

2016 Regular Session

HOUSE BILL NO. 549

BY REPRESENTATIVE JACKSON

CLERKS OF COURT: Provides relative to clerks of courts of district courts as ex officio recorders

1 AN ACT

2 To amend and reenact R.S. 13:844, to enact R.S. 13:844.1, and to repeal R.S. 9:5217 and  
3 R.S. 44:181.4, relative to clerks of court; to provide for fees of clerks as ex officio  
4 recorders; to provide for a fee schedule; to provide definitions; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:844 is hereby amended and reenacted and R.S. 13:844.1 is hereby  
8 enacted to read as follows:

9 §844. Fees of ex officio recorders; land records document filing

10 A.(1) Clerks of the district courts as ex officio recorders ~~may~~ shall charge  
11 the following fees for filing and recording documents:

12 ~~(1) For filing and recording any document, twenty-five dollars per book for~~  
13 ~~the first page and ten dollars for each subsequent page per book up to ten pages. All~~  
14 ~~documents that exceed ten pages, twenty-five dollars for the first page and eight~~  
15 ~~dollars for each subsequent page.~~

16 (a) For one page documents, fifty dollars.

17 (b) For two to five page documents, one hundred dollars.

18 (c) For six to fifteen page documents, two hundred dollars.

19 (d) For sixteen to thirty page documents, three hundred dollars.

20 (e) For thirty-one to forty page documents, four hundred dollars.

1           (f) For forty-one to fifty page documents, five hundred dollars.

2           (g) For documents in excess of fifty pages, five hundred dollars for the first  
3           fifty pages and ten dollars for each subsequent page.

4           (h) Notwithstanding any other provision of law to the contrary, there shall  
5           be a fee of fifty dollars for the recordation of an act or affidavit to cancel a mortgage,  
6           lien, or privilege. This fee shall include providing the person filing and recording  
7           the act or affidavit with one clerk-certified copy of the act or affidavit.

8           ~~(2) For indexing of all documents filed for record for each name after the~~  
9           ~~first name that is required to be indexed, five dollars per name. The above set forth~~  
10          ~~fees shall be inclusive of the following:~~

11           (a) Indexing of all documents filed for record for up to ten names.

12           (b) One clerk-certified copy of the recorded document without additional  
13          charge, and the filing fee shall include providing photocopying if needed.

14          ~~(3) For notarizing acknowledgments of acts executed under private~~  
15          ~~signature, with seal and certificate, five dollars.~~

16          ~~(4) For certificate of real estate mortgage and lien certificate with seal, for~~  
17          ~~each name in which search is made, and for one definable property only, twenty~~  
18          ~~dollars for the first name and ten dollars for each additional name. There shall be an~~  
19          ~~additional charge of one dollar per exception in the event that more than ten~~  
20          ~~exceptions are contained on a certificate.~~

21          ~~(5) For canceling real estate mortgage with original note, ten dollars.~~

22          ~~(6) For making copies of all official documents, no more than two dollars per~~  
23          ~~page.~~

24          ~~(7) For attesting any record or copy thereof, five dollars.~~

25          ~~(8) For canceling of lien for paving or installation of sewerage system, ten~~  
26          ~~dollars.~~

27          B. ~~The funds derived by the clerk of court in the parish of Calcasieu from~~  
28          ~~that portion of the fees collectable pursuant to this Subsection above the amount of~~  
29          ~~such fees collectable at the rates provided by R.S. 13:844 prior to the amendment~~

1        ~~thereof at the 1981 Regular Session of the Legislature shall be expended exclusively~~  
2        ~~for the payment of salaries of deputy clerks of court in that parish.~~ For indexing of  
3        all documents filed for record for each name after the first ten names that are  
4        required to be indexed, there shall be a fee of five dollars per name.

5                C. ~~In addition to the above charges, the clerks of court as ex officio notaries~~  
6        ~~public may make a reasonable charge for drawing deeds, mortgages, chattel~~  
7        ~~mortgages, liens or other similar instruments.~~ Documents to be recorded may be  
8        either letter-size paper (8.5 x 11 inches) or legal-size paper (8.5 x 14 inches) and the  
9        recording fees set forth in this Section shall be the same regardless of which size  
10       paper is used. For any other size paper, there shall be an additional fee of fifty  
11       dollars per page.

12               D.(1) ~~For purposes of establishing the filing and recording fee, every~~ Every  
13        document filed for recordation shall be captioned as to type of act on the first page,  
14        and shall have on the first page a margin of two inches at the top, and one inch at the  
15        bottom and sides. The type size shall not be less than eight point.

16               (2) For any document not in compliance with Paragraph (1), there shall be  
17        an additional ~~ten~~ fifty-dollar noncompliance fee per document.

18               E. ~~In addition to the fees provided in Subsection A of this Section, the clerk~~  
19        ~~of the Twenty-Fourth Judicial District for the parish of Jefferson may demand and~~  
20        ~~receive additional fees in an amount not to exceed twenty-five percent of the fees~~  
21        ~~specified in Subsection A of this Section. The funds so derived by the clerk shall be~~  
22        ~~expended exclusively for the payment of salaries of deputy clerks of court in that~~  
23        ~~parish.~~ For purposes of this Section, a "document" is defined as those pages  
24        presented together for filing or recording, inclusive of the act, together with exhibits,  
25        riders, or additional documents attached thereto, including but not limited to powers  
26        of attorney, property description exhibits, tax certificates and researches, mortgage  
27        and conveyance certificates, resolutions, certificates, and surveys.

1           F. If a document is to be recorded and filed in both the mortgage and  
2           conveyance records, the fees provided in this Section shall be assessed separately for  
3           recording in the mortgage records and in the conveyance records.

4           §844.1. Fees of ex officio recorders; other services

5           Clerks of the district courts as ex officio recorders may charge the following  
6           fees:

7           (1) For notarizing acknowledgments of acts executed under private  
8           signature, with seal and certificate, five dollars.

9           (2) For a certificate of real estate mortgage and lien certificate with seal, for  
10          each name in which search is made, and for one definable property only, twenty  
11          dollars for the first name and ten dollars for each additional name. There shall be an  
12          additional charge of one dollar per exception in the event that more than ten  
13          exceptions are contained on a certificate.

14          (3) For canceling a real estate mortgage with original note, ten dollars.

15          (4) Except as provided in Subsection A of this Section, for making copies  
16          of all official documents, no more than two dollars per page.

17          (5) Except as provided in Subsection A of this Section, for attesting any  
18          record or copy thereof, ten dollars. For a file-stamped conformed copy, five dollars.

19          Section 2. R.S. 9:5217 and R.S. 44:181.4 are hereby repealed in their entirety.

20          Section 3. The provisions of this Act shall become effective October 1, 2016.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 549 Engrossed

2016 Regular Session

Jackson

**Abstract:** Authorizes a schedule of fees to be collected for processing documents.

Present law authorizes the collection by clerks of district courts as ex officio recorders of fees for filing, recording, notarizing, copying, and indexing certain documents. Further provides for the collection of fees for certain other real estate transactions.

Proposed law provides for a schedule of fees, depending upon the size of the documents or the number of names associated with each document. Provides for specifications regarding the documents, and increases the fee from \$10 to \$50 for documents that are not in

compliance with proposed law. Provides that if a document must be recorded and filed in both the mortgage and conveyance records, the proposed law fees shall be assessed separately for recording in the mortgage records and the conveyance records.

Proposed law provides for a \$50 filing fee for recording an act or affidavit to cancel a mortgage, lien or privilege. The \$50 fee includes one clerk-certified copy of the act or affidavit for the person filing and recording the act or affidavit.

Present law contains a recorder's fees for multiple indebtedness mortgages and requires the collection of charges and fees for the recordation of records and documents in the parish of Orleans on Jan. 1, 2009.

Proposed law repeals present law.

Effective Oct. 1, 2016.

(Amends R.S. 13:844; Adds R.S. 13:844.1; Repeals R.S. 9:5217 and R.S. 44:181.4)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Adds a \$50 recordation fee for cancellation of a mortgage, lien, or privilege which includes one clerk-certified copy.
2. Deletes the proposed \$10 charge for cancelling a lien for paving or installing a sewerage system.
3. Deletes the provision that the clerk of the 24<sup>th</sup> JDC may collect additional fees not to exceed 25% of that found in proposed law to fund the payment of deputy clerks' salaries in Jefferson Parish.
4. Adds an effective date of Oct. 1, 2016.