

# HOUSE BILL No. 4748

May 22, 2003, Introduced by Rep. Lipsey and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 880, 880a, 880b, 1027, 2529, 5756, 8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b, 600.1027, 600.2529, 600.5756, 600.8371, and 600.8420), section 321 as amended by 1997 PA 182, sections 880 and 880b as amended by 2000 PA 56, section 880a as added and sections 5756 and 8420 as amended by 1993 PA 189, section 1027 as added by 1996 PA 388, and sections 2529 and 8371 as amended by 2002 PA 605, and by adding section 171.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 171. (1) The civil filing fee fund is created in the  
2 state treasury. The money in the fund shall be used as provided  
3 in this section.

4           (2) The state treasurer shall credit to the civil filing fee

1 fund deposits of proceeds from the collection of revenue from  
2 court filing fees designated by law for deposit in the fund and  
3 shall credit all income from investment credited to the fund by  
4 the state treasurer. The state treasurer may invest money in the  
5 fund in any manner authorized by law for the investment of state  
6 money. However, an investment shall not interfere with any  
7 apportionment, allocation, or payment of money as required by  
8 this section. The unencumbered balance remaining in the fund at  
9 the end of a fiscal year shall remain in the fund and shall not  
10 revert to the general fund.

11 (3) In the state fiscal year beginning October 1, 2003, the  
12 state treasurer shall distribute the proceeds of the fund monthly  
13 as follows:

14 (a) To the state court fund created in section 151a, 48.5% of  
15 the fund balance.

16 (b) To the court equity fund created in section 151b, 8.2% of  
17 the fund balance.

18 (c) To the judicial technology improvement fund created in  
19 section 175, 11.1% of the fund balance.

20 (d) To the community dispute resolution fund created by the  
21 community dispute resolution act, 1988 PA 260, MCL 691.1551 to  
22 691.1564, 5.2% of the fund balance.

23 (e) To the executive secretary of the Michigan judges  
24 retirement system created by the judges retirement act of 1992,  
25 1992 PA 234, MCL 38.2101 to 38.2670, 24% of the fund balance.

26 (f) To the secretary of the legislative retirement system for  
27 deposit with the state treasurer in the retirement fund created

1 by the Michigan legislative retirement system act, 1957 PA 261,  
2 MCL 38.1001 to 38.1080, 1.5% of the fund balance.

3 (g) To the state general fund, 1.5% of the fund balance.

4 Sec. 321. (1) The following fees shall be paid to the clerk  
5 of the court of appeals — and may be taxed as costs where costs  
6 are allowed by order of the court:

7 (a) The sum of ~~-\$250.00-~~ **\$375.00** for an appeal as of right,  
8 for an application for leave to appeal, or for an original  
9 proceeding. This fee shall be paid only once for appeals that  
10 are taken by multiple parties from the same lower court order or  
11 judgment and can be consolidated.

12 (b) Upon the entry of any motion except a motion described in  
13 subdivision (c) upon the motion docket, the sum of \$75.00.

14 (c) Upon the entry of a motion for immediate consideration or  
15 a motion to expedite appeal upon the motion docket, the sum of  
16 \$150.00. This fee shall be paid only once regardless of the  
17 number of lower court files involved in the appeal. A  
18 prosecuting attorney is exempt from paying a fee under this  
19 subdivision when filing a motion for immediate consideration or a  
20 motion to expedite appeal with regard to an appeal arising out of  
21 a criminal proceeding.

22 (2) The clerk of the court of appeals shall be allowed the  
23 sum of 50 cents per page for certified copies of any entries or  
24 papers in any action or proceedings when required for any other  
25 purpose than one connected with the progress or disposition of  
26 such action or proceeding.

27 (3) The clerk shall charge the sum of 50 cents per page for

1 all uncertified copies of opinions, excepting those sent to 1  
2 counsel representing each party in the case, for which no charge  
3 shall be made.

4 (4) If a person is unable to pay the fees required by this  
5 section, the person, by motion, accompanied by the person's  
6 affidavit stating facts showing such inability, may ask the court  
7 to waive the fees and the court or a judge of the court may waive  
8 payment of the fees.

9 (5) Each month the clerk of the court of appeals shall  
10 deposit with the state treasurer all fees collected, securing and  
11 filing a receipt for the fees deposited.

12 (6) Costs shall be awarded in the discretion of the court.

13 (7) Upon appeal to the court of appeals, there shall be paid  
14 to the clerk of the trial court the sum of \$10.00 as an appeal  
15 fee.

16 Sec. 880. (1) Except as otherwise provided in this section  
17 and section 880a, at the time of commencing a civil action or  
18 proceeding in the probate court, the party commencing the civil  
19 action or proceeding shall pay a ~~-\$100.00-~~ **\$150.00** filing fee to  
20 the probate court register.

21 (2) At the time of commencing a proceeding under section 3982  
22 of the estates and protected individuals code, 1998 PA 386, MCL  
23 700.3982, the party commencing the proceeding shall pay a \$25.00  
24 filing fee to the probate court register.

25 (3) Except as otherwise provided by law, a fee shall not be  
26 charged for commencing a proceeding in probate court under a  
27 provision of the mental health code, 1974 PA 258, MCL 330.1001 to

1 330.2106.

2 (4) A party is not required to pay a fee under this section  
3 if the party is the attorney general, department of treasury,  
4 family independence agency, state public administrator, or  
5 administrator of veterans affairs of the United States veterans  
6 administration, or an agency of county government.

7 (5) The probate register, on or before the fifth day of the  
8 month following the month in which fees are collected under this  
9 section, shall transmit to the county treasurer all fees  
10 collected under this section during the preceding month. Within  
11 15 days after receiving the fees, the county treasurer shall  
12 transmit ~~-\$21.00 of each fee collected under subsection (1) to~~  
13 ~~the executive secretary of the Michigan judges retirement system~~  
14 ~~created by the judges retirement act of 1992, 1992 PA 234, MCL~~  
15 ~~38.2101 to 38.2670, and the balance of each fee~~ **all fees**  
16 collected under subsection (1) **to the civil filing fee fund**  
17 **created in section 171** and all fees collected under subsection  
18 (2) to the state treasurer for deposit in the state court fund  
19 created by section 151a.

20 Sec. 880a. (1) Except as otherwise provided in this section  
21 and section 880, at the time of commencing a guardianship or  
22 limited guardianship proceeding in the probate court, the party  
23 commencing the proceeding shall pay a ~~-\$50.00~~ **\$150.00** filing fee  
24 to the probate register.

25 (2) A party is not required to pay a fee under this section  
26 if the party is the attorney general, department of treasury,  
27 ~~department of social services~~ **family independence agency**, state

1 public administrator, or administrator of veterans affairs of the  
2 United States veterans administration, or an agency of county  
3 government.

4 (3) The probate register, on or before the fifth day of the  
5 month following the month in which any fees are collected under  
6 this section, shall transmit to the county treasurer all fees  
7 collected under this section during the preceding month. Within  
8 15 days after receiving the fees, the county treasurer shall  
9 transmit all fees collected to the state treasurer for deposit in  
10 the ~~state court~~ **civil filing fee** fund created by section ~~151a~~  
11 **171**.

12 Sec. 880b. (1) Except as otherwise provided by law, after  
13 the commencement of a civil action or proceeding in the probate  
14 court, a party filing a motion, petition, account, objection, or  
15 claim shall pay a ~~\$15.00~~ **\$20.00** motion fee to the probate  
16 register.

17 (2) A fee shall not be charged under this section in a  
18 guardianship or limited guardianship proceeding if the moving  
19 party is the subject of the proceeding.

20 (3) A fee shall not be charged under this section in a  
21 conservatorship proceeding if the moving party is the subject of  
22 the proceeding or, if the conservatorship is for a minor, for a  
23 motion to release restricted funds.

24 (4) A party is not required to pay a fee under this section  
25 if the party is the attorney general, department of treasury,  
26 family independence agency, state public administrator, or  
27 administrator of veterans affairs of the United States veterans

1 administration, or an agency of county government.

2 (5) The probate register, on or before the fifth day of the  
3 month following the month in which fees are collected under this  
4 section, shall transmit to the county treasurer all fees  
5 collected under this section during the preceding month. Within  
6 15 days after receiving the fees, the county treasurer shall  
7 transmit 50% of each fee collected to the state treasurer for  
8 deposit in the state court fund created by section 151a and shall  
9 deposit the remaining 50% of each fee in the county general fund  
10 for use exclusively for expenses of the probate court, to be  
11 first applied toward expenses in adult guardianship proceedings  
12 of the independent evaluations, legal counsel, and periodic  
13 review mandated by article 5 of the estates and protected  
14 individuals code, 1998 PA 386, MCL 700.5101 to ~~700.5513~~  
15 **700.5520**.

16 Sec. 1027. (1) At the time of commencing an ancillary  
17 guardianship or limited guardianship proceeding in the family  
18 division of circuit court, the party commencing the proceeding  
19 shall pay a ~~\$50.00~~ **\$150.00** filing fee to the family division of  
20 circuit court.

21 (2) A party is not required to pay a fee under this section  
22 if the party is the attorney general, department of treasury,  
23 family independence agency, state public administrator, or  
24 administrator of veterans affairs of the United States veterans  
25 administration, or an agency of county government.

26 (3) The clerk of the court, on or before the fifth day of the  
27 month following the month in which any fees are collected under

1 this section, shall transmit to the county treasurer all fees  
2 collected under this section during the preceding month. Within  
3 15 days after receiving the fees, the county treasurer shall  
4 transmit, ~~all fees collected to the state treasurer for deposit~~  
5 ~~in the state court fund created by section 151a~~ **for each fee**  
6 **collected, \$31.00 to the county treasurer and the balance of the**  
7 **fee to the state treasurer for deposit in the civil filing fees**  
8 **fund created in section 171.**

9 Sec. 2529. (1) In the circuit court, the following fees  
10 shall be paid to the clerk of the court:

11 (a) Before a civil action other than an action brought  
12 exclusively under section 2950, 2950a, or 2950h to ~~2950/~~ **2950m**  
13 is commenced, or before the filing of an application for  
14 superintending control or for an extraordinary writ, except the  
15 writ of habeas corpus, the party bringing the action or filing  
16 the application shall pay the sum of ~~\$100.00~~ **\$150.00**. The  
17 clerk at the end of each month shall transmit for each fee  
18 collected under this subdivision within the month ~~—, \$18.75 to~~  
19 ~~the executive secretary of the Michigan judges retirement system~~  
20 ~~created by the judges retirement act of 1992, 1992 PA 234,~~  
21 ~~MCL 38.2101 to 38.2670; \$5.00 to the secretary of the Michigan~~  
22 ~~legislative retirement system for deposit with the state~~  
23 ~~treasurer in the retirement fund created by the Michigan~~  
24 ~~legislative retirement system act, 1957 PA 261, MCL 38.1001 to~~  
25 ~~38.1080; \$5.25 to the state treasurer for deposit in the general~~  
26 ~~fund; \$2.00 to the state treasurer to be credited to the~~  
27 ~~community dispute resolution fund created by the community~~

1 ~~dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;~~  
2 ~~\$11.00~~ **\$31.00** to the county treasurer ~~—~~ and the balance of the  
3 filing fee to the state treasurer for deposit in the ~~state~~  
4 ~~court~~ **civil filing fee** fund created in section ~~151a~~ **171**.

5 (b) Before the filing of a claim of appeal or motion for  
6 leave to appeal from the district court, probate court, a  
7 municipal court, or an administrative tribunal or agency, the sum  
8 of ~~\$100.00~~ **\$150.00**. For each fee collected under this  
9 subdivision, the clerk shall transmit ~~\$15.00~~ **\$31.00 to the**  
10 **county treasurer and the balance of the fee** to the state  
11 treasurer for deposit in the ~~state court~~ **civil filing fee** fund  
12 created in section ~~151a~~ **171**.

13 (c) If a trial by jury is demanded, the party making the  
14 demand at the time shall pay the sum of \$85.00. Failure to pay  
15 the fee at the time the demand is made constitutes a waiver of  
16 the right to a jury trial. The sum shall be taxed in favor of  
17 the party paying the fee, in case the party recovers a judgment  
18 for costs. For each fee collected under this subdivision, the  
19 clerk shall transmit \$25.00 to the state treasurer for deposit in  
20 the juror compensation reimbursement fund created in section  
21 151d.

22 (d) Before entry of a final judgment in an action for divorce  
23 or separate maintenance in which minor children are involved, or  
24 the entry of a final judgment in a child custody dispute  
25 submitted to the circuit court as an original action, 1 of the  
26 following sums, which shall be deposited by the county treasurer  
27 as provided in section 2530:

1 (i) If the matter was contested or uncontested and was not  
2 submitted to domestic relations mediation or investigation by the  
3 friend of the court, \$30.00.

4 (ii) If the matter was contested or uncontested and was  
5 submitted to domestic relations mediation, \$50.00.

6 (iii) If the matter was contested or uncontested and the  
7 office of the friend of the court conducted an investigation and  
8 made a recommendation to the court, \$70.00.

9 (e) Except as otherwise provided in this section, upon the  
10 filing of a motion the sum of \$20.00. In conjunction with an  
11 action brought under section 2950 or 2950a, a motion fee shall  
12 not be collected for a motion to dismiss the petition, a motion  
13 to modify, rescind, or terminate a personal protection order, or  
14 a motion to show cause for a violation of a personal protection  
15 order. A motion fee shall not be collected for a motion to  
16 dismiss a proceeding to enforce a foreign protection order or a  
17 motion to show cause for a violation of a foreign protection  
18 order under sections 2950h to ~~2950l~~ 2950m. For each fee  
19 collected under this subdivision, the clerk shall transmit \$10.00  
20 to the state treasurer for deposit in the state court fund  
21 created by section 151a.

22 (f) For services under the direction of the court that are  
23 not specifically provided for in this section relative to the  
24 receipt, safekeeping, or expending of money, or the purchasing,  
25 taking, or transferring of a security, or the collecting of  
26 interest on a security, the clerk shall receive the allowance and  
27 compensation from the parties as the court may consider just and

1 shall direct by court order, after notice to the parties to be  
2 charged.

3 (g) Upon appeal to the court of appeals or the supreme court,  
4 the sum of \$25.00.

5 (h) The sum of \$15.00 as a service fee for each writ of  
6 garnishment, attachment, execution, or judgment debtor discovery  
7 subpoena issued.

8 (2) The sums paid as provided in this section shall be held  
9 to be in full for all clerk, entry, and judgment fees in an  
10 action from the commencement of the action to and including the  
11 issuance and return of the execution or other final process, and  
12 are taxable as costs.

13 (3) Except as otherwise provided in this section, the fees  
14 shall be paid over to the county treasurer as required by law.

15 (4) The court shall order any of the fees prescribed in this  
16 section waived or suspended, in whole or in part, upon a showing  
17 by affidavit of indigency or inability to pay.

18 (5) The clerk of the circuit court shall prepare and submit a  
19 court filing fee report to the executive secretary of the  
20 Michigan judges retirement system created by the judges  
21 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at  
22 the same time the clerk of the circuit court transmits the  
23 portion of the fees collected under this section to the executive  
24 secretary.

25 Sec. 5756. (1) If the complaint is for the recovery of  
26 possession of premises only, the fee for filing a proceeding  
27 under this chapter is ~~-\$32.00-~~ **\$40.00.**

1 (2) If a claim for a money judgment is joined with a claim  
2 for the recovery of possession of premises, the plaintiff shall  
3 pay a supplemental filing fee in the same amount as established  
4 by law for the filing of a claim for a money judgment in the same  
5 court.

6 (3) Of each filing fee collected under this section, at the  
7 end of each month, the clerk of the district court shall transmit  
8 ~~-\$2.00 to the state treasurer to be credited to the community~~  
9 ~~dispute resolution fund created by the community dispute~~  
10 ~~resolution act, Act No. 260 of the Public Acts of 1988, being~~  
11 ~~sections 691.1551 to 691.1564 of the Michigan Compiled Laws;~~  
12 ~~\$9.00 to the executive secretary of the Michigan judges~~  
13 ~~retirement system created by the judges retirement act of 1992,~~  
14 ~~Act No. 234 of the Public Acts of 1992, being sections 38.2101 to~~  
15 ~~38.2608 of the Michigan Compiled Laws; \$11.00~~ **\$12.00** to the  
16 treasurer of the district ~~control~~ **funding** unit in which the  
17 action was commenced ~~;~~ and the balance to the state treasurer  
18 for deposit in the ~~state court~~ **civil filing fee** fund created by  
19 section ~~151a~~ **171**.

20 (4) At the end of each month, the clerk of the district court  
21 shall transmit each supplemental filing fee collected under this  
22 section in the same manner as a fee under section 8371 for the  
23 filing of a claim for money judgment for the same amount is  
24 transmitted.

25 (5) The clerk of the district court shall prepare and submit  
26 a court filing fee report to the executive secretary of the  
27 Michigan judges retirement system created by ~~Act No. 234 of the~~

1 ~~Public Acts of 1992~~ **the judges retirement act of 1992, 1992 PA**  
2 **234, MCL 38.2101 to 38.2670**, at the same time the clerk of the  
3 district court transmits the portion of the fees collected under  
4 this section to the executive secretary.

5       Sec. 8371. (1) In the district court, the fees prescribed  
6 in this section shall be paid to the clerk of the court.

7       (2) Before a civil action is commenced in the district court,  
8 the party commencing the action shall pay to the clerk the sum of  
9 ~~-\$100.00~~ **\$150.00** if the amount in controversy exceeds  
10 \$10,000.00. For each fee collected under this subsection, the  
11 clerk shall transmit ~~-\$2.00 to the state treasurer to be credited~~  
12 ~~to the community dispute resolution fund created by the community~~  
13 ~~dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;~~  
14 ~~\$13.50 to the executive secretary of the Michigan judges~~  
15 ~~retirement system created by the judges retirement act of 1992,~~  
16 ~~1992 PA 234, MCL 38.2101 to 38.2670; \$21.50~~ **\$31.00** to the  
17 treasurer of the district ~~control~~ **funding** unit in which the  
18 action was commenced ~~;~~ and shall transmit the balance to the  
19 state treasurer for deposit in the ~~state court~~ **civil filing fee**  
20 fund created by section ~~151a~~ **171**.

21       (3) Before a civil action is commenced in the district court,  
22 the party commencing the action shall pay to the clerk the sum of  
23 ~~-\$52.00~~ **\$60.00** if the amount in controversy exceeds \$1,750.00  
24 but does not exceed \$10,000.00. For each fee collected under  
25 this subsection, the clerk shall transmit ~~-\$2.00 to the state~~  
26 ~~treasurer to be credited to the community dispute resolution fund~~  
27 ~~created by the community dispute resolution act, 1988 PA 260,~~

1 ~~MCL 691.1551 to 691.1564; \$13.50 to the executive secretary of~~  
 2 ~~the Michigan judges retirement system created by the judges~~  
 3 ~~retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670;~~  
 4 ~~\$16.50~~ **\$18.00** to the treasurer of the district ~~control~~ **funding**  
 5 unit in which the action was commenced ~~;~~ and shall transmit the  
 6 balance to the state treasurer for deposit in the ~~state court~~  
 7 **civil filing fee** fund created by section ~~151a~~ **171**.

8 (4) Before a civil action is commenced in the district court,  
 9 the party commencing the action shall pay to the clerk the sum of  
 10 ~~\$32.00~~ **\$40.00** if the amount in controversy exceeds \$600.00 but  
 11 does not exceed \$1,750.00. For each fee collected under this  
 12 subsection, the clerk shall transmit ~~\$2.00 to the state~~  
 13 ~~treasurer to be credited to the community dispute resolution fund~~  
 14 ~~created by the community dispute resolution act, 1988 PA 260,~~  
 15 ~~MCL 691.1551 to 691.1564; \$9.00 to the executive secretary of the~~  
 16 ~~Michigan judges retirement system created by the judges~~  
 17 ~~retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670;~~  
 18 ~~\$11.00~~ **\$12.00** to the treasurer of the district ~~control~~ **funding**  
 19 unit in which the action was commenced ~~;~~ and shall transmit the  
 20 balance to the state treasurer for deposit in the ~~state court~~  
 21 **civil filing fee** fund created by section ~~151a~~ **171**.

22 (5) Before a civil action is commenced in the district court,  
 23 the party commencing the action shall pay to the clerk the sum of  
 24 ~~\$17.00~~ **\$20.00** if the amount in controversy does not exceed  
 25 \$600.00. For each fee collected under this subsection, the clerk  
 26 shall transmit ~~\$2.00 to the state treasurer to be credited to~~  
 27 ~~the community dispute resolution fund created by the community~~

1 ~~dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;~~  
2 ~~\$4.50 to the executive secretary of the Michigan judges~~  
3 ~~retirement system created by the judges retirement act of 1992,~~  
4 ~~1992 PA 234, MCL 38.2101 to 38.2670; \$5.50~~ **\$6.00** to the  
5 treasurer of the district ~~control~~ **funding** unit in which the  
6 action was commenced ~~;~~ and shall transmit the balance to the  
7 state treasurer for deposit in the ~~state court~~ **civil filing fee**  
8 fund created by section ~~151a~~ **171**.

9 (6) The judge shall order payment of any statutory fees  
10 waived or suspended, in whole or in part, upon a showing by  
11 affidavit of indigency or inability to pay.

12 (7) Neither this state nor a political subdivision of this  
13 state shall be required to pay a filing fee in a civil infraction  
14 action.

15 (8) Except for civil actions filed for relief under chapter  
16 43, 57, or 84, if a civil action is filed for relief other than  
17 money damages, the filing fee shall be equal to the filing fee in  
18 actions for money damages in excess of \$1,750.00 but not in  
19 excess of \$10,000.00 as provided in subsection (3) ~~—~~ and shall  
20 be transmitted in the same manner as a fee under subsection (3)  
21 is transmitted. **If a claim for money damages is joined with a**  
22 **claim for relief other than money damages, the plaintiff shall**  
23 **pay a supplemental filing fee in the same amount as required**  
24 **under subsections (2) to (5).**

25 (9) If a trial by jury is demanded, the party making the  
26 demand at the time shall pay the sum of \$50.00. Failure to pay  
27 the fee at the time the demand is made constitutes a waiver of

1 the right to a jury trial. The sum shall be taxed in favor of  
2 the party paying the fee, in case the party recovers a judgment  
3 for costs. For each fee collected under this subsection, the  
4 clerk shall transmit \$10.00 to the state treasurer for deposit in  
5 the juror compensation reimbursement fund created in section  
6 151d.

7 (10) ~~If the amount in controversy in a civil action exceeds~~  
8 ~~\$10,000.00, a~~ **A** sum of \$20.00 shall be assessed for all motions  
9 filed in that civil action. For each fee collected under this  
10 subsection, the clerk shall transmit \$10.00 to the state  
11 treasurer for deposit in the state court fund created in  
12 section 151a and the balance shall be transmitted to the  
13 treasurer of the district ~~control~~ **funding** unit for the district  
14 court in the district in which the action was commenced.

15 (11) The clerk of the district court shall prepare and submit  
16 a court filing fee report to the executive secretary of the  
17 Michigan judges retirement system created by the judges  
18 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at  
19 the same time the clerk of the district court transmits the  
20 portion of the fees collected under this section to the executive  
21 secretary.

22 Sec. 8420. (1) A fee of ~~\$17.00~~ **the following amount, as**  
23 **applicable**, shall be charged and collected for the filing of the  
24 affidavit for the commencement of any action: ~~in which~~

25 **(a) \$20.00, if** the amount in controversy does not exceed  
26 \$600.00. ~~and a fee of \$32.00 shall be charged and collected in~~  
27 ~~any action in which~~

1           **(b) \$40.00, if the amount in controversy exceeds \$600.00 but**  
2 **does not exceed \$1,750.00.**

3           **(c) \$60.00, if the amount in controversy exceeds \$1,750.00.**

4           **(2)** A fee in an amount equal to the prevailing postal rate  
5 for the service provided shall be charged and collected for each  
6 defendant to whom a copy of the affidavit is mailed by the  
7 clerk. A fee of \$15.00 shall be charged and collected for the  
8 issuance of a writ of execution, attachment, or garnishment —  
9 and for the issuance of a judgment debtor discovery subpoena.  
10 Except as otherwise provided in this chapter, a fee or charge  
11 shall not be collected by an officer for any service rendered  
12 under this chapter or for the taking of affidavits for use in  
13 connection with any action commenced under this chapter.

14           **(3) —(2)—** Of each ~~—\$17.00—~~ **\$20.00** filing fee collected within  
15 the month, at the end of each month, the clerk shall transmit  
16 ~~—\$2.00 to the state treasurer to be credited to the community~~  
17 ~~dispute resolution fund created by the community dispute~~  
18 ~~resolution act, Act No. 260 of the Public Acts of 1988, being~~  
19 ~~sections 691.1551 to 691.1564 of the Michigan Compiled Laws;~~  
20 ~~\$4.50 to the executive secretary of the Michigan judges~~  
21 ~~retirement system created by the judges retirement act of 1992,~~  
22 ~~Act No. 234 of the Public Acts of 1992, being sections 38.2101 to~~  
23 ~~38.2608 of the Michigan Compiled Laws; \$5.50—~~ **\$6.00** to the  
24 treasurer of the district ~~—control—~~ **funding** unit in which the  
25 action was commenced —;— and the balance to the state treasurer  
26 for deposit in the ~~—state court—~~ **civil filing fee** fund created in  
27 section ~~—151a—~~ **171.**

1           (4) ~~(3)~~ Of each ~~-\$32.00-~~ **\$40.00** filing fee collected within  
2 the month, at the end of each month, the clerk shall transmit  
3 ~~-\$2.00 to the state treasurer to be credited to the community~~  
4 ~~dispute resolution fund created by Act No. 260 of the Public Acts~~  
5 ~~of 1988; \$9.00 to the executive secretary of the judges~~  
6 ~~retirement system; \$11.00-~~ **\$12.00** to the treasurer of the  
7 district ~~control-~~ **funding** unit in which the action was commenced  
8 ~~;~~ and the balance to the state treasurer for deposit in the  
9 ~~state court-~~ **civil filing fee** fund created in section ~~151a~~  
10 171.

11           (5) Of each **\$60.00** filing fee collected within the month, at  
12 the end of each month, the clerk shall transmit **\$18.00** to the  
13 treasurer of the district funding unit in which the action was  
14 commenced and the balance to the state treasurer for deposit in  
15 the civil filing fee fund created in section 171.

16           (6) ~~(4)~~ If the affidavit and notice to appear and answer  
17 are served by personal service, the person serving the process is  
18 entitled to the same fee and mileage as for the service of a  
19 summons and complaint out of the district court.

20           ~~(5) The clerk of the district court shall prepare and submit~~  
21 ~~a court filing fee report to the executive secretary of the~~  
22 ~~Michigan judges retirement system created by Act No. 234 of the~~  
23 ~~Public Acts of 1992 at the same time the clerk of the district~~  
24 ~~court transmits the portion of the fees collected under this~~  
25 ~~section to the executive secretary.~~

26           Enacting section 1. This amendatory act takes effect  
27 October 1, 2003.