

OPINION
47-45

April 18, 1947 (OPINION)

DISTRICT COURT

RE: Filing Fees

This will acknowledge your letter of April 9, 1947, with reference to Senate Bill No. 151 of the 1947 session. You want to know whether the filing fee of \$7.50 provided by subsection 1 of section 11-1704 of the 1943 Revised Code, as amended by section 3 of Senate Bill No. 151, should be charged in divorce actions, quieting title actions, discharges of old mortgages, trusts, deposit actions and adoptions.

Undoubtedly the \$7.50 filing fee should be charged in the filing of divorce actions and quieting title actions. I do not believe it should be charged in ex parte proceedings dealing with the discharges of old mortgages.

You will note that subsection 1 of section 11-1704 of the 1943 Revised Code was the only subsection amended. Accordingly, it must have been the intent of the legislative assembly to leave the fees enumerated in subsections 2 to 22 of that section the same as they have always been. Subsection 21 specifically states that "for all services in adoption proceedings, three dollars." The three dollar filing fee has always been charged in adoption matters as far as I can determine. Subsection 22 states that "for all services in proceedings for deposit in court, three dollars." Accordingly, a \$3.00 filing fee charged for deposits is the same as it always has been.

I am not entirely clear as to what you mean by trusts and accordingly this opinion does not cover trusts at all. If you will explain further what you mean by trusts, I shall be glad to go into that matter.

It is the opinion of this office that Senate Bill No. 151 does not change the filing fees set forth in subsections 21 and 22, dealing with adoption proceedings and for proceedings for deposits in court. Senate Bill No. 151 covers only the filing fee in what constitutes an action such as divorce cases, quieting title cases, and other cases, involving civil remedy. All the other fees enumerated in section 11-1704 of the 1943 Revised Code remain as they have always been.

NELS G. JOHNSON

Attorney General