

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

**357.02** [Repealed, 1957 c 620 s 4]**357.021 CLERK OF DISTRICT COURT; FEES.**

Subdivision 1. [Expired]

Subd. 1a. 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 clerk of said court, for the use of said county, the sundry fees hereinafter prescribed; provided, however, that no county to which this section applies, being a party to any action or proceeding in the district court established in such county, shall be required to pay fees to the clerk thereof.

Subd. 2. 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, a fee of \$35.

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. Of the marriage dissolution fee collected pursuant to subdivision 1, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund 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. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Subd. 3. All fees of said clerks, 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 clerk shall not proceed in any matter requiring the payment of fees until the full amount of the same is paid.

Subd. 4. Nothing in this section shall be construed as amending, modifying or repealing the provisions as to library fees contained in chapter 140.

Subd. 5. Notwithstanding any other provision of the law to the contrary, no fee otherwise required to be paid to the clerk of district court by a defendant or defendants when the first paper on his or their part is filed 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.

**History:** *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 (6987)*

**NOTE:** For fees for filing and entering notice of appeal and making return to supreme court, see Rules of Civil Appellate Procedure, Rule 103.01.

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

In any county of this state where incumbents of the office of clerk 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 clerk 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 clerk, in addition to the salary and clerk 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:** 1929 c 207; 1957 c 620 s 3 (6987-1)

**357.04** [Superseded by 357.05]

**357.05** [Repealed, 1961 c 313 s 4]

**357.06** [Repealed, 1971 c 25 s 66]

**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 such entry shall deposit with such clerk the sum of \$5 on account of fees in the case and out of which the clerk shall satisfy the fees in such case as they accrue, and 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, to the supreme court 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:** *RL s 2695; 1949 c 166 s 1 (6991)*

**357.08 PAID BY APPELLANT IN APPEAL TO SUPREME COURT.**

In lieu of all charges now provided by law as fees of the clerk of the supreme court, there shall be paid 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, the sum of \$20.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment therefor shall have been made, and when made he shall pay such sum into the state treasury as provided for by section 15A.01.

The charges provided for herein 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 so 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:** 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 (6992)

**NOTE:** See Rules of Civil Appellate Procedure, Rules 103.01, 115.03, 120.04.

**357.09 SHERIFFS.**

Subdivision 1. The fees to be charged and collected by the sheriff shall be as follows, and no other or greater fees shall be charged for:

(1) Serving a summons, warrant, writ, subpoena, or any process issued by a court of record, \$10 for each defendant served and mileage;

(2) Taking and approving a bond, \$4, and for certified copy thereof, \$1 per folio;

(3) Collection on execution after levy, five percent on the first \$250 and three percent on the remainder;

(4) Posting three notices of sale, \$10;

(5) Certificate of sale of real estate, \$10; copy thereof, when requested, \$6;

(6) Selling land on foreclosure of mortgage, for all services required, including executing certificate of sale, \$15; postponing such sale, \$2;

(7) Making diligent search and inquiry and returning summons when defendants cannot be found, \$5;

(8) Returning execution unsatisfied when no service is made, \$10;

(9) Receiving and paying over money paid on redemption of property and executing certificate, one percent on the amount so received, to be collected from the person redeeming, such fee not to exceed \$20 in any case;

(10) Securing and safely keeping property in replevin or attachment or on execution, to be computed on the basis of the time spent and hourly rate of pay of the sheriff or deputy executing the process;

(11) For services not herein enumerated, the sheriff shall be entitled to the same fees as for similar duties;

(12) For all process when no charge is made for service of a return of not found or unsatisfied, \$5.

Subd. 2. When mileage is allowed the sheriff it shall be computed from the place where the court is usually held and shall be at the rate provided to state employees pursuant to section 43A.18, plus eight cents per mile notwithstanding any other provisions of law to the contrary.

Subd. 3. He shall be allowed reasonable and necessary expenses actually paid out for food furnished any prisoner while conducting him to jail and for his transportation by a common carrier.

Subd. 4. 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. This section shall not relate to or affect the fees of the sheriff of Ramsey county.

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

Subd. 8. Counties with a population in excess of 80,000 according to the latest federal decennial census or the population estimates of the demographer pursuant to section 116J.42 are not subject to the provisions of this section, but the county board in exempt counties shall set the sheriff's fees with the advice and consultation of the sheriff.

**History:** *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 (6993)*

**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.

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

**History:** *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 (6995)*

### 357.12 CONSTABLES.

The fees to be charged and collected by a constable shall be as follows, and no other or greater fees shall be charged:

(1) For serving a warrant or other writ, not herein provided for, 25 cents for each person named therein 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 therein served; provided, that any such 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 therefor, 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 herein provided for, ten cents per folio;

(9) Posting each notice, 15 cents;

(10) Attending on justice court, when required by the justice, \$1 per day;

(11) 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;

(12) Committing to prison, 50 cents;

(13) Summoning a jury, \$1;

(14) Writing a list of jurors, 15 cents;

(15) Attending on a jury, 50 cents;

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

(17) Serving a writ of replevin, 50 cents;

(18) Summoning and swearing appraisers and taking appraisement, 50 cents;

(19) 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, at not to exceed \$1 per day while having such prisoner in custody pending trial and while conducting such prisoner to jail, together with the transportation charges for the

prisoner paid to a common carrier. Where adjournment is for longer than three days, the prisoner shall be committed to the county jail.

**History:** *RL s 2700; 1907 c 190 s 1; 1917 c 170 s 1 (6996)*

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

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

Subd. 2. 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:** *RL s 2701; 1967 c 830 s 1 (6997)*

### **357.14 JUSTICES OF THE PEACE.**

Subdivision 1. Justices of the peace shall be entitled to the following fees, and may tax them in cases when applicable:

- (1) For a summons, warrant, or subpoena, 25 cents;
- (2) For a venire for a jury, 25 cents;
- (3) For a warrant in a criminal case, 25 cents;
- (4) Taking a recognizance of bail, 25 cents;
- (5) For a writ of attachment, 25 cents;
- (6) Entering a judgment, \$1;
- (7) For taking and approving any bond, security, or recognizance, when required by law so to do, 25 cents;
- (8) Swearing a jury, 25 cents;
- (9) Entering a satisfaction of judgment, 25 cents;
- (10) Entering amicable suit without process, 25 cents;
- (11) For a transcript of judgment, 25 cents;
- (12) Opening a judgment for rehearing, 25 cents;
- (13) Issuing notice to take deposition, 25 cents;
- (14) For a search warrant, 25 cents;
- (15) For a commitment to jail, 25 cents;
- (16) For an order to bring up prisoner, 25 cents;
- (17) For an order issued to jailer to discharge prisoner, 25 cents;
- (18) For an execution, 25 cents;
- (19) For any other writ not herein specially named, 25 cents;
- (20) For taking and certifying an acknowledgment of a deed, for each grantor named, 25 cents;
- (21) Administering an oath, or certifying to the same when administered out of court, 15 cents;
- (22) Every adjournment, 15 cents;
- (23) Entering any order, motion, objection, or exception, 15 cents;
- (24) Discharging a prisoner after hearing on motion to discharge, 15 cents;
- (25) Taxing costs, 15 cents;
- (26) Taking an examination, deposition, or confession, 15 cents per folio;
- (27) For entering proceedings in his docket, 15 cents per folio;

(28) For copies of proceedings, or of any paper or examination in any case, when demanded, 15 cents per folio;

(29) For every affidavit or other paper drawn for which no other compensation is allowed by law, 15 cents per folio;

(30) Issuing commission to take testimony, 50 cents;

(31) Taking recognizance, certifying oath or affidavit, and making return to an appeal, including travel, \$2;

(32) Performing marriage ceremony and making return thereof, \$1.50;

(33) Holding an inquisition in cases of forcible entry and detainer, in addition to other fees, \$1;

(34) For filing every paper required to be filed, 10 cents;

(35) For necessary travel in the performance of his duty, when not otherwise provided for, ten cents per mile.

Subd. 2. In lieu of the fees provided in subdivision 1, justices of the peace shall be entitled to and shall tax the following amounts for disposing of violations of a criminal law or of an ordinance, charter provision, or rule or regulation of a city of which the justice has jurisdiction, and no other or different amounts shall be taxed or collected:

(1) If the defendant is brought into court and convicted upon a plea of guilty, the sum of \$4;

(2) In all cases where the defendant stands trial, the sum of \$8 if he is tried by the court without a jury and the sum of \$12 if he is tried by jury;

(3) For making a return to an appeal, the sum of \$2.

**History:** *RL s 2702; 1917 c 169 s 1; 1961 c 540 s 1; 1973 c 123 art 5 s 7 (6998)*

### **357.15 JUSTICE COURTS; COSTS, DISBURSEMENTS.**

In all civil actions, unless otherwise provided, the winning party shall recover costs.

On entering a judgment for costs, the justice may tax the same without notice.

The justice shall not allow travel fees to witnesses unless proved by the oath of some person qualified to testify in the action.

No travel fees for serving a subpoena shall be allowed unless charged by a constable or sheriff, or proved by the oath of the person serving it.

No costs shall be taxed for the attendance of more than two witnesses to each particular fact.

No fees for copies of exemplifications of documents or papers, or for depositions, shall be allowed unless the same were used upon the trial.

No disbursements shall be allowed except to officers unless the items are particularly specified and proved, and the justice shall determine that the same are necessary and reasonable in amount.

The justice shall hear evidence to prove that any charge is unreasonable in amount, or that the service has not been rendered.

**History:** *RL s 2703 (6999)*

### **357.16 COMMISSIONERS TO TAKE TESTIMONY.**

A person commissioned to take testimony shall receive the same fees as are allowed to justices of the peace for like services.

**History:** *RL s 2704 (7000)*

**357.17 NOTARIES PUBLIC.**

The fees to be charged and collected by a notary public shall be as follows, and no other or greater fees shall be charged:

(1) For protest of non-payment of note or bill of exchange or of non-acceptance of such bill, where protest is legally necessary, and copy thereof, \$1;

(2) For every other protest and copy, 25 cents;

(3) For making and serving every notice of non-payment of note or non-acceptance of bill and copy thereof, 25 cents;

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

(5) For each oath administered, 25 cents;

(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, ten cents per folio.

**History:** *RL s 2705 (7001)*

**357.18 COUNTY RECORDER.**

Subdivision 1. 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 \$5;

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

(3) For an abstract of title, \$1.50 for every transfer, \$15 for certificate, and \$1 per page for each exhibit included within an abstract as a part of an abstract entry; provided that county boards may, by resolution duly adopted, establish lower fees for such services rendered by the county recorder, at his request, in their respective counties;

(4) 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;

(5) For filing a condominium floor plan in accordance with section 515.13, the fee shall be 50 cents per apartment with a minimum fee of \$15;

(6) For a copy of a condominium floor plan filed pursuant to section 515.13, the fee shall be \$1 for each page of the floor plan with a minimum fee of \$10 and an additional 50 cents shall be charged for the certification of each condominium floor plan.

Subd. 1a. 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. 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 272.481 to 272.487 and 386.77.

**History:** *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 (7002)*



**357.181 COUNTY DOCUMENTS; SALARIED COUNTY RECORDER AND REGISTRAR OF TITLES.**

A registrar of titles or county recorder paid a salary from county funds shall make no charge for any document presented for filing or recording by or on behalf of his county.

**History:** 1959 c 321 s 1; 1976 c 181 s 2

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

**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 probate court wherein the proceeding is pending.

**History:** RL s 2708; 1909 c 17 s 1; 1925 c 330 s 1; 1951 c 339 s 2 (7005)

**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 of record, in any justice court, or before any officer, person, or board authorized to take the examination of witnesses, \$10 for each day;

(2) For travel in going to and returning 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 the same, if without the state, 12 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:** RL s 2709; 1961 c 561 s 12; 1974 c 515 s 1 (7006)

**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 he is an officer or employee, is a party, if the case be tried in the city of which he is a resident.

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

**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 of courts of record 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 \$25 per day. In courts of record these witness fees shall be certified and paid in the same manner as jurors.

**History:** *RL s 2710; 1973 c 689 s 1; 1974 c 375 s 1 (7008)*

**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, in his discretion, allow such fees or compensation as, in his judgment, may be just and reasonable.

**History:** *RL s 2711 (7009)*

**357.26 [Repealed, 1977 c 286 s 21]****357.27 CORONER AND JUSTICE JURORS.**

Each juror sworn before a coroner at an inquest taken by him shall receive \$3 for each day's attendance and ten cents for each mile traveled in going to and returning from the place of holding the same, the distance to 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 in a justice court, or 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 such 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, and such certificate shall be sufficient voucher for the issuance of such warrant.

**History:** *RL s 2713; 1961 c 196 s 1 (7011)*

**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 him, 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:** *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 (7012)*

**357.29 SERVICES NOT RENDERED; ILLEGAL FEES.**

No judge, justice, 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 such service than he is allowed by law, and no fee or compensation shall be demanded or received by any officer or person for any service unless the same was actually rendered, except in the case of prospective costs, as hereinafter specified. Any person violating either of the foregoing provisions shall be liable to the party aggrieved for treble the damages sustained by him.

**History:** *RL s 2717 (7014)*

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

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

The legal fees paid for certified copies of the depositions of witnesses filed in any clerk'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, he 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:** *RL s 2719 (7016)*

**357.32 WITNESS IN CRIMINAL CASES; 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 clerk 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 clerk 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 him to receive the amount from the county treasurer.

**History:** *RL s 2720; 1979 c 233 s 2 (7017)*

**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 by him, and turn the same into the county treasury.

**History:** *RL s 2721 (7018)*

**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, he shall charge and collect an additional fee of ten cents for each one hundred words contained in each instrument furnished by him; provided, that the minimum fee for the furnishing of any such instrument shall be the sum of \$1.

**History:** *1949 c 472 s 1*

**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 each instrument certified by such clerk he shall make a charge of \$1, and if copy of an instrument be prepared by the clerk he shall charge an additional fee of 20 cents for each one hundred words contained in each copy prepared by him 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