HLS 16RS-1161 ORIGINAL

AN ACT

2016 Regular Session

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HOUSE BILL NO. 720

BY REPRESENTATIVE GAROFALO

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

To amend and reenact R.S. 13:844 and to repeal R.S. 9:5217 and R.S. 44:181.4, relative to
clerks of court; to provide for fees as ex officio recorders; to provide for a schedule
of fees; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:844 is hereby amended and reenacted to read as follows:
§844. Fees of ex officio recorders
A.(1) For filing and recording any document in the conveyance or mortgage
records, each parish clerk of court, as ex officio recorder of mortgages and
conveyances, shall charge the following fees: Clerks of the district courts as ex
officio recorders may charge the following fees:
(1) For filing and recording any document, twenty-five dollars per book for
the first page and ten dollars for each subsequent page per book up to ten pages. All
documents that exceed ten pages, twenty-five dollars for the first page and eight
dollars for each subsequent page.
(2) For indexing of all documents filed for record for each name after the
first name that is required to be indexed, five dollars per name.
(a) One page document with up to ten names indexed: fifty dollars.
(b) Two to five page document with up to ten names indexed: seventy-five
dollars.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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.

B.C. The funds derived by the clerk of court in the parish of Calcasieu from
that portion of the fees collectable pursuant to this Subsection above the amount of
such fees collectable at the rates provided by R.S. 13:844 prior to the amendment
thereof at the 1981 Regular Session of the Legislature shall be expended exclusively
for the payment of salaries of deputy clerks of court in that parish.
C.D. In addition to the above charges, the clerks of court as ex officio
notaries public may make a reasonable charge for drawing deeds, mortgages, chattel
mortgages, liens or other similar instruments.
D.(1) For purposes of establishing the filing and recording fee, every
document filed for recordation shall be captioned as to type of act on the first page,
and shall have on the first page a margin of two inches at the top, and one inch at the
bottom and sides. The type size shall not be less than eight point.
(2) For any document not in compliance with Paragraph (1), there shall be
an additional ten-dollar noncompliance fee per document.
E. In addition to the fees provided in Subsection A of this Section, the clerk
of the Twenty-Fourth Judicial District for the parish of Jefferson may demand and
receive additional fees in an amount not to exceed twenty-five percent of the fees
specified in Subsection A of this Section. The funds so derived by the clerk shall be
expended exclusively for the payment of salaries of deputy clerks of court in that
parish.
* * *
Section 2. R.S. 9:5217 and R.S 44:181.4 are hereby repealed in their entirety.
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.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>Present law</u> 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.

<u>Proposed law</u> 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.

<u>Present law</u> 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.

<u>Present law</u> 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)