

HOUSE BILL NO. 367

INTRODUCED BY G. CUSTER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FEES OF THE COUNTY CLERK WITH REGARD TO FILING OF SUBDIVISION AND TOWNSITE PLATS AND CERTIFICATES OF SURVEY; INCREASING THE FEE FOR FILING OF SUBDIVISION AND TOWNSITE PLATS; CLARIFYING THE FEE FOR FILING EACH PAGE OF A DOCUMENT REQUIRED TO BE FILED WITH A SUBDIVISION, TOWNSITE PLAT, OR CERTIFICATE OF SURVEY; AND AMENDING SECTION 7-4-2631, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in 7-2-2803(4), 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:

- (a) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;
- (b) for filing of subdivision and townsite plats, ~~\$40~~ \$25 plus:
 - (i) for each lot up to and including 100, 50 cents;
 - (ii) for each additional lot in excess of 100, 25 cents;
- (c) for filing certificates of surveys and amendments thereto, \$25 plus 50 cents per tract or lot;
- (d) for each page of a document required to be ~~recorded~~ filed with a subdivision, townsite plat, or certificate of survey for which a filing fee is not otherwise set by law, \$1;
- (e) for a copy of a record or paper:
 - (i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and
 - (ii) for each certification with seal affixed, \$2;
- (f) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;
- (g) for administering an oath with certificate and seal, no charge;
- (h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;
- (i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed

1 under those sections;

2 (j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for
3 water users' associations, \$3;

4 (k) for filing a copy of notarial commission and issuing a certificate of official character of such notary
5 public, \$2;

6 (l) for each certified copy of a birth certificate, \$5, and for each certified copy of a death certificate, \$3;

7 (m) for filing, recording, or indexing any other instrument not expressly provided for in this section or
8 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

9 (2) The county clerks shall charge, for the use of their respective counties, the fee as provided in
10 7-4-2632 for recording and indexing the following:

11 (a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate
12 that the instrument has been recorded with the seal affixed; and

13 (b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been
14 recorded with the seal affixed.

15 (3) State agencies submitting documents to be put of record shall pay the fees provided for in this
16 section. If a state agency or political subdivision has requested an account with the county clerk, any applicable
17 fees must be paid on a periodic basis."

18 - END -