

## 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**357.02** [Repealed, 1957 c 620 s 4]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 commissioner of management and budget.** (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 commissioner of management and budget for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner of management and budget in the special revenue fund and is appropriated to the commissioner of employment and economic development for the displaced homemaker program under section 116L.96.

(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 commissioner of management and budget 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 commissioner of management and budget 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 chapters 260, 260A, 260B, and 260C;

(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) \$20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and \$35 from each fee shall be credited to the state 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 \$285, except in marriage dissolution actions the fee is \$315.

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 \$285, except in marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

The party requesting a trial by jury shall pay \$100.

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, \$14, and \$8 for an uncertified copy.

(3) Issuing a subpoena, \$16 for each name.

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$75.

(5) 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, \$55.

(6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.

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

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

(9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, \$5.

(10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

(11) For the deposit of a will, \$27.

(12) For recording notary commission, \$20.

(13) Filing a motion or response to a motion for modification of child support, a fee of \$50.

(14) 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.

(15) 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 (5) 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. 2b. MS 2016 [Expired, 2013 c 86 art 3 s 6]

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, or 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) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 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, for which there shall be a \$12 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(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 commissioner of management and budget.

(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 court administrator or other entity collecting the surcharge imposed by the court.

(f) A person who enters a diversion program, continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay the surcharge described in this subdivision. A surcharge imposed under this paragraph shall be imposed only once per case.

(g) The surcharge does not apply to administrative citations issued pursuant to section 169.999.

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

(1) one percent shall be credited to the peace officer training account in 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 commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

**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; 2003 c 112 art 2 s 50; 1Sp2003 c 2 art 2 s 2; art 8 s 6,7; 2004 c 228 art 1 s 64; 2004 c 278 s 2,3; 2005 c 136 art 14 s 3-5; 2005 c 164 s 1,2; 1Sp2005 c 1 art 4 s 99,100; 2006 c 212 art 3 s 37; 2008 c 363 art 12 s 11,12; 2009 c 59 art 4 s 4; 2009 c 83 art 2 s 21-23; 2009 c 101 art 2 s 109; 2009 c 158 s 7; 2010 c 380 s 1; 1Sp2011 c 1 art 3 s 3; 1Sp2011 c 2 art 4 s 27; 2013 c 86 art 3 s 6; 2015 c 65 art 1 s 19; 2016 c 119 s 7; 2017 c 95 art 4 s 1

### **357.022 CONCILIATION COURT FEE.**

The court administrator in every county shall charge and collect a filing fee of \$65 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 commissioner of management and budget 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; 2003 c 112 art 2 s 50; 1Sp2003 c 2 art 2 s 3; 2009 c 83 art 2 s 24; 2009 c 101 art 2 s 109

### **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 \$550 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 \$550 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 \$550 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 commissioner of management and budget 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; 2003 c 112 art 2 s 50; 1Sp2003 c 2 art 2 s 4; 2009 c 83 art 2 s 25; 2009 c 101 art 2 s 109

### **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** [Repealed, 2005 c 10 art 2 s 5]

### **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, \$5;

(2) for every other protest and copy, \$5;

(3) for making and serving every notice of nonpayment of note or nonacceptance of bill and copy thereof, \$5;



(4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and \$1 per folio for copies;

(5) for each oath administered, \$5;

(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, \$5 per folio.

**History:** (7001) *RL s 2705; 1983 c 175 s 1; 1986 c 444; 2014 c 301 s 1*

### **357.18 COUNTY RECORDER.**

Subdivision 1. **County recorder fees.** The fees to be charged by the county recorder shall be and not exceed the following:

(1) for indexing and recording any deed or other instrument a fee of \$46; \$10.50 shall be paid to the state treasury and credited to the general fund; \$10 shall be deposited in the technology fund pursuant to subdivision 4; and \$25.50 shall be deposited in the county general fund;

(2) for documents containing multiple assignments, partial releases or satisfactions a fee of \$46; if the document cites more than four recorded instruments, an additional fee of \$10 for each additional instrument cited over the first four citations;

(3) for certified copies of any records or papers, \$10;

(4) for a noncertified copy of any instrument or writing on file or recorded in the office of the county recorder, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(5) 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 \$10 for every entry, \$100 for abstract certificate, \$1 per page for each exhibit included within an abstract as a part of an abstract entry, and \$5 per name for each required name search certification;

(6) for a copy of an official plat filed pursuant to section 505.08, the fee shall be \$10 and an additional \$5 shall be charged for the certification of each plat;

(7) 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 \$56;

(8) 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;

(9) for recording any plat, a fee of \$56, of which \$10.50 must be paid to the state treasury and credited to the general fund, \$10 must be deposited in the technology fund pursuant to subdivision 4, and \$35.50 must be deposited in the county general fund; and

(10) for a noncertified copy of any document submitted for recording, if the original document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy or duplicate original and payment of the fee, a county recorder shall return it marked "copy" or "duplicate," showing the recording date and, if available, the document number assigned to the original.

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 special law to the contrary, the established fees pursuant to subdivision 1 shall be the fee charged in all counties for the specified service, other than Uniform Commercial Code documents, and documents filed or recorded pursuant to sections 270C.63, subdivision 6, 272.481 to 272.488, 277.20, and 386.77.

Subd. 3. [Repealed by amendment, 2005 c 136 art 14 s 6]

Subd. 4. **Technology fund.** The \$10 fee collected under subdivision 1, clause (1), shall be deposited in a technology fund for obtaining, maintaining, and updating current technology and equipment to provide services from the record system. The fund shall be disbursed at the county recorder's discretion to provide modern information services from the records system. The fund is a supplemental fund and shall not be construed to diminish the duty of the county governing body to furnish funding for expenses and personnel necessary in the performance of the duties of the office pursuant to section 386.015, subdivision 6, paragraph (a), clause (2), and to comply with the requirements of section 357.182.

Subd. 5. **Variance from standards.** A document should conform to the standards in section 507.093, paragraph (a), but should not be rejected unless the document is not legible or cannot be archived. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks on file 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.

Subd. 6. **Registrar of titles' fees.** The fees to be charged by the registrar of titles are in sections 508.82 and 508A.82.

**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; 2002 c 365 s 7; 2005 c 136 art 14 s 6; 2005 c 151 art 2 s 17; 1Sp2005 c 7 s 12; 2009 c 86 art 1 s 65

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

### **357.182 COUNTY FEES AND RECORDING STANDARDS FOR RECORDING OF REAL ESTATE DOCUMENTS.**

Subdivision 1. **Application.** Unless otherwise specified in this section and notwithstanding any other law to the contrary, effective August 1, 2005, this section applies to each county in Minnesota. Documents presented for recording within 60 days after July 1, 2005, and that are acknowledged, sworn to before a notary, or certified before July 1, 2005, must not be rejected for failure to include the new filing fee.

Subd. 2. **Fee restrictions.** Notwithstanding any local law or ordinance to the contrary, no county may charge or collect any fee, special or otherwise, or however described, other than a fee denominated or prescribed by state law, for any service, task, or step performed by any county officer or employee in

connection with the receipt, recording, and return of any recordable instrument by the county recorder or registrar of titles, whether received by mail, in person, or by electronic delivery, including, but not limited to, opening mail; handling, transferring, or transporting the instrument; certifying no-delinquent property taxes; payment of state deed tax, mortgage registry tax, or conservation fee; recording of approved plats, subdivision splits, or combinations; or any other prerequisites to recording, and returning the instrument by regular mail or in person to the person identified in the instrument for that purpose.

**Subd. 3. Recording requirements.** Each county recorder and registrar of titles shall, within 15 business days after any instrument in recordable form accompanied by payment of applicable fees by customary means is delivered to the county for recording or is otherwise received by the county recorder or registrar of titles for that purpose, record and index the instrument in the manner provided by law and return it by regular mail or in person to the person identified in the instrument for that purpose, if the instrument does not require certification of no-delinquent taxes, payment of state deed tax, mortgage registry tax, or conservation fee. Each county must establish a policy for the timely handling of instruments that require certification of no-delinquent taxes, payment of state deed tax, mortgage registry tax, or conservation fee and that policy may allow up to an additional five business days at the request of the office or offices responsible to complete the payment and certification process.

For calendar years 2009 and 2010, the maximum time allowed for completion of the recording process for documents presented in recordable form will be 15 business days.

For calendar year 2011 and thereafter, the maximum time allowed for completion of the recording process for documents presented in recordable form will be ten business days.

Instruments recorded electronically must be returned no later than five business days after receipt by the county in a recordable format.

**Subd. 4. Compliance with recording requirements.** For calendar year 2007, a county is in compliance with the recording requirements prescribed by subdivision 3 if at least 60 percent of all recordable instruments described in subdivision 3 and received by the county in that year are recorded and returned within the time limits prescribed in subdivision 3. In calendar year 2008, at least 70 percent of all recordable instruments must be recorded and returned in compliance with the recording requirements; for calendar year 2009, at least 80 percent of all recordable instruments must be recorded and returned in compliance with the recording requirements; and for calendar year 2010 and later years, at least 90 percent of all recordable instruments must be recorded and returned in compliance with the recording requirements.

**Subd. 5. Temporary suspension of compliance with recording requirements.** Compliance with the requirements of subdivision 4 may be suspended for up to six months when a county undertakes material enhancements to its systems for receipt, handling, paying of deed and mortgage tax and conservation fees, recording, indexing, certification, and return of instruments. The six-month suspension may be extended for up to an additional six months if a county board finds by resolution that the additional time is necessary because of the difficulties of implementing the enhancement.

**Subd. 6. Certification of compliance with recording requirements.** Effective beginning in 2007 for the 2008 county budget and in each year thereafter, the county recorder and registrar of titles for each county shall file with the county commissioners, as part of their budget request, a report that establishes the status for the previous year of their compliance with the requirements established in subdivision 3. If the office has not achieved compliance with the recording requirements, the report must include an explanation of the failure to comply, recommendations by the recorder or registrar to cure the noncompliance and to prevent

a recurrence, and a proposal identifying actions, deadlines, and funding necessary to bring the county into compliance.

**Subd. 7. Restriction on use of recording fees.** Notwithstanding any law to the contrary, for county budgets adopted after January 1, 2006, each county shall segregate the additional unallocated fee authorized by sections 357.18, 508.82, and 508A.82 from the application of the provisions of chapters 386, 507, 508, and 508A, in an appropriate account. This money is available as authorized by the Board of County Commissioners for supporting enhancements to the recording process, including electronic recording, to fund compliance efforts specified in subdivision 5 and for use in undertaking data integration and aggregation projects. Money remains in the account until expended for any of the authorized purposes set forth in this subdivision. This money must not be used to supplant the normal operating expenses for the office of county recorder or registrar of titles.

**History:** 2005 c 136 art 14 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 a person alleged to have a mental illness or chemical dependency 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; 2013 c 59 art 3 s 6*

**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

**357.42 TREATMENT COURT FEES.**

(a) When a court establishes a treatment court process, the court may establish one or more fees for services provided to defendants participating in the process.

(b) In each fiscal year, the court shall deposit the treatment court participation fees in the special revenue fund and credit the fees to a separate account for the trial courts. The balance in this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures from this account must be made for treatment court purposes.

**History:** 2007 c 54 art 5 s 8; 2017 c 95 art 2 s 7