

2016 Regular Session

HOUSE BILL NO. 720

BY REPRESENTATIVE GAROFALO

CLERKS OF COURT: Provides relative to fees by clerks of court

1 AN ACT

2 To amend and reenact R.S. 13:844 and to repeal R.S. 9:5217 and R.S. 44:181.4, relative to
3 clerks of court; to provide for fees as ex officio recorders; to provide for a schedule
4 of fees; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:844 is hereby amended and reenacted to read as follows:

7 §844. Fees of ex officio recorders

8 A.(1) For filing and recording any document in the conveyance or mortgage
9 records, each parish clerk of court, as ex officio recorder of mortgages and
10 conveyances, shall charge the following fees: ~~Clerks of the district courts as ex~~
11 ~~officio recorders may charge the following fees:~~

12 ~~(1) For filing and recording any document, twenty-five dollars per book for~~
13 ~~the first page and ten dollars for each subsequent page per book up to ten pages. All~~
14 ~~documents that exceed ten pages, twenty-five dollars for the first page and eight~~
15 ~~dollars for each subsequent page.~~

16 ~~(2) For indexing of all documents filed for record for each name after the~~
17 ~~first name that is required to be indexed, five dollars per name.~~

18 (a) One page document with up to ten names indexed: fifty dollars.

19 (b) Two to five page document with up to ten names indexed: seventy-five
20 dollars.

1 (c) Six to ten page document with up to ten names indexed: one hundred
2 dollars.

3 (d) Eleven to twenty page document with up to ten names indexed: one
4 hundred fifty dollars.

5 (e) Twenty one to thirty page document with up to ten names indexed: two
6 hundred twenty-five dollars.

7 (f) Thirty one page to forty page document with up to ten names indexed:
8 three hundred dollars.

9 (g) Forty one page to fifty page document with up to ten names indexed:
10 four hundred dollars.

11 (h) Fifty one page to sixty page document with up to ten names indexed:
12 five hundred dollars.

13 (i) For documents in excess of sixty pages, there shall be an additional
14 charge of one hundred dollars for each additional fifty pages in the document filed
15 and recorded.

16 (2) If the document requires the indexing of more than ten names, there shall
17 be an additional charge of fifty dollars for each additional increment of ten names
18 in excess of the first ten names in the recorded document.

19 (3) The filing fees provided in this Subsection shall include providing the
20 filer with one file-stamped conforming copy and one certified copy without
21 additional charge, and the filing fee shall include providing copies, if needed, for the
22 first file-stamped conforming copy and the first certified copy. For additional file-
23 stamped conforming copies, there shall be a fee of ten dollars per document. For
24 additional certified copies, there shall be a fee of fifteen dollars. If copies are
25 produced by the clerk of court, he shall be entitled to a fee of twenty-five cents per
26 page of the copies produced.

27 (4) Documents to be recorded may be on either standard-size paper (eight
28 and a half by eleven inches) or legal-size paper (eight and a half by fourteen inches)

1 and the recording fees provided in this Section shall be the same regardless of which
2 size paper is used.

3 (5) Additional documents attached to the document as exhibits, addenda, or
4 riders shall be included as part of the document for filing, and the pages of the
5 additional documents shall be included in the total pages of the document for
6 calculating the appropriate filing fee.

7 (6) If a document is to be filed in both the mortgage and conveyance records,
8 the fees set forth in this Section shall be assessed separately for recording in the
9 mortgage records and in the conveyance records.

10 B. Clerks of the district courts as ex officio recorders may charge the
11 following other fees:

12 ~~(3)~~(1) For notarizing acknowledgments of acts executed under private
13 signature, with seal and certificate, five dollars.

14 ~~(4)~~(2) For certificate of real estate mortgage and lien certificate with seal, for
15 each name in which search is made, and for one definable property only, twenty
16 dollars for the first name and ten dollars for each additional name. There shall be an
17 additional charge of one dollar per exception in the event that more than ten
18 exceptions are contained on a certificate.

19 ~~(5)~~(3) Notwithstanding any other provision of law to the contrary, there shall
20 be a fee of thirty dollars for the recordation of an act or affidavit to cancel a
21 mortgage or for the partial release of a mortgage. The fee shall include providing the
22 filer with one file-stamped conforming copy. ~~For canceling real estate mortgage~~
23 with original note, ten dollars.

24 ~~(6)~~(4) Except as provided in Subsection A of this Section, for ~~For~~ making
25 copies of all official documents, no more than two dollars per page.

26 ~~(7)~~(5) Except as provided in Subsection A of this Section, for ~~For~~ attesting
27 any record or copy thereof, five dollars.

28 ~~(8)~~(6) For canceling of lien for paving or installation of sewerage system, ten
29 dollars.

1 B.C. The funds derived by the clerk of court in the parish of Calcasieu from
2 that portion of the fees collectable pursuant to this Subsection above the amount of
3 such fees collectable at the rates provided by R.S. 13:844 prior to the amendment
4 thereof at the 1981 Regular Session of the Legislature shall be expended exclusively
5 for the payment of salaries of deputy clerks of court in that parish.

6 E.D. In addition to the above charges, the clerks of court as ex officio
7 notaries public may make a reasonable charge for drawing deeds, mortgages, chattel
8 mortgages, liens or other similar instruments.

9 ~~D.(1) For purposes of establishing the filing and recording fee, every~~
10 ~~document filed for recordation shall be captioned as to type of act on the first page,~~
11 ~~and shall have on the first page a margin of two inches at the top, and one inch at the~~
12 ~~bottom and sides. The type size shall not be less than eight point.~~

13 ~~(2) For any document not in compliance with Paragraph (1), there shall be~~
14 ~~an additional ten-dollar noncompliance fee per document.~~

15 ~~E. In addition to the fees provided in Subsection A of this Section, the clerk~~
16 ~~of the Twenty-Fourth Judicial District for the parish of Jefferson may demand and~~
17 ~~receive additional fees in an amount not to exceed twenty-five percent of the fees~~
18 ~~specified in Subsection A of this Section. The funds so derived by the clerk shall be~~
19 ~~expended exclusively for the payment of salaries of deputy clerks of court in that~~
20 ~~parish.~~

21 * * *

22 Section 2. R.S. 9:5217 and R.S 44:181.4 are hereby repealed in their entirety.

23 Section 3. The provisions of this Act shall become effective on October 3, 2016.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 720 Original 2016 Regular Session Garofalo

Abstract: Provides for the schedule of fees to be charged and collected for the processing of certain documents by the clerks of court as ex officio recorders.

Present law provides that the clerks of district courts as ex officio recorders may charge fees for filing, recording, notarizing, copying, and indexing certain documents. Further provides for the collection of fees for certain real estate transactions.

Proposed law provides for a schedule of fees, depending upon the size of the documents or the number of names associated with a document.

Present law provided for an additional \$10 noncompliance fee per document.

Proposed law deletes this present law fee.

Present law authorize the clerk of the 24th JDC to charge additional fees to be used for the payment of salaries of deputy clerks of court in Jefferson Parish.

Proposed law deletes present law.

Present law contains a recorder's fees for multiple indebtedness mortgages and requires the collection of charges and fees for the recordation of records and documents in the parish of Orleans on January 1, 2009.

Proposed law repeals present law.

(Amends R.S. 13:844; Repeals R.S. 9:5217 and R.S. 44:181.4)