# 1994 SESSION

**ENROLLED** 

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## VIRGINIA ACTS OF ASSEMBLY - CHAPTER

2 An Act to amend and reenact § 14.1-112 of the Code of Virginia as it is currently effective and as it 3 may become effective, relating to clerk's fees; recording.

[S 63]

#### Approved Be it enacted by the General Assembly of Virginia:

## 1. That § 14.1-112 of the Code of Virginia is amended and reenacted as follows:

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

9 A clerk of a circuit court shall, for services performed by virtue of his office, charge the following 10 fees:

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5 11 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the 12 13 recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's 14 certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

15 (2) For recording and indexing in the proper book any writing and all matters therewith, except plats, 16 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. 17 18 Only a single fee as authorized by this subdivision shall be charged for recording a certificate of 19 satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In 20 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 21 designated for use in preserving the permanent records of the circuit courts. The sum collected for this 22 23 purpose shall be administered by the State Library and Archives in cooperation with the circuit court 24 clerks. 25

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

26 (4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other 27 fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not 28 exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates 29 exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

30 (5) For entering and granting and for issuing any license, other than a marriage license or a hunting 31 and fishing license, and administering an oath when necessary, ten dollars.

32 (6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths 33 or affidavits, indexing and recording, ten dollars.

34 (7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, 35 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 36 37 the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not 38 exceeding \$500 and twenty-five dollars in all other cases. 39

(9) [Repealed.]

40 (10) For making out a copy of any paper or record to go out of the office, which is not otherwise 41 specifically provided for, for each page, a fee to be established in the discretion of the clerk not to 42 exceed one dollar for the first two pages and fifty cents for each page thereafter.

43 (11) For annexing the seal of the court to any paper, writing the certificate of the clerk 44 accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to 45 do so, fifty cents. 46

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases the clerk shall charge the defendant thirty-two dollars in each 47 **48** case.

49 (16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-two dollars 50 in each case.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver 51 52 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as 53 if he had been convicted.

54 (17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifteen dollars in cases not 55 exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five dollars in cases not exceeding \$50,000, forty dollars in cases not exceeding \$100,000, fifty dollars in cases not exceeding 56 57 \$500,000 and \$100 in cases exceeding \$500,000; 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 58 59 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 60

subdivision shall not be applicable to cases filed in the Supreme Court of Virginia. 61 62

(18) [Repealed.]

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63 (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. 64

(20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required 65 66 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

67 (21) For the registration in the proper book of any professional licenses required to be registered in 68 the clerk's office, five dollars.

69 (22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of 70 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 71 72 dollars.

73 (23) For all services rendered by the clerk in any court proceeding for which no specific fee is 74 provided by law, ten dollars, to be paid by the party filing said papers at the time of filing; however, 75 this section shall not be applicable in a divorce cause prior to and including the entry of a decree of 76 divorce from the bond of matrimony. 77

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

78 (25) For all services rendered by the clerk in any condemnation proceeding instituted by the 79 Commonwealth, twenty-five dollars.

80 (26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the 81 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, 82 83 five dollars.

84 (28) For making the endorsements on a forthcoming bond and recording the matters relating to such 85 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 86 87 dollars.

88 (30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an 89 execution creditor, five dollars.

90 (31) For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, 91 twenty dollars.

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

93 The provisions of this section shall control the fees charged by clerks of circuit courts for the 94 services above described.

95 § 14.1-112. (Delayed effective date) Clerks of circuit courts; generally.

96 A clerk of a circuit court shall, for services performed by virtue of his office, charge the following 97 fees:

98 (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 99 100 recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's 101 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, 102 103 or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of 104 one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages. 105 Only a single fee as authorized by this subdivision shall be charged for recording a certificate of 106 satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed 107 exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be 108 109 designated for use in preserving the permanent records of the circuit courts. The sum collected for this 110 purpose shall be administered by the State Library and Archives in cooperation with the circuit court 111 clerks.

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

113 (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 114 115 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. 116

117 (5) For entering and granting and for issuing any license, other than a marriage license or a hunting 118 and fishing license, and administering an oath when necessary, ten dollars.

- 119 (6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths 120 or affidavits, indexing and recording, ten dollars.
- 121 (7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, 122 administering all necessary oaths and writing proper affidavits, three dollars.
- 123 (8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by 124 the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not 125 exceeding \$500 and twenty-five dollars in all other cases. 126
  - (9) [Repealed.]

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- 127 (10) For making out a copy of any paper or record to go out of the office, which is not otherwise 128 specifically provided for, for each page, a fee to be established in the discretion of the clerk not to 129 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 130 accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to 131 132 do so, fifty cents.
  - (12) through (14) [Repealed.]
- 134 (15) Upon conviction in felony cases, the clerk shall charge the defendant thirty-two dollars in each 135 case.
- 136 (16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-two dollars 137 in each case.
- 138 (16a) Upon the defendant's being required to successfully complete traffic school or a driver 139 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as 140 if he had been convicted.
- 141 (17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifteen dollars in cases not 142 exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five dollars in cases not exceeding \$50,000, forty dollars in cases not exceeding \$100,000, fifty dollars in cases not exceeding 143 \$500,000 and \$100 in cases exceeding \$500,000; and in condemnation cases, a fee of twenty-five 144 145 dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other 146 fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. 147 However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. This 148 subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

149 (18) [Repealed.]

- 150 (19) For qualifying notaries public, including the making out of the bond and any copies thereof, 151 administering the necessary oaths, and entering the order, ten dollars.
- 152 (20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required 153 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.
- 154 (21) For the registration in the proper book of any professional licenses required to be registered in 155 the clerk's office, five dollars.
- 156 (22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of 157 five dollars; for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty 158 dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five 159 dollars.
- 160 (23) For all services rendered by the clerk in any court proceeding for which no specific fee is 161 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. 162
- 163 (25) For all services rendered by the clerk in any condemnation proceeding instituted by the 164 Commonwealth, twenty-five dollars.
- 165 (26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the 166 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, 167 168 five dollars.
- 169 (28) For making the endorsements on a forthcoming bond and recording the matters relating to such 170 bond pursuant to the provisions of § 8.01-529, one dollar.
- 171 (29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten 172 dollars.
- 173 (30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an 174 execution creditor, five dollars.
- 175 (31) For all services rendered by the clerk in matters filed in circuit court under § 8.01-217 relating 176 to change of name, twenty dollars.
- 177 (32) For providing court records or documents on microfilm, per frame, ten cents.
- 178 The provisions of this section shall control the fees charged by clerks of circuit courts for the 179 services above described.