

**Fees, District Court. Judgment, Fees on Confession of.
Clerk, District Court Collection of Fees by.**

The Clerk of the Court is entitled to collect as fees the sum of ten dollars in a proceeding instituted to secure judgment of confession.

August 18th, 1916.

Hon. H. S. Macgraw, State Examiner,
Helena, Montana,

Dear Sir:—

I am in receipt of your letter of the 16th instant, containing the following request for an opinion:

“Will you kindly advise us if the Clerk of the District Court is authorized to collect the \$10.00 costs referred to in Section 7252, Revised Codes, in addition to the other fees and the amount of the judgment?”

The Section to which you refer relates to the duties of the Clerk of Court with respect to the entry of judgment by confession and has nothing to do with reference to the collection of fees. The fees to be collected by the Clerk in every action or proceedings are regulated by and enumerated in Section 3169 Revised Codes.

Confession of judgment is a proceeding instituted in the District Court to obtain a judgment and it contemplates the appearance of a plaintiff and defendant. The fees to be collected by him, under this Section, are: \$5.00 for commencing the proceeding, \$2.50 for appearance of defendant, \$2.50 for entry of judgment.

Yours very truly,

J. B. POINDEXTER,
Attorney General.