

COURT COSTS AND FEES CHART

The costs listed below are effective **August 1, 2011**, and apply to all costs assessed or collected on or after that date, unless otherwise noted. Costs in other legislation that take effect after August 1, 2011, will be included in subsequent updates to this chart.

Changes to costs and fees for 2011 are shaded and blue. Changes effective August 1, 2011, are prefaced by **[Aug. 1]**. Legislation enacting new or amended cost items is cited in brackets. Items citing only a bill section (e.g., “[§ 31.23.(a)]”) refer to sections of S.L. 2011-145 (House Bill 200).

CIVIL COURT COSTS G.S. 7A-305, unless otherwise specified.		AMOUNT
Civil filing fees listed are assessed for all complaints and for any subsequent pleading containing a counterclaim or cross-claim. [§ 31.23.(b), and see memo titled “Legislative Increases in Court Costs and Fees, July 2011.”]		
MAGISTRATES’ COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C ¹)		
<ul style="list-style-type: none"> • General Court of Justice Fee. [§ 31.23.(b)] 	General Fund	77.55
	State Bar Legal Aid Account (LAA)	2.45 ²
		80.00
<ul style="list-style-type: none"> • Facilities Fee. 		12.00
<ul style="list-style-type: none"> • Phone Systems Fee. 		4.00
<ul style="list-style-type: none"> • MAGISTRATE TOTAL 		96.00
[Aug. 1] Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1). [§ 31.26.(d)]		+30.00
DISTRICT COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C ¹⁶)		
<ul style="list-style-type: none"> • General Court of Justice Fee. [§ 31.23.(b)] 	General Fund	127.55
	State Bar Legal Aid Account (LAA)	2.45 ²
		130.00
<ul style="list-style-type: none"> • Facilities Fee. 		16.00
<ul style="list-style-type: none"> • Phone systems Fee. 		4.00
<ul style="list-style-type: none"> • DISTRICT COURT TOTAL 		150.00
[Aug. 1] Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1). [§ 31.26.(d)]		+30.00
SUPERIOR COURT. G.S. 7A-305.		
<ul style="list-style-type: none"> • General Court of Justice Fee. [§ 31.23.(b)] 	General Fund	177.55
	State Bar Legal Aid Account (LAA)	2.45 ²
		180.00
<ul style="list-style-type: none"> • Facilities Fee. 		16.00
<ul style="list-style-type: none"> • Phone systems Fee. 		4.00
<ul style="list-style-type: none"> • SUPERIOR COURT TOTAL 		200.00
Plus Business Court Fee, upon assignment.		+1,000.00
[Aug. 1] Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1). [§ 31.26.(d)]		+30.00

¹ 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).

² The portion of the General Court of Justice (GCJF) fee allocated to the State Bar’s Legal Aid Account (LAA) has been reduced. The \$2.05 previously designated for the Bar’s Access to Civil Justice fund, G.S. 7A-474.4, has been reduced to \$1.50. The \$0.95 designated for the Bar’s Domestic Violence Victim Assistance fund, G.S. 7A-474.19, is unchanged. Therefore the Bar’s portion of the civil GCJF is now a total of \$2.45. The remainder of the GCJF is remitted to the General Fund. The NCAOC’s Financial Management System (FMS) will allocate these portions automatically when using the related code sets to assess costs.

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OTHER CIVIL FEES	AMOUNT
[Aug. 1] Service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1). [§ 31.26.(d)]	30.00
Alias & Pluries summons or endorsement on original summons. G.S. 7A-308(a)(21). ³ [§ 31.23.(e)]	15.00
Filing for absolute divorce. G.S. 7A-305(a2).	75.00 ⁴
Motion fee. G.S. 7A-305(f). ⁵ [§ 31.23.(b).]	20.00
Resumption of former name (within or subsequent to absolute divorce). G.S. 50-12(e).	10.00

MAGISTRATES SPECIAL FEES. G.S. 7A-309.	
Performing marriage ceremony.	20.00
Petition for year's allowance.	8.00
Taking a deposition.	10.00
Proof of execution or acknowledgment of instrument.	2.00
Performing any statutory function, not incident to a civil or criminal action.	2.00

³ Although codified in G.S. 7A-308 (miscellaneous fees), the fee for alias and pluries summons and endorsements on an original summons is limited to “civil matters” only, and does not apply to summons in special proceedings or estates. In addition, the fee does not apply in child support actions commenced or prosecuted pursuant to G.S. Chapter 110, Article 9. Act § 31.23.(g), as enacted by House Bill 22, § 66.1. Nor does it apply to a summons in domestic violence proceedings under G.S. Chapter 50B. G.S. 50B-2(a).

⁴ The divorce fee is paid to State Treasurer; \$55 for the Displaced Homemaker Fund, and \$20 for the Domestic Violence Center Fund. This fee is assessed *in addition to* the filing fees for the pleading containing the complaint for absolute divorce. G.S. 7A-305(a2).

⁵ The motion fee does not apply to any motion listed in G.S. 7A-308; for a list, see “Appendix - Motion 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” or to a motion in a child support proceeding under G.S. Chapter 110, Article 9.

Appendix - Motion Fee Exemptions

Amended Effective August 1, 2011

- **Motions for Costs and Attorney Fees.** G.S. 7A-305(f), 7A-306(g), and 7A-307(a)(4).

Each of the motion fee provisions in statute provides that the fee is not to be assessed for “a motion containing as a sole claim for relief the taxing of costs, including attorneys' fees.” Therefore if the *only* request(s) for relief in the filing are a motion(s) for costs and/or attorney fees, the fee does not apply.

- **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 fee of G.S. 7A-305(f), 7A-306(g), and 7A-307(a)(4). For each of these motions, the clerk should assess the fee specified in G.S. 7A-308.

- (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 – G.S. Chapter 110

Pursuant to S.L. 2011-145, § 31.23.(g), as enacted by House Bill 22, § 66.1, the fee for motions in civil actions does **not** apply to child support actions under Article 9 of Chapter 110 of the General Statutes, which governs child support cases not filed under Chapter 50 of the General Statutes.

This means that the motion fee shall not be charged in IV-D and non-IV-D motions that request relief solely under Article 9 of Chapter 110. The exemption does not apply to support proceedings under Chapter 50 of the General Statutes, so the fee must be assessed for motions in those cases.

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 civil motion fee should **not** be assessed for motions filed for enforcement or modification of orders under Chapter 50B.

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

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 - Additional Fee-Exempt Motions.** G.S. 7A-307(a)(4).

In addition to exemption for motions under G.S. 7A-308, listed above, the motion fee may be assessed in estates proceedings only when the motion requires a notice of hearing. S.L. 2011-145, § 31.23.(d), as amended by House Bill 22, § 62.

Any motion filed in an estate matter for which the relief requested requires a hearing will require a notice of hearing, so the motion fee must be assessed at the time of filing whenever the relief requested would require a hearing. The requirement of a notice of hearing should **not** be interpreted to mean that only motions that result in an actual hearing require the \$20.00 fee. The fee should be assessed whenever the relief requested would require a hearing, even if no hearing is actually held. Only motions that do not require a hearing are exempt from the fee. These include:

- A motion for emergency removal of a guardian under G.S. 35A-1291.
- A motion for summary revocation of letters testamentary or administration under G.S. 28A-9-2.
- A motion to extend time to file an accounting in an estate file.

