



**SPONSOR:**

**BILL:** \_\_\_\_\_

## **Amend legislation to increase docket fees**

### **34-7-15. [Additional fees of clerk.]**

In addition to the fees provided for in Section 1 [\[34-7-14 NMSA 1978\]](#) hereof, clerks of probate courts may charge the following fees:

for making an itemized bill of costs in any case, when demanded, fifty cents [(\$.50)];

for making and certifying to transcript of judgment, one dollar [(\$1.00)];

for taking an acknowledgment and affixing seal, fifty cents [(\$.50)], if but one person acknowledges, and twenty-five cents [(\$.25)] for each additional person;

for making copies of records or papers, **ten cents [(\$.10)] per folio of one hundred words**, for carbon copies three cents [(\$.03)] per folio;

for certificate and seal authenticating any paper as a true and correct copy, **fifty cents [(\$.50)];**

for making transcripts on appeal or certiorari to any court, and for certifying the same, such fees as are now provided by law; provided, however, that only fees for certification shall be charged where the transcript is prepared by the litigant himself.

### **Should be amended as follows:**

for making copies of records or papers, **one dollar [(\$1.00)] per page**

for certificate and seal authenticating any paper as a true and correct copy, **one dollar [(\$1.00)];**

Pursuant to 34-7-16, probate courts are not permitted to charge any other fees. The fees for probate court copies and certifications have been the same since at least 1965. The language of the statute concerning folios and carbon copies is archaic in and of itself. Pursuant to NM Const. VI Section 22, the county clerk is the clerk of the probate court and fees have traditionally been tied to those of the county clerk. Pursuant to 14-8-14, county clerks are allowed to charge one dollar \$1.00 per page for copies. The Bernalillo County clerk's office also charges one dollar (\$1.00) to certify documents. Probate court fees should be changed to be the same as those of the county clerk.

Costs connected to providing copies have risen and should be adjusted to reflect these costs.

Fifty Second Legislature, First Session, 2015