MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Beckett

To: Energy

HOUSE BILL NO. 145

AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO REDUCE THE CHANCERY CLERK FEE FOR RECORDING EACH OIL AND GAS ASSIGNMENT PER ASSIGNEE PER EACH BOOK AND PAGE LISTED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-7-9, Mississippi Code of 1972, is amended as follows:

25-7-9. (1) The clerks of the chancery courts shall charge the following fees:

(a) For the act of certifying copies of filed documents, for each complete document.....$ 1.00

(b) (i) Recording each deed, will, lease, amendment, subordination, lien, release, cancellation, order, decree, oath, etc., per book and page listed where applicable, each deed of trust, or any other document, for the first five (5) pages..... $ 25.00

(ii) Each additional page.....$ 1.00

(c) (i) Recording oil and gas leases, cancellations, etc., including indexing in general indices; for the first five (5) pages.....$ 25.00

(ii) Recording each oil and gas assignment, amendment of assignment, release, etc., first five (5) pages.....$

* * *2.00

per additional assignee.....$

* * *2.00

(iii) Each additional page.....$ 1.00

(iv) Sectional index entries per section or subdivision lot.....$ 1.00

(v) Archive fee.....$ 1.00

(vi) Entering marginal notations, if requested on document or by cover letter, pertaining to the recording of any oil and gas document only per book and page.....$ 4.00

(d) (i) Furnishing copies of any papers of record or on file:

If performed by the clerk or his employee, per page.....$ .50

If performed by any other person, per page.....$ .25

(ii) Entering marginal notations on documents of record.....$ 1.00

(e) For each day's attendance on the board of supervisors, for himself and one (1) deputy, each.....$ 20.00

(f) For other services as clerk of the board of supervisors an allowance shall be made to him (payable semiannually at the July and January meetings) out of the county treasury, an annual sum not exceeding.....$3,000.00

(g) For each day's attendance on the chancery court, to be approved by the chancellor:

For the first chancellor sitting only, clerk and two (2) deputies, each.....$ 85.00

For the second chancellor sitting, clerk only.....$ 85.00

Provided that the fees herein prescribed shall be the total remuneration for the clerk and his deputies for attending chancery court.

(h) On order of the court, clerks and not more than two (2) deputies may be allowed five (5) extra days for each term of court for attendance upon the court to get up records.

(i) For public service not otherwise specifically provided for, the chancery court may by order allow the clerk to be paid by the county on the order of the board of supervisors, an annual sum not exceeding.....$5,000.00

(j) For each civil filing, to be deposited into the Civil Legal Assistance Fund.....$ 5.00

The chancery clerk shall itemize on the original document a detailed fee bill of all charges due or paid for filing, recording and abstracting same. No person shall be required to pay such fees until same have been so itemized, but those fees may be demanded before the document is recorded.

(2) The following fee shall be a total fee for all services performed by the clerk with respect to any civil case filed that includes, but is not limited to, divorce, alteration of birth or marriage certificate, removal of minority, guardianship or conservatorship, estate of deceased, adoption, land dispute injunction, settlement of small claim, contempt, modification, partition suit, or commitment, which shall be payable upon filing and shall accrue to the chancery clerk at the time of filing. The clerk or his successor in office shall perform all duties set forth without additional compensation or fee.....$ 85.00

(3) For every civil case filed:

(a) An additional fee to be deposited to the credit of the Comprehensive Electronic Court Systems Fund established in Section 9-21-14.....$ 10.00

(b) An additional fee to be deposited to the credit of the Judicial System Operation Fund established in Section 9-21-45.....$ 40.00

(4) Cost of process shall be borne by the issuing party. Additionally, should the attorney or person filing the pleadings

desire the clerk to pay the cost to the sheriff for serving process on one (1) person or more, or to pay the cost of publication, the clerk shall demand the actual charges therefor, at the time of filing.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

ST: Chancery clerk fee; reduce for recording each oil and gas assignment.