

THE PAGE (T.C.A. § 8-21-401 ABRIDGED) (2012 Supplement)

(a) Fees may be collected at time services requested; nothing herein limits a party's ability to initiate a case by pauper's oath. If a party pays fees at time services are requested, the payment will satisfy requirement for security pursuant to 20-12-120. **In actions covered by (b)(1)(A), and in workers compensation complaints, the attorney filing the action has option to sign a cost bond in lieu of the party paying fees at time services are requested.** These fees do not include officer's fees as provided for in 8-21-901 and elsewhere, or state and local litigation taxes.

(b)(1)(A) Chancery Court Fees. Unless provided elsewhere, at commencement of an action

Applies to, <i>but not limited to:</i> enforcement of contracts/breach of contract/injunctions/torts/personal injury/property damage/malpractice/wrongful death/employment discrimination/civil rights/tax disputes/special remedies/other property disputes/any other actions not otherwise designated in this statute or elsewhere by law.	C1	227.00
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File COMPLAINT FOR CLAIM OF ABANDONED MINERAL INTEREST, T.C.A. § 66-5-108(e)(8).	C2	30.00
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(b)(1)(B) Divorce	with minor children	C3	200.00	with no minor children	C4	127.00
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(b)(1)(C)(i) Appeal from juvenile, general sessions, probate, municipal or an administrative hearing; writ of certiorari from lower courts or administrative hearings; (ii) foreign transfers; (iii) writ of mandamus; (iv) worker's compensation; (v) condemnations and inverse condemnations; and (vi) quo warranto	C5	152.00
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(b)(1)(D) Adoption/legitimation/paternity/citizenship restoration/parental rights termination/other domestic relations matter not otherwise designated/name change/minor settlement/foreign judgment enforcement/civil expungement/protection order	C6	102.00
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(b)(1)(E) child support enforcement/modification, including interstate support case and civil contempt action, and request for modification of parenting plan	C7	75.00
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(b)(1)(F)	At initiation of delinquent property tax cases	C8	44.00	<i>per parcel</i>
	For our services related to each parcel the Chancellor issues an order to sell	C9	100.00	<i>per parcel</i>

(b)(2)(A) Third-party action	C10	same fee as was charged at the initiation of the original proceeding
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(b)(2)(B) Cross-claim or counterclaim	C11	100.00	<i>each</i>
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(c) Administer estates, guardianships, conservatorships, other probate matters: See SCHEDULE OF PROBATE DIVISION Fees on page 2.

(c)(1) Open/close an estate, (other than a small estate)	C12	232.00
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(c)(1)(A) File/docket claim, give notice and file release (claimant pays)	C13	11.00
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(c)(1)(B) File claim exception, mail notices, and enter order	C14	42.00
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(c)(2) File small estate affidavit	C15	43.00
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(c)(3) File for guardian/conservatorship letters/issue all initial process and cost bond/enter order/issue certificate of guardian/conservatorship (not including sheriff's fee)/including final accounting/order closing (regardless of court where filed)	C16	160.00
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(c)(4) File new request for removal of minority/incompetence/file affidavit and enter order. File new request to legitimate or change name/correct birth certificate and enter order. File new request for habeas corpus/file cost bond/issue process/enter order (not including sheriff's fee)	C17	100.00
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(c)(5) File Mental Health/issue notices/enter return/enter judgment (not including sheriff's fee)	C18	50.00
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(c)(6) File and docket any request, on an existing case other than a request to close the case, not otherwise provided for	C19	18.00
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(c)(7) Enter any order, on an existing case, other than closing order, not otherwise provided for	C20	12.00
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(c)(8) Issue summons/subpoena/citation/writ and notice/including required copies of process, other than initial process	C21	6.00
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(c)(9) File any document not otherwise provided for in probate court	C22	7.00
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(c)(10) File, review, record interim or annual settlement or accounting and enter order approving settlement.	C23	40.00
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(h) C&M's Commissions	(h)(1) Receive and pay over all taxes, fines, forfeitures, fees and amercements, a commission of	C24	5.00%
	(h)(3) Receive and pay over all privilege taxes on litigation, a commission of	C25	6.75%

(i) Other Fees These fees may be charged in addition to the fees for cases listed above.

(i)(1) STANDARD POST JUDGMENT FEE, unless otherwise provided. (Charged per occurrence regardless of whether judgment is enforced by garnishment, execution, levy or other process. This fee also applies to post-judgment interrogatories/publications/motions to set installment payments/orders and pleas.)	C26	25.00	<i>per occurrence</i>
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(i)(2) Issue a subpoena or subpoena <i>duces tecum</i>	C27	6.00
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(i)(3) CONTINUANCE REQUEST FEE (includes \$2.00 COURTROOM SECURITY ENHANCEMENT FEE) Fee will be taxed at Court's discretion and collected at conclusion of the case. If multiple parties seek continuance, Court may assess fee to one or more.	C28	7.00
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(i)(4) Copies as requested other than for an original filing and other than when preparing a record upon appeal	C29	.50	<i>per page</i>
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(i)(5) Certification and seal or providing a copy of an abstract	C30	5.00
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(i)(6) Receive/collect/pay proceeds of funds paid into court by order. Also applies to a pre-judgment judicial attachment or similar process to bring property into court prior to judgment.	C31	40.00
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(i)(7) Sell real/personal property under order and receive/collect/pay proceeds	C32	a commission =< 10% on the sale up to 6,000.00, plus an amount to be fixed within such limits, in the Court's discretion. (We must collect the sheriff's fee, plus the sheriff's fee for each additional defendant in proceeding to sell real estate.)
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(i)(8) C&M has authority to invest idle funds, not otherwise invested, and the interest is the fee.

(i)(10) Earnings from invested funds	C33	5.00%
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(i)(11) Preparing a record on appeal to an appellate court	C34	300.00
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(i)(12) When we are required by law or by order to send documents by certified or registered mail	C35	actual cost
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(k) COSTS IN EXTRAORDINARY CASES (one with 10 or more plaintiffs or 10 or more defendants). **C36** In such case, C&M may petition Court to award reasonable costs in excess of amounts provided herein to reimburse C&M for additional services. In such cases, C&M may also petition the Court to require an appropriate cost bond.

(l) STATE CHARGES UNCHANGED. **C37** Fees increased by this section that are assessed against the state or otherwise represent a cost to the state in child support actions/mental health actions under the Adult Protective Services Act/actions with regard to child care licensing/collection efforts brought by the Department of Human Services are limited to the amounts chargeable prior to the effective date of these changes.

SCHEDULE OF PROBATE DIVISION FEES

Fees are due/payable at time service is requested, and no cost bond is required. 20-12-120, 401(a).

FEES DO NOT INCLUDE LITIGATION TAXES², OFFICERS' FEES³, OR PUBLICATION COSTS⁴ Pauper's oath is still available.

L1	abstract - provide a copy 401(i)(5)				5.00
L2	acts of congress	(certified 2x) 5.00 x 2 = 10.00 each + copy costs (50¢ per page)			10.00
L3	accounting – file/review/record annual/interim/enter order approving settlement only 401(c)(10)				40.00
L4	appeal – prepare record 401(i)(11)				300.00
L5	catch all	5.1 file document not otherwise provided for 401(c)(9)			7.00
		5.2 file/docket request on existing file not otherwise provided for 401(c)(6)			18.00
L6	certification 401(i)(5)		each + copy costs (50¢ per page)		5.00
L7	claim	L7.1 file claim/docket/give notice/file release, (to be paid by claimant) 401(c)(1)(A)			11.00
		L7.2 file exception/docket/mail notices/enter order 401(c)(1)(B) + cost of mail, see L12			42.00
L8	continuance 401(i)(3)				7.00
L9	copies (except for original filing and preparing record on appeal.) 401(i)(4)		per page		0.50
L10	inventory 401(c)(6)				18.00
L11	issue 401(c)(8)	L11.1 summons	L11.3 citation	L11.5 notice	6.00
		L11.2 subpoena	L11.4 writ	L11.6 process (other than initial process)	
L12	mail costs for required certified/registered mail 401(i)(12)				actual
L13	motion 401(c)(6) (see L6.2 for order.)				18.00
L14	non-resident fiduciary fee	10.00 + document not otherwise provided for 401(c)(9) 7.00 + 1.00 for 2cc 401(i)(4)			18.00
L15	notice of insolvency & plan of distribution 401(c)(6)				18.00
L16	order	L16.1 enter (other than a closing order) on existing file not otherwise provided for 401(c)(7)			12.00
		L16.2 order on motion 401(c)(7)			
		L16.3 lodging each 5-day rule order 401(c)(9)			7.00
L17	open/close file	L17.1 administration 401(c)(1) (does not include small estate, see L17.4)			232.00
		L17.2 administrator <i>ad litem</i> 401(c)(1)			
		L17.3 muniment of title probate 401(c)(1)			
		L17.4 small estate 401(c)(2)			
L18	petition for electives	401(b)(1)(A) Includes Master's Report(s), Order(s), anything related to the hearing.			225.00
L19	publication 30-2-306				actual
L20	reopen				43.50
L21	sale of land 401(c)(6)				18.00

¹ T.C.A. § 8-21-401, Public Acts 2005, Ch. 429, effective 1 January 2006.

² T.C.A. § 8-21-401(a).

³ Sheriffs' and Constables' fees as provided in T.C.A. § 8-21-901 and elsewhere.

⁴ T.C.A. § 30-2-306.

⁵ Includes but is not limited to TennCare releases, Tax Certificates

⁶ \$5 + courtroom security enhancement fee \$2. The revenues from the \$2 fee must be deposited into the County General Fund. All revenue from the \$2 fee is exclusively for purposes of providing and enhancing security of the county's court facilities.

⁷ 35-50-107(b)(2)

⁸ "Electives" include (a) **Elective Share**, (b) **Exempt Property**, (c) **Year's Support**, and (d) **Homestead**. These electives present an adversarial action. Usually these electives are all filed at the same time in one petition. Therefore, we will charge the fee one time for one or all electives.

(a) **Elective Share** [31-4-101, et seq.] is an "action" to be presented by "petition" [31-4-102].

(b) **Exempt Property** [30-2-101] is an "action" to set aside property from Decedent's estate [30-2-101(d)].

(c) **Year's Support Allowance** [30-2-102] is an "action" to set aside property from Decedent's estate [30-2-102(g)].

(d) **Homestead** [30-2-201, et seq.] is an "action" to set aside property [30-2-204(b)].

⁹ Includes Letters 5.50 401(i)(3); 18.00 401(c)(6); Order 12.00 401(c)(7); Receipt 7.00 401(c)(9); and copies 1.00 401(i)(4).

LITIGATION TAXES ¹ Unless otherwise provided, ² Litigation Taxes are due at time an action is filed.				
County	Tax	T.C.A. § 67-4-601(a), Acts 1981, ch. 488., Ham. Co. Comm. Resolution 1294-63	22.75	
	Library Tax	Pursuant to T.C.A. § 67-4-601(a), this fund was established in 1951 Private Acts ch. 323 and 1967 Private Acts ch. 109. The money collected shall be designated for the County Governmental Library Fund and used only for the purposes set out in the private acts.	1.00	
	County Special Purpose (Courthouse Renovation)		10.00	
			Subtotal	33.75
State ⁴	Privilege Taxes	Consists of a privilege tax of \$5.25, T.C.A. § 67-4-602(a), an additional privilege tax of \$6.00, T.C.A. § 67-4-602(a), and another additional privilege tax of \$2.50, T.C.A. § 67-4-602(e). This money is deposited in the state general fund and is apportioned pursuant to T.C.A. § 67-4-606. ³	13.75	
	Civil Legal Representation of Indigents Fund	Pursuant to T.C.A. § 16-3-808, this fund is established in T.C.A. § 67-4-602(f), is collected pursuant to T.C.A. § 67-4-603, is paid into the state treasury to be deposited to the civil legal representation of indigents fund, and invested for the benefit of the fund pursuant to T.C.A. § 9-4-603.	10.00	
			Subtotal	23.75
			Total Litigation Tax T.C.A. §§ 20-12-102, 67-4-604.	57.50

¹ Litigation Taxes imposed pursuant to T.C.A. § 67-4-602 are not deemed to be costs and are not included in the Bill of Costs without a specific court order. T.C.A. § 67-4-603; OP. Tenn. Atty. Gen. 81-504 (September 8, 1981); OP. Tenn. Atty. Gen. 02-072 (June 3, 2002).

² Pauper's oath may defer the taxes. T.C.A. § 20-12-127. Where payment of the fees would create a substantial hardship for a party, judges are encouraged to use the discretion provided in Tenn. Sup. Ct. R 29 to find the party indigent even if that person does not meet the Legal Services Corporation's poverty guidelines. T.C.A. § 8-21-401(a).

³ T.C.A. § 67-4-602(b).

⁴ State Litigation Tax Allocation, T.C.A. § 67-4-606(a): (This allocation may not be up to date.)

Litigation Privilege Tax Allocation 67-4-606(a) (2012 Supplement)				
Crime Prevent.	deposited in a fund established for the operation of the Tennessee corrections institute 67-4-606(a)(1).		0.0320	
	the sex offender treatment fund 67-4-606(a)(16).		0.3426	
Driver safety	local govts for purchase/maintenance/line charges for electronic fingerprint imaging systems 67-4-606(a)(15).		2.3056	
	dept. of safety to promote/expand driver education and safety through public schools 67-4-606(a)(2)(B).		1.1107	
	dept. of education to promote/expand driver education through public schools 67-4-606(a)(17).		2.7747	
Victims	dept. of education to promote/expand driver education and safety through public schools 67-4-606(a)(2)(A).		3.3323	
	allocated to the victims of crime assistance fund 67-4-606(a)(7).		0.8406	
	allocated to the victims of drunk drivers compensation fund 67-4-606(a)(9).		1.3755	
		allocated to the criminal injuries compensation fund 67-4-606(a)(8).	15.8471	18.0632
Judicial System	AOC	to defray expenses of serving general sessions courts and their judges' conference 67-4-606(a)(11).	0.5529	
		for funding the state court clerks' conference 67-4-606(a)(6).	0.6553	
	Benefits	used to defray the cost of retirement pay of retired general sessions judges 67-4-606(a)(12).	0.5528	
		providing funds to aid in meeting the cost of benefits provided for county judges 67-4-606(a)(4).	4.8186	
		providing funds to aid in meeting the costs of benefits provided for county officials 67-4-606(a)(5).	9.4854	
	Indigent Defense	used to fund criminal legal counsel for indigent defendants 67-4-606(a)(10).	3.7653	
credited to the civil legal representation of indigents fund 67-4-606(a)(14).		7.4701		
		to state treasurer who shall credit the same to the public defender program 67-4-606(a)(13).	19.2902	46.5906
allocated to the general fund 67-4-606(a)(3).				25.4483
TOTAL				100.00%