

### **RULE NUMBER 3**

#### **COSTS AND SECURITY FOR COSTS**

- 1. PRIOR COSTS:** When a case in this court is dismissed for want of prosecution or for failure to comply with an order of the Court, or by plaintiff without prejudice before judgment, all the proceedings by the plaintiff in the same case or in any subsequent suit upon the same cause of action shall be stayed until the costs in the former action are paid, unless otherwise ordered by the Court. In addition, no action or proceeding shall be accepted for filing by the Clerk of this court by any party or attorney of record if there remains costs due on the case which were assessed involving the filing party.
  
- 2. FILING FEE:** When a cost deposit is exhausted, the Clerk shall charge costs and the same shall be paid as they accrue. Further, no action or proceeding shall be accepted for filing by the clerk of this court without the required deposit, unless the refusal of the filing would cause the expiration of time limitations for filing. Upon representation of indigency, the Court shall investigate the accuracy of such representation and upon finding by the Court that such indigency does exist, the security for costs may be waived, subject to the Court's discretion.
  
- 3. DISCRETION OF CLERK:** The Clerk of this Court is granted the following powers in his/her discretion:
  - a. If any deposit is insufficient, the Clerk may require the deposit to be increased.
  - b. If the costs are not paid at the termination of litigation, any deposit for costs may be applied by the Clerk to the unpaid costs due.
  - c. The Clerk may make periodic or partial distribution of monies deposited for the purpose of fines and restitutions.
  - d. To refuse any check tendered for any payment unless certified. A copy of the current schedule of costs and fees for the Hardin County Common Pleas Court is attached hereto for the convenience of these Rules.

#### **SCHEDULE OF COST DEPOSITS COMMON PLEAS COURT**

1. *Civil actions for one defendant except for foreclosures	\$350.00
Each additional defendant (additional deposit)	\$ 50.00
2. Foreclosure actions	\$500.00
Each additional defendant (additional deposit)	\$ 50.00
3. *Counterclaims and cross claims not otherwise mentioned herein for one defendant	\$350.00

Each additional defendant (additional deposit)	\$ 50.00
4. *Dissolutions and Divorces with Children (Does not include parenting class fees which are payable at the door when the session is attended.)	\$350.00
5. *Dissolutions and Divorces without Children/Other Domestic Relations	\$350.00
6. Motions for Guardian Ad Litem (additional deposit)	\$300.00
7. *All post-decree motions- Domestic with or without children	\$250.00
8. *Agreed/joint post-decree motions regarding allocation of parental rights/responsibilities.	\$200.00
9. *Civil post-judgment motions	\$250.00
10. *Proceedings in aid of execution	\$200.00
11. *Appeals from other tribunals	\$350.00
12. Notice of appeal to Third District Court of Appeals	\$150.00
13. *Filing certificate of judgment (foreign)	\$101.00
14. Preparing and filing certificate of judgment	\$107.00
15. Release/satisfaction of certificate of judgment	\$ 5.00
16. Making/preparing certificate of judgment	\$ 6.00
17. *Extra county action	\$165.00
18. *Garnishment	\$200.00
19. Jury demand (additional deposit- \$100.00 due at the time of the filing of the demand and the remaining \$950.00 due within four weeks of the jury trial for a one day jury trial)	\$1050.00
20. Record check	\$5.00
21. *Writ of execution against personal property	\$350.00
22. Praeipice for order of sale	\$500.00

\*included in filing fee

## **DEPLETION OF DEPOSIT**

Once the Clerk of Courts has notified a party or their respective counsel that their deposit has been depleted and an additional deposit is required, the party or their respective counsel shall have ten days to submit same to the Clerk of Courts. Failure to do so will result in no further filings on behalf of the party or their respective counsel in the case being accepted without an entry signed by the Court specifically waiving a deposit.

## **SERVICE BY PUBLICATION**

If any party requests service by publication, such party, in addition to the deposit for 10 costs, shall arrange with the newspaper publisher for such publication, pay the costs thereof to the newspaper publisher and direct the publisher to file proof of publication with the Clerk of Courts. In any case in which the Court has approved a poverty affidavit, it shall be the responsibility of the attorney making the request to advise the newspaper publisher in writing at the time the legal notice is presented for publication, that no funds are available for payment of the publication costs.

## **PERSONAL OR RESIDENTIAL SERVICE**

Requests for service by either personal or residential service by the Hardin County Sheriff shall be limited to three attempts.

## **SCHEDULE OF FEES**

### **O.R.C. 2303.20**

The Clerk of the Court of Common Pleas shall charge the following fees:

A. Twenty-five dollars for each cause of action which shall include the following:

- (A) Docketing in all dockets
- (B) Filing necessary documents, noting the filing of the document, except subpoena, on dockets;
- (C) Issuing certificate of deposit in foreign writs
- (D) Indexing pending suits and living judgments;
- (E) Noting on appearance docket all papers mailed;
- (F) Certificate for attorney's fee;
- (G) Certificate for stenographer's fee
- (H) Preparing cost bill;
- (I) Entering on indictment any plea

- (J) Entering costs on docket and cash book.
- B. Two dollars for taking each undertaking, bond, or recognizance;
- C. Two dollars for issuing each writ, order, or notice, except subpoena;
- D. Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;
- E. Twenty-five dollars for calling a jury in each cause;
- F. Two dollars for each page, for entering on journal, indexing, and posting on any docket;
- G. Three dollars for each execution or transcript of judgment, including indexing;
- H. One dollar for each page, for making complete record, including indexing;
- I. Five dollars for certifying a plat recorded in the county recorder's office;
- J. Five dollars for issuing certificate to receiver or order of reference with oath;
- K. Five dollars for entering satisfaction or partial satisfaction of each lien on record in the county recorder's office, and the clerk of courts' office;
- L. One dollar for each certificate of fact under seal of the court, to be paid by the party demanding it;
- M. One dollar for taking each affidavit, including certificate and seal;
- N. Two dollars for acknowledging all instruments in writing;
- O. Five dollars for making certificate of judgment;
- P. Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;
- Q. Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;
- R. Five dollars for recording commission of mayor or notary public;
- S. One dollar for issuing any license except the license issued pursuant to section 1533.101, 1533.11, 1533.13, and 1533.32 of the Revised Code;
- T. Fifteen dollars for docketing and indexing each aid in execution or petition to vacate, revive, or modify judgment, including the filing and noting of all necessary documents;
- U. Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;

V. A commission of two per cent on the first ten thousand dollars and one per cent on all exceeding ten thousand dollars for receiving and disbursing money, other than costs and fees, paid to or deposited with the clerk of courts in pursuance of an order of court or on judgments including moneys invested by order of the court and interest earned on them;

W. Five dollars for numbering, docketing, indexing, and filing each authenticated or certified copy of the record, or any portion of an authenticated or certified copy of the record, of an extra county action or proceeding;

X. Two dollars for each certificate of divorce, annulment, or dissolution of marriage to the bureau of vital statistics;

Y. Two dollars for each electronic transmission of a document, plus one dollar for each page of that document. These fees are to be paid by the party requesting electronic transmission;

Z. One dollar for each page, for copies of pleadings, process, record, or files, including certificate and seal

Copies- 1 to 49, .25 per page- 50 or more, .10 per page

The Clerk of Courts may write off:

- 1) Any costs associated with civil or domestic violence protection orders that have not been assessed to any party;
- 2) Any total fine and/or court cost balance due of five dollars or less after one billing notice has been sent to the responsible party. This does not override the requirement for deposits as set in Local Rule 3;
- 3) Any total fine and/or cost due of \$1.00 or less without a billing notice to the responsible party;
- 4) Any fines, costs, or restitution due from the responsible party due to the death of the responsible party upon verification of same, as determined by the Clerk of Courts.

