

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 842

*An Act to amend and reenact §§ 14.1-112 and 14.1-113 of the Code of Virginia, as they are currently effective and as they may become effective, relating to fees collected by clerks.*

[S 310]

Approved April 20, 1994

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 14.1-112 and 14.1-113 of the Code of Virginia, as they are currently effective and as they may become effective, are amended and reenacted as follows:**

§ 14.1-112. Clerks of circuit courts; generally.

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

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith, ~~except plats~~, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed exceeding a total of ten in number. One dollar 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 State Library and Archives in cooperation with the circuit court clerks.

(3) ~~For recording a plat, or copy thereof which is to be recorded in the plat book, ten dollars.~~

(4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

(5) 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, ten dollars.

(6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, for each page, a fee to be established in the discretion of the clerk not to exceed one dollar for the first two pages and fifty cents for each page thereafter.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases the clerk shall charge the defendant thirty-two dollars in each case.

(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-two dollars in each case.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(17) In all actions at law the clerk's fee chargeable to the plaintiff shall be ~~fifteen dollars in cases not exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five fifty dollars in cases not exceeding \$50,000, forty dollars \$100 in cases not exceeding \$100,000, fifty dollars in cases not exceeding \$500,000 and \$100 \$150 in cases exceeding \$500,000 \$100,000~~; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a

counterclaim. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

(18) [Repealed.]

(19) For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

(20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

(21) For the registration in the proper book of any professional licenses required to be registered in the clerk's office, five dollars.

(22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of five dollars; for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars.

(23) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, ten dollars, to be paid by the party filing said papers at the time of filing; however, this section shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

(24) For receiving and processing an application for a tax deed, ten dollars.

(25) For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

(26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, fifty cents.

(27) For noting and filing the assignment of a judgment pursuant to the provisions of § 8.01-452, five dollars.

(28) For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

(29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

(30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an execution creditor, five dollars.

(31) For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, twenty dollars.

(32) For providing court records or documents on microfilm, per frame, ten cents.

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

§ 14.1-112. (Delayed effective date) Clerks of circuit courts; generally.

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

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith, ~~except plats~~, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed exceeding a total of ten in number. One dollar 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 State Library and Archives in cooperation with the circuit court clerks.

(3) ~~For recording a plat, or copy thereof which is to be recorded in the plat book, ten dollars.~~

(4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

(5) 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, ten dollars.

(6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, for each page, a fee to be established in the discretion of the clerk not to exceed one dollar for the first two pages and fifty cents for each page thereafter.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases, the clerk shall charge the defendant thirty-two dollars in each case.

(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-two dollars in each case.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(17) In all actions at law the clerk's fee chargeable to the plaintiff shall be ~~fifteen dollars in cases not exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five~~ *fifty* dollars in cases not exceeding \$50,000, ~~forty dollars~~ *\$100* in cases not exceeding \$100,000, ~~fifty dollars in cases not exceeding \$500,000 and \$100~~ *\$150* in cases exceeding \$500,000 *\$100,000*; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

(18) [Repealed.]

(19) For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

(20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

(21) For the registration in the proper book of any professional licenses required to be registered in the clerk's office, five dollars.

(22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of five dollars; for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars.

(23) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, ten dollars, to be paid by the party filing said papers at the time of filing.

(24) For receiving and processing an application for a tax deed, ten dollars.

(25) For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

(26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, fifty cents.

(27) For noting and filing the assignment of a judgment pursuant to the provisions of § 8.01-452, five dollars.

(28) For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

(29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

(30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an execution creditor, five dollars.

(31) For all services rendered by the clerk in matters filed in circuit court under § 8.01-217 relating to change of name, twenty dollars.

(32) For providing court records or documents on microfilm, per frame, ten cents.

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

§ 14.1-113. Same; in chancery causes.

In all chancery causes the clerk's fee chargeable to the plaintiff shall be ~~forty~~ *fifty* dollars to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending suit.

In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above shall include the furnishing of a duly certified copy of both such decrees.

Notwithstanding any other provision of law to the contrary, the provisions of this section shall control the fees charged by clerks of courts of record.

§ 14.1-113. (Delayed effective date) Same; in chancery causes.

In all chancery causes the clerk's fee chargeable to the plaintiff shall be ~~forty~~ *fifty* dollars to be paid

by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending suit.

In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above shall include the furnishing of a duly certified copy of both such decrees.

Notwithstanding any other provision of law to the contrary, the provisions of this section shall control the fees charged by clerks of courts of record.

This section shall not apply to any cases filed in the family court.