

SENATE BILL NO. 215

INTRODUCED BY MAZUREK, S. BROWN, HAZELBAKER, J. O'HARA

IN THE SENATE

January 20, 1981	Introduced and referred to Committee on Local Government.
February 20, 1981	Committee recommend bill do pass as amended. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 46; Noes, 2. Transmitted to House.

IN THE HOUSE

March 2, 1981	Introduced and referred to Committee on Local Government.
March 16, 1981	Committee recommend bill be concurred in. Report adopted.
March 19, 1981	Second reading, concurred in.
March 21, 1981	Third reading, concurred in. Ayes, 88; Noes, 4.

IN THE SENATE

March 21, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *215*
 2 INTRODUCED BY *Musyush* *STEVE BROWN* *Walter*
 3 *J. Ottano*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES
 5 CHARGED BY THE COUNTY SHERIFF FOR SERVICE OF CERTAIN
 6 DOCUMENTS AND TO PROVIDE A FEE FOR THE HOLDING,
 7 CANCELLATION, OR POSTPONEMENT OF A SHERIFF'S SALE; AMENDING
 8 SECTION 7-32-2141, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-32-2141, MCA, is amended to read:

12 "7-32-2141. Fees of the sheriff. (1) The sheriff shall
 13 receive the following fees:

14 (1)(a) for the service of summons and complaint on
 15 each defendant, \$2 ~~10~~;

16 (b) ~~for making a return of a summons for a person not~~
 17 ~~found in the county, in addition to actual mileage traveled,~~
 18 ~~\$5;~~

19 (2)(c) for levying and serving each writ of attachment
 20 of execution on real or personal property, \$2 ~~10~~;

21 (3)(d) for service of attachment on the body or order
 22 of arrest on each defendant, \$2 ~~10~~;

23 (4)(e) for the service of affidavit, order, and
 24 undertaking in claim and delivery, \$2 ~~10~~;

25 (5)(f) for serving a subpoena, \$1 ~~12~~ for each witness

1 summoned;

2 (6)(g) for serving writ of possession or restitution,
 3 \$4 ~~10~~;

4 (7)(h) for trial of the right of property or damages,
 5 including all services except mileage, \$5 ~~10~~;

6 (8)(i) for taking bond or undertaking in any case
 7 authorized by law, \$2 ~~10~~;

8 (9)(j) for serving every notice, rule, or order, \$2
 9 ~~10~~ for each person served;

10 (10)(k) for copy of any writ, process, or other paper
 11 when demanded or required by law, 25 ~~50~~ cents for each page;

12 (11)(l) for ~~posting notices and~~ advertising any
 13 property for sale on execution or under any judgment or
 14 order of sale, exclusive of cost of publication, \$2 ~~4~~ for
 15 ~~each posting, in addition to mileage;~~

16 (m) ~~for holding any sheriff's sale for personal or~~
 17 ~~real property on execution or under any judgment or order of~~
 18 ~~sale, \$15;~~

19 (n) ~~for cancellation or postponement of sheriff's~~
 20 ~~sale, \$5.~~

21 (2) ~~All fees collected by the sheriff for the services~~
 22 ~~provided in subsection (1) must be paid to the county~~
 23 ~~treasurer as provided in subsection (1) of 7-4-2511 and the~~
 24 ~~fees must be credited by the county treasurer to the~~
 25 ~~sheriff's budget."~~

-End-
 -2- INTRODUCED BILL
 SB 215

Approved by Comm.
on Local Government

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 13 receive the following fees:
 14 (1)(a) for the service of summons and complaint on
 15 each defendant, \$2 ~~\$10~~ \$5;
 16 (b) for making a return of a summons for a person not
 17 found in the county, in addition to actual mileage traveled,
 18 \$5;
 19 (2)(c) for levying and serving each writ of attachment
 20 of execution on real or personal property, \$2 ~~\$10~~ \$5;
 21 (3)(d) for service of attachment on the body or order
 22 of arrest on each defendant, \$2 ~~\$10~~ \$5;
 23 (4)(e) for the service of affidavit, order, and
 24 undertaking in claim and delivery, \$2 ~~\$10~~ \$5;
 25 (5)(f) for serving a subpoena, \$1 ~~\$5~~ \$2.50 for each

1 witness summoned;
 2 ~~(6)(g)~~ for serving writ of possession or restitution,
 3 \$4 ~~\$10~~ \$5;
 4 ~~(7)(h)~~ for trial of the right of property or damages,
 5 including all services except mileage, \$5 ~~\$10~~ \$7;
 6 ~~(8)(i)~~ for taking bond or undertaking in any case
 7 authorized by law, \$2 ~~\$10~~ \$5;
 8 ~~(9)(j)~~ for serving every notice, rule, or order, \$2
 9 ~~\$10~~ \$5 for each person served;
 10 ~~(10)(k)~~ for copy of any writ, process, or other paper
 11 when demanded or required by law, 25 ~~50~~ 25 cents for each
 12 page;
 13 ~~(11)(l)~~ for posting notices and advertising any
 14 property for sale on execution or under any judgment or
 15 order of sale, exclusive of cost of publication, \$2 ~~for~~
 16 ~~each-posting-in-addition-to-milage~~ \$5;
 17 ~~(m)~~ for holding any sheriff's sale for personal or
 18 real property on execution or under any judgment or order of
 19 sale, \$15 ~~\$7.50~~;
 20 ~~(n)~~ for cancellation or postponement of sheriff's
 21 sale, \$5.
 22 (2) All fees collected by the sheriff for the services
 23 provided in subsection (1) must be paid to the county
 24 treasurer as provided in subsection (1) of 7-4-2511 and the
 25 fees must be credited by the county treasurer to the

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1 sheriff's budget."

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Section 1. Section 7-32-2141, MCA, is amended to read:

"7-32-2141. Fees of the sheriff. (1) The sheriff shall receive the following fees:

(1)(a) for the service of summons and complaint on each defendant, \$2 \$10 \$5;

(b) for making a return of a summons for a person not found in the county, in addition to actual mileage traveled, \$5;

(2)(c) for levying and serving each writ of attachment of execution on real or personal property, \$2 \$10 \$5;

(3)(d) for service of attachment on the body or order of arrest on each defendant, \$2 \$10 \$5;

(4)(e) for the service of affidavit, order, and undertaking in claim and delivery, \$2 \$10 \$5;

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witness summoned;

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(7)(h) for trial of the right of property or damages, including all services except mileage, \$5 \$10 \$7;

(8)(i) for taking bond or undertaking in any case authorized by law, \$2 \$10 \$5;

(9)(j) for serving every notice, rule, or order, \$2 \$10 \$5 for each person served;

(10)(k) for copy of any writ, process, or other paper when demanded or required by law, 25 50 25 cents for each page;

(11)(l) for posting notices and advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, \$2, for each posting, in addition to mileage \$5;

(m) for holding any sheriff's sale for personal or real property on execution or under any judgment or order of sale, \$15 \$7.50;

(n) for cancellation or postponement of sheriff's sale, \$5.

(2) All fees collected by the sheriff for the services provided in subsection (1) must be paid to the county treasurer as provided in subsection (1) of 7-4-2511 and the fees must be credited by the county treasurer to the

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1 sheriff's budget.*

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(c) for levying and serving each writ of attachment of execution on real or personal property, \$2 \$10 \$5;

(d) for service of attachment on the body or order of arrest on each defendant, \$2 \$10 \$5;

(e) for the service of affidavit, order, and undertaking in claim and delivery, \$2 \$10 \$5;

(f) for serving a subpoena, \$1 \$5 \$2.50 for each

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