

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS65509-LLf-313 (5/16)

Short Title: Court Fee for Legal Services.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PORTION OF THE GENERAL COURT OF JUSTICE
COURT FEE USED FOR LEGAL SERVICES PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-304(a)(4) reads as rewritten:

"(4) For support of the General Court of Justice, the sum of eighty-five dollars and fifty cents (\$85.50) in the district court, including cases before a magistrate, and the sum of ninety-two dollars and fifty cents (\$92.50) in the superior court, to be remitted to the State Treasurer. For a person convicted of a felony in superior court who has made a first appearance in district court, both the district court and superior court fees shall be assessed. The State Treasurer shall remit the sum of ~~one dollar and five cents (\$1.05)~~ two dollars and five cents (\$2.05) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19."

SECTION 2. G.S. 7A-305(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice, the sum of seventy-nine dollars (\$79.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, an additional two hundred dollars (\$200.00) shall be paid upon its assignment, and the sum of sixty-four dollars (\$64.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-three dollars (\$53.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State

1 Treasurer shall remit the sum of ~~one dollar and five cents (\$1.05)~~ two
2 dollars and five cents (\$2.05) of each fee collected under this
3 subdivision to the North Carolina State Bar for the provision of
4 services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of
5 each fee collected under this subdivision to the North Carolina State
6 Bar for the provision of services described in G.S. 7A-474.19."

7 **SECTION 3.** G.S. 7A-306(a)(2) reads as rewritten:

8 "(2) For support of the General Court of Justice the sum of forty dollars
9 (\$40.00). In addition, in proceedings involving land, except boundary
10 disputes, if the fair market value of the land involved is over one
11 hundred dollars (\$100.00), there shall be an additional sum of thirty
12 cents (30¢) per one hundred dollars (\$100.00) of value, or major
13 fraction thereof, not to exceed a maximum additional sum of two
14 hundred dollars (\$200.00). Fair market value is determined by the sale
15 price if there is a sale, the appraiser's valuation if there is no sale, or
16 the appraised value from the property tax records if there is neither a
17 sale nor an appraiser's valuation. Sums collected under this subdivision
18 shall be remitted to the State Treasurer. The State Treasurer shall remit
19 the sum of ~~one dollar and five cents (\$1.05)~~ two dollars and five cents
20 (\$2.05) of each forty-dollar (\$40.00) General Court of Justice fee
21 collected under this subdivision to the North Carolina State Bar for the
22 provision of services described in G.S. 7A-474.4."

23 **SECTION 4.** G.S. 7A-307(a)(2) reads as rewritten:

24 "(2) For support of the General Court of Justice, the sum of forty dollars
25 (\$40.00), plus an additional forty cents (40¢) per one hundred dollars
26 (\$100.00), or major fraction thereof, of the gross estate, not to exceed
27 six thousand dollars (\$6,000). Gross estate shall include the fair market
28 value of all personalty when received, and all proceeds from the sale of
29 realty coming into the hands of the fiduciary, but shall not include the
30 value of realty. In collections of personal property by affidavit, the fee
31 based on the gross estate shall be computed from the information in
32 the final affidavit of collection made pursuant to G.S. 28A-25-3 and
33 shall be paid when that affidavit is filed. In all other cases, this fee
34 shall be computed from the information reported in the inventory and
35 shall be paid when the inventory is filed with the clerk. If additional
36 gross estate, including income, comes into the hands of the fiduciary
37 after the filing of the inventory, the fee for such additional value shall
38 be assessed and paid upon the filing of any account or report
39 disclosing such additional value. For each filing the minimum fee shall
40 be fifteen dollars (\$15.00). Sums collected under this subdivision shall
41 be remitted to the State Treasurer. The State Treasurer shall remit the
42 sum of ~~one dollar and five cents (\$1.05)~~ two dollars and five cents
43 (\$2.05) of each forty-dollar (\$40.00) General Court of Justice fee

1 collected under this subdivision to the North Carolina State Bar for the
2 provision of services described in G.S. 7A-474.4."
3 **SECTION 5.** This act becomes effective July 1, 2006, and applies to fees
4 assessed or collected on or after that date.