

### COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **August 1, 2017<sup>1</sup>** and applies to all costs assessed or collected on or after that date, except where otherwise noted.

<b>CIVIL COURT COSTS</b>		Amount
G.S. 7A-305, unless otherwise specified		
Civil filing fees are assessed for all complaints <u>and</u> for any subsequent pleading containing a counterclaim, crossclaim, or third-party complaint.		
<b>MAGISTRATES' COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C<sup>2</sup>)</b>		
General Court of Justice Fee. G.S. 7A-305(a)(2).	General Fund	79.05
	State Bar Legal Aid Account (LAA)	0.95 <sup>3</sup>
		80.00
Facilities Fee. G.S. 7A-305(a)(1).		12.00
Telecommunications and Data Connectivity Fee. G.S. 7A-305(a)(1a).		4.00
<b>MAGISTRATE TOTAL</b>		96.00
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).		+30.00
<b>DISTRICT COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C<sup>16</sup>)</b>		
General Court of Justice Fee. G.S. 7A-305(a)(2).	General Fund	129.05
	State Bar Legal Aid Account (LAA)	0.95
		130.00
Facilities Fee. G.S. 7A-305(a)(1).		16.00
Telecommunications and Data Connectivity Fee. G.S. 7A-305(a)(1a).		4.00
<b>DISTRICT COURT TOTAL</b>		150.00
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).		+30.00
<b>SUPERIOR COURT. G.S. 7A-305.</b>		
General Court of Justice Fee. G.S. 7A-305(a)(2).	General Fund	179.05
	State Bar Legal Aid Account (LAA)	0.95
		180.00
Facilities Fee. G.S. 7A-305(a)(1).		16.00
Telecommunications and Data Connectivity Fee. G.S. 7A-305(a)(1a).		4.00
<b>SUPERIOR COURT TOTAL</b>		200.00
Business Court Fee, upon assignment. G.S. 7A-305(a)(2). [S.L 2014-102, § 4]		+1,100.00
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).		+30.00

<b>OTHER CIVIL FEES</b>	<b>AMOUNT</b>
Service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).	30.00
Alias & Pluries summons or endorsement on original summons. G.S. 7A-308(a)(21). <sup>4</sup>	15.00
Filing for absolute divorce. G.S. 7A-305(a2).	75.00
Motion/Notice of Hearing fee. G.S. 7A-305(f). <sup>5</sup>	20.00
Resumption of former name (within or subsequent to absolute divorce). G.S. 50-12(e).	10.00
Discovery fee for depositions taken before action or pending appeal <sup>6</sup>	20.00

<b>MAGISTRATES SPECIAL FEES</b> (G.S. 7A-309.)	
Performing marriage ceremony. G.S. 7A-309(1).	20.00
Petition for year's allowance. G.S. 7A-309(2).	8.00
Taking a deposition. G.S. 7A-309(3).	10.00
Proof of execution or acknowledgment of instrument. G.S. 7A-309(4).	2.00
Performing any statutory function, not incident to a civil or criminal action. G.S. 7A-309(5).	2.00

<sup>1</sup>The General Assembly ended the 2017 long session with minimal changes to civil court costs and fees. Full text of the 2017 budget bill, SL 2017-57, is available online at <http://www.ncleg.net/EnactedLegislation/SessionLaws/PDF/2017-2018/SL2017-57.pdf>. The other primary legislation affecting civil costs is HB 528, which became law at 12:01 a.m. on July 31, 2017, but does not have a session law number assigned to it yet. Full text of HB 528 is available at <http://www.ncleg.net/Sessions/2017/Bills/House/PDF/H528v5.pdf>.

<sup>2</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 are assessed for a petition for a workplace civil no-contact order filed under Article 23 of Chapter 95; and
- District Court costs must be assessed for amendments and counterclaims to actions filed under Chapter 50B, unless the subsequent claim also arises under that chapter. *E.g.*, if an amended complaint or counterclaim is filed in an existing 50B action, and the new filing makes a claim for divorce, the party filing the amendment or counterclaim is assessed civil filing fees (including the fee for divorce, if applicable).

<sup>3</sup>Clerks will still collect a total GCF cost(s) listed above. However, \$1.50 of the GCJ costs will no longer be allocated to the N.C. State Bar for legal services provided under the former Access to Civil Justice Act. The \$0.95 LAA fee will continued to be allocated to the N.C. State Bar for support of legal services under the Domestic Violence Victim Assistance Act, G.S. Chapter 7A, Article 37B. The LAA allocation change was made in S.L. 2017-57 and HB 528. The civil bill of costs (AOC-CV-382) will be updated to reflect this change.

<sup>4</sup>Although codified in G.S. 7A-308 (miscellaneous fees), the fee for alias and pluries summons and endorsements is limited to "civil matters" only, so it does not apply to summons in special proceedings or estates. As amended effective July 1, 2013, the fee does not apply to any alias & pluries summons or endorsement in an action commenced or prosecuted by a IV-D child support agency. (The fee previously did not apply to actions filed under Chapter 110, Article 9, but that exemption was repealed effective July 1, 2013.) Further, the fee does not apply to a summons or endorsement in domestic violence proceedings under G.S. Chapter 50B. G.S. 50B-2(a).

<sup>5</sup> The motion/notice of hearing fee does not apply to any motion listed in G.S. 7A-308; for a list, see "Appendix – Motion/Notice of Hearing Fee Exemptions" at the end of this cost chart. The fee also does not apply to any motion "containing as a sole claim for relief the taxing of costs, including attorneys' fees," to a motion filed pursuant to G.S. 1C-1602 or 1C-1603 (to designate exemptions from enforcement of a judgment), or to a motion filed by a child support agency established pursuant to Part D of Title IV of the Social Security Act (a "IV-D" agency). No more than one fee shall be assessed for any motion for which a notice of hearing is filed, regardless of whether the hearing is continued, rescheduled, or otherwise delayed.

## Appendix – Motion/Notice of Hearing Fee Exemptions

Updated Effective August 1, 2013

- **Notice of Hearing on Motion for Costs or Attorney Fees.** G.S. 7A-305(f), 7A-306(g), and 7A-307(a)(4).

Each of the statutory provisions for the motion/notice of hearing fee provides that the fee is not to be assessed for “a notice of hearing on a motion containing as a sole claim for relief the taxing of costs, including attorneys’ fees.” Therefore if the only request for relief in the motion is for costs and/or attorney fees, the fee does not apply when the notice of hearing is filed.

- **Notices of Hearing on Motions under G.S. 7A-308.**

Currently, there are only three motions for which fees are assessed under G.S. 7A-308, and which therefore are exempt from the motion/notice of hearing fee of G.S. 7A-305(f), 7A-306(g), and 7A-307(a)(4). For each of these three motions, the clerk should assess the fee specified in G.S. 7A-308 upon the filing of the motion, not for the filing of a notice of hearing on the motions.

- (a)(2) Proceedings supplemental to execution [initiated by motion in the cause].
- (a)(14) Substitution of trustee on a deed of trust [in a judicial foreclosure].
- (a)(20) Motion to assert a right of access under G.S. 1-72.1 [to a judicial proceeding or record].

- **Civil Actions - Additional Fee-Exempt Motions.** G.S. 7A-305(f).

### Child Support Proceedings – Exemptions for IV-D Agencies

Pursuant to S.L. 2013-225, § 4.(a), the fee for notices of hearing on motions in civil actions does not apply to motions filed by a child support enforcement agency established pursuant to Part D of Title IV of the Social Security Act.

This means that the motion/notice of hearing fee shall not be charged to a IV-D agency when the IV-D agency is the filer of the motion.

### Domestic Violence Proceedings

Because any motion filed in a proceeding under Chapter 50B of the General Statutes (e.g., for contempt for violation of the order) may be necessary to the enforcement of such order, and because court costs may not be assessed for actions associated with a protective order, pursuant to G.S. 50B-2(a), the fee should not be assessed for notices of hearing on motions for the enforcement or modification of orders under Chapter 50B.

- **Special Proceedings - Additional Fee-Exempt Motions.** G.S. 7A-306(f).

Pursuant to G.S. 7A-306(f), the costs in that statute do not apply to foreclosures under power of sale in a deed of trust or mortgage, so the motion fee is not to be assessed in those proceedings.

- **Estates - No Additional Exemptions.** G.S. 7A-307(a)(4).

Other than motions for costs and attorney fees and motions under G.S. 7A-308, listed above, there are no exemptions from the motion/notice of hearing fee in estate cases.