

1 HB630
2 147067-1
3 By Representative Boman (N & P)
4 RFD: Local Legislation
5 First Read: 16-APR-13

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Fayette County; to amend Section 8 of
14 Act 86-309 and Sections 1 and 2 of Act 90-191, now appearing
15 as Section 45-29-83.47, Code of Alabama 1975, to increase the
16 special recording and indexing fee and to provide for
17 additional filings upon which the judge of probate shall
18 collect the fee.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 45-29-83.47, Code of Alabama
21 1975, is amended to read as follows:

22 "§ 45-29-83.47.

23 ~~"(a) On and after April 18, 1986, a special~~
24 ~~recording and indexing fee shall be paid to the county, and~~
25 ~~collected by its judge of probate, with respect to each real~~
26 ~~property instrument and each personal property instrument that~~
27 ~~may be filed for record in the office of the judge of probate~~

1 and for the recording of other instruments and documents in
2 the probate office, in the discretion of the governing body of
3 the county, and on and after such date no such instrument
4 shall be received for record in the office of the judge of
5 probate unless the special recording and indexing fee is paid
6 thereon. The special recording and indexing fee shall be in
7 addition to all other fees, taxes, and other charges required
8 by law to be paid upon the filing for record of any real
9 property instrument or personal property instrument, and for
10 the record of any real property instrument or personal
11 property instrument, and for the recording of other
12 instruments and documents in the probate office in the
13 discretion of the governing body of the county. There is
14 hereby established a fee to be entitled special recording and
15 indexing fee which shall be set from time to time by the
16 Fayette County governing body to pay the cost of such improved
17 recording and indexing system.

18 "(a) A special recording and indexing fee of five
19 dollars (\$5) shall be paid to the county and collected by the
20 judge of probate with respect to each:

21 "(1) Case filed in the probate court.

22 "(2) Real property interest instrument, personal
23 property instrument, incorporation, notary bond, or name
24 change filed for record in the office of the judge of probate.

25 "(3) Marriage license issued by, or marriage
26 ceremony performed by, the judge of probate.

1 "(b) After the effective date of the act adding this
2 provision, no case may be filed in the probate court, no real
3 property instrument, personal property instrument,
4 incorporation, notary bond, or name change may be filed for
5 record in the office of judge of probate, and no marriage
6 license may be issued by or marriage ceremony performed by the
7 judge of probate unless the special recording and indexing fee
8 is paid. The special recording and indexing fee is in addition
9 to all other fees, taxes, and other charges required to be
10 paid upon the filings and services covered by this section.

11 "~~(b) (1) On and after March 27, 1990, a special~~
12 ~~recording and indexing fee of three dollars (\$3) shall be paid~~
13 ~~to the county, and collected by its judge of probate, with~~
14 ~~respect to each real property instrument and each personal~~
15 ~~property instrument that may be filed for record in the office~~
16 ~~of the judge of probate and, on and after such date, no such~~
17 ~~real or personal property instrument shall be received for~~
18 ~~record in the office of the judge of probate unless the~~
19 ~~special recording and indexing fee is paid thereon. The~~
20 ~~special recording and indexing fee shall be in addition to all~~
21 ~~other fees, taxes, and other charges required by law to be~~
22 ~~paid upon the filing for record of any real property~~
23 ~~instrument or personal property instrument.~~

24 "(c) All such special recording and indexing fees so
25 collected under this section shall be deposited by the judge
26 of probate to in any bank in Fayette County and expended by
27 the judge of probate at his or her discretion for an improved

1 recording and indexing system and the purchase and maintenance
2 of such necessary equipment, the purchase or improvement of
3 other equipment, and facilities, and for personnel, and
4 operations of the probate office.

5 "~~(2)~~(d) The fees collected from this subsection
6 shall be subjected to audit by the Department of Examiners of
7 Public Accounts."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.