

346 23. For preparation and issuance of a subpoena duces tecum, \$5.

347 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,
348 \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to
349 a divorce.

350 25. For providing court records or documents on microfilm, per frame, \$0.50.

351 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one
352 or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be
353 ~~\$60~~ 62, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132
354 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly
355 certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the
356 filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged
357 for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of
358 a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee
359 shall include the furnishing of a duly certified copy of both such decrees.

360 27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing
361 fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect a service charge of four
362 percent of the amount paid.

363 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
364 received from the credit card issuer that payment will not be made for any reason, the clerk shall
365 collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid, whichever is

greater, in accordance with § 19.2-353.3.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of \$210.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.505.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.505, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 17.1-276. Fee allowed for providing secure remote access to land records.

Any A clerk of the circuit court who provides ~~electronic secure remote access, including access through the Internet, to nonconfidential court records or other records~~ land records pursuant to §§ ~~17.1-225 and 17.1-226~~ §17.1-294 may charge a fee established by the clerk or by the agency of the county, city or town providing computer support to cover the operational expenses of such electronic access, including, but not limited to, computer support, maintenance, enhancements, upgrades, and replacements, and consulting services. The A flat fee may be assessed for each inquiry, upon actual connect time, or as a flat rate feesubscriber, as defined in § 17.1-295, in an amount not to exceed \$50 per month. If charged, theThe fee shall be charged each user, paid to the clerk's office, and deposited by the clerk into a special nonreverting local fund to be used to cover the operational expenses of such electronic access, as defined herein. In addition, the clerk may charge users a clerk's fee not to exceed

427 ~~\$25 per month.~~ The circuit court clerk shall enter into a subscriber agreement with each subscriber in
428 accordance with Virginia Secure Remote Access Standards established by the Virginia Information
429 Technologies Agency.

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431 § 17.1-295. Definitions.

432 As used in this title:

433 "Electronic recording of land records" means the networks or systems maintained by a clerk of the
434 circuit court, or the clerk's designated application service providers, for the submittal of instruments for
435 electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act
436 (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55
437 regarding the satisfaction of mortgages.

438 "Public access" means that the clerk of the circuit court has made available to subscribers that are
439 other than governmental agencies, secure remote access to land records maintained by the clerk in
440 accordance with § 17.1-294.

441 "Secure remote access" means public access by electronic means on a network or system to land
442 records maintained by the clerk of the circuit court or the clerk's designated application service
443 providers, in compliance with the Secure Remote Access Standards developed by the Virginia
444 Information Technologies Agency.

445 "Subscriber" means any person who has entered into a subscriber agreement with the clerk of the
446 circuit court authorizing the subscriber to have secure remote access to land records maintained by the
447 clerk or the clerk's designated application service providers. If the subscriber is an entity with more
448 than one person who will use the network or system to access land records maintained by the clerk, or
449 the clerk's designated application service providers, each individual user shall execute a subscriber
450 agreement and obtain a separate "user id" and "password" from the clerk. The subscriber is responsible
451 for the fees due under this title and the proper use of the secure remote access system pursuant to the
452 subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the
453 Virginia Information Technologies Agency.

454 **2. That the fee increases established in § 17.1-275 of the Code of Virginia shall only be effective if**
455 **an appropriation of general funds effectuating the purposes of this act is included in a general**
456 **appropriation act passed by the General Assembly, which becomes law, and is paid to the**
457 **Compensation Board for the sole purpose of payment of a four percent salary increase for the**
458 **deputy clerks of the circuit courts, who did not receive the same four percent salary increase**
459 **received by all other deputy clerks included in the 2007 Appropriation Act.**