

**REVISED SCHEDULE OF
CHARGES, COSTS AND FEES TO BE CHARGED BY THE
CLERKS OF THE CIRCUIT COURTS
UNDER COURTS ARTICLE, § 7-202**

Effective May 17, 2018

I. Scope of Schedule.

A. Courts.

1. *Circuit Courts.* This Schedule applies to court charges, costs, and fees in connection with all actions filed or pending in a circuit court and other services of clerks of the circuit courts.
2. *Appellate Courts.* This Schedule does not apply to any charge, cost, or fee in the Court of Appeals or Court of Special Appeals.
3. *District Court.* This Schedule does not apply to any charge, cost, or fee in the District Court, other than deposits under Rule 7-103.

B. Limitations.

1. *Imposition under Statute or Rule.* This Schedule does not affect any charge, cost or fee set or required to be assessed by statute or rule. See, e.g., Courts Article, §§ 2-102(b)(1) and (2), 5-1002, 7-204, 7-401, 7-402, and 7-409, as to the minimum auditor's compensation and fees for counsel in Baltimore City, prisoner litigation, appearance fees, supplementary proceedings, sheriffs' fees, and criminal injuries compensation and crime victims' fees, respectively.
2. *Waiver by Statute.* This Schedule does not affect any waiver, by statute, of a charge, cost, or fee or its prepayment. See, e.g., Courts Article, § 7-202(b); Criminal Procedure Article, § 1-203(d)(4); and Family Law Article, §§ 4-504(c) and 5-1011(c), as to charges against the State, any county, municipality, or Baltimore City, petitions for return of seized property, petitioners for protective orders against domestic violence, and child support enforcement.
3. *Waiver by Court.* This Schedule does not interfere with a court's authority or duty, under statute or rule, to waive a charge, cost, or fee or its prepayment. See, e.g., Courts Article, § 7-201 and Rules 1-325(a) and 2-603(e).

4. *Assessment Against and Allocation Among Parties.* This Schedule does not interfere with a court's authority or duty, under statute or rule, to assess costs against a party or to allocate costs among parties. See, e.g., Agriculture Article, §§ 4-125(d) and 5-111(c), Courts Article, §§ 3-228(b) and 7-409(d), Family Law Article, § 4-506(d)(12), Labor and Employment Article, §§ 3-605(b) and 9-902(f), Real Property Article, § 10-108, and Rules 1-325(b), 2-415(a), 2-506(d), and 2-603(a), (c), and (d), and 4-353.

C. Uniformity. For services enumerated in this Schedule, the charges, costs, and fees shall be uniform throughout the State exclusively as provided in this Schedule.

II. Charges, Costs, and Fees.

A. Initial Filing Fee.

1. *Civil Actions Other Than Juvenile Proceedings and Appeals.*

(A) Unless a different fee is prescribed in paragraph (B) of this subsection, a clerk shall collect a \$165^{1, 2} filing fee for docketing a civil action or proceeding, not including an appeal but including:

- (1) a certified copy of a pleading giving rise to a lis pendens or a notice of lis pendens; and
- (2) a petition for writ of habeas corpus, except when filed by the Office of the Public Defender.

(B) A clerk shall collect:

- (1) a \$95^{1, 2} filing fee for docketing a petition for confirmation, correction, or modification of an arbitration award under Courts Article, Title 3, Subtitle 2, for confirmation of an arbitration award under Courts Article, § 3-2A-05(i); and
- (2) a \$31² filing fee for docketing a motion to hold a person in contempt, or to modify alimony, custody, support, or visitation; and
- (3) a \$110^{1, 2} filing fee for:
 - (a) a summons or other notice of a court of another state for appearance of a witness for deposition;
 - (b) a foreign judgment under the Maryland Uniform Enforcement of Foreign Judgments Act (Courts Article, §§ 11-801 through 11-807);

- (c) a certified copy of a foreign custody order under the Maryland Uniform Child Custody Jurisdiction and Enforcement Act (Family Law Article, §§ 9.5-101 through 9.5-318); and
 - (d) a motion under Rule 16-732(d) for an order in connection with a subpoena of Bar Counsel.
 - (4) a \$100 fee for the special admission of an out-of-state attorney under Maryland Rule 19-214 and § 10-215 of the Business Occupations and Professions Article.
 - (C) In a case filed under Family Law Article, Title 4, Subtitle 5, a clerk shall collect costs only if assessed against a respondent by the circuit court under Family Law Article, § 4-506(d)(12).
 - (D) An order to docket or complaint to foreclose a mortgage or deed of trust on residential property shall be accompanied by a filing fee in the amount of \$300 in addition to any other filing fees required by law.
 - (E) In a foreclosure action on owner-occupied residential property, a request for foreclosure mediation shall be accompanied by a filing fee of \$50.
- 2. *Juvenile Proceedings.*
 - (A) A circuit court may include a \$165^{1, 2} filing fee in the costs assessed under Courts Article, § 3-8A-19(g) or § 3-8A-19.2(c)(4), in which case the clerk shall collect the assessed fee.
- 3. *Criminal Cases Other Than Appeals.*
 - (A) Unless a different fee is prescribed in paragraph (B) of this subsection, a court shall include an \$80 filing fee in the costs assessed under Rule 4-353, in which case the clerk shall collect the assessed fee.
 - (B) A clerk shall collect:
 - (1) a \$25 filing fee for docketing:
 - (a) a petition for extension of the time for forfeiture of a bond;
 - (b) a petition to strike a bond forfeiture; and
 - (c) a petition for remission of a bond forfeiture; and

- (2) a \$30 filing fee for docketing a petition for expungement of records in a criminal case in which petitioner has been found guilty of a charge.

4. *Removals and Appeals from the District Court.*

(A) The clerk of the District Court shall collect and transmit to the clerk of a circuit court the initial filing fee payable under II.A.1 in a case removed under Courts Article, § 6-104(b), from the District Court to the circuit court.

(B) The clerk of the District Court shall collect and transmit to a clerk of a circuit court sitting as an appellate court the charges, costs, filing fees for an appeal, in accordance with Rule 7-103(c) and (d), as follows:

(1) in a criminal case, an \$80 filing fee; and

(2) in a civil action:

(a) no fee for an appeal under Family Law Article, Title 4, Subtitle 5;

(b) a \$115^{1,2} filing fee for an appeal on an application for expungement; and

(c) a \$165^{1,2} filing fee for any other action.

5. *Appeals from Administrative Agencies.*

(A) A clerk of a circuit court shall collect a \$165^{1,2} filing fee for an appeal from an administrative agency.

B. Dismissals. A clerk shall collect a \$15 fee on voluntary dismissal of a civil proceeding or case.

C. Case Files. A clerk shall collect no fee for filing in a case file:

- 1. an auditor's report on distribution of the proceeds of a sale of personal or real property, ratified by the clerk's court; or
- 2. a bond of any nature or kind given in a proceeding in the clerk's court.

- D. Certain Post Judgment Charges.** A clerk shall collect a \$31¹ fee for docketing:
1. a motion under Rule 2-648 for enforcement of a judgment mandating or prohibiting conduct;
 2. a motion under Rule 2-651 seeking ancillary relief in aid of enforcement;
 3. a request for examination in aid of enforcement under Rule 2-633 (in addition to the charges required by Courts Article, § 7-401);
 4. a request for issuance of one or more writs of execution, garnishment, or possession; and
 5. a request for issuance of a charging order.

- E. Annual Fiduciary Account.** For an estate or trust administered under supervision of a court, the clerk shall collect on filing of each annual account:
1. a \$10 filing fee; and
 2. unless the account is to be referred to a court auditor for review, a review fee computed as follows:

<u>Size of Account</u>	<u>Fee</u>
0 to \$10,000	\$10
Over \$10,000 to \$25,000	\$20
Over \$25,000	\$30

- F. Appeals From a Circuit Court, Removals, and Transfers.** For preparing the record for transmittal and for postage or transport of the record to the receiving court, the clerk shall collect:
1. \$60 for an appeal to the Court of Appeals or the Court of Special Appeals; and
 2. \$60 for a removal or transfer of a case to another circuit court.

G. Recording.

1. *Judgments, Liens and Proceedings.* A clerk shall collect a \$15 recordation fee for:
 - (A) recording a judgment of another court in this State;
 - (B) each entry of an assignment of, credit on, modification of, release of, or satisfaction of any judgment of any court in this State, other than filed by the District Court;

- (C) each entry of a judgment renewed;
- (D) recording a lien, other than a notice filed by the District Court or documents in connection with a lien under Real Property Article, § 3-404;
- (E) each entry of an assignment of, credit on, modification of, or release of a lien, other than a notice of lien filed by the District Court, documents in connection with a lien under Real Property Article, § 3-404, or a release of lien filed by the District Court;
- (F) recording a request for notice of judgment (ejectment);
- (G) recording a request for notice of a foreclosure sale;
- (H) recording proceedings in court records, such as those required by Rule 14-306, or other court instrument required by law to be recorded; and
- (I) recording a lien filed under Business Occupations & Professions Article, § 17-411(e)(7), Business Regulation Article, §§ 4.5-711(f) and 8-410(f), Health Occupations Article, § 7-4A-12(e), and Labor & Employment Article, § 3-1105.

2. *Out of State Protective Orders.* A clerk shall collect no fee for recording an order for protection issued by another state or a Native American tribe under Family Law Article, § 4-508.1.
3. *Declarations of Trust.* A clerk shall collect no fee for recording a declaration of trust under Rule 4-217(e)(1)(B), to secure a bail bond or for a release of such declaration.

H. Interest Bearing Accounts. A clerk shall collect a \$25 fee for opening an interest bearing account.

I. Copies.

1. *General/Other.* A clerk shall collect a fee of 50 cents per page for each copy that the clerk or any customer makes or for any True Test copy.
2. *Plat Records.* A clerk shall collect a fee of 50 cents per 11" x 17" or smaller page, and \$1 per page larger than 11" x 17", for each copy of a plat that the clerk or a customer makes.

3. *Certified Copies.* In addition to the per page copy required under II. I.1. above, a clerk shall collect a \$5 fee for each certification of a copy.
4. *Exemplified Copies.* In addition to the per page required by II. I. 1. above, a clerk shall collect a \$10 fee for exemplifying a copy.
5. *Copy Debit Device.* A clerk shall collect a fee of \$10 for a copy debit service for any customer use in making self-service copies.

III. Time of Payment.

A. Advance Payment Generally. Unless a court waives prepayment of a charge, cost, or fee or paragraph B of this section expressly provides otherwise, a clerk shall collect the charge, cost, or fee for a service in accordance with this Schedule before the clerk performs the service.

B. Exceptions.

1. *Filing Fee and Costs.* A clerk shall not collect a filing fee or other court cost in advance in:
 - (A) an appeal exempted under Courts Article, § 7-201(a);
 - (B) a case in which a court orders waiver of the prepayment of a filing fee;
 - (C) a case transferred from the District Court to a circuit court in accordance with a jury trial demand in the District Court;
 - (D) an original criminal proceeding instituted in the circuit court, other than a petition for extension of the time for forfeiture of a bond, for striking a bond forfeiture, for remission of a bond forfeiture, or for expungement of records;
 - (E) a criminal case in which the defendant has been recharged in the circuit court under Rule 4-221;
 - (F) an original juvenile proceeding brought in the circuit court under Courts Article, Title 3, Subtitle 8 or 8A;
 - (G) a domestic violence case filed under Family Law Article, § 4-504;
 - (H) a URESA proceeding;
 - (I) a case in which the plaintiff or petitioner is represented by counsel retained through a pro bono or legal services program that is recognized by Maryland Legal Services Corporation, if the program

provides the clerk with a memorandum that names the program, attorney(s), and client(s), that specifies that representation is being provided for client(s) meeting the financial eligibility criteria of the Corporation, and that states that payment of filing fees is not required under the Prisoner Litigation Act;

- (J) a case in which representation is being provided by Maryland Legal Aid Bureau, Inc.; or
- (K) a child support proceeding, including paternity, in which the plaintiff or petitioner is the Child Support Administration of the Maryland Department of Human Services or a person whom the Administration approves for child support services.

2. *Charges, Costs, and Fees in Excepted Cases.* If this Schedule, a statute, or a court waives prepayment of a charge, cost, or fee in a case, the court shall award charges, costs, and fees in accordance with this Schedule, at the conclusion of the case. The clerk shall collect the charges, costs, and fees assessed under this paragraph, in addition to any open costs that the court imposes under any applicable statute, rule, or regulation such as: Family Law Article, § 4-506(d)(12); or Rule 1-341 or 2-508(e).

C. Refunds. Except as provided by statute, a charge, cost, or fee is not refundable.

D. Adjustment by Parties. Parties shall settle among themselves charges, costs, and fees that are paid in advance by a party and charged to another party.

IV. Effective Date; Rescission of Prior Schedules.

A. Effective Dates. This revised Schedule takes effect May 17, 2018, and applies to every action, case, proceeding or service described in this Schedule and pending, filed, requested or performed on or after that date.

B. Rescission of Prior Schedules. All previous Schedules promulgated under Courts Article, § 7-202 are rescinded effective at midnight, May 16, 2018.

¹ Includes Maryland Legal Services Corporation Fund surcharge of \$55.

² Includes Circuit Court Real Property Records Improvement Fund surcharge - \$30 for initial filing and \$6 for reopened filings.