

ATTACHMENT K

MANDATORY SCHEDULE OF CIVIL FEES TO BE COLLECTED IN MAGISTRATES COURT. This schedule is based on Sections 8-21-1010, 8-21-1060, and 22-3-340. § 22-3-340 requires that \$25.00 be added to **the original filing** of all summons and complaints and interpleader actions, and \$10.00 be added to **the original filing** of all other civil cases in magistrate court.¹ The filing of a petition for a restraining order against harassment or stalking, or for an order of protection against domestic abuse is statutorily exempt from any filing fee. However, the non-prevailing party in an action for a restraining order against harassment or stalking is charged the filing fee as provided below.

Summons and Complaint

Filing Fee	\$45.00
Service Fee	\$10.00
<u>§22-3-340 Fee</u>	<u>\$25.00</u>
Total	\$80.00

Claim and Delivery

Filing Fee	\$45.00
Bond Fee	\$ 5.00*
Service Fee	\$10.00
<u>§22-3-340 Fee</u>	<u>\$10.00</u>
Execution of <u>Judgment</u>	<u>\$20.00**</u>
Total	\$90.00

* Only required when claim for immediate seizure made.

** Only required when pick-up order or execution issued; also includes \$10.00 service fee.

Ejectment

Filing Fee	\$20.00
Service Fee	\$10.00
Mailing Fee	\$ 5.00*
<u>§22-3-340 Fee</u>	<u>\$10.00</u>
Writ of <u>Ejectment</u>	<u>\$10.00**</u>
Total	\$55.00

Distraint

Filing Fee	\$20.00
Service Fee	\$10.00
<u>§22-3-340 Fee</u>	<u>\$10.00</u>
Warrant of <u>Distraint</u>	<u>\$10.00</u>
Total	\$50.00

* If required by §27-37-30.

** This figure represents service costs and should only be charged if service of the final paper is needed.

¹ The §22-3-340 fee applies only to original filings and not to subsequent filings in the same action. See Section V.C.1 concerning the separation of the proviso fee from the original filing fee and the fee distribution.

Magistrates Sale	
(\$29-15-10)	
Repair and Storage	
Filing Fee/Costs	\$25.00
<u>§22-3-340 Fee</u>	<u>\$10.00</u>
Total	\$35.00

Summary Ejectment of Trespassers	
(\$15-67-610)	
Filing Fee	\$45.00
Service Fee	\$10.00
Warrant of Ejectment	\$10.00*
<u>§22-3-340 Fee</u>	<u>\$10.00</u>
Total	\$75.00

* Represents cost of service of warrants. Only charge if service of warrant is required.

Interpleader	
(\$22-3-25)	
Filing Fee	\$45.00
Service Fee	\$20.00*
<u>§22-3-340 Fee</u>	<u>\$25.00</u>
Total	\$90.00

Harassment/Stalking Restraining Order	
(\$16-3-1750)**	
Filing Fee	\$45.00
<u>Service Fee</u>	<u>\$10.00</u>
Total	\$55.00

* Service upon two defendants will be required in an interpleader action.

** Fee not required at an initial filing. Charge to non-prevailing party at conclusion of hearing.

Magistrates Sale of Abandoned Mobile Home	
(\$6-1-150)	
Filing Fee/Costs	\$25.00
<u>§22-3-340 Fee</u>	<u>\$10.00</u>
Total	\$35.00

Magistrates Declaration and Sale or Destruction of Derelict Mobile Homes	
(\$6-1-150)	
Filing Fee	\$45.00
Service Fee	\$10.00
<u>§22-3-340 Fee</u>	<u>\$25.00</u>
Total	\$80.00

Miscellaneous Fees

1. Fee for the court to prepare and serve a summons/subpoena in a civil action. \$8.00
2. Witness Fee to be paid to witness by compelling party. \$25.00
3. To summons jury panel in civil case; cost to be born by losing party. \$5.00
4. Fee for preparing, certifying, and forwarding a transcript of judgment in a civil case for purpose of appeal (does not apply to criminal appeals). \$10.00

This schedule was developed for statewide use to create uniformity in fees from county to county. This uniformity cannot be achieved without your cooperation. Please adhere to this schedule.