

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1144

Short Title: Civil Process Fee Increase.

(Public)

Sponsors: Representative Wicker.

Referred to: Judiciary.

April 10, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE UNIFORM CIVIL PROCESS FEE FOR SERVING
3 SUMMONS, SUBPOENA, NOTICES, MOTIONS, ORDERS, WRITS, AND
4 PLEADINGS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 7A-311(a) reads as rewritten:
7 "(a) In a civil action or special proceeding, the following fees and commissions
8 shall be assessed, collected, and remitted to the county:
9 (1) a. Effective July 1, 1979, for every civil action filed on or after that
10 date, for each item of civil process, including summons, subpoenas,
11 notices, motions, orders, writs and pleadings served, three dollars
12 (\$3.00). When two or more items of civil process are served
13 simultaneously on one party, only one three-dollar (\$3.00) fee shall be
14 charged. Effective July 1, 1981, for every civil action filed on or after
15 that date, for each item of civil process, including summons,
16 subpoenas, notices, motions, orders, writs and pleadings served, ~~four~~
17 ~~dollars (\$4.00)~~ twelve dollars (\$12.00). When two or more items of
18 civil process are served simultaneously on one party, only one ~~four-~~
19 ~~dollar (\$4.00)~~ twelve-dollar (\$12.00) fee shall be charged.
20 b. When an item of civil process is served on two or more persons
21 or organizations, a separate service charge shall be made for
22 each person or organization. If the process is served, or
23 attempted to be served, by a city policeman, the fee shall be
24 remitted to the city rather than the county. If the process is

1 served, or attempted to be served by the sheriff, the fee shall be
2 remitted to the county. This subsection shall not apply to
3 service of summons to jurors.

4 (2) For the seizure of personal property and its care after seizure, all
5 necessary expenses, in addition to any fees for service of process.

6 (3) For all sales by the sheriff of property, either real or personal, or for
7 funds collected by the sheriff under any judgment, five percent (5%)
8 on the first five hundred dollars (\$500.00), and two and one-half
9 percent (2 1/2%) on all sums over five hundred dollars (\$500.00), plus
10 necessary expenses of sale. Whenever an execution is issued to the
11 sheriff, and subsequently while the execution is in force and
12 outstanding, and after the sheriff has served or attempted to serve such
13 execution, the judgment, or any part thereof, is paid directly or
14 indirectly to the judgment creditor, the fee herein is payable to the
15 sheriff on the amount so paid. The judgment creditor shall be
16 responsible for collecting and paying all execution fees on amounts
17 paid directly to the judgment creditor.

18 (4) For execution of a judgment of ejectment, all necessary expenses, in
19 addition to any fees for service of process.

20 (5) For necessary transportation of individuals to or from State
21 institutions or another state, the same mileage and subsistence
22 allowances as are provided for State employees."

23 Sec. 2. This act shall become effective October 1, 1989, and applies to civil
24 actions filed on or after that date.