

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 page documents, seventy-five dollars.

18 (c) For three to five page documents, one hundred dollars.

19 (d) For six to fifteen page documents, one hundred seventy-five
20 dollars.

21 (e) For sixteen to thirty page documents, two hundred seventy-five
22 dollars.

1 (f) For thirty-one to forty page documents, three hundred seventy-five
2 dollars.

3 (g) For forty-one to fifty page documents, four hundred seventy-five dollars.

4 (h) For documents in excess of fifty pages, four hundred seventy-five dollars
5 for the first fifty pages and ten dollars for each subsequent page.

6 (i) Notwithstanding any other provision of law to the contrary, there shall be
7 a fee of fifty dollars for the recordation of an act or affidavit to cancel a mortgage,
8 lien, or privilege.

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

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

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

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

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

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

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

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

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

28 ~~B. The funds derived by the clerk of court in the parish of Calcasieu from~~
29 ~~that portion of the fees collectable pursuant to this Subsection above the amount of~~

1 such fees collectable at the rates provided by R.S. 13:844 prior to the amendment
2 thereof at the 1981 Regular Session of the Legislature shall be expended exclusively
3 for the payment of salaries of deputy clerks of court in that parish. For indexing of
4 all documents filed for record for each name after the first ten names that are
5 required to be indexed, there shall be a fee of five dollars per name.

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

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

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

19 E. ~~In addition to the fees provided in Subsection A of this Section, the clerk~~
20 ~~of the Twenty-Fourth Judicial District for the parish of Jefferson may demand and~~
21 ~~receive additional fees in an amount not to exceed twenty-five percent of the fees~~
22 ~~specified in Subsection A of this Section. The funds so derived by the clerk shall be~~
23 ~~expended exclusively for the payment of salaries of deputy clerks of court in that~~
24 ~~parish.~~ For purposes of this Section, a "document" is defined as those pages
25 presented together for filing or recording, inclusive of the act, together with exhibits,
26 riders, or additional documents attached thereto, including but not limited to powers
27 of attorney, property description exhibits, tax certificates and researches, mortgage
28 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 or ex officio notaries
6 public may charge the following 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 R.S. 13:844, for making copies of all official
16 documents, no more than two dollars per page.

17 (5) Except as provided in R.S. 13:844, for attesting any record or copy
18 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.

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)]

HB 549 Reengrossed

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. 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.

Proposed law provides that the proposed law fees shall include the indexing of documents filed for record for up to 10 names, and shall include one clerk-certified copy of the recorded document without additional charge.

Proposed law provides for a schedule of fees to be charged by clerks as ex officio recorders and by ex officio notaries public.

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 24th 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.

The House Floor Amendments to the engrossed bill:

1. Changes the fee schedule for filing and recording documents.
2. Removes provisions regarding the noncompliance fee.
3. Authorizes ex officio notaries to charge the same fees charged by clerks as ex officio recorders.