Chapter 21

1969 REPLACEMENT PART

Fees Generally

APPELLATE COURT FEES

21.010 Filing and appearance fees on appeal
21.020 Clerk's fees for copies of papers, and for affixing seal
21.040 Filing fees in cases of original jurisdiction
21.050 Disposition of fees

CIRCUIT COURT FEES (OTHER THAN PROBATE MATTERS)

21.110 Filing and appearance fees
21.112 Fee for filing domestic relations suit in county with conciliation services
21.120 Additional fees; disposition
21.130 Fee in divorce suits and annulment proceedings; disposition
21.270 Trial fees, including jury trial fee

PROBATE FEES

21.310 Probate filing fees and trial fee
21.320 Appearance fees in adoption or change of name proceedings

LAW LIBRARY FEES

21.350 Law library fees

CLERK'S FEES

21.375 Clerk's fees

SHERIFF'S FEES

21.410 Sheriff's fees and mileage allowance for services in civil actions, suits and proceedings
21.420 Itemized statement of fees

REPORTER'S FEES

21.460 Reporter's per diem
21.470 Transcript fees

REFEREES' FEES

21.510 Referees' fees

LIABILITY FOR AND PAYMENT OF FEES

21.560 Exemption of governmental units and public corporations, and their officers, from filing and appearance fees
21.570 Exemption of state and counties from trial fees
21.580 Exemption of state, county or city from certain fees
21.590 Necessity for payment of trial and district attorney fees
21.600 When and by whom trial fee to be paid in circuit and county courts; exemption of indigents; fee as disbursement
21.605 Waiver of fee and costs in divorce suits and annulment proceedings for indigents
21.620 Charging of fees in Multnomah County Circuit Court; record of charges and payments
21.660 Advance payment of, or security for, fees for services in court proceedings
21.670 Duty of officer receiving fees to give receipted cost bill

MISCELLANEOUS PROVISIONS AS TO FEES

21.710 "Folio" defined
21.720 Fee for service when no compensation is provided
21.730 Per diem and mileage for private persons performing services by law or in execution of process

PENALTIES

21.990 Penalties

CROSS REFERENCES

Constable's fees, Ch. 51
District court fees, 46.221, 46.240
Divorce suit, when husband may be required to pay wife's fees in, 107.090
Execution based on transcript of judgment, fee of county clerk for issuing, 205.320
Fees not to be charged for certain services in connection with military justice, 398.408, 399.150
Guardianship, compensation and expenses, 126.341
Habeas corpus proceedings, when prisoner not required to pay filing fees, 34.365
Judgment, certificate of satisfaction of, fee of county clerk for issuing, 18.400, 205.320
Jury fees and mileage, 10.060, 10.065
Justice court fees, Chs. 51, 52
Penalty for charging or taking unauthorized fee, 162.510
Recording fees, Ch. 205
Reporting and paying over fees to county treasurer, Ch. 204
Salaries of county officers to be exclusive compensation, and fees to be paid over to county, Ch. 204
State agencies, when required to pay fees; advance payment not required, 182.040, 182.050, 182.060
Tax court fees, 305.490, 305.500
Traveling expenses of officers, allowance of, 204.401
Trust deed, trustee of, compensation, 86.795
Venue change, payment of fees on, 14.170
Welfare recovery, exemption, 180.360
Witness fees:
Criminal cases, 44.450, 181.080
District court, 46.210
Generally, 44.410, 44.440

21.010

Supreme Court filing fee, when paid, 19.035

21.110

Audit of fee collections and payments, 210.010, 210.210
Bank, insolvent, proceedings in claims against, no filing fee may be charged in, 711.560
Bank liquidation, Superintendent of Banks not required to pay filing fee in proceedings for, 711.615
Birth certificate of unrecorded birth, filing fee in proceeding to obtain, 432.260
Civil service commission for firemen, attendance before, 242.730
Clackamas County, audit of fee collections, 210.420
Clackamas County, payment of fees to county treasurer, 210.440
District court, appearance and filing fees in, 46.221, 46.230
District court, transfer of case from, payment of filing fee upon, 46.060
Divorce suit, when husband required to pay wife's fees in, 107.090
Execution based on transcript of judgment, fee for issuing, 205.330
Fee book, 204.855
Habeas corpus proceedings, when prisoner not required to pay filing fees, 34.365
Land registration under Torrens Law, filing and appearance fee in proceedings for, 94.605
Liability for failure to collect and pay over fees, 204.265, 204.845
Multnomah County, audit of fee collections and payments, 210.010, 210.210
Payment of fees to county treasurer, 204.250, 204.805, 204.845, 204.855, 205.380, 210.230
Penalty for failure to charge or account for fees, 204.265, 205.360
Post-conviction relief proceeding, fees, 138.590, 138.600
Reports of fee collections, 204.845 to 204.855, 208.110
Salary, clerk to be compensated exclusively by, 204.111
Satisfaction of judgment, fee for certificate of, 18.400, 205.320
Successor, turning fees over to, on expiration of term, 204.855
Support proceeding, filing fees in, 108.130, 110.141
Vital statistics record, filing fee for proceeding to obtain right to inspect, 432.130

21.130

Husband may be required to pay wife's court fees, 107.090

21.270

Bank, insolvent, proceedings on claims against, no trial fee may be charged in, 711.560
District court, trial fees in, 46.221
Divorce suit, when spouse required to pay fees in, 107.090
Justice court, trial fees in, 52.410 to 52.440, 156.150, 156.160

21.310

Clackamas County, audit of fee collections, 210.420
Clackamas County, payment of fees to county treasurer, 210.440
Waiver of fees for indigents, 21.605

21.350

District court, law library fee in, 46.240
Use of law library fees, 9.850

21.375

See Cross References for ORS 21.110

21.410

Audit of fee collections and payments, in counties of more than 200,000 population, 210.010, 210.210
Clackamas County, audit of fee collections, 210.420
Clackamas County officers, mileage report to auditor by, 204.445
Clackamas County, payment of fees to county treasurer, 210.440
Clackamas County, report of fee collections to auditor in, 204.820
Constables, mileage allowance for, 51.530, 51.540, 51.630
Criminal cases, fees for services in are to be paid by county, 137.200
Fee books, 204.845, 204.855, 206.020
Liability for failure to collect and pay over fees, in Multnomah County, 204.265, 204.845
Mileage allowance for performance of public duty, 204.410
Mileage for any service, how computed, 204.412
Mileage report, to auditor, in Multnomah County, 204.525
Payment of fees to county treasurer, 204.805, 204.845, 204.850, 210.230

Payment of fees to county treasurer, and report to county clerk and auditor, in all counties, 206.020
Penalties for failure of sheriff to perform duties as to fee collections in Multnomah County, 204.265
Property taken under attachment, execution or replevin, charges of sheriff for care of, 204.425
Reports of fee collections, to auditor in Multnomah County, 204.845 to 204.850, 208.100
Salary, sheriff to be compensated exclusively by, 204.111
State, county or city not required to advance any fees taxable as costs, 20.140
Successor, turning over fees to, on expiration of term, 204.855, 206.120
Traveling expenses, allowance of, 204.401

21.460

District court, reporter's fees in, 46.200
Party offering excluded testimony in equity suit must pay for having it taken down, 17.045

21.470

When transcript to be made and filed, 8.350

21.560

Bank liquidation proceedings, exemption of Superintendent of Banks from payment of fees in, 711.615
State agencies, when required to pay fees to counties for services, 182.040, 182.050, 182.060
State, county or city not required to advance any fees taxable as costs, 20.140

21.570

Bank liquidation proceedings, exemption of Superintendent of Banks from payment of fees in, 711.615
Justice court, exemption from trial fees in, 52.430, 156.160
State agencies, when required to pay fees to counties for services, 182.040, 182.050, 182.060
State, county or city not required to advance any fees taxable as costs, 20.140

21.580

Bank liquidation proceedings, exemption of Superintendent of Banks from payment of fees in, 711.615
State, county or city not required to advance any fees taxable as costs, 20.140
Welfare Recovery Division, exemption from payment of certain fees, 180.360

21.600

Bank liquidation proceedings, no trial fees in, 711.560
Divorce suit, husband may be required to pay wife's fees in, 107.090
Justice court, payment of trial fee in, 52.420, 52.570

21.620

Audit of fee collections and payments, 210.010, 210.210
District court, transfer of case from, payment of filing fee upon, 46.060
Divorce suit, husband may be required to pay wife's fees in, 107.090
Fee book, 204.845, 204.855
Liability for failure to collect and turn over fees, 204.265, 204.845
Payment of fees to county treasurer, 204.250, 204.805, 204.845, 204.855, 205.380, 210.230
Penalties for failure to perform duties as to fee collections, 204.265
Receipt forms and records, 210.230
Report of fee collections, to auditor, 204.845 to 204.855, 208.100
Successor, turning over fees to, on expiration of term, 204.855

21.660

Deposit in lieu of bond, Ch. 22
Execution for collection of fees taxed as costs in favor of party, 20.230
State agencies not required to pay fees in advance, 182.040
State, county or city not required to advance any fees taxable as costs, 20.140

21.670

Penalty for charging or taking unauthorized fee, 162.510

21.990

Penalty for charging or taking unauthorized fee, 162.510

APPELLATE COURT FEES

21.010 Filing and appearance fees on appeal. The appellant in a civil case, upon taking an appeal to the Supreme Court or the Court of Appeals, shall pay the sum of $25 in the manner prescribed by ORS 19.035. The respondent in such case, upon entering his first appearance or filing his first brief in the court, shall pay to the clerk of the court the sum of $15. The party entitled to costs and disbursements on such appeal shall recover from his opponent the amount so paid.
[Amended by 1963 c.556 §1; 1967 c.398 §3; 1969 c.198 §50]

21.020 Clerk's fees for copies of papers, and for affixing seal. For making and certifying to a copy of any opinion, pleading, judgment, decree, paper or record of his office for private parties, and not in the course of the regular court proceedings, the Clerk of the Supreme Court or of the Court of Appeals shall collect the sum of 15 cents for each page. For affixing the seal of the court where not in the course of the regular court proceedings he shall collect $1.
[Amended by 1967 c.398 §4; 1969 c.198 §51]

21.030 [Repealed by 1967 c.398 §10]

21.040 Filing fees in cases of original jurisdiction. In cases of original jurisdiction in the Supreme Court, the plaintiff or moving party shall pay $25 and the defendant or respondent shall pay $15 on the filing of their first paper.
[Amended by 1967 c.398 §5]

21.050 Disposition of fees. All fees and other moneys received or collected by the Clerk of the Supreme Court and of the Court of Appeals by virtue of his office shall be paid over to the State Treasurer as provided in ORS 8.130.
[Amended by 1969 c.198 §52]

CIRCUIT COURT FEES (OTHER THAN PROBATE MATTERS)

21.110 Filing and appearance fees. At the time of filing, in the circuit court of any county any suit, action or proceeding for the enforcement of private rights, including appeals, but not including any matters in the probate department of those courts having probate jurisdiction, and not including proceedings for adoption or change of name, the county clerk as clerk of the circuit court shall exact from the plaintiff, appellant or moving party the sum of $10 as a flat and uniform filing fee. The clerk shall also, at the time of filing any appearance in any such suit, action or proceeding upon the part of any defendant or respondent appearing separately, or for the defendants or respondents appearing jointly, exact from such party or parties the sum of $5 as a flat and uniform filing fee. No paper or pleading shall be deemed filed unless the required fee is paid. No part of any such filing fee shall be refunded to any party. The uniform fee shall cover all services to be performed by the court or clerk in any such suit, action or proceeding, except where additional fees are specially authorized by law.
[Amended by 1955 c.458 §1; 1959 c.563 §2; 1965 c.619 §8]

21.112 Fee for filing domestic relations suit in county with conciliation services. In all counties wherein the court is providing conciliation services, there shall be collected by the county clerk of such county at the time of the filing in the circuit court of a domestic relations suit (as defined in ORS 107.510), in addition to all other fees collected, a fee of $10 to assist in defraying the costs of the program of conciliation services provided by this section and ORS 107.440, 107.450 and 107.510 to 107.610.
[1963 c.434 §11]

21.115 [Formerly 21.210; amended by 1965 c.619 §9; renumbered 21.375]

21.120 Additional fees; disposition. (1) There shall be collected by the county clerk at the time of filing of any suit, action or proceeding in the circuit court, other than proceedings in the probate department of those courts having probate jurisdiction, a fee of $6, in addition to all other fees; and from each defendant appearing separately in any such suit, action or proceeding, a fee of $3 in addition to all other fees.

(2) On the first working day of each month, the clerk shall forward all money so collected during the preceding month to the State Treasurer, with a detailed statement showing the purposes for which the fees were paid. The money shall be deposited in the General Fund and become available for general governmental expenses.
[Amended by 1959 c.453 §1; 1963 c.519 §6; 1965 c.619 §10; 1967 c.111 §2]

21.130 Fee in divorce suits and annulment proceedings; disposition. (1) There shall be collected by the county clerk at the time of the filing in the circuit court of each divorce suit or proceeding for having a marriage declared void, in addition to all other fees

collected, a fee of $10 to cover the appearance of the district attorney in the suit or proceeding.

(2) On the first working day of each month, the clerk shall forward all money so collected during the preceding month to the State Treasurer, with a detailed statement showing the purposes for which the fees were paid. The money shall be deposited in the General Fund and become available for general governmental expenses.

[Amended by 1959 c.678 §1; 1963 c.519 §7; 1965 c.619 §11; 1967 c.111 §3]

21.140 [Amended by 1961 c.563 §1; 1963 c.519 §8; 1965 c.619 §12; renumbered 21.350]

21.150 [Amended by 1963 c.519 §9; repealed by 1965 c.619 §39]

21.210 [Amended by 1955 c.458 §2; renumbered 21.115 and then 21.375]

21.220 [Amended by 1963 c.519 §10; repealed by 1965 c.619 §39]

21.230 [Amended by 1963 c.519 §11; repealed by 1965 c.619 §39]

21.240 [Amended by 1959 c.563 §3; 1963 c.519 §12; repealed by 1965 c.619 §39]

21.250 [Amended by 1963 c.519 §13; repealed by 1965 c.619 §39]

21.260 [Amended by 1959 c.563 §4; 1963 c.519 §14; repealed by 1965 c.619 §39]

21.270 Trial fees, including jury trial fee. (1) In any action, suit or proceeding for the enforcement of private rights in the circuit court, other than proceedings in the probate department, the trial fees are as follows:

(a) The clerk shall exact from the plaintiff, appellant or moving party, at the time the action, suit or proceeding comes on for trial on its merits without a jury, the sum of $10, trial fee, except in divorce cases where default has been made, when $5 shall be exacted.

(b) A jury trial fee of $20 shall be collected for each trial by jury. The clerk shall collect the jury trial fee from the plaintiff or appellant at the time the action, suit or proceeding comes on for trial by a jury. If the plaintiff or appellant waives a trial by jury, and the defendant or respondent desires a trial by jury, the clerk shall collect the jury trial fee from the defendant or respondent. Cases wherein the jury trial fee has not been so paid shall be tried by the court without a jury, unless the court otherwise orders. If a case in which the jury trial fee has not been paid is tried by a jury by order of court, the clerk shall tax against the losing party as costs, to be collected for the benefit of the county, the sum of $20. The trial fee of $10 as provided in paragraph (a) of this subsection shall not be exacted in any case wherein a jury trial fee has been paid by either party and not refunded. The jury trial fee shall not be exacted in criminal actions.

(2) The trial fees provided for in this section shall be paid in advance, deemed disbursements, and may be taxed and collected as other costs and disbursements by the prevailing party.

[Amended by 1963 c.519 §15; 1965 c.619 §13]

21.280 [1959 c.563 §1; 1963 c.519 §16; repealed by 1965 c.619 §39]

PROBATE FEES

21.310 Probate filing fees and trial fee. (1) In courts having probate jurisdiction, the county clerk shall charge and collect the following fees before the filing of the initial papers in any proceeding in probate, including petitions for the probate of wills, for letters of administration, and will contest proceedings:

Where the amount of the estate is:

1. Not more than $500—a fee of $2.50.
2. More than $500 and not more than $1,000—a fee of $5.
3. More than $1,000 and not more than $2,000—a fee of $7.50.
4. More than $2,000 and not more than $4,000—a fee of $10.
5. More than $4,000 and not more than $8,000—a fee of $15.
6. More than $8,000 and not more than $16,000—a fee of $20.
7. More than $16,000 and not more than $25,000—a fee of $25.
8. More than $25,000 and not more than $50,000—a fee of $40.
9. More than $50,000 and not more than $100,000—a fee of $70.
10. More than $100,000—a fee of $100.

(2) At the time of filing any answer, demurrer, motion or objection in probate proceedings, the party filing such demurrer, answer, motion or objection shall be required to pay a fee of $6, and the papers shall not be deemed filed unless such payment is made.

(3) The county clerk also shall exact from the party having the affirmative of the issue, at the time such a proceeding comes on for trial or hearing upon the issues of fact or law involved therein, an additional

sum of $6 as a trial fee, which shall be paid before any such trial or hearing shall be had therein.
[Amended by 1955 c.458 §3; 1965 c.619 §14]

21.313 [1959 c.452 §2; 1967 c.111 §4; repealed by 1969 c.591 §305]

Note: The repeal of ORS 21.313 by 1969 c.591 takes effect on July 1, 1970. Until that time, ORS 21.313 (1967 Replacement Part) remains in effect.

21.315 [Formerly 21.360; repealed by 1965 c.619 §39]

21.320 Appearance fees in adoption or change of name proceedings. There shall be payable to the office of the county clerk an original appearance fee of $5 in adoption proceedings, and an original appearance fee of $5 in change of name proceedings.
[Amended by 1963 c.519 §17; 1965 c.619 §15; 1967 c.534 §10]

21.330 [Amended by 1961 c.563 §2; 1963 c.519 §18; repealed by 1965 c.619 §39]

21.340 [Amended by 1963 c.519 §19; repealed by 1965 c.619 §39]

LAW LIBRARY FEES

21.350 Law library fees. (1) In counties containing more than 400,000 inhabitants, according to the latest federal decennial census, or when directed as provided in ORS 9.840, it shall be the duty of the county clerk to collect in each civil suit, action or proceeding filed in the circuit or county court a law library fee which shall be determined by the county court or board of county commissioners in an amount not greater than 40 percent of the filing fee provided by law. This fee shall be collected in the same manner as other fees are collected in the suit, action or proceeding, and is in addition to the other fees provided by law.

(2) The fee provided in subsection (1) of this section may be collected if the county owns and maintains, or hereafter may acquire, own or maintain under the provisions of ORS 9.840 and 9.850, a law library at the county seat, available at all reasonable times to the use of litigants, and permitted to be used by all attorneys at law duly admitted to practice in this state, without additional fees to such litigants or attorneys.
[Formerly 21.140]

21.360 [Amended by 1955 c.458 §4; renumbered 21.315]

21.370 [Amended by 1963 c.519 §20; repealed by 1965 c.619 §39]

CLERK'S FEES

21.375 Clerk's fees. In the circuit, district or county court there shall be charged and collected in advance by the county clerk, as clerk of the court, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) Taking depositions, for each folio, 60 cents.

(2) Making transcription from judgment docket, $1.

(3) Filing and docketing transcript of judgment, $1.50.

(4) Filing and marking a certified copy of declaration to become a citizen of the United States, for each page, 50 cents.

(5) For any service not enumerated in this section, the fees provided or established under ORS 205.320.
[Formerly 21.210 and then 21.115]

21.380 [Amended by 1963 c.519 §21; repealed by 1965 c.619 §39]

SHERIFF'S FEES

21.410 Sheriff's fees and mileage allowance for services in civil actions, suits and proceedings. The sheriff of every county shall, in all civil suits, actions and proceedings, collect in advance the following fees:

(1) For serving summons directed to a single defendant, in addition to mileage, $3.

(2) For serving summons directed to two or more defendants, in addition to mileage, $3 for the first defendant, and for each additional defendant, $1.50.

(3) For return of summons "not found," in addition to mileage, $1 for the first defendant, and $1 for each additional defendant.

(4) For serving subpena, notice, citation, order or other paper not herein described, for the first-named witness or party, $2, and for each additional witness or party served, $1.

(5) For executing any provisional remedy, $3.

(6) For making an inquest by jury for the trial of rights of property, $5.

(7) For taking and approving any undertaking or bond, $1.50.

(8) For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, $1; but no charge shall be made for copy of complaint or other paper not actually made by the sheriff.

(9) For serving any writ for the enforcement of a judgment or decree other than execution, $3.

(10) For serving or collecting an execution or decree other than for the sale of land, one percent on the amount realized as shown by the sheriff's return.

(11) For selling land on execution or decree, $10.

(12) For making a conveyance of real property, sold on any process, to be paid by or for the grantee, $5.

(13) For making a certificate of sale of personal property when required or demanded, to be paid by or for the purchaser, $2.

(14) For making a certificate of sale of real property, $2.

(15) For returning an execution when no property can be found, $1.

(16) For certifying and serving writ of attachment or execution, $2 for each service, and if by garnishment, in addition, for each garnishee served, $1.

(17) For actual and necessary travel in the serving of any summons, process, subpena, or other paper required to be served, mileage at the rate of 10 cents a mile going and returning, and no more, but when two or more parties or witnesses in the same suit, action or proceeding are found in the same general direction from the county courthouse, mileage shall be charged only for the one living farthest from the county courthouse, and no charge shall be made for constructive mileage in any case.

(18) For the care of property in his custody under an attachment, execution, proceeding for claim and delivery or other civil proceeding, such sum as may be reasonable and necessary to secure each keeper or custodian necessarily employed in such care.

(19) For seizure of personal property under writ of attachment, writ of execution, claim and delivery, lien notice, chattel mortgage, or other process or proceeding, $10 for each one-half day or fraction thereof necessarily expended therefor.

(20) For removal of personal property upon an eviction, $10 for each one-half day or fraction thereof necessarily expended therefor.

(21) For any service not specified in this section which the sheriff may be by law required to perform for parties in civil suits, actions or proceedings, such fee as may favorably compare with the fees fixed and established in this section for similar services, or as may be fixed and established by order or rule of a court of competent jurisdiction.

[Amended by 1959 c.620 §1; 1965 c.619 §16; 1969 c.252 §1]

21.420 Itemized statement of fees. The return on any summons, process, subpena or other paper served by a sheriff shall be accompanied by a subjoined itemized statement of the charges made for the service thereof, including the mileage actually and necessarily traveled in making the service.

REPORTER'S FEES

21.460 Reporter's per diem. Whenever, in a cause in the circuit court, either party, or the parties jointly, shall request the taking of notes of the proceedings, as provided in ORS 8.340, or the judge upon his own motion orders the taking of such notes, there shall be charged to the litigants, as a reporter's fee, a per diem of $15 for each day the reporter is actually in attendance for more than a half day. In cases occupying a half day or less, there shall be charged $7.50 per diem. The clerk of the court shall collect the reporter's fees from the party requesting the services of the reporter, but when the services are required by the judge upon his own motion, the clerk shall collect the reporter's fees from the parties, and each party shall pay an equal proportionate share thereof. All sums so collected shall be turned into the treasury of the county. The reporter's fees shall be taxable as costs in the case.

[Amended by 1961 c.446 §1]

21.470 Transcript fees. The fees of the official reporter of the circuit court for preparing transcripts on appeal as provided in ORS 8.350 shall be not more than 75 cents per page for the original copy, such page to consist of 25 lines with margins of one and one-half inches on the left-hand side and one-half inch on the right-hand side, not more than 25 cents per page for one copy of the original, and not more than 20 cents per page for each additional copy, and shall be paid forthwith by the parties or party for whose benefit ordered, and when paid shall be taxed as other costs in the case; provided, that when the defendant in any criminal cause who has perfected an appeal from judgment against him presents to

the judge satisfactory proof, by affidavit or otherwise, that he is unable to pay for such transcript, the judge, if in his opinion justice will be thereby promoted, may order the transcript to be made; and in all cases where transcript shall be ordered by the court, where not asked by the parties, the same shall be paid for out of the county treasury in the same manner as provided in ORS 8.390 for the payment of per diem compensation.
[Amended 1959 c. 446 §1]

REFEREES' FEES

21.510 Referees' fees. The fees of referees shall be fixed by the court, but the parties may agree in writing upon any other rate of compensation and thereupon such rate shall be allowed.

LIABILITY FOR AND PAYMENT OF FEES

21.560 Exemption of governmental units and public corporations, and their officers, from filing and appearance fees. Neither the State of Oregon, nor any county, school district, municipal corporation or other public corporation therein, nor any officer of any such public political division or corporation, appearing in his representative capacity, shall be required to pay the fees prescribed in ORS 21.110.

21.570 Exemption of state and counties from trial fees. When the state or any county therein is a party to a judicial proceeding, it need not pay the trial fee prescribed in ORS 21.310, but if it is entitled to recover costs therein, the fee shall be allowed and taxed as a disbursement, and collected off the adverse party as in ordinary cases.
[Amended by 1965 c.619 §17; 1967 c.398 §6]

21.580 Exemption of state, county or city from certain fees. Except as provided in ORS 182.040, 182.050 and 182.060, none of the fees fixed by ORS 21.270, 21.375 or 205.320 for services in the circuit court shall be collected from the state, or from the county or city in which the court is located.
[Amended by 1965 c.619 §18]

21.590 Necessity for payment of trial and district attorney fees. Parties to judicial proceedings are required to contribute towards the expense of maintaining courts of justice, or a particular action, suit, or proceeding therein, by the payment of the trial and district attorney fees provided for in this chapter.

21.600 When and by whom trial fee to be paid in circuit and county courts; exemption of indigents; fee as disbursement. (1) The trial fee prescribed in ORS 21.310 is to be paid by the plaintiff, appellant or moving party, before he is entitled to or can claim the trial or other proceeding upon which the fee is imposed. If the party paying such fee prevails in the action, suit or proceeding, so as to be entitled to recover costs therein, the fee shall be allowed and taxed as a disbursement, and collected off the adverse party.

(2) If at any time it appears to the satisfaction of the court or judge thereof, from the affidavit of the party or other evidence, that he cannot pay the trial fee, the court or judge may direct that he be allowed to proceed without the prepayment thereof; but if such party prevails so as to be entitled to collect costs, the fee shall be taxed as a disbursement, and when collected off the adverse party shall be retained by the clerk as if paid in advance.
[Amended by 1965 c.619 §19; 1967 c.398 §7]

21.605 Waiver of fees and costs in divorce suits and annulment proceedings for indigents. A circuit court exercising jurisdiction over matters described in ORS chapter 107 upon application of a party thereto shall waive all filing fees, service fees and court costs applicable to the particular suit or proceeding if the court finds that the party is unable to pay such fees and costs. Nothing in this section shall prevent the court having jurisdiction over the case from ordering either party to pay such fees and costs. No filing fee shall be required for the application of waiver of such fees and costs.
[1969 c.288 §1]

21.610 [Amended by 1963 c.519 §22; repealed by 1965 c.619 §39]

21.620 Charging of fees in Multnomah County Circuit Court; record of charges and payments. In the circuit court in counties having a population of more than 400,000, according to the latest federal decennial census, other than in the probate department of the court, all fees pertaining to the trial and those for entering judgment or decree, including making and filing the judgment roll, shall be charged to, and paid by the plaintiff or appellant in the first instance. The clerk shall enter in the register described in ORS

7.020, in addition to the entries required by that section, under the date of service, the charge for each service rendered and performed, for which a fee is prescribed in ORS 21.375 or 205.320 for services in the circuit court, other than the probate department, and also all sums of money paid or advanced by each party on account of fees. The debits and credits of each party shall be kept, as nearly as practicable, separate from each other, and the register shall be ruled accordingly.

[Amended by 1963 c.519 §23; 1965 c.619 §20]

21.630 [Repealed by 1955 c.458 §5]

21.640 [Repealed by 1955 c.458 §5]

21.650 [Repealed by 1955 c.458 §5]

21.660 Advance payment of, or security for, fees for services in court proceedings. Except as provided in ORS 20.140, and except the fees for which advance payment or a deposit is otherwise required by law, every officer, witness, or other person required to do or perform any act or service for any party to any action, suit or proceeding in a court of justice in this state shall be entitled to demand and receive from such party the compensation which the law allows therefor in advance; but a party may at his option pay the fees of the officers of the court in advance, or give such officers an undertaking with sufficient sureties therefor. The fees secured to the officers, or any of them, by any party to the judgment or decree, may be collected by an execution against the property of such party and that of his sureties in the undertaking therefor. Such officers' execution may issue in the name of the clerk as plaintiff in the writ, and for the benefit of all officers to whom fees are so due and secured, whenever an execution might issue to enforce the judgment or decree at the instance of the prevailing party.

21.670 Duty of officer receiving fees to give receipted cost bill. An officer receiving fees for any official services must, upon demand, give the party paying the same a receipted bill thereof, specifying the items of such fees.

MISCELLANEOUS PROVISIONS AS TO FEES

21.710 "Folio" defined. As used in this chapter, "folio" means 100 words, counting two figures as one word. Any portion of a folio, when the whole paper contains less than a folio, or when such portion is an excess over the last folio, shall be deemed a folio.

21.720 Fee for service when no compensation is provided. When any service shall be performed by an officer of or person appointed by the circuit or Supreme Court, for which no compensation is provided by law, the officer or person shall be entitled to such fee or compensation as the court may direct and order. When under like circumstances such service shall be performed otherwise than in the circuit or Supreme Court, the compensation shall be prescribed and ordered by the county court of the proper county.

21.730 Per diem and mileage for private persons performing services by law or in execution of process. All private persons performing services required by law or in the execution of legal process, when no express provision is made for their compensation, shall be entitled to $3 for each day so employed, and mileage for any necessary travel, going and returning, at the rate of eight cents a mile, and no more.

PENALTIES

21.990 Penalties. Any officer refusing or neglecting to comply with ORS 21.670 shall be liable to the party demanding the receipt for a penalty of $25.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1969.

Robert W. Lundy
Legislative Counsel