

Sheriffs—Fees—Mileage — Service — Garnishment — Attachment.

A sheriff is not entitled to a separate fee for serving a notice of garnishment accompanied with a writ of attachment.

December 12, 1927.

R. N. Hawkins, Esq.,
Assistant State Examiner,
Helena, Montana.

My dear Mr. Hawkins:

You have submitted the following question for my opinion:

When a sheriff serves a writ of attachment, and the said writ is accompanied and attached thereto with a notice of garnishment, should the sheriff charge and receive for the county a fee of \$1.00 for the writ of attachment and \$1.00 for the garnishment?

Section 4916, R. C. M. 1921, provides the fees to be collected by the sheriff. The second paragraph says:

“For levying and serving each writ of attachment or execution on real or personal property, besides mileage, \$1.00.”

Paragraph nine of the same section reads as follows:

“For serving every notice, rule or order, besides mileage, on each person, \$1.00.”

It is my opinion that the levy of the writ of attachment includes the service of the writ and notice of garnishment for which \$1.00 is chargeable, and that paragraph nine of section 4916 has reference to other matters and not to the notice that accompanies a writ of attachment.

Very truly yours,

L. A. FOOT,
Attorney General.