

COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **August 1, 2013**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

Changes to costs and fees for 2013 are shaded and blue, and are tagged with bracketed notes according to the dates on which they take effect, e.g. [Jul. 1], [Aug. 1], etc. Legislation enacting new or amended cost items is cited in brackets. Items citing only a bill section (e.g., “[§ 18B.17]”) refer to sections of S.L. 2013-360 (SB 402).

SPECIAL PROCEEDINGS COSTS G.S. 7A-306, unless otherwise specified		AMOUNT
SPECIAL PROCEEDINGS (except foreclosures). G.S. 7A-306.		
• General Court of Justice Fee.	General Fund	104.50
	State Bar Legal Aid Account (LAA)	1.50 ¹
		106.00
• Facilities Fee.		10.00
• Phone Systems Fee.		4.00
• NON-FORECLOSURE TOTAL		120.00 (+% of FMV)
Additional GCJF for proceedings involving land, except boundary disputes. Maximum additional fee is \$200.00		+0.30/100.00 FMV of land involved ²
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).		+30.00
FORECLOSURE UNDER POWER OF SALE.		
• General Court of Justice Fee. G.S. 7A-308(a)(1). ³		300.00
• Facilities Fee.		None
• Phone Systems Fee.		None
• FORECLOSURE TOTAL		300.00 (+% of sale price)
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).		+30.00
Additional GCJF assessed from sale. Minimum additional fee: \$10.00. Maximum additional fee: \$500.00.		+0.45/100.00 of final sale price

OTHER SPECIAL PROCEEDING FEES	AMOUNT
[Aug. 1] Motion/Notice of Hearing fee. G.S. 7A-306(g). ⁴ [§ 18B.17]	20.00

¹ The \$1.50 portion of the General Court of Justice fee (GCJF) allocated to the State Bar is for the Access to Civil Justice fund under G.S. 7A-474.4. The remainder of the GCJF is remitted to the General Fund. The NCAOC's Financial Management System (FMS) will allocate this portion automatically when using the related code sets to assess costs.

² Fair market value is determined by: (i) sale price if there is a sale; (ii) appraiser's valuation if there is no sale; or (iii) appraised value from the property tax records, if there is neither a sale nor an appraiser's valuation.

³ Although filed as special proceedings (SP), foreclosure costs are assessed under G.S. 7A-308 (miscellaneous costs), not the special proceeding costs statute, G.S. 7A-306. The facilities fee and phone systems fee are not assessed in G.S. 7A-308, so they are not assessed for foreclosure filings. Nor is any portion of the filing fee diverted to the State Bar's Legal Aid Assistance (LAA) funds.

⁴ The motion/notice of hearing fee does not apply to a notice of hearing on 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 a notice of hearing on any motion "containing as a sole claim for relief the taxing of costs, including attorneys' fees" or to a motion filed pursuant to G.S. 1C-1602 or 1C-1603 (to designate exemptions from enforcement of a judgment). 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. Finally, pursuant to G.S. 7A-306(f), the fee does not apply to motions filed in foreclosures under power of sale.



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.