

CHAPTER 357

FEES

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357.021 CLERK OF DISTRICT COURT; FEES.

[For text of subd 1a, see M.S.1982]

Subd. 2. **Fee amounts.** The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20, except that in an action for marriage dissolution, the fee is \$55.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and \$3.50 for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Subd. 2a. **Certain fee purposes.** Of the marriage dissolution fee collected pursuant to subdivision 1, the clerk shall pay \$35 to the state treasurer to be deposited in the general fund to be used as follows: \$15 for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established under section 4.40; and \$20 is appropriated to the commissioner of corrections for the purpose of funding emergency shelter services and support services to battered women, on a matching basis with local money for 20 percent of the costs and state money for 80 percent. Of the \$15 for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established under section 4.40, \$6.75 is appropriated to the commissioner of corrections and \$8.25 is appropriated to the commissioner of economic security. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

[For text of subds 3 to 5, see M.S.1982]

History: 1983 c 312 art 3 s 1,2

357.07 DEPOSIT FOR FEES.

No civil action, appeal, or proceeding shall be entered with the clerk of the district court until the person desiring the entry deposits with the clerk the sum of \$5 on account of fees in the case and out of which the clerk shall satisfy the fees as they accrue. Whenever the sum, or any further deposit, is exhausted the clerk may require as a condition for further entries or fees an additional deposit of \$1. Any balance remaining with the clerk after determination of the case shall be returned to the depositor, his agent or attorney. Fees and charges for a transcript of the minutes of any trial, or of any papers on file, shall be at the rate of 75 cents for the first three folios, 15 cents for each additional folio, and 50 cents for the certificate.

History: 1983 c 247 s 139

357.08 PAID BY APPELLANT IN APPEAL.

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of \$50 to the clerk of the appellate courts. In addition, there shall be paid by the appellant or moving party or person the sum of \$10 to the court or agency whose decision is sought to be reviewed. No additional filing fee shall be required for a petition for accelerated review by the supreme court. A filing fee of \$50 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. He shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district

judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

History: 1983 c 247 s 140; 1983 c 301 s 194

357.12 CONSTABLES.

The fees to be charged by a constable shall be as follows:

(1) for serving a warrant or other writ, not otherwise provided for, 25 cents for each person named in it and served;

(2) for a copy of each summons delivered on request or left at the residence of defendant, 25 cents;

(3) serving a subpoena or summons, 50 cents for each person named in it and served; provided, that any summons or subpoena may be served by any person not a party to the action, but if served by any person other than an officer, no fees or mileage shall be allowed and service shall be proved by affidavit;

(4) serving an attachment, 50 cents;

(5) each copy of an attachment, 15 cents;

(6) each copy of an inventory of property seized on attachment, 15 cents;

(7) serving summons on garnishee, 50 cents;

(8) copy of any affidavit or other paper not otherwise provided for, ten cents per folio;

(9) posting each notice, 15 cents;

(10) for travel to and from the place of service, when necessary in serving any process or paper authorized to be served by them, ten cents per mile;

(11) committing to prison, 50 cents;

(12) summoning a jury, \$1;

(13) writing a list of jurors, 15 cents;

(14) attending on a jury, 50 cents;

(15) on all sums collected on execution and paid over, charged upon the judgment debtor, five percent;

(16) serving a writ of replevin, 50 cents;

(17) summoning and swearing appraisers and taking appraisement, 50 cents;

(18) taking and approving security in any case, 25 cents.

A constable shall be allowed all reasonable and necessary expenses actually paid out for food and lodging furnished by him for any prisoner, not to exceed \$1 per day while having the prisoner in custody pending trial and while conducting the prisoner to jail, together with the transportation charges for the prisoner paid to a common carrier. If adjournment is for longer than three days, the prisoner shall be committed to the county jail.

History: 1983 c 359 s 40

357.13 POLICE OFFICERS, FEES IN STATE CASES; ADVANCE PAYMENT OF FEES TO PUBLIC OFFICIALS BY STATE OR COUNTY.

Subdivision 1. City police; witness fees. No police officer of any city shall receive any witness fee in a suit or prosecution brought in the name of the state, but any county or city may reimburse him for expenses actually incurred.

[For text of subd 2, see M.S.1982]

History: 1983 c 177 s 4

357.14 [Repealed, 1983 c 359 s 151]

357.15 [Repealed, 1983 c 359 s 151]

357.16 COMMISSIONERS TO TAKE TESTIMONY.

A person commissioned to take testimony shall receive the fees as prescribed by the court.

History: 1983 c 359 s 41

357.17 NOTARIES PUBLIC.

The maximum fees to be charged and collected by a notary public shall be as follows:

(1) For protest of nonpayment of note or bill of exchange or of nonacceptance of such bill, where protest is legally necessary, and copy thereof, \$1;

(2) For every other protest and copy, \$1;

(3) For making and serving every notice of nonpayment of note or nonacceptance of bill and copy thereof, \$1;

(4) For any affidavit or paper for which provision is not made herein, \$1 per folio, and 20 cents per folio for copies;

(5) For each oath administered, \$1;

(6) For acknowledgments of deeds and for other services authorized by law, the legal fees allowed other officers for like services;

(7) For recording each instrument required by law to be recorded by him, \$1 per folio.

History: 1983 c 175 s 1

357.181 [Repealed, 1983 c 99 s 7]

357.22 WITNESSES.

The fees to be paid to witnesses shall be as follows:

(1) For attending in any action or proceeding in any court or before any officer, person, or board authorized to take the examination of witnesses, \$10 for each day;

(2) For travel to and from the place of attendance, to be estimated from his residence, if within the state, or from the boundary line of the state where he crossed it, if without the state, 24 cents per mile.

No person is obliged to attend as a witness in any civil case unless one day's attendance and travel fees are paid or tendered him in advance.

History: 1983 c 13 s 1; 1983 c 359 s 42

357.24 CRIMINAL CASES.

Witnesses for the state in criminal cases shall receive the same fees for travel and attendance as provided in section 357.22, and judges may, in their discretion, allow like fees to witnesses attending in behalf of any defendant. In addition these witnesses shall receive reasonable expenses actually incurred for meals, loss of wages and child care, not to exceed \$40 per day. In courts these witness fees shall be certified and paid in the same manner as jurors.

History: 1983 c 13 s 2

357.241 JUVENILE COURT WITNESSES.

Witnesses in juvenile proceedings shall receive the same fees for travel and attendance as provided in section 357.22. In addition these witnesses shall receive reasonable expenses actually incurred for meals, loss of wages, and child care, not to exceed \$40 per day.

History: 1983 c 13 s 3

357.242 PARENTS OF JUVENILES.

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not himself a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under section 357.22, 357.24, or 357.241, and may be compensated at the discretion of the judge when the minor is a witness on behalf of a defendant in a criminal case or on behalf of a juvenile in a juvenile court proceeding. The court shall award no more than a combined total of \$40 to the parent or guardian and the minor witness.

History: 1983 c 13 s 4; 1983 c 216 art 2 s 9

357.27 CORONER JURORS.

Each juror sworn before a coroner at an inquest shall receive \$3 for each day's attendance and ten cents for each mile traveled in going to and returning from the site of the inquest. The distance shall be computed by the usually traveled route and paid out of the county treasury. The coroner shall deliver to each juror a certificate for the number of days' attendance and miles traveled for which he is entitled to compensation. Each juror sworn in any action pending before any sheriff on a writ of inquiry, shall receive \$3, to be paid, in the first instance in all civil actions, by the party calling for the jurors. The certificate of the coroner for services rendered as a juror before him shall be filed with the county auditor, who shall draw his warrant upon the county treasurer for the amount. The certificate shall be sufficient voucher for the issuance of the warrant.

History: 1983 c 359 s 43

357.29 SERVICES NOT RENDERED; ILLEGAL FEES.

No judge, sheriff, or other officer, or any other person to whom any fee or compensation is allowed by law for any service, shall take or receive any other or greater fee or reward for the service than allowed by law. No fee or compensation shall be demanded or received by any officer or person for any service unless it was actually rendered, except in the case of prospective costs. Any person violating either of these provisions is liable to the party aggrieved for treble the damages sustained by him.

History: 1983 c 359 s 44