



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

Legal and Legislative
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MEMORANDUM

(via E-Mail)

TO: Clerks of Superior Court¹
Superior Court Judges
District Court Judges

FROM: Peter E. Powell, Legal Counsel
Pamela Weaver Best, Deputy Legal Counsel
Amy Funderburk, Assistant Legal Counsel

DATE: July 1, 2013

RE: 2013 Court Costs - Interim Civil, Special Proceedings and Estates Cost Legislation
Exemptions from Motion and Alias and Pluries Fees, Third Party Complaint Costs,
Counties and Municipalities to Advance Court Costs.
Effective Immediately.

This memorandum addresses changes to civil court costs that take effect July 1, 2013. We anticipate a number of other changes to court costs once the budget bill (Senate Bill 402, Appropriations Act of 2013) is enacted. A more detailed memorandum and list of frequently asked questions will be sent out after the budget bill is enacted.

House Bill 343, Session Law (S.L.) 2013-225² has been enacted and makes the following changes³ to the civil, special proceedings and estate court cost statutes⁴:

Third Party Complaints Like counterclaims and cross-claims, third party complaints are now subject to the full civil filing fee for district or superior court.

Motions to Claim Exemptions Debtors no longer have to pay the \$20 motion fee to claim exemptions in any civil, special proceeding, or estate matter. Even if the debtor is not indigent, they are not required to pay the motion fee to file a motion to designate exemptions.

Counties and Municipalities to Advance Court Costs and Fees Counties and municipalities must pay all costs and fees due at the time of filing. However, the clerk of superior court may consent to allow the county or municipality up to 45 days to pay all costs and fees due in lieu of

¹ We ask that clerks provide a copy of this memo to local law enforcement agencies and to personnel in your offices. This memo also will be posted on the NCAOC website at www.nccourts.org/Courts/Trial/Costs/ and on the NCAOC intranet site for Judicial Branch personnel at <https://cis1.nccourts.org/intranet/aoc/legalservices/legalmemos/costs.jsp>.

² The text of a session law can be found on the General Assembly's website at the link below. Select the applicable year and enter the session law number in the "Look-Up" fields at the top of the page.

<http://www.ncleg.net/gascripts/EnactedLegislation/ELTOC.pl?sType=Law>

³ In addition to the change to costs in civil actions, estates and special proceedings described in this memo, S.L. 2013-225 (HB 343) amends several provisions concerning costs in criminal actions. Those changes are detailed in a separate memo with today's date, "2013 Court Costs - Interim Criminal Cost Legislation" posted at the same links in the preceding footnote.

⁴ Affected statutes are G.S. §§7A-305, -306, -307, -308, -317.

paying at the time of filing. If within 90 days after the date of filing the county or municipality does not pay all costs and fees due then the clerk shall withhold facilities fees due the county or municipality until the total amount due is paid in full. For assistance on how to withhold facilities fees, contact your Financial Management Analyst.

IV-D Child Support Agencies do not have to pay the motion fee or the alias and pluries fee. However, any other party in an IV-D action does have to pay the motion fee; the exemption from the motion fee for IV-D cases **only** applies to the IV-D agency itself. Since IV-D agencies are not required to pay the motion fee and alias and pluries fee at all, these fees should not be included in any delayed billing arrangement your office makes with the county.

Court officials with questions about the cost and fee changes described above should contact NCAOC's Court Services Analyst (CSA) or FMA for the county.