

## Public Services and Privileges

## CHAPTER 357

## FEES

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**357.01 ALLOWANCE.**

For the services specified in this chapter, the fees hereinafter named shall be allowed.

**History:** (6986) *RL s 2693*

**357.02 [Repealed, 1957 c 620 s 4]****357.021 COURT ADMINISTRATOR OF DISTRICT COURT; FEES.**

## Subdivision 1. [Expired]

Subd. 1a. **Transmittal of fees to state treasurer.** (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the state treasurer for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapter 260;

(6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) The fees collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

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

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the tax court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$135.

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 is filed for that party in said action, a fee of \$135.

The party requesting a trial by jury shall pay \$75.

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 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

(3) Issuing a subpoena, \$3 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, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

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

(7) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(8) Filing and indexing trade name; 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) For the deposit of a will, \$5.

(11) For recording notary commission, \$25, of which, notwithstanding subdivision 1a, paragraph (b), \$20 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

(12) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(13) 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.

(14) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (4) need not be paid by a public authority or the party the public authority represents.

Subd. 2a. [Repealed, 1999 c 216 art 7 s 45]

Subd. 3. **Payment in advance.** All fees of said court administrators, except in criminal proceedings, shall be paid in advance at or prior to the time of the performance of any service requiring payment of such fees, and said court administrator shall not proceed in any matter requiring the payment of fees until the full amount of the same is paid.

Subd. 4. **Not affect library fees.** Nothing in this section shall be construed as amending, modifying, redistributing, or repealing the provisions as to library fees contained in chapter 134A.

Subd. 5. **Exemption for government agencies.** Notwithstanding any other provision of the law to the contrary, no fee otherwise required to be paid to the court administrator of district court by a defendant or defendants when filing the first paper for that party in an action, shall be paid by the state of Minnesota, or any department or agency thereof, when the state or a department or agency as plaintiff enters judgment pursuant to a confession of judgment executed by the defendant.

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) The court shall impose and the court administrator shall collect a \$35 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the state treasurer.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the state treasurer.

Subd. 7. **Disbursement of surcharges by state treasurer.** (a) Except as provided in paragraphs (b) and (c), the state treasurer shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the game and fish fund to provide peace officer training for employees of the department of natural resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The state treasurer shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to a criminal justice special projects account in the special revenue fund. This account is available for appropriation to the commissioner of public safety for grants to law enforcement agencies and for other purposes authorized by the legislature.

(c) In addition to any amounts credited under paragraph (a), the state treasurer shall credit \$7 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

**History:** (6987) *RL s 2694; 1913 c 414 s 1; 1937 c 187 s 1; 1947 c 95 s 1,2; 1957 c 620 s 1,2; 1959 c 250 s 4; 1965 c 822 s 1-5; 1969 c 495 s 1,3; 1971 c 25 s 65; 1971 c 255 s 1; 1971 c 259 s 1; 1974 c 394 s 2; 1978 c 730 s 1; 1981 c 360 art 2 s 41,42; 1983 c 262 art 1 s 6; 1983 c 312 art 3 s 1,2; 1984 c 654 art 5 s 53; 1985 c 172 s 127; 1Sp1985 c 14 art 9 s 75; 1986 c 442 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 282 art 2 s 185,186; 1989 c 335 art 3 s 6-9; art 4 s 82; 1Sp1989 c 1 art 17 s 5; 1990 c 391 art 8 s 38; 1990 c 544 s 1; 1990 c 574 s 4; 1990 c 594 art 1 s 72; 1990 c 604 art 9 s 3; 1991 c 281 s 1; 1992 c 513 art 3 s 71; art 4 s 42; art 8 s 51,52; 1992 c 571 art 4 s 1; 1993 c 192 s 91,92; 1993 c 326 art 12 s 7; 1994 c 465 art 3 s 28; 1994 c 630 art 10 s 2; 1994 c 636 art 8 s 3; 1995 c 226 art 6 s 8; 1997 c 218 s 12; 1997 c 239 art 12 s 1; 1998 c 366 s 75; 1998 c 367 art 8 s 4-6; 1998 c 382 art 2 s 17; 1999 c 139 art 4 s 2; 1999 c 196 art 2 s 7; 1999 c 243 art 11 s 5; 2000 c 478 art 2 s 7; 1Sp2001 c 5 art 5 s 10; 1Sp2001 c 8 art 7 s 1,2,13; 1Sp2001 c 9 art 18 s 15,16,19; 2002 c 220 art 11 s 6; 2002 c 379 art 1 s 113,114*

**NOTE:** The amendment to subdivision 1a by Laws 2001, First Special Session chapter 5, article 5, section 10, is effective July 1, 2003, in the second and fourth districts; July 1, 2004, in the first and third districts; and July 1, 2005, in the sixth and tenth districts.

### 357.022 CONCILIATION COURT FEE.

The court administrator in every county shall charge and collect a filing fee of \$25 where the amount demanded is less than \$2,000 and \$35 where the amount demanded is \$2,000 or more from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. This section does not apply to conciliation court actions filed by the state. The court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

**History:** 1989 c 335 art 3 s 10; 1990 c 594 art 1 s 73; 1993 c 192 s 93; 1998 c 366 s 76; 2002 c 220 art 11 s 7

### 357.03 EXTRA FEES OF COURT ADMINISTRATOR OF DISTRICT COURT.

In any county of this state where incumbents of the office of court administrator of the district court prior to the incumbent holding office at the time of the passage of this section have neglected for six years to enter or file papers or other documents or index the same in such office which should have been entered or filed by them, and as a result thereof the county records are incomplete, the board of county commissioners may agree with the court administrator of the district court to properly enter or file all such papers and documents and index the same, and for such work may pay such court administrator, in addition to the salary and court administrator hire provided by law, the fees provided for such work by section 357.021; provided, that no such extra fee shall be paid for the doing of any work which should have been done by such incumbent.

**History:** (6987-1) 1929 c 207; 1957 c 620 s 3; 1Sp1986 c 3 art 1 s 82

**357.04** [Superseded by 357.05]

**357.05** [Repealed, 1961 c 313 s 4]

**357.06** [Repealed, 1971 c 25 s 66]

**357.07** [Repealed, 1999 c 60 s 3]

**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 \$250 to the clerk of the appellate courts. An additional filing fee of \$100 shall be required for a petition for accelerated review by the supreme court. A filing fee of \$250 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. A filing fee of \$250 shall be paid to the clerk of the appellate courts upon the filing of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.

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. The clerk 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:** (6992) 1915 c 177 s 1; 1917 c 66 s 1; 1919 c 97 s 1; 1969 c 1148 s 58; 1974 c 394 s 3; 1983 c 247 s 140; 1983 c 301 s 194; 1986 c 444; 1989 c 335 art 3 s 11; 1990 c 594 art 1 s 74; 1993 c 192 s 94.

**357.09 SHERIFFS.**

Subdivision 1. **Activities for which fees set.** Fees set under subdivision 8 shall be charged and collected by the sheriff for:

- (1) Serving a summons, warrant, writ, subpoena, or any process issued by a court of record, for each defendant served and mileage;
- (2) Taking and approving a bond, and for a certified copy;
- (3) Collection on execution after levy;
- (4) Posting three notices of sale;
- (5) Certificate of sale of real estate; a copy when requested;
- (6) Selling land on foreclosure of a mortgage, for all services required, including executing a certificate of sale; postponing such a sale;
- (7) Making diligent search and inquiry and returning a summons when defendants cannot be found;
- (8) Returning an execution unsatisfied when no service is made;
- (9) Receiving and paying over money paid on redemption of property and executing a certificate, to be collected from the person redeeming;
- (10) Securing and safely keeping property in replevin or attachment or on execution;
- (11) For services not herein enumerated, if provided by the county board;
- (12) For all process when no charge is made for service of a return of not found or unsatisfied.

Subd. 2. **Mileage computation.** When mileage is allowed the sheriff it shall be computed from the place where the court is usually held.

Subd. 3. **Necessary expenses.** The sheriff shall be allowed reasonable and necessary expenses actually paid out for food furnished any prisoner while conducting the prisoner to jail and for the prisoner's transportation by a common carrier.

Subd. 4. **Service of execution.** The fees allowed for the service of an execution, for advertising thereon, and for filing certificate with the county recorder shall be collected by virtue thereof and in the same manner as the sum therein directed to be levied.

Subd. 5. [Repealed, 1977 c 338 s 4]

Subd. 6. **No affect fees.** This section shall not relate to or affect the fees of the sheriff of Ramsey county.

Subd. 7. **Superseded special laws.** All special laws relating to sheriffs' fees and mileage allowance which are inconsistent with the provisions of Laws 1977, chapter 338, are superseded to the extent of the inconsistency.

Subd. 8. **County board sets fees.** The county board shall set the sheriff's fees with the advice and consultation of the sheriff.

**History:** (6993) RL s 2697; 1913 c 197 s 1; 1917 c 363 s 1; 1951 c 375 s 1; 1959 c 689 s 1; 1963 c 240 s 1; 1971 c 537 s 1; 1976 c 181 s 2; 1977 c 338 s 1-3, 5, 6; 1981 c 325 s 1-3; 1981 c 356 s 248; 1982 c 595 s 3; 1984 c 558 art 4 s 10; 1986 c 444; 1989 c 176 s 1

**357.10** [Repealed, 1977 c 338 s 4]

### **357.11 CORONERS.**

Fees for viewing or examining each dead body, for holding an inquest, for preparing folios, and allowances for mileage for necessary travel shall be determined by the county board.

(1) In performing the sheriff's duties a coroner shall receive the fees allowed to the sheriff for like services.

(2) Fees and mileage for physicians called by the coroner to make autopsies shall be determined by the county board. A coroner or deputy coroner, who is duly licensed and registered to practice medicine and surgery in this state, shall not be disqualified from rendering medical care or hospitalization to a recipient of public relief or being appointed an examiner in insanity or incompetency hearings, or from being compensated therefor, by virtue of holding such office. A coroner or deputy coroner, who is a duly licensed funeral director or embalmer in this state, shall not be disqualified from performing any duties prescribed by law for each from rendering such services to a recipient of public relief, or from being compensated therefor, by virtue of holding such office. This chapter shall apply to all counties now having or hereafter having a population of less than 275,000 but shall not apply to any county where such fees are now fixed by special laws.

(3) The county board of any such county may allow the reasonable and necessary expenses of any such coroner or coroner's deputies, incurred for ambulance, telephone tolls, telegrams, or postage, solely for official business.

**History:** (6995) RL s 2699; 1909 c 271 s 1; 1913 c 216 s 1; 1943 c 314 s 1; 1945 c 403 s 1; 1945 c 440 s 1; 1963 c 650 s 1; 1971 c 463 s 1; 1976 c 257 s 1; 1986 c 444; 1993 c 13 art 1 s 40

### **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 appraisal, 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 the constable 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:** (6996) *RL s 2700; 1907 c 190 s 1; 1917 c 170 s 1; 1983 c 359 s 40; 1986 c 444*

### **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 the officer for expenses actually incurred.

Subd. 2. **Advance payments.** Any law to the contrary notwithstanding the state of Minnesota or any county thereof shall not be obligated to make advance payment of fees, costs, or charges of any nature to any county or municipal official for services, acts, or duties to be rendered by that official.

**History:** (6997) *RL s 2701; 1967 c 830 s 1; 1983 c 177 s 4; 1986 c 444*

**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:** (7000) *RL s 2704; 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 the notary, \$1 per folio.

**History:** (7001) *RL.s 2705; 1983 c 175 s 1; 1986 c 444*

### 357.18 COUNTY RECORDER.

Subdivision 1. **County recorder fees.** The fees to be charged by the county recorder shall be as follows:

(1) for indexing and recording any deed or other instrument \$1 for each page of an instrument, with a minimum fee of \$15;

(2) for documents containing multiple assignments, partial releases or satisfactions \$10 for each document number or book and page cited;

(3) for certified copies of any records or papers, \$1 for each page of an instrument with a minimum fee of \$5;

(4) for an abstract of title, the fees shall be determined by resolution of the county board duly adopted upon the recommendation of the county recorder, and the fees shall not exceed \$5 for every entry, \$50 for abstract certificate, \$1 per page for each exhibit included within an abstract as a part of an abstract entry, and \$2 per name for each required name search certification;

(5) for a copy of an official plat filed pursuant to section 505.08, the fee shall be \$9.50 and an additional 50 cents shall be charged for the certification of each plat;

(6) for filing an amended floor plan in accordance with chapter 515, an amended condominium plat in accordance with chapter 515A, or a common interest community plat or amendment complying with section 515B.2-110, subsection (c), the fee shall be 50 cents per apartment or unit with a minimum fee of \$30;

(7) for a copy of a floor plan filed pursuant to chapter 515, a copy of a condominium plat filed in accordance with chapter 515A, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan, condominium plat or common interest community plat with a minimum fee of \$10.

Subd. 1a. **Abstracting service fees.** Fees fixed by or established pursuant to subdivision 1 shall be the maximum fee charged in all counties where the county recorder performs abstracting services and shall be charged by persons authorized to perform abstracting services in county buildings pursuant to section 386.18.

Subd. 2. **Fees for recording instruments in county recorder office.** Notwithstanding the provisions of any general or special law to the contrary, the fees prescribed by this section shall govern the filing or recording of all instruments in the office of the county recorder other than Uniform Commercial Code documents, and documents filed or recorded pursuant to sections 270.69, subdivision 2, paragraph (c), 272.481 to 272.488, 277.20, and 386.77.

Subd. 3. **Surcharge.** In addition to the fees imposed in subdivision 1, a \$5 surcharge shall be collected: on each fee charged under subdivision 1, clauses (1) and (6), and for each abstract certificate under subdivision 1, clause (4). Fifty cents of each surcharge shall be retained by the county to cover its administrative costs, 50 cents shall be appropriated to the legislative coordinating commission for the task force on electronic real estate recording created by Laws 2000, chapter 391, and \$4 shall be paid to the state treasury and credited to the general fund.

Subd. 4. **Equipment fund.** \$1 of each fee collected under subdivision 1, clause (1), shall be deposited in an equipment fund to be disbursed at the county recorder's discretion to provide modern information services from the records system.

Subd. 5. **Variance from standards.** A document that does not conform to the standards in section 507.093, paragraph (a), shall not be recorded except upon payment of an additional fee of \$10 per document. This subdivision applies only to documents



dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks contained in the book of forms in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

**History:** (7002) *RL s 2706; 1907 c 256 s 1; 1911 c 376 s 1; 1947 c 458 s 1; 1951 c 484 s 1; 1969 c 995 s 5; 1971 c 454 s 1,2; 1973 c 35 s 63; 1974 c 493 s 1; 1976 c 181 s 2; 1980 c 560 s 1; 1985 c 281 s 5; 1990 c 358 s 1; 1991 c 226 s 1; 1991 c 291 art 18 s 12; 1992 c 513 art 4 s 43; 1993 c 73 s 1; 1993 c 192 s 95; 1994 c 416 art 1 s 42; 1996 c 338 art 3 s 2; 1999 c 11 art 3 s 11; 1Sp2001 c 10 art 2 s 77*

**NOTE:** The amendment to subdivision 3, by Laws 2001, First Special Session chapter 10, article 2, section 77, is effective only between August 1, 2001, and June 30, 2004. Laws 2001, First Special Session chapter 10, article 2, section 77, the effective date, as amended by Laws 2002, chapter 365, section 7.

**357.181** [Repealed, 1983 c 99 s 7]

**357.19** [Repealed, 1969 c 995 s 7]

### **357.20 FEES OF REFEREES; AGREEMENT BY PARTIES.**

The fees of referees shall be not less than \$5 nor more than \$25 each for every day spent in the business of the reference, as shall be fixed and allowed by the court ordering the reference; but the parties may agree, in writing, upon any other rate of compensation, and such rate shall be allowed, any excess over the rate fixed by the court, as provided above, to be paid by the parties. In addition to the referee's fees, and as a part of the same, the court may tax and allow the usual bailiff's and reporter's fees, where a bailiff, reporter, or both, are employed in connection with the reference.

**History:** (7004) *RL s 2707; 1921 c 279 s 1.*

### **357.21 SERVICES UNDER LEGAL PROCESS; APPRAISERS.**

Where no express provision is made for compensation, appraisers of property taken on writ of attachment or replevin, persons appointed under the legal process or order for making partition of real estate, sheriff's aids in criminal cases, and private persons performing like services required by law or in the execution of legal process are each entitled to \$5 per day and ten cents per mile for going and returning.

Appraisers of estates of decedents and of persons under guardianship are each entitled to such reasonable fees for services as is allowed by the judge of the district court wherein the proceeding is pending.

**History:** (7005) *RL s 2708; 1909 c 17 s 1; 1925 c 330 s 1; 1951 c 339 s 2; 1995 c 189 s 8; 1996 c 277 s 1*

### **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, \$20 for each day;

(2) for travel to and from the place of attendance, to be estimated from the witness's residence, if within the state, or from the boundary line of the state where the witness crossed it, if without the state, 28 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 the witness in advance.

**History:** (7006) *RL s 2709; 1961 c 561 s 12; 1974 c 515 s 1; 1983 c 13 s 1; 1983 c 359 s 42; 1986 c 444; 1994 c 636 art 8 s 4.*

### **357.23 WITNESS FEES OF OFFICERS OF MUNICIPALITIES.**

No officer or employee of any city or county in this state shall receive or be paid any sum as witness fees in any case in which the state of Minnesota, the county, or the

city, of which the witness is an officer or employee, is a party, if the case be tried in the witness's city of residence.

**History:** (7007) 1895 c 241; 1905 c 141 s 1; 1973 c 123 art 5 s 7; 1986 c 444

### **357.24 CRIMINAL CASES.**

Witnesses for the state in criminal cases and witnesses attending on behalf of any defendant represented by a public defender or an attorney performing public defense work for a public defense corporation under section 611.216, shall receive the same fees for travel and attendance as provided in section 357.22. Judges also may allow like fees to witnesses attending in behalf of any other defendant. In addition these witnesses shall receive reasonable expenses actually incurred for meals, loss of wages and child care, not to exceed \$60 per day. When a defendant is represented by a public defender or an attorney performing public defense work for a public defense corporation under section 611.216, neither the defendant nor the public defender shall be charged for any subpoena fees or for service of subpoenas by a public official. The compensation and reimbursement shall be paid out of the county treasury.

**History:** (7008) RL s 2710; 1973 c 689 s 1; 1974 c 375 s 1; 1983 c 13 s 2; 1991 c 345 art 1 s 89; 1993 c 146 art 2 s 17; 1994 c 636 art 8 s 5

#### **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 \$60 per day.

**History:** 1983 c 13 s 3; 1994 c 636 art 8 s 6

#### **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 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 \$60 to the parent or guardian and the minor witness.

**History:** 1983 c 13 s 4; 1983 c 216 art 2 s 9; 1986 c 444; 1994 c 636 art 8 s 7

#### **357.25 EXPERT WITNESSES.**

The judge of any court of record, before whom any witness is summoned or sworn and examined as an expert in any profession or calling, may allow such fees or compensation as may be just and reasonable.

**History:** (7009) RL s 2711; 1986 c 444

#### **357.26 [Repealed, 1977 c 286 s 21]**

#### **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 the juror 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 the coroner shall be filed with the county auditor, who shall draw a warrant

upon the county treasurer for the amount. The certificate shall be sufficient voucher for the issuance of the warrant.

**History:** (7011) *RL s 2713; 1961 c 196 s 1; 1983 c 359 s 43; 1986 c 444*

### 357.28 COURT COMMISSIONER.

Subdivision 1. **Fees.** The fees to be charged and collected by a court commissioner shall be as follows, and no other or greater fees shall be charged:

(1) for examining any petition, complaint, affidavit, or any paper wherein an order is required, \$2.50;

(2) for making and entering an order on the same, \$1;

(3) for examining an alleged insane or inebriate person for commitment, \$25;

(4) for hearing and deciding on the return of a writ of habeas corpus, \$10 for each day necessarily occupied;

(5) for examination of judgment debtors in proceedings supplementary to execution and for all disclosures in garnishment proceedings, in writing, 25 cents per folio;

(6) for all other services rendered by the commissioner, the same fees as are allowed by law to other officers for similar services.

Subd. 2. **Application.** Subdivision 1 shall not apply to any county containing a city of the first class.

**History:** (7012) *RL s 2715; 1915 c 203 s 2; 1949 c 462 s 1; 1955 c 666 s 1,2; 1965 c 117 s 1; 1965 c 681 s 3; 1986 c 444*

### 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.

**History:** (7014) *RL s 2717; 1983 c 359 s 44; 1986 c 444*

### 357.30 TAXATION FOR SERVICES NOT RENDERED; PROSPECTIVE COSTS; ATTORNEY AS WITNESS.

No fees shall be taxed for services not rendered, except when otherwise expressly provided, and upon entry of judgment or decree no prospective costs shall be taxed except for docketing the same, unless the party demanding judgment shall require the costs of an execution or transcript of judgment to be taxed, in which case it may be done. No attorney or counsel in any cause shall be allowed witness fees therein.

**History:** (7015) *RL s 2718*

### 357.31 COPIES; ITEMIZED LIST; FEES UNIFORM.

The legal fees paid for certified copies of the depositions of witnesses filed in any court administrator's office, or any documents or papers filed or recorded in any public office, necessarily used on trial of a cause or on the assessment of damages, shall be allowed in the taxation of costs. Any officer receiving fees shall, on demand, furnish an itemized list and receipt the same on payment. On refusal to do so, the officer shall be liable to the party paying the same for three times the amount paid. Every officer shall be entitled to the same fees for performing the same service.

**History:** (7016) *RL s 2719; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

### 357.315 COST OF EXHIBITS AND MEDICAL RECORDS.

The cost of obtaining medical records used to prepare a claim, whether or not offered at trial, and the reasonable cost of exhibits shall be allowed in the taxation of costs.

**History:** 1992 c 569 s 23

**357.32 WITNESS; WHEN AND HOW PAID.**

When it appears that any witness subpoenaed or required to appear on behalf of the state has come from another state or country or is indigent, the court may, by order upon the minutes, direct the county treasurer to pay the witness a reasonable sum for expenses. When a prosecution in the name of the state fails, or the defendant proves insolvent, escapes, or is unable to pay the fees when convicted, they shall be paid out of the county treasury, unless otherwise ordered by the court. The court administrator of court upon request of the county attorney or the attorney general may issue subpoenas and compel the attendance of witnesses in behalf of the state or county without payment of fees in advance; and, in criminal cases, the witnesses for the defendant shall also be compelled to attend without payment of fees in advance, and failure to attend after being served with a subpoena shall subject any witness to be proceeded against in the same manner as provided by law in other cases where payment of fees is required to be paid in advance. The court administrator of any court in which a witness has attended on behalf of the state in a civil action shall give the witness a certificate of attendance and travel, which entitles the witness to receive the amount from the county treasurer.

**History:** (7017) *RL s 2720; 1979 c 233 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

**357.33 PUT IN COUNTY TREASURY.**

Unless otherwise provided by law, every county official receiving a stated salary shall receive the same in full compensation for all services and expenses whatsoever, and shall, on the first Monday of each month, file with the county auditor a correct statement of all fees received, and turn the same into the county treasury.

**History:** (7018) *RL s 2721; 1986 c 444*

**357.39 CLERKS, CITIES OF FIRST CLASS.**

Notwithstanding any law or laws or parts of laws of the state of Minnesota to the contrary, the city clerk of each city of the first class in this state may and shall charge and collect fees for the use and benefit of the city, in amounts and for purposes as follows:

1. For filing any chattel mortgage, or duplicate or certified copy thereof, or assignment or partial release or satisfaction thereof, and indexing, entering and certifying to the date of filing same, for each instrument, 25 cents.

2. For filing reports of chattel mortgage foreclosure sale, and indexing, entering and certifying to the date of filing the same, for each instrument, 25 cents.

3. For filing any promissory note, or conditional contract of sale, or copy of either thereof, or memorandum of oral contract, or partial release or satisfaction of either thereof, and indexing and entering and certifying to the date of filing the same, for each instrument, 25 cents.

4. For filing statements of claims for motor vehicle liens, for each instrument, 25 cents.

5. For making and filing wolf bounty certificates, and for each certified copy of such certificates for each instrument, 25 cents.

6. For filing notices of intention of attorneys to claim lien, and indexing, entering and certifying to the date of filing same, for each instrument, 25 cents.

7. For filing and indexing and entering powers of attorney, for each instrument, 25 cents.

8. For filing certified copy of execution and return of levy by officer on bulky personal property, for each instrument, 25 cents.

9. For filing assignments of wages or salaries or orders and acceptances for wages or salaries, for each instrument or order, 25 cents.

10. For filing trust deeds containing chattel mortgage clauses or tenement leases containing chattel mortgage clauses, and indexing, entering and certifying to the date of filing the same, for each instrument, 25 cents.

11. For filing assignments of debts, 25 cents each.

12. For filing reports of proceedings for the sale of pledged personal property, for each report, 25 cents.

13. For all instruments except instruments specified in clause 5, the fee for certifying the same shall be 50 cents for each copy certified. If copies of any of the foregoing instruments are prepared by the clerk, the clerk shall charge and collect an additional fee of ten cents for each one hundred words contained in each instrument furnished; provided, that the minimum fee for the furnishing of any such instrument shall be the sum of \$1.

**History:** 1949 c 472 s 1; 1986 c 444

### **357.40 COLLECTIONS CREDITED TO GENERAL FUND.**

All fees received by any clerk of any such city under the provisions of section 357.39 shall be credited to the general fund of such city, and the amount of such fees shall not be considered within the cost of government as determined under the provisions of any charter of any such city of the first class.

**History:** 1949 c 472 s 2

### **357.41 CLERKS, CITIES OF FIRST CLASS IN COUNTIES OF 300,000.**

Subdivision 1. **Filing fee.** Notwithstanding any statute or charter to the contrary, the city clerk of each city of the first class located in a county having more than 300,000 inhabitants may and shall charge a fee of 50 cents for filing each instrument which is required by law to be or which may be filed in that office.

Subd. 2. **Additional fees.** For certifying each instrument the clerk shall make a charge of \$1, and if copy of an instrument be prepared, the clerk shall charge an additional fee of 20 cents for each one hundred words contained in each copy prepared, the total charge thereof to be not less than \$2 nor more than \$5.

Subd. 3. **Fees credited to general revenue fund.** All fees received by any clerk of any such city shall be credited to the general fund of such city, and the amount of such fees shall not be considered within the cost of government as determined under the provisions of any charter of any such city of the first class.

**History:** 1957 c 226 s 1-3; 1963 c 277 s 1; 1986 c 444