

**RESOLUTION**

**NO.:** \_\_\_\_\_

**CIVIL CLERK FEE RESOLUTION**

**WHEREAS**, the Illinois General Assembly has provided in 705 ILCS 105/27.1b for the collection and disbursement of fees charged by the circuit court clerk; and,

**WHEREAS**, 705 ILCS 105/27.1b was enacted with an effective date of July 1, 2019; and,

**WHEREAS**, this provision delegates authority to the county board to set the amount of certain fees, with minimum fees and maximum fees as stated in this provision, to be collected and disbursed on a monthly basis by the circuit court clerk, then remitted to the county treasurer for placement in the county general fund, to be used for purposes related to the operation of the court system in the county;

**BE IT THEREFORE RESOLVED** by the County Board of Henderson County, Illinois, in open meeting this 9 day of April, 2019, as follows:

1. Pursuant to the authority set forth in 705 ILCS 105/27.1b the filing fees that shall be imposed by the Clerk of the Circuit Court of Henderson County, Illinois, are as follows:

(a). **CIVIL CASES:**

The fee for filing a complaint, petition, or other pleading initiating a civil action, shall be as follows for each case in the following schedules as established by the Supreme Court:

- 1.) Schedule 1: \$306.00.
- 2.) Schedule 2: \$256.00.
- 3.) Schedule 3: \$89.00.
- 4.) Schedule 4: \$0.00.

(b). **APPEARANCE**

The fee for filing an appearance shall be as follows for each case in the following schedules as established by the Supreme Court:

- 1.) Schedule 1: \$181.00.
- 2.) Schedule 2: \$109.00.
- 3.) Schedule 3: \$0.00.

**(c). COUNTERCLAIM OR THIRD PARTY COMPLAINT**

The fee for filing a counterclaim or third party complaint as part of the defendant's answer or otherwise shall be the same filing fee for each counterclaim or third party complaint that the defendant would have had to pay had the defendant brought a separate action for the relief sought in the counterclaim or third party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third party complaint is filed.

**(d). GARNISHMENT, WAGE DEDUCTION, AND CITATION**

- 1.) In a garnishment affidavit, wage deduction affidavit, and citation petitions, the fees shall be \$10.00.

**(e). PETITION TO VACATE OR MODIFY**

- (a). A Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claim cases or a petition to reopen estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, the fee shall be \$40.00.
- (b). A Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, the fee shall be \$40.00.
- (c). A petition to vacate order of bond forfeiture, the fee shall be \$40.00.

**(f). MAILING**

When the clerk is required to mail, the fee will be \$6.00 (notices), plus the cost of postage.

**(g). CERTIFIED COPIES**

Each certified copy of a judgment after the first, except in small claims and forcible entry detainer cases, the fee shall be \$5.00 plus copy fees.

**(h). CERTIFICATION, AUTHENTICATION, AND REPRODUCTION**

- 1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, the fee shall be \$6.00.
- 2.) The fee for reproduction of any document contained in the clerk's files shall be \$2.00 for the first page, \$.50 for the next 19 pages, and \$.25 for all additional pages.

**(i). RECORD SEARCH**

The fee for each record search, within a division or municipal district, shall be \$5.00 for each year searched.

**(j). HARD COPY**

The fee for each page of hard copy print output, when case records are maintained on an automated medium shall be \$5.00.

**(k). ALIAS SUMMONS**

The fee for each alias summons or citation issued by the clerk shall be \$5.00.

**(l). PERFORMING A MARRIAGE**

The fee for performing a marriage in court shall be \$10.00.

**(m). JURY SERVICES**

The fee the clerk shall receive for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise for the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law shall be \$210.00, in addition to other fees allowed by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

**(n). VOLUNTARY ASSIGNMENT**

The fee for filing each deed of voluntary assignment shall be \$20.00; for recording the same, a fee of \$.50 for each 100 words.

**(o). EXPUNGEMENT PETITION**

The fee for each expungement petition filed shall be \$60.00 which includes four

certified copies and cost of mailing. There shall be a fee of \$4.00 for each certified copy an order to expunge arrest records.

**(p). PROBATE**

- 1). The fee for each account (other than the final account) filed in the estate of a decedent or ward shall be \$25.00.
- 2). The fees for filing of claims in an estate shall be as follows:
  - (a) \$25.00 when the amount claimed is greater than \$150.00 and not more than \$500.00;
  - (b) \$40.00 when the amount claimed is greater than 500.00 and not more than \$10,000.00;
  - (c) \$60.00 when the amount claimed is greater than \$10,000.00.
- 3). The fee for filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, the fee shall be \$60.00.
- 4). The fee for each jury demand shall be \$135.00.
- 5). The fee for certified copy of letters of office, court order, or other certification shall be \$2.00 per page.
- 6). The fee for each exemplification shall be \$2.00, plus the fee for certification.
- 7). The fee for publication shall be paid by the executor, administrator, guardian, petitioner, or other interested person or his or her attorney directly to the newspaper.
- 8). The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fees shall pay the same directly to the person entitled thereto.
- 9). The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

**(q). CHANGE OF VENUE**

The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, shall be \$40.00.

The clerk of the jurisdiction to which the case is transferred may charge the same filing fee as if it were the commencement of a new suit.

**(r). CORRECTIONS**

The fee for correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, shall be \$15.00.

**(s). TRANSCRIPTS OF JUDGMENT**

For the filing of a transcript of judgment, the clerk may collect the same fee as if it were the commencement of a new suit.

**(t). CHILD SUPPORT AND MAINTENANCE**

In child support and maintenance cases, the clerk may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois.

**(u). APPEALS**

- 1.) The fee for court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, the fee shall be \$50.00.
- 2.) The fee for court appeals when original documents are forwarded, between 100 and 200 pages, plus delivery and costs, the fee shall be \$100.00.
- 3.) The fee for court appeals when original documents are forwarded, over 200 pages, plus delivery and costs, the fee shall be \$100.00, plus an additional \$.25 per page for every page exceeding 200.

**(v). MISCELLANEOUS**

- 1). Interest earned on any fees collected by the clerk shall be turned over to the county general fund as an earning of the office.
- 2). For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payments stopped, the clerk shall collect a fee of \$25.00.
- 3). The clerk may provide services in connection with the operation of the clerk's office, other than the services mentioned in this resolution. Any charges for additional services must be agreed upon by the clerk and the person requesting

service, and the charges must be approved by the Chief Judge. Nothing in this subsection shall be construed to require any clerk to provide any services not otherwise required by law.

- 4). The clerk may charge delinquency amounts for unpaid fees as provided by state law.
- 5). The clerk shall not charge a fee when the person, agency, department, unit of local government, school district, or other party has been excepted from paying fee by state law.

2. The funds generated by these fees shall be transferred to the Henderson County General Fund for use related to the operation of the court system in the county as appropriated by the county board. Attached hereto as "Exhibit A" is a list of the Civil Case Filing Fees and the approved disbursement of those fees.

3. This resolution shall become effective on July 1, 2019 and certified copies hereof shall be provided to the Clerk of the Circuit Court and County Treasurer.

4. All ordinances, resolutions, or orders or parts thereof in conflict with the provision of this resolution are, to the extent of such conflict, hereby repealed.

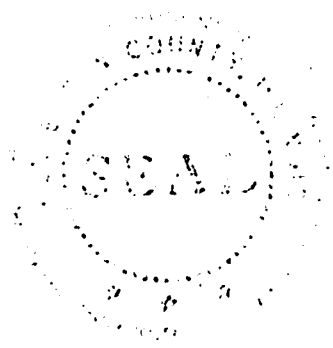
Dated this 9<sup>th</sup> day of April, 2019.

**PASSED, ADOPTED, AND APPROVED** this 9<sup>th</sup> day of April, 20 19.

Bradley Platt  
Brad Platt, Chairman of the Henderson County Board

ATTEST  
Amanda Van Arsdale  
Amanda Van Arsdale,  
Henderson County Clerk

YEA            10  
NEA            0  
ABSTAIN      0  
Absent        1



**CIVIL CASE FILING FEES**  
Effective July 1, 2019

**Schedule 1**

Arbitration - \$15,000.01 or more	
Chancery	
(Foreclosures) Foreclosure Prevention Fund	\$ 50.00
Tier # 1	500.00
Tier # 2	250.00
Tier # 3	50.00
Dissolution	
Eminent Domain	
Family (Except Petition Parental Notice of Abortion and Voluntary	
Petition to Determine Parentage)	
Law (Except Eviction Cases - seeking possession only)	
Law-Magistrate - \$15,000.01 or more	
(Except Eviction Cases - seeking possession only)	
Miscellaneous Remedy	
(Except Estrays and Lost Property Act Cases and Petitions seeking	
Administrative Review of Unemployment Decisions)	
Municipal Corporation	
Tax	
Court Automation	\$20.00
Court Document Storage	20.00
Clerk Operations/Admin Fund	5.00
Access to Justice Fund	2.00
Supreme Court Special Purposes Fund	9.00
Court Security	50.00
Court Fund	10.00
Law Library	2.00
General County Court Operations	<u>188.00</u>
<b>Total</b>	<b>\$306.00</b>

**Schedule 2**

Arbitration - \$15,000.00 or less	
Probate (Except the filing of a will)	
Guardianship Cases (except Minors) Guardianship/Advocacy Fee	\$100.00
Law- Magistrate - \$15,000.00 or less	
Except Eviction Cases - seeking possession only)	
Small Claim - \$2,500.01 or more	
Court Automation	\$20.00
Court Document Storage	20.00
Clerk Operations/Admin Fund	5.00
Access to Justice Fund	2.00
Supreme Court Special Purposes Fund	9.00

Court Security	50.00
Court Fund	10.00
Law Library	2.00
General County Court Operations	<u>138.00</u>
<b>Total</b>	<b>\$256.00</b>

**Schedule 3**

Adoption (Except Petitions for Appointment of a Confidential Intermediary)  
 Law - Eviction seeking possession only  
 Law-Magistrate - Eviction seeking possession only  
 Small Claim - \$2,500.00 or less

Court Automation	\$10.00
Court Document Storage	10.00
Clerk Operations/Admin Fund	2.00
Access to Justice Fund	2.00
Supreme Court Special Purposes Fund	9.00
Court Security	25.00
Court Fund	5.00
Law Library	2.00
General County Court Operations	<u>24.00</u>
<b>Total</b>	<b>\$ 89.00</b>

**CIVIL APPEARANCE FEES**  
 (Appearance, Answer, Response)

**Schedule 1**

Arbitration  
 Chancery  
 Dissolution  
 Eminent Domain  
 Family (Except Petition Parental Notice of Abortion and Voluntary  
 Petition to Determine Parentage)  
 Probate  
 Law (Except Eviction Cases - seeking possession only)  
 Law-Magistrate - \$15,000.01 or more  
 (Except Eviction Cases - seeking possession only)  
 Miscellaneous Remedy  
 (Except Estrays and Lost Property Act Cases and Petitions seeking  
 Administrative Review of Unemployment Decisions)  
 Municipal Corporation  
 Small Claim  
 Tax

Court Automation	\$20.00
Court Document Storage	20.00
Clerk Operations/Admin Fund	5.00



Access to Justice Fund	2.00
Supreme Court Special Purposes Fund	9.00
Court Security	50.00
Court Fund	10.00
Law Library	2.00
General County Court Operations	<u>63.00</u>
<b>Total</b>	<b>\$ 181.00</b>

**Schedule 2**

Law - Eviction seeking possession only  
 Law-Magistrate - Eviction seeking possession only  
 Small Claim - \$2,500.00 or less

Court Automation	\$ 5.00
Court Document Storage	5.00
Supreme Court Special Purposes Fund	9.00
Court Security	45.00
Court Fund	10.00
Law Library	2.00
General County Court Operations	<u>33.00</u>
<b>Total</b>	<b>\$ 109.00</b>