

Opinion No. 106.

Fee—Filing Fee—Clerk of District Court—Transcripts, Filing Fee—District Court, Filing Fee.

Held: The proper fee to be charged for issuing a transcript of judgment is 15c per folio when certified to, plus 50c for certificate and seal.

December 22, 1945.

Mr. W. M. Black
County Attorney
Toole County
Shelby, Montana

Dear Mr. Black:

Your clerk of the district court has requested an opinion from this office concerning what constitutes a **proper charge for issuing a transcript of judgment.**

Section 4918, Revised Codes of Montana, 1935, is pertinent to this question and covers the fees of the clerk of the district court. The portion of that section covering the question presented states:

“For preparing copies of papers in his office, per folio, 15c, when certified to, in addition thereto, 50c for certificate and seal.”

This is specific and leaves no doubt as to the proper charge for preparing transcript, such transcript being copies of any kind. The basis for the fee of \$2.50 that the clerk of the district court mentioned apparently is that portion of Section 4918, Revised Codes of Montana, 1935, which states:

“For filing and docketing transcript of judgment from all other counties and issuing execution thereon, \$2.50.”

This fee is for filing and docketing from other jurisdictions and does not cover the situation of issuing copies

of the original judgment such as is the case here at hand.

It is therefore my opinion that the proper fee to be charged for issuing a transcript of judgment is fifteen cents per folio when certified to, plus fifty cents for certificate and seal.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General