

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 493

Short Title: State Bar Funds.

(Public)

Sponsors: Senator Rand.

Referred to: Appropriations.

March 25, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOCATE A PORTION OF COURT COSTS TO PROVIDE ACCESS
TO CIVIL JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1997, G.S. 7A-304(a)(4) reads as rewritten:

"(4) For support of the General Court of Justice, the sum of forty-six dollars (\$46.00) in the district court, including cases before a magistrate, and the sum of fifty-three dollars (\$53.00) in the superior court, to be remitted to the State Treasurer. The State Treasurer shall remit to the State Bar an amount equal to four dollars (\$4.00) of each fee collected under this subdivision for the provision of services described in G.S. 7A-474.4."

Section 2. Effective July 1, 1997, G.S. 7A-305(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice, the sum of fifty-five dollars (\$55.00) in the superior court, and the sum of forty dollars (\$40.00) in the district court except that if the case is assigned to a magistrate the sum shall be twenty-eight dollars (\$28.00). Sums collected under this ~~subsection~~ subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit to the State Bar an amount equal to four dollars

1 (\$4.00) of each fee collected under this subdivision for the provision of
2 services described in G.S. 7A-474.4."

3 Section 3. Effective July 1, 1997, G.S. 7A-306(a)(2) reads as rewritten:

4 "(2) For support of the General Court of Justice the sum of twenty-six
5 dollars (\$26.00). In addition, in proceedings involving land, except
6 boundary disputes, if the fair market value of the land involved is over
7 one hundred dollars (\$100.00), there shall be an additional sum of thirty
8 cents (30¢) per one hundred dollars (\$100.00) of value, or major
9 fraction thereof, not to exceed a maximum additional sum of two
10 hundred dollars (\$200.00). Fair market value is determined by the sale
11 price if there is a sale, the appraiser's valuation if there is no sale, or the
12 appraised value from the property tax records if there is neither a sale
13 nor an appraiser's valuation. Sums collected under this ~~subsection~~
14 subdivision shall be remitted to the State Treasurer. The State Treasurer
15 shall remit to the State Bar an amount equal to four dollars (\$4.00) of
16 each fee collected under this subdivision for the provision of services
17 described in G.S. 7A-474.4."

18 Section 4. Effective July 1, 1997, G.S. 7A-307(a)(2) reads as rewritten:

19 "(2) For support of the General Court of Justice, the sum of twenty-six
20 dollars (\$26.00), plus an additional forty cents (40¢) per one hundred
21 dollars (\$100.00), or major fraction thereof, of the gross estate, not to
22 exceed three thousand dollars (\$3,000). Gross estate shall include the
23 fair market value of all personalty when received, and all proceeds from
24 the sale of realty coming into the hands of the fiduciary, but shall not
25 include the value of realty. In collections of personal property by
26 affidavit, the fee based on the gross estate shall be computed from the
27 information in the final affidavit of collection made pursuant to G.S.
28 28A-25-3 and shall be paid when that affidavit is filed. In all other
29 cases, this fee shall be computed from the information reported in the
30 inventory and shall be paid when the inventory is filed with the clerk. If
31 additional gross estate, including income, comes into the hands of the
32 fiduciary after the filing of the inventory, the fee for such additional
33 value shall be assessed and paid upon the filing of any account or report
34 disclosing such additional value. For each filing the minimum fee shall
35 be ten dollars (\$10.00). Sums collected under this ~~subsection~~ subdivision
36 shall be remitted to the State Treasurer. The State Treasurer shall remit
37 to the State Bar an amount equal to four dollars (\$4.00) of each fee
38 collected under this subdivision for the provision of services described
39 in G.S. 7A-474.4."

40 Section 5. Effective July 1, 1998, G.S. 7A-304(a)(4), as rewritten by Section 1
41 of this act, reads as rewritten:

42 "(4) For support of the General Court of Justice, the sum of forty-six dollars
43 (\$46.00) in the district court, including cases before a magistrate, and

1 the sum of fifty-three dollars (\$53.00) in the superior court, to be
2 remitted to the State Treasurer. The State Treasurer shall remit to the
3 State Bar an amount equal to ~~four dollars (\$4.00)~~ seven dollars (\$7.00) of
4 each fee collected under this subdivision for the provision of services
5 described in G.S. 7A-474.4."

6 Section 6. Effective July 1, 1998, G.S. 7A-305(a)(2), as rewritten by Section 2
7 of this act, reads as rewritten:

8 "(2) For support of the General Court of Justice, the sum of fifty-five dollars
9 (\$55.00) in the superior court, and the sum of forty dollars (\$40.00) in
10 the district court except that if the case is assigned to a magistrate the
11 sum shall be twenty-eight dollars (\$28.00). Sums collected under this
12 subdivision shall be remitted to the State Treasurer. The State Treasurer
13 shall remit to the State Bar an amount equal to ~~four dollars (\$4.00)~~ seven
14 dollars (\$7.00) of each fee collected under this subdivision for the
15 provision of services described in G.S. 7A-474.4."

16 Section 7. Effective July 1, 1998, G.S. 7A-306(a)(2), as rewritten by Section 3
17 of this act, reads as rewritten:

18 "(2) For support of the General Court of Justice the sum of twenty-six
19 dollars (\$26.00). In addition, in proceedings involving land, except
20 boundary disputes, if the fair market value of the land involved is over
21 one hundred dollars (\$100.00), there shall be an additional sum of thirty
22 cents (30¢) per one hundred dollars (\$100.00) of value, or major
23 fraction thereof, not to exceed a maximum additional sum of two
24 hundred dollars (\$200.00). Fair market value is determined by the sale
25 price if there is a sale, the appraiser's valuation if there is no sale, or the
26 appraised value from the property tax records if there is neither a sale
27 nor an appraiser's valuation. Sums collected under this subdivision shall
28 be remitted to the State Treasurer. The State Treasurer shall remit to the
29 State Bar an amount equal to ~~four dollars (\$4.00)~~ seven dollars (\$7.00) of
30 each fee collected under this subdivision for the provision of services
31 described in G.S. 7A-474.4."

32 Section 8. Effective July 1, 1998, G.S. 7A-307(a)(2), as rewritten by Section 4
33 of this act, reads as rewritten:

34 "(2) For support of the General Court of Justice, the sum of twenty-six
35 dollars (\$26.00), plus an additional forty cents (40¢) per one hundred
36 dollars (\$100.00), or major fraction thereof, of the gross estate, not to
37 exceed three thousand dollars (\$3,000). Gross estate shall include the
38 fair market value of all personalty when received, and all proceeds from
39 the sale of realty coming into the hands of the fiduciary, but shall not
40 include the value of realty. In collections of personal property by
41 affidavit, the fee based on the gross estate shall be computed from the
42 information in the final affidavit of collection made pursuant to G.S.
43 28A-25-3 and shall be paid when that affidavit is filed. In all other

1 cases, this fee shall be computed from the information reported in the
2 inventory and shall be paid when the inventory is filed with the clerk. If
3 additional gross estate, including income, comes into the hands of the
4 fiduciary after the filing of the inventory, the fee for such additional
5 value shall be assessed and paid upon the filing of any account or report
6 disclosing such additional value. For each filing the minimum fee shall
7 be ten dollars (\$10.00). Sums collected under this subdivision shall be
8 remitted to the State Treasurer. The State Treasurer shall remit to the
9 State Bar an amount equal to ~~four dollars (\$4.00)~~ seven dollars (\$7.00) of
10 each fee collected under this subdivision for the provision of services
11 described in G.S. 7A-474.4."

12 Section 9. Effective July 1, 1999, G.S. 7A-304(a)(4), as rewritten by Sections
13 1 and 5 of this act, reads as rewritten:

14 "(4) For support of the General Court of Justice, the sum of forty-six dollars
15 (\$46.00) in the district court, including cases before a magistrate, and
16 the sum of fifty-three dollars (\$53.00) in the superior court, to be
17 remitted to the State Treasurer. The State Treasurer shall remit to the
18 State Bar an amount equal to ~~seven dollars (\$7.00)~~ ten dollars (\$10.00) of
19 each fee collected under this subdivision for the provision of services
20 described in G.S. 7A-474.4."

21 Section 10. Effective July 1, 1999, G.S. 7A-305(a)(2), as rewritten by Sections
22 2 and 6 of this act, reads as rewritten:

23 "(2) For support of the General Court of Justice, the sum of fifty-five dollars
24 (\$55.00) in the superior court, and the sum of forty dollars (\$40.00) in
25 the district court except that if the case is assigned to a magistrate the
26 sum shall be twenty-eight dollars (\$28.00). Sums collected under this
27 subdivision shall be remitted to the State Treasurer. The State Treasurer
28 shall remit to the State Bar an amount equal to ~~seven dollars (\$7.00)~~ ten
29 dollars (\$10.00) of each fee collected under this subdivision for the
30 provision of services described in G.S. 7A-474.4."

31 Section 11. Effective July 1, 1999, G.S. 7A-306(a)(2), as rewritten by Sections
32 3 and 7 of this act, reads as rewritten:

33 "(2) For support of the General Court of Justice the sum of twenty-six
34 dollars (\$26.00). In addition, in proceedings involving land, except
35 boundary disputes, if the fair market value of the land involved is over
36 one hundred dollars (\$100.00), there shall be an additional sum of thirty
37 cents (30¢) per one hundred dollars (\$100.00) of value, or major
38 fraction thereof, not to exceed a maximum additional sum of two
39 hundred dollars (\$200.00). Fair market value is determined by the sale
40 price if there is a sale, the appraiser's valuation if there is no sale, or the
41 appraised value from the property tax records if there is neither a sale
42 nor an appraiser's valuation. Sums collected under this subdivision shall
43 be remitted to the State Treasurer. The State Treasurer shall remit to the

1 State Bar an amount equal to ~~seven dollars (\$7.00)~~ ten dollars (\$10.00) of
2 each fee collected under this subdivision for the provision of services
3 described in G.S. 7A-474.4."

4 Section 12. Effective July 1, 1999, G.S. 7A-307(a)(2), as rewritten by Sections
5 4 and 8 of this act, reads as rewritten:

6 "(2) For support of the General Court of Justice, the sum of twenty-six
7 dollars (\$26.00), plus an additional forty cents (40¢) per one hundred
8 dollars (\$100.00), or major fraction thereof, of the gross estate, not to
9 exceed three thousand dollars (\$3,000). Gross estate shall include the
10 fair market value of all personalty when received, and all proceeds from
11 the sale of realty coming into the hands of the fiduciary, but shall not
12 include the value of realty. In collections of personal property by
13 affidavit, the fee based on the gross estate shall be computed from the
14 information in the final affidavit of collection made pursuant to G.S.
15 28A-25-3 and shall be paid when that affidavit is filed. In all other
16 cases, this fee shall be computed from the information reported in the
17 inventory and shall be paid when the inventory is filed with the clerk. If
18 additional gross estate, including income, comes into the hands of the
19 fiduciary after the filing of the inventory, the fee for such additional
20 value shall be assessed and paid upon the filing of any account or report
21 disclosing such additional value. For each filing the minimum fee shall
22 be ten dollars (\$10.00). Sums collected under this subdivision shall be
23 remitted to the State Treasurer. The State Treasurer shall remit to the
24 State Bar an amount equal to ~~seven dollars (\$7.00)~~ ten dollars (\$10.00) of
25 each fee collected under this subdivision for the provision of services
26 described in G.S. 7A-474.4."

27 Section 13. This act becomes effective July 1, 1997, and applies to fees paid
28 on or after that date.