

Chapter 21

1981 REPLACEMENT PART

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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 \$62.50 beginning November 1, 1981, and \$81 beginning September 1, 1982, in the manner prescribed by ORS 19.035. The respondent in such case, upon entering first appearance or filing first brief in the court, shall pay to the State Court Administrator the sum of \$37.50 beginning November 1, 1981, and \$49 beginning September 1, 1982. The party entitled to costs and disbursements on such appeal shall recover from the opponent the amount so paid. [Amended by 1963 c.556 §1; 1967 c.398 §3; 1969 c.198 §50; 1981 s.s. c.3 §66]

Note: The amendments to 21.010 by section 67, chapter 3, Oregon Laws 1981 (special session), become operative September 1, 1983. See section 6, chapter 3, Oregon Laws 1981 (special session). 21.010, as amended, is set forth for the users' convenience.

21.010. The appellant in a civil case, upon taking an appeal to the Supreme Court or the Court of Appeals, shall pay the sum of \$100 in the manner prescribed by ORS 19.035. The respondent in such case, upon entering first appearance or filing first brief in the court, shall pay to the State Court Administrator the sum of \$60. The party entitled to costs and disbursements on such appeal shall recover from the opponent the amount so paid.

21.020 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 State Court Administrator 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; 1971 c.193 §25]

21.030 [Repealed by 1967 c.398 §10]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21.050 [Amended by 1969 c.198 §52; 1971 c.193 §26; repealed by 1981 s.s. c.1 §25]

Note: 21.050 is repealed effective July 1, 1982. See section 26, chapter 1, Oregon Laws 1981. 21.050 (1979 Replacement Part) is set forth for the users' convenience.

21.250. All fees and other moneys received or collected by the State Court Administrator by virtue of his

office shall be paid over to the State Treasurer as provided in ORS 8.130

CIRCUIT AND DISTRICT COURT FEES

21.060 Circuit or district court fees. In the circuit or district court there shall be charged and collected in advance by the clerk of the court the following fees for the following purposes and services:

- (1) Taking depositions, for each folio, \$3.
- (2) Making transcription from judgment docket in the format provided in ORCP 70 A., \$4.
- (3) Filing and docketing transcript of judgment in the format provided in ORCP 70 A., \$4.
- (4) Issuing writs of execution or writs of garnishment, \$3 for each writ.
- (5) Preparing clerk's certificate of satisfaction of judgment, \$3.75.
- (6) For any service the clerk may be required or authorized to perform and for which no fee is provided by law, such fees as the Chief Justice of the Supreme Court may establish or authorize. [1981 s.s. c.3 §81]

Note: 21.060 and 21.070 become operative January 1, 1983. See section 5, chapter 3, Oregon Laws 1981 (special session).

21.070 Disposition of fees. Except as otherwise specifically provided by law, all fees collected by the clerk of a circuit or district court shall be paid to the Department of Revenue at such times and in such manner as prescribed by the Chief Justice of the Supreme Court, and shall be deposited in the General Fund available for general governmental expenses. [1981 s.s. c.3 §82]

Note: See note following 21.060

CIRCUIT COURT FEES (OTHER THAN PROBATE MATTERS)

21.110 Filing and appearance fees. At the time of filing in the circuit court of any suit, action or proceeding for the enforcement of private rights, including appeals, but not including any probate proceeding in a circuit court having probate jurisdiction, and not including proceedings for adoption or change of name, the clerk of the circuit court shall collect from the plaintiff, appellant or moving party the sum of \$30 beginning November 1,

1981, and \$35, beginning September 1, 1982, 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 upon the part of defendants or respondents appearing jointly, collect from such party or parties the sum of \$15 beginning November 1, 1981, and \$17.50, beginning September 1, 1982, 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; 1971 c 621 §1; 1975 c 607 §1; 1979 c 833 §3, 1981 s s c 3 §68]

Note: The amendments to 21 110 by section 69, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983. See section 5, chapter 3, Oregon Laws 1981 (special session) 21 110, as amended, is set forth for the users' convenience

21.110. At the time of filing in the circuit court of any suit, action or proceeding for the enforcement of private rights, including appeals, but not including any probate proceeding in a circuit court having probate jurisdiction, and not including proceedings for adoption or change of name, the clerk of the circuit court shall collect from the plaintiff, appellant or moving party the sum of \$52 beginning January 1, 1983, and \$60 beginning September 1, 1983, 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 upon the part of defendants or respondents appearing jointly, collect from such party or parties the sum of \$26 beginning January 1, 1983, and \$30 beginning September 1, 1983, 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.

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 \$62.50 to assist in defraying the costs of the program of conciliation services provided by ORS 107.510 to 107.610. However, these fees shall not be considered as part of the fees in ORS 21.110. [1963 c 434 §11, 1971 c 280 §20, 1975 c 607 §2; 1979 c 833 §4; 1981 c 835 §1]

Note: The amendments to 21 112 by section 70, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983. See section 5, chapter 3, Oregon Laws 1981 (special session) 21 112, as amended, is set forth for the users' convenience

21.112. In a county in which the circuit court is providing conciliation services under ORS 107 510 to 107.610, there shall be collected by the clerk of the circuit court at the time of 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 \$75, or an amount exceeding \$75, determined by the governing body of the county to be necessary, in addition to any other funds used therefor, to pay the expenses of providing conciliation services and established by order or rule of the governing body filed with the clerk of the court. The clerk shall pay the fees so collected to the appropriate officer of the county within the first 10 days of the month following the month in which collected. The fees shall be used by the county to pay the expenses of providing conciliation services.

21.115 [Formerly 21 210; 1965 c 619 §9, renumbered 21 375]

21.120 Additional fees; disposition.

(1) There shall be collected by the clerk of the court 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 \$13.50 beginning November 1, 1981, and \$17, beginning September 1, 1982, in addition to all other fees; and from each defendant appearing separately, or from defendants appearing jointly, in any such suit, action or proceeding, a fee of \$7 beginning November 1, 1981, and \$8.50, beginning September 1, 1982, in addition to all other fees.

(2) On the first working day of each month, the clerk shall forward all money collected under subsection (1) of this section during the preceding month to the Department of Revenue, 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; 1971 c 621 §2, 1981 c 571 §1, 1981 s s c 3 §71]

Note: 21 120 is repealed operative January 1, 1983. See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session)

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 \$25.

(2) On the first working day of each month, the clerk shall forward all money so collected during the preceding month to the county treasurer, with a detailed statement showing the purposes for which the fees were paid. The money shall be deposited in the county 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; 1971 c 61 §1, 1979 c 631 §1]

Note: 21 130 is repealed operative January 1, 1983. See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session)

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 probate proceedings, the trial fees are as follows:

(a) The clerk of the circuit court shall collect from the plaintiff, appellant or moving party, for a trial on the merits without a jury, a trial fee of \$22.50 beginning November 1, 1981, and \$24 beginning September 1, 1982, for each full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance at the time the action, suit or proceeding comes on for trial. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes.

(b) The clerk shall collect from the plaintiff or appellant, for a trial by jury, a jury trial fee of \$65 beginning November 1, 1981, and \$72.50 beginning September 1, 1982, for the first full or partial day of the trial and \$50 for each subsequent full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance at the time the action, suit or proceeding comes on for

trial by jury. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes. 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 for the first day of trial has not been paid shall be tried by the court without a jury, unless the court otherwise orders. If a case in which the jury trial fee for the first day of trial 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 total amount of the jury trial fee. The trial fee provided for in paragraph (a) of this subsection shall not be collected in any case wherein a jury trial fee has been paid by either party and not refunded. The jury trial fee shall not be collected in criminal actions.

(2) The fees provided for in this section that are paid by a party shall be considered 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, 1971 c 621 §4; 1975 c 607 §4; 1979 c 833 §5, 1981 ss c.3 §72]

Note: The amendments to 21 270 by section 73, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983. See section 5, chapter 3, Oregon laws 1981 (special session) 21 270, as amended, is set forth for the users' convenience

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

(a) The clerk of the circuit court shall collect from the plaintiff, appellant or moving party, for a trial on the merits without a jury, a trial fee of \$24 beginning January 1, 1983, and \$25 beginning September 1, 1983, for each full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance at the time the action, suit or proceeding comes on for trial. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes.

(b) The clerk shall collect from the plaintiff or appellant, for a trial by jury, a jury trial fee of \$72.50 beginning January 1, 1983, and \$80 beginning September 1, 1983, for the first full or partial day of the trial and \$50 for each subsequent full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance at the time the action, suit or proceeding comes on for trial by jury. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes. 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 for the first day of trial has not been paid shall be tried by the court without a jury, unless the court otherwise orders. If a case in which the jury trial fee for the

first day of trial 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 state, the total amount of the jury trial fee. The trial fee provided for in paragraph (a) of this subsection shall not be collected in any case wherein a jury trial fee has been paid by either party and not refunded. The jury trial fee shall not be collected in criminal actions.

(2) The fees provided for in this section that are paid by a party shall be considered disbursements and may be taxed and collected as other costs and disbursements by the prevailing party.

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) Except as provided in ORS 114.515, 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 \$1,000—a fee of \$5.
2. More than \$1,000 and not more than \$4,000—a fee of \$15.
3. More than \$4,000 and not more than \$8,000—a fee of \$25.
4. More than \$8,000 and not more than \$25,000—a fee of \$50.
5. More than \$25,000 and not more than \$50,000—a fee of \$100.
6. More than \$50,000 and not more than \$100,000—a fee of \$150.
7. More than \$100,000—a fee of \$200.

(2) In courts having probate jurisdiction, the county clerk shall charge and collect a fee of \$5 at the time of filing a will without a petition for probate.

(3) 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 \$12, and the papers shall not be deemed filed unless such payment is made.

(4) 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 \$12 as

a trial fee, which shall be paid before any such trial or hearing shall be had therein.

(5) In determining fees under this section, the amount of a settlement in a wrongful death action brought for the benefit of the surviving spouse or dependents is not part of the estate. [Amended by 1955 c 458 §3, 1965 c 619 §14; 1971 c 621 §5; 1973 c 506 §1, 1975 c 607 §5; 1979 c 833 §6]

Note: The amendments to 21.310 by section 74, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983. See section 5, chapter 3, Oregon Laws 1981 (special session) 21.310, as amended, is set forth for the users' convenience.

21.310. (1) Except as provided in ORS 114.515, in a court having probate jurisdiction, the clerk of the court 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 \$1,000—a fee of \$5
- 2 More than \$1,000 and not more than \$4,000—a fee of \$15
- 3 More than \$4,000 and not more than \$8,000—a fee of \$25
- 4 More than \$8,000 and not more than \$25,000—a fee of \$50
- 5 More than \$25,000 and not more than \$50,000—a fee of \$100
- 6 More than \$50,000 and not more than \$100,000—a fee of \$150
- 7 More than \$100,000—a fee of \$200

(2) In a court having probate jurisdiction, the clerk shall charge and collect a fee of \$5 at the time of filing a will without a petition for probate.

(3) 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 \$12, and the papers shall not be deemed filed unless such payment is made.

(4) The clerk also shall collect 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 \$12 as a trial fee, which shall be paid before any such trial or hearing shall be had therein.

(5) In determining fees under this section, the amount of a settlement in a wrongful death action brought for the benefit of the surviving spouse or dependents is not part of the estate.

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

21.315 [Formerly 21 360, repealed by 1965 c 619 §39]

21.320 Appearance fees in adoption or change of name proceedings. In a court having jurisdiction, the clerk of the court shall charge and collect an original appearance fee of \$17.50 beginning November 1, 1981, and \$21 beginning September 1, 1982, in adoption proceedings, and an original appearance fee of \$17.50 beginning November 1, 1981, and \$21 beginning September 1, 1982, in change of name proceedings. [Amended by 1963 c 519 §17; 1965 c 619 §15; 1967 c 534 §10, 1971 c 621 §6; 1975 c.607 §6; 1979 c 833 §7; 1981 s s c 3 §75]

Note: The amendments to 21 320 by section 76, chapter 3, Oregon Laws 1981 (special session), become operative September 1, 1983. See section 6, chapter 3, Oregon Laws 1981 (special session) 21 320, as amended, is set forth for the users' convenience.

21.320. In a court having jurisdiction, the clerk of the court shall charge and collect an original appearance fee of \$25 in adoption proceedings, and an original appearance fee of \$25 in change of name proceedings

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, district 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; 1973 c 381 §6]

Note: The amendments to 21 350 by section 77, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983. See section 5, chapter 3, Oregon Laws 1981 (special session) 21 350, as amended, is set forth for the users' convenience

21.350. (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, the clerk of the court shall collect in each civil suit, action or proceeding filed in the circuit, district or county court a law library fee 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

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 FEES

21.375 Clerk 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, \$3.

(2) Making transcription from judgment docket in the format provided in ORCP 70 A., \$4.

(3) Filing and docketing transcript of judgment in the format provided in ORCP 70 A , \$4.

(4) Filing and marking a certified copy of declaration to become a citizen of the United States, for each page, \$2.

(5) Issuing writs of garnishment and issuing writs of execution, \$3 for each writ.

(6) For any service not enumerated in this section, the fees provided under ORS 205.320. [Formerly 21 210 and then 21 115, 1971 c 621 §7, 1975 c 607 §8, 1979 c 833 §8, 1981 c 883 §30, 1981 c 898 §23]

Note: The amendments to 21 375 by section 83, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983. See section 5, chapter 3, Oregon Laws 1981 (special session) 21 375, as amended, is set forth for the users' convenience

21.375. In the 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, \$3
- (2) Making transcription from judgment docket in the format provided in ORCP 70 A , \$4
- (3) Filing and docketing transcript of judgment in the format provided in ORCP 70 A , \$4
- (4) Issuing writs of execution or writs of garnishment, \$3 for each writ
- (5) Preparing clerk's certificate of satisfaction of judgment, \$3 75
- (6) For any service not enumerated in this section, the fees provided or established under ORS 205 320.

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

SHERIFF AND PROCESS SERVER FEES

21.410 Sheriff and process server fees for services in civil actions, suits and proceedings. (1) The sheriff of every county and any other person serving process, in all civil actions, suits and proceedings, for each case delivered to the office of the sheriff or other person on one day, shall collect in advance the following fees:

(a) For serving summons, subpoena, citation, order, notice or similar documents, including small claims or writ of execution, directed to not more than two different parties, \$15. When more than two parties are to be served, \$15 for each additional two parties, or part thereof.

(b) For serving notice of seizure and sale of personal or real property, writ of restitution, or other seizure under writ of attachment or execution, or other process or proceeding, \$15.

(c) For seizure and sale of personal or real property, enforcement of writ of restitution, or other enforcement or seizure under writ of attachment or execution, or other process or proceeding, \$47, and, in addition, such sums as may be reasonable and necessary to secure each keeper or custodian of property in custody, the expense of inventory of property in custody and expense incurred in newspaper advertising required by law in the execution of process.

(d) Sheriff's fees and disbursements, as provided in this section, incurred after the

docketing of a judgment, shall be added to the judgment and collected from the judgment debtor.

(e) For making a conveyance of real property sold on any process, \$15, to be paid by, or for, the grantee.

(f) For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, \$3; but no charge shall be made for copy of complaint or other paper not actually made by the sheriff.

(g) For entering and processing distraint warrants for state agencies, \$6.25 each.

(2) The fees for service may be paid to the clerk at the time of filing of the process when the process is to be served within that county. The clerk shall indorse upon the process when the sheriff's fees have been received and at the end of each month furnish to the sheriff a statement of all service fees collected.

(3) Fees collected for service shall be retained by the sheriff or clerk for the benefit of the county where the party to be served cannot be found.

(4) No mileage or commission shall be collected for service of any document or process but in any service involving travel in excess of 100 miles round trip an additional fee of \$12.50 shall be billed and collected.

[Amended by 1959 c.620 §1, 1965 c.619 §16; 1969 c 252 §1; 1973 c 393 §1; 1975 c 607 §9, 1977 c 547 §1; 1979 c 833 §9, 1981 c 835 §2; 1981 c 883 §31]

21.420 Itemized statement of fees. The return on any summons, process, subpoena 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 FEES

21.460 Reporter fee. 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 own motion orders the taking of such notes, there shall be charged to the litigants a reporter's fee of \$65 beginning November 1, 1981, and \$72.50 beginning September 1, 1982, for each day the reporter is actually in attendance for more than a half day, and \$32.50 beginning November 1, 1981, and \$36 beginning September 1,

1982, for each day the reporter is actually in attendance for a half day or less. 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 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; 1975 c.607 §10; 1979 c 833 §10; 1981 s.s. c 3 §84]

Note: The amendments to 21.460 by section 85, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983 See section 5, chapter 3, Oregon Laws 1981 (special session). 21.460, as amended, is set forth for the users' convenience.

21.460. Whenever, in a cause in the circuit court, either party, or the parties jointly, shall request the making of a report of the proceedings, as provided in ORS 8.340, or the judge upon own motion orders the making of such report, there shall be charged to the litigants a reporter's fee of \$72.50 beginning January 1, 1983, and \$80 beginning September 1, 1983, for each day the reporter is actually in attendance for more than a half day, and \$36 beginning January 1, 1983, and \$40 beginning September 1, 1983, for each day the reporter is actually in attendance for a half day or less. 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 own motion, the clerk shall collect the reporter's fees from the parties, and each party shall pay an equal proportionate share thereof. The reporter's fees shall be taxable as disbursements in the case.

21.470 Transcript fees. (1) 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 \$2 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 25 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.

(2) Where the court provides personnel to prepare transcripts from audio recordings of court proceedings the transcript fees provided in subsection (1) of this section shall be paid to the clerk of the court. [Amended by 1959 c 446 §1; 1971 c 565 §15; 1973 c.195 §1; 1979 c 833 §11]

Note: the amendments to 21.470 by section 86, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983 See section 5, chapter 3, Oregon Laws 1981 (special session). 21.470, as amended, is set forth for the users' convenience

21.470. (1) 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 \$2 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 25 cents per page for each additional copy. Except as otherwise provided by law, the fees for preparing a transcript requested by a party shall be paid forthwith by the party, and when paid shall be taxable as disbursements in the case. The fees for preparing a transcript requested by the court, and not by a party, shall be paid by the state from funds available for the purpose.

(2) Where the court provides personnel to prepare transcripts from audio records of court proceedings, the transcript fees provided in subsection (1) of this section to be paid by a party shall be paid to the clerk of the court.

LEGAL AID FEES

21.480 Legal aid fees in circuit courts. In all counties wherein legal representation is provided for the poor without fee by a nonprofit legal aid program organized under the auspices of the Oregon State Bar, the county bar association or the Legal Services Corporation Act (Public Law 93-355 or successor legislation), there shall be collected by the county clerk from the plaintiff or other moving party in each civil suit, action or proceeding in the circuit court at the time of filing of the first paper therein, in addition to all other fees collected and in the same manner, the sum of \$5 to assist in defraying the operative costs of such legal aid program. [1977 c 112 §1, 1981 c 664 §1]

Note: Section 1, chapter 664, Oregon Laws 1981, amends 21.480. The amendments to 21.480 are repealed July 1, 1983 See section 5, chapter 664, Oregon Laws 1981. 21.480, as amended, is set forth for the users' convenience

21.480. In all counties wherein legal representation is provided for the poor without fee by a nonprofit legal aid program organized under the auspices of the Oregon State Bar, the county bar association or the Legal Servic-

es Corporation Act (Public Law 93-355 or successor legislation), there shall be collected by the clerk of the circuit court from the plaintiff or other moving party in each civil suit, action or proceeding in the circuit court at the time of filing the first paper therein, in addition to all other fees collected and in the same manner, the sum of \$7 50 to assist in defraying the operative costs of such legal aid program

21.485 Legal aid fees in district courts. In all counties where a district court is maintained, and in which fees are collected pursuant to ORS 21.480 by the clerk of the circuit court in civil cases to defray the costs of a nonprofit legal aid program organized under the auspices of the county or state bar association or the Legal Services Corporation Act or successor legislation, the clerk of the district court shall collect from the plaintiff or other moving party in each civil suit, action or proceeding filed in the court at the time of filing the first paper therein, in addition to all other fees collected and in the same manner, the sum of \$1 to assist in defraying the operative costs of such legal aid program. [1977 c 112 §2; 1981 c 664 §2]

Note: Section 2, chapter 664, Oregon Laws 1981, amends 21.485 The amendments to 21 485 are repealed July 1, 1983 See section 5, chapter 664, Oregon Laws 1981 21.485, as amended, is set forth for the users' convenience

21.485. In all counties where a district court is maintained, and in which fees are collected pursuant to ORS 21 480, by the clerk of the circuit court in civil cases to defray the costs of a nonprofit legal aid program organized under the auspices of the Oregon State Bar, the county bar association or the Legal Services Corporation Act or successor legislation, the clerk of the district court shall collect from the plaintiff or other moving party in each civil suit, action or proceeding in the district court at the time of filing the first paper therein, in addition to all other fees collected and in the same manner, the sum of \$3 to assist in defraying the operative costs of such legal aid program

21.490 Disposition of fees. (1) All fees collected pursuant to ORS 21.480 and 21.485 shall be turned over daily to the county treasurer of the county where collected.

(2) The county treasurer shall each month pay the money turned over to him pursuant to subsection (1) of this section, to the director of the legal aid program for that county and take his receipt therefor. [1977 c 112 §3]

REFEREE FEES

21.510 Referee 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.

21.520 [1979 c.429 §1; renumbered 205 245]

21.530 [1979 c.429 §2; renumbered 205.255]

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]

Note: The amendments to 21 580 by section 87, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983 See section 5, chapter 3, Oregon Laws 1981 (special session). 21 580, as amended, is set forth for the users' convenience.

21.580. None of the fees prescribed in ORS 21.060 or 21 270 for services in the circuit court shall be collected from the state or from the county in which the court is located

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.

Note: 21 590 is repealed operative January 1, 1983 See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session).

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 for indigents; fees and costs as judgment for public body; payment by State Court Administrator. (1) (a) A circuit, district or justice's court, the Court of Appeals and the Supreme Court, 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 all or part of such fees and costs.

(b) No filing fee shall be required for the application for waiver of such fees and costs.

(c) Upon rendering a decree or judgment in the suit or proceeding, the court, as a part of the decree or judgment, shall note the dollar amount of the fees and costs waived, and may order payment of all or part of the waived fees and costs, noting to what public body the fees and costs are owed and the amount thereof, with such ordered fees and costs to be considered a judgment in favor of the public body. Failure to note in a decree or

judgment the dollar amount of the fees and costs waived does not affect the validity of the decree or judgment.

(2) If the fees or costs for a party to a civil case are waived under subsection (1) of this section, the court may also order that the expense of preparing the record and transcript on appeal be paid by the State Court Administrator and the same shall be paid when authorized by the State Court Administrator. If costs are awarded to a party for whom the State Court Administrator has paid expenses under this subsection, any portion of the costs awarded for the expense of preparing the record and transcript on appeal shall be ordered in favor of the State Court Administrator.

(3) In a case where the fees and costs are waived or paid as set forth in this section, judgment shall be rendered as in other cases, but the state shall not be liable for the payment of any costs or fees so awarded. [1969 c 288 §1; 1973 c 67 §1, 1977 c 416 §2, 1981 s s c 3 §88]

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]

Note: 21 620 is repealed operative January 1, 1983 See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session)

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.

Note: 21 720 is repealed operative January 1, 1983
See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session)

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.