

### Clerk of Court—Fees—Judgments.

The clerk of court is entitled to charge a fee for each judgment when more than one judgment is entered in the same case.

May 18, 1928.

A. J. Lochrie, Esq.,  
Superintendent of Banks,  
Helena, Montana.

My dear Mr. Lochrie:

You have submitted to me a letter from Glen M. Cox, deputy clerk of court at Shelby, in which he desires to know whether when a second judgment has been rendered in the same case by virtue of the reversal on appeal and a new trial granted, a separate fee should be charged for the second judgment or whether the payment of the fee for entering the first judgment is all that is required.

Under section 4918 R. C. M. 1921 the clerk of the court is authorized to make a charge for "the entry of judgment."

Under section 9403 R. C. M. 1921 et seq. provision has been made for the entry of judgment by the clerk. It was for the rendition of this service that the fee provided for in section 4918 must be paid.

It is my opinion that if more than one judgment is entered in the same case a separate fee should be charged for each judgment.

Very truly yours,

L. A. FOOT,  
Attorney General.