



ADMINISTRATIVE OFFICE OF THE COURTS  
JUSTICE BUILDING  
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**MEMORANDUM**  
(via E-Mail)

TO: Clerks of Superior Court  
Magistrates (By copy from the Clerk)  
Superior Court Judges  
District Court Judges  
District Attorneys  
Public Defenders

FROM: Peter E. Powell, Legal Counsel  
Pamela Weaver Best, Deputy Legal Counsel  
Jo McCants, Associate Legal Counsel  
Matt Osborne, Associate Legal Counsel  
Mariah Dawn West, Associate Legal Counsel

DATE: July 31, 2007

RE: **Legislative Increases in Court Costs and Fees**  
**EFFECTIVE AUGUST 1, 2007, unless otherwise noted.**

The General Assembly has passed new legislation affecting court costs.<sup>1</sup> Attached is a costs and fees chart reflecting all new and updated costs and fees.

The final enacted budget in House Bill 1473 includes several fee increases which are to take effect on August 1, 2007 except as otherwise noted on the attached charts. All applicable increased fees **must** be collected on all filings on or after August 1, 2007. Cost and fee increases affect the areas of civil, criminal, estates, and special proceedings.

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<sup>1</sup> We respectfully request that clerks' offices provide a copy of this memorandum to all magistrates, law enforcement agencies, and all appropriate personnel in your office. Should you have any questions, please contact the AOC Court Services Analyst (CSA) or Financial Management Analyst (FMA) for your county.

Bill of Costs forms are available electronically, and will be updated overnight and available August 1, 2007. The forms will be available in TAO-GUI/Conferences/AOC\_Forms\_Memos in the criminal PDF, civil PDF, estate PDF and special proceedings PDF forms directories. The PDF versions will also be available on the [www.nccourts.org](http://www.nccourts.org) website. Printed copies will be distributed as soon as they are available.

**FMS and Cash Receipting** will be updated overnight when the new and increased fees take effect. The **eCitation** program will also be updated so that the citation generated contains the appropriate costs and fees at the appropriate time. New account numbers will be posted in the FMS Message Center at the appropriate time, and the placement of charges to those accounts should be listed on bill of costs forms under "Other".

Several updates to costs and fees were enacted to modify or clarify the existing law. Many of the changes are specific increases while the clarifications will likely result in increases as well. All updates are discussed below.

- **Advancement of Costs and Fees-Effective July 1, 2008**, Cities and Counties are required to advance costs to the State at the time an action is filed. In Child Support cases these fees are paid unless the party seeking support is indigent. Court costs are not charged or assessed in juvenile cases. **Takes effect July 1, 2008.**
- **Copy Costs**-New cost assessment of \$2.00 for the first page **of each document** and \$.25 for each additional page applies when non HECON key holders request that clerks copy documents. Prior to adding clarification that fees are assessed per document, it was unclear if the \$2.00 first page fee was assessed on a group of documents copied or for the first page of each document.
- **Costs Assessed on Trust Assets**-Fees assessed on newly acquired assets of a testamentary trust (as opposed to assets costed in and then poured over from a decedent's estate) pursuant to G.S. §7A-307 are \$.40 per \$100.00 in additional trust value where such fees were not previously assessed on the assets in the decedent's probate estate. Prior to the recent clarification in the language of the statute, it was unclear whether a mere \$20.00 fee per filing was required for testamentary trusts, or a full ad valorem assessment on newly acquired assets.
- **Actions to Amend Birth Certificates**-The fee for amending a birth certificate is now the same as in all other Special Proceedings and no longer \$2.00.
- **General Court of Justice Fee**-Increases in the General Court of Justice fees are as follows. Civil action filing fees increased to \$93.00 in Superior Court, \$73.00 in District Court, \$63.00 for actions before magistrates, and \$50.00 for estate proceedings. In foreclosures under a power of sale proceedings, the fee increased to \$75.00 with a new maximum ad valorem charge on the sales price of \$500.00. In criminal cases, the General Court of Justice fee increased by \$10.00.

- **Increases are also included in the portion of the various General Court of Justice fees remitted to the NC State Bar.**
- **Amendments Filed in 50B Actions-**The new law requires the assessment of Civil District court costs on amendments in 50B actions where the amendment did not arise under 50B. For example, if an amended complaint is filed in an existing 50B action, and the amendment adds claims for equitable distribution, divorce, or custody, the party filing the amendment is assessed the civil filing fee of \$73.00.
- **Out of State Attorneys-**The application fee for the limited practice of out-of-state attorneys is increased from \$125.00 to \$225.00.

The General Assembly made several costs and fee changes in the **criminal/motor vehicle area** as well. These are shown on the attached chart and include the following: an increase to General Court of Justice fees in Superior and District Court (as noted above); an increase to the portion of the General Court of Justice fee that is remitted to the State Bar; a doubling of the CVR fee to \$100; a new fee associated with the 2007 continuous alcohol monitoring legislation; an increase to the criminal record check fee; a doubling of the failure to appear fee to \$100 (and the elimination of the failure to comply fee); and a new \$100 processing fee associated with the 2007 legislation that created a new limited driving privilege for persons convicted of driving while license revoked.

Three of these items warrant additional mention:

- The **civil revocation fee** increase applies to fees assessed or collected on or after **August 1, 2007**. Accordingly, even if the CVR order was entered prior to **August 1, 2007**, the new fee amount is due if the defendant pays on or after that date.
- The new **continuous alcohol monitoring fee**, which will take effect on 1 December 2007, will be remitted not to the State, but to a vendor to be selected by DOC.
- The **failure to appear fee** not only has been increased, but also has been expanded so that it now applies to any criminal case, not just motor vehicle cases. Also, the General Assembly has amended G.S. 7A-304 in such a way that there is no longer a failure to comply fee. So, for Chapter 20 cases, the clerk will still report FTAs and FTCs to DMV, but the clerk will no longer collect an FTC fee. For other criminal cases, the clerks will not need to report to DMV, but there will now be an FTA fee. These changes apply to fees assessed or collected on or after **August 1, 2007**. Beginning on that date, the FTA fee will be \$100.00 (even for motor vehicle FTAs occurring before that date) and no FTC fee will be due (even if the FTC occurred before that date).

PC: Judge Ralph Walker, Director  
Gregg Stahl, Senior Deputy Director  
Basil McVey, Court Services Administrator  
Rex Whaley, Financial Services Officer  
Cliff Layman, Chief Information Officer  
CSAs  
FMAs  
Procedural Help Desk  
Cindy Matthews, Forms Manager  
Jim Drennan, SOG  
Jessie Smith, SOG  
John Rubin, SOG  
Dona Lewandowski, SOG  
Bob Farb, SOG

/Attachments (Court Costs and Fees Chart)

## COURT COSTS AND FEES CHART

**Except as noted, this chart is effective August 1, 2007, and applies to all costs assessed or collected on or after that date.**

### CRIMINAL COURT COSTS AND FEES (Reflects Changes Enacted During the 2007 Legislative Session)

Changes are noted in the chart below in **red** type. The effective dates are as follows:

- The **court costs increases** apply to costs assessed or collected on or after **August 1, 2007**, unless the defendant was charged before that date and disposes of the offense by waiver. (A defendant who was charged prior to **August 1, 2007** and who disposes of the offense by waiver pays the court costs amount in effect at the time of charge.)
- The **civil revocation fee increase** applies to fees assessed or collected on or after **August 1, 2007**. (So, even if the CVR order was entered prior to **August 1, 2007**, if the defendant pays on or after that date, the new fee amount is due.)
- The **new continuous alcohol monitoring fee** applies to offenses committed on or after December 1, 2007 in which continuous alcohol monitoring is ordered as authorized by law.
- The **criminal record check fee increase** applies to fees assessed or collected on or after **August 1, 2007**.
- The **failure to appear fee increase** applies to fees assessed or collected on or after **August 1, 2007**.
- The **new limited driving privilege fee** takes effect on December 1, 2007, which is when persons may begin filing petitions under the new G.S. 20-20.1. (**Note:** The budget bill contains fee language that would apply to all limited driving privileges, not just those filed under the new G.S. 20-20.1. However, it is our understanding that this language may be amended prior to the end of the legislative session, so we have not referenced it in the chart below. We will send follow-up information on this when it has been finalized by the legislature.)
- The **IDA fee** has increased to \$3.00 in criminal and civil, but only increased to \$2.05 in Estates and Special Proceedings.

<b>CRIMINAL COURT COSTS</b>	<b>AMOUNT</b>
<b>DISTRICT COURT (including criminal cases before magistrates)</b> [G.S. 7A-304]	
• General Court of Justice Fee (includes the <b>\$3.00</b> IDA fee)	<b><u>95.50</u></b>
• Facilities Fee	12.00
• LEOB Amounts	7.50
• <b>TOTAL</b>	<b><u>115.00</u></b>
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas.	<b><u>120.00</u></b>
<u>Note:</u> For a person convicted of a felony in Superior Court who has made a first appearance in District Court, all Superior Court costs plus the District Court General Court of Justice fee shall be assessed. See G.S. 7A-304(a)(4).	
<b>SUPERIOR COURT</b> [G.S. 7A-304]	
• General Court of Justice Fee (includes the <b>\$3.00</b> IDA fee)	<b><u>102.50</u></b>
• Facilities Fee	30.00
• LEOB Amounts	7.50
• <b>TOTAL</b>	<b><u>140.00</u></b>
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas.	<b><u>145.00</u></b>
<b>OTHER CRIMINAL FEES</b>	<b>AMOUNT</b>
Appointment of Counsel Fee for Indigent Defendants [G.S. 7A-455.1] ( <u>Note:</u> This fee is due only if the defendant has been convicted. See G.S. 7A-455.1(a). Of this fee, \$45.00 is credited to the Indigent Defense Fund and \$5.00 is credited to the Court Information Technology Fund. See G.S. 7A-455.1(f).)	50.00
Civil Revocation Fee [G.S. 20-16.5] ( <u>Note:</u> Of this fee, \$50.00 is remitted to the State's General Fund, \$25.00 is remitted to the State for transfer to DHHS, and \$25.00 is remitted to the county for jail expenses.)	<b><u>100.00</u></b>
Community Service Fee [G.S. 15A-1371, G.S. 20-179.4, and G.S. 143B-262.4]	200.00
Continuous Alcohol Monitoring Fee [G.S. 15A-1374 and G.S. 20-179] ( <u>Note:</u> This fee is remitted to the system vendor.)	<b><u>up to 1,000.00</u></b>
Criminal Record Check Fee [G.S. 7A-308]	<b><u>15.00</u></b>
Dispute Resolution Fee [G.S. 7A-38.7] ( <u>Note:</u> This fee applies to cases resolved through community mediation.)	60.00 per mediation
Expunction Fee [G.S. 15A-145] ( <u>Note:</u> This fee does <u>not</u> apply to persons who file an expunction petition as an indigent. It also does <u>not</u> apply to petitions for expunction under G.S. 15A-146, G.S. 15A-147, or G.S. 90-113.14.)	125.00

Expunction Fee [G.S. 90-96] ( <u>Note</u> : This fee does <u>not</u> apply to persons who file an expunction petition as an indigent. It also does <u>not</u> apply to petitions for expunction under G.S. 15A-146, G.S. 15A-147, or G.S. 90-113.14.)	65.00
Failure to Appear Fee [G.S. 7A-304] ( <u>Note</u> : This fee now applies to a failure to appear after 20 days in <u>any criminal case</u> , not just motor vehicle cases. <u>Also, the failure to comply fee has been eliminated</u> . The fee is remitted to the State Treasurer for the support of the General Court of Justice.)	<b><u>100.00</u></b>
House Arrest with Electronic Monitoring Fee [G.S. 15A-1343]	90.00
Limited Driving Privilege Fee for Petitions Filed under G.S. 20-20.1 [G.S. 20-20.1] ( <u>Note</u> : The \$100.00 processing fee is remitted to the State Treasurer for the support of the General Court of Justice.)	<b><u>CVD costs plus an additional processing fee of \$100.00</u></b>
Satellite-Based Monitoring Fee for Sex Offenders [G.S. 14-208.45]	90.00
SBI Lab Fee [G.S. 7A-304]	300.00
Local Government Lab Fee [G.S. 7A-304]	300.00
Reduced Costs Amount for Adult Front Seat Belt Violations and Motorcycle/Moped Helmet Violations [G.S. 20-135.2A and G.S. 20-140.4] ( <u>Note</u> : Costs are <u>not</u> assessed for a <u>rear</u> seat belt violation involving an adult. <u>See</u> G.S. 20-135.2A(e).)	75.00 GCJ fee
Supervision Fee [G.S. 15A-1343, G.S. 15A-1368.4, and G.S. 15A-1374]	30.00 per month
Worthless Check Program Fee [G.S. 7A-308]	60.00

CIVIL, ESTATES AND SPECIAL PROCEEDING COSTS ON FOLLOWING PAGES

**CIVIL, ESTATES AND SP COURT COSTS AND FEES**  
**(Reflects Changes Enacted During the 2007 Legislative Session)**

**ALL CHANGES ARE NOTED IN RED TYPE. Effective date for all changes is August 1, 2007.**

- The **IDA fee** has increased to \$3.00 in criminal and civil, but only increased to \$2.05 in Estates and Special Proceedings.
- Charges for copies of non HECON key holders are clarified to be assessed \$2.00 **for the first page of each document** copied by the clerk and \$.25 for each additional page.

**Note: Effective July 1, 2008** Counties and municipalities can no longer postpone payment of costs and fees. They must pay costs and fees at the time of filing, not when recouped by the government entity. As is the current practice, court costs are **not** charged or assessed in juvenile cases.

CIVIL	AMOUNT
<u>MAGISTRATES [G.S. §7A-305] (except domestic violence cases<sup>1</sup>)</u>	
• General Court of Justice ( Includes the <b>\$3.00</b> IDA fee)	<b>63</b>
• Facilities fee	12
• <b>TOTAL</b>	<b>75</b>
Plus \$15.00 service fee for each item of civil process served by the sheriff	
<u>MAGISTRATES SPECIAL FEES [G.S. §7A-309]</u>	
Performing Marriage Ceremony	20
Petition for Year's Allowance	8
Taking a deposition	10
Proof of execution or acknowledgment of instrument	2
Performing any statutory function, not incident to a civil or criminal action	2
<u>DISTRICT COURT [G.S. §7A-305] (except cases<sup>1</sup> under Chapter 50B or 50C)</u>	
• General Court of Justice ( Includes the <b>\$3.00</b> IDA fee)	<b>73</b>
• Facilities fee	16
• <b>TOTAL</b>	<b>89</b>
Plus \$15.00 service fee for each item of civil process served by the sheriff	

<sup>1</sup> No costs may be assessed for the filing, issuance, registration or service of a protective order or a petition for a protective order or witness subpoena under Chapter 50B (Domestic Violence) or 50C (civil no-contact). However, civil district court costs should be assessed for filing a petition for a workplace civil no-contact order filed pursuant to Article 23 of Chapter 95. *See also*, footnote 2.

<b>Plus Filing for absolute divorce (paid to State Treasurer for Displaced Homemaker fund)</b>	55
<b>Civil District Court Costs are assessed on amendments to original actions filed under 50B unless such amendment also arises under 50B.<sup>2</sup></b>	
<b>SUPERIOR COURT [G.S. §7A-305]</b>	
• General Court of Justice (Includes the \$3.00 IDA fee.)	93
• Facilities fee	16
• <b>TOTAL</b>	<b>109</b>
Plus \$15.00 service fee for each item of civil process served by the sheriff	
<b>Plus Business Court fee upon assignment</b>	200
<b>MISCELLANEOUS FEES AND COMMISSIONS</b> [G.S §7A-308, unless otherwise specified]	<b>AMOUNT</b>
Proceeding supplemental to execution	30
Confession of judgment	25
Taking a deposition	10
Execution	25
Notice of resumption of former name	10
Taking an acknowledgement or administering an oath, or both, with or without seal, each certificate (except that oaths of office shall be administered to public officials without charge)	2
Bond, taking justification or approving	10
Certificate, under seal	3
Exemplification of records	10
Recording or docketing (including indexing) any document	6 for first page; .25 for each additional page or fraction thereof
Preparation of copies <sup>3</sup>	2 for first page <b>of each document</b> ; .25 for each additional page or fraction thereof
Preparation and docketing of transcript of judgment	10
Substitution of trustee in deed of trust	10

<sup>2</sup> For example, if an amended complaint is filed in an existing 50B action, and the amendment adds claims for equitable distribution, divorce, or custody, the party filing the amendment is assessed the civil filing fee of \$73.00.

<sup>3</sup> Pursuant to the new §7A-308(b1), **court appointed attorneys are exempt from the copying fees.**

Execution of passport application	The amount allowed by federal law
Criminal record search (except if search is requested by an agency of the State or any of its political subdivisions or by an agency of the United States or by a petitioner in a proceeding under Article 2 of General Statutes Chapter 20)	15
Filing the affirmations, acknowledgments, agreements and resulting orders entered into under the provisions of G.S. §§110-132 and 110-133	6
Filing a motion to assert a right of access under G.S. §1-72.1	30
Motion for out of state attorney to appear in NC courts in a civil or criminal matter [G.S. §84-4.1]. <b>\$200 to State Treasurer and \$25 to North Carolina State Bar</b>	<b>\$225</b>
Family Court Supervision fee. [G.S. §7A-314.1]	30

<b>SPECIAL PROCEEDINGS</b>	<b>AMOUNT</b>
<u>SPECIAL PROCEEDINGS (Except Foreclosures) [G.S. §7A-306]</u> <ul style="list-style-type: none"> <li>• General Court of Justice (Includes the \$2.05 IDA fee.)</li> </ul>	40 plus .30/100 FMV of land involved, max. - 200
<ul style="list-style-type: none"> <li>• Facilities fee</li> </ul>	10
<ul style="list-style-type: none"> <li>• <b>TOTAL</b></li> </ul>	50 plus % FMV
Plus \$15.00 service fee for each item of civil process served by the sheriff	
<u>FORECLOSURES [G.S. §7A-308]</u> <ul style="list-style-type: none"> <li>• General Court of Justice</li> </ul>	75, plus .45/\$100 of final sale price Min. - 10 Max. - 500
<ul style="list-style-type: none"> <li>• Facilities fee</li> </ul>	None
<ul style="list-style-type: none"> <li>• <b>TOTAL</b></li> </ul>	75 plus % price
Plus \$15.00 service fee for each item of civil process served by the sheriff	

<b>ESTATES</b>	<b>AMOUNT</b>
<u>ESTATES [G.S. §7A-307]</u>	
<ul style="list-style-type: none"> <li>• General Court of Justice (includes the IDA fee, except in cases of probate without qualification)</li> </ul>	50 plus .40/100 of gross estate Min. – 15 Max. – 6,000
<ul style="list-style-type: none"> <li>• Facilities fee</li> </ul>	10
<ul style="list-style-type: none"> <li>• <b>TOTAL</b></li> </ul>	60 plus % FMV
Note: the estate fees set forth here apply on the filing of the inventory, if not previously collected. Other fees apply on the filing of accountings.	
<u>PERSONAL PROPERTY RECEIVED BY A TRUST UNDER WILL, WHEN ESTATE PREVIOUSLY ADMINISTERED UNDER CHAPTER 28A [G.S. §7A-307(a)(2a)]</u>	
<ul style="list-style-type: none"> <li>• General Court of Justice (Includes the \$2.05 IDA fee.)</li> </ul>	50
<ul style="list-style-type: none"> <li>• Annual and final accountings</li> </ul>	20 per filing
<ul style="list-style-type: none"> <li>• Facilities fee</li> </ul>	10
<u>ADDITIONAL NEW PERSONAL PROPERTY ASSETS RECEIVED BY A TRUST UNDER WILL ON WHICH FEES WERE NOT ALREADY ASSESSED WHEN ESTATE PREVIOUSLY ADMINISTERED UNDER CHAPTER 28A [G.S. §7A-307(a)(2a)]</u>	.40/100 of gross value of assets Min. – 20 Max. - \$6,000
<ul style="list-style-type: none"> <li>• <b>TOTAL</b></li> </ul>	60 plus annual filing fee or % FMV of additional assets
<u>PROBATE OF A WILL WITHOUT QUALIFICATION [G.S. §7A-307(a)(3)]</u>	
<ul style="list-style-type: none"> <li>• General Court of Justice</li> </ul>	20
<ul style="list-style-type: none"> <li>• Facilities fee</li> </ul>	10
<ul style="list-style-type: none"> <li>• <b>TOTAL</b></li> </ul>	30
<u>COLLECTION BY AFFIDAVIT [G.S. §7A-307(b)]</u>	
<ul style="list-style-type: none"> <li>• General Court of Justice (Includes the \$2.05 IDA fee.)</li> </ul>	50 plus .40/100 of gross estate Min. – 15 Max. - 6,000
<ul style="list-style-type: none"> <li>• Facilities fee</li> </ul>	10
<ul style="list-style-type: none"> <li>• <b>TOTAL</b></li> </ul>	60

<b>MISCELLANEOUS ESTATE FEES</b>	
Service fee for civil process served by the Sheriff [G.S. §7A-307(c)]	15
Taking a deposition [G.S. §7A-307(b1)]	10
Docketing and Indexing a will probated in another county in the State	
First page	6
Each additional page or fraction thereof [G.S. §7A-307(b1)]	.25
Hearing petition for year's allowance [G.S. §7A-307(b1)]	8