

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE BILL 1562**

Short Title: Court Fee for Legal Services.

(Public)

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Sponsors: Senator Clodfelter.

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Referred to: Appropriations/Base Budget.

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May 18, 2006

A BILL TO BE ENTITLED  
AN ACT TO INCREASE THE PORTION OF THE GENERAL COURT OF JUSTICE  
COURT FEE USED FOR LEGAL SERVICES PROGRAMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7A-304(a)(4) reads as rewritten:

"(4) For support of the General Court of Justice, the sum of eighty-five dollars and fifty cents (\$85.50) in the district court, including cases before a magistrate, and the sum of ninety-two dollars and fifty cents (\$92.50) in the superior court, to be remitted to the State Treasurer. For a person convicted of a felony in superior court who has made a first appearance in district court, both the district court and superior court fees shall be assessed. The State Treasurer shall remit the sum of ~~one dollar and five cents (\$1.05)~~ two dollars and five cents (\$2.05) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19."

**SECTION 2.** G.S. 7A-305(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice, the sum of seventy-nine dollars (\$79.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, an additional two hundred dollars (\$200.00) shall be paid upon its assignment, and the sum of sixty-four dollars (\$64.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-three dollars (\$53.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~one dollar and five cents (\$1.05)~~ two dollars and five cents (\$2.05) of each fee collected under this

1 subdivision to the North Carolina State Bar for the provision of  
2 services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of  
3 each fee collected under this subdivision to the North Carolina State  
4 Bar for the provision of services described in G.S. 7A-474.19."

5 **SECTION 3.** G.S. 7A-306(a)(2) reads as rewritten:

6 "(2) For support of the General Court of Justice the sum of forty dollars  
7 (\$40.00). In addition, in proceedings involving land, except boundary  
8 disputes, if the fair market value of the land involved is over one  
9 hundred dollars (\$100.00), there shall be an additional sum of thirty  
10 cents (30¢) per one hundred dollars (\$100.00) of value, or major  
11 fraction thereof, not to exceed a maximum additional sum of two  
12 hundred dollars (\$200.00). Fair market value is determined by the sale  
13 price if there is a sale, the appraiser's valuation if there is no sale, or  
14 the appraised value from the property tax records if there is neither a  
15 sale nor an appraiser's valuation. Sums collected under this subdivision  
16 shall be remitted to the State Treasurer. The State Treasurer shall remit  
17 the sum of ~~one dollar and five cents (\$1.05)~~ two dollars and five cents  
18 (\$2.05) of each forty-dollar (\$40.00) General Court of Justice fee  
19 collected under this subdivision to the North Carolina State Bar for the  
20 provision of services described in G.S. 7A-474.4."

21 **SECTION 4.** G.S. 7A-307(a)(2) reads as rewritten:

22 "(2) For support of the General Court of Justice, the sum of forty dollars  
23 (\$40.00), plus an additional forty cents (40¢) per one hundred dollars  
24 (\$100.00), or major fraction thereof, of the gross estate, not to exceed  
25 six thousand dollars (\$6,000). Gross estate shall include the fair market  
26 value of all personalty when received, and all proceeds from the sale of  
27 realty coming into the hands of the fiduciary, but shall not include the  
28 value of realty. In collections of personal property by affidavit, the fee  
29 based on the gross estate shall be computed from the information in  
30 the final affidavit of collection made pursuant to G.S. 28A-25-3 and  
31 shall be paid when that affidavit is filed. In all other cases, this fee  
32 shall be computed from the information reported in the inventory and  
33 shall be paid when the inventory is filed with the clerk. If additional  
34 gross estate, including income, comes into the hands of the fiduciary  
35 after the filing of the inventory, the fee for such additional value shall  
36 be assessed and paid upon the filing of any account or report  
37 disclosing such additional value. For each filing the minimum fee shall  
38 be fifteen dollars (\$15.00). Sums collected under this subdivision shall  
39 be remitted to the State Treasurer. The State Treasurer shall remit the  
40 sum of ~~one dollar and five cents (\$1.05)~~ two dollars and five cents  
41 (\$2.05) of each forty-dollar (\$40.00) General Court of Justice fee  
42 collected under this subdivision to the North Carolina State Bar for the  
43 provision of services described in G.S. 7A-474.4."

1                   **SECTION 5.** This act becomes effective July 1, 2006, and applies to fees  
2 assessed or collected on or after that date.