

# Chapter 21

2013 EDITION

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**GENERALLY**

**21.005 Transfers to General Fund.** Except as otherwise provided by law, all amounts collected as fees and charges in the Supreme Court, the Court of Appeals, the Oregon Tax Court and the circuit courts shall be transferred to the State Court Administrator for deposit in the General Fund. [2011 c.595 §1]

**Note:** Sections 47 and 48, chapter 685, Oregon Laws 2013, provide:

**Sec. 47.** Notwithstanding ORS 21.005, each month the State Court Administrator shall transfer to the State Court Technology Fund 4.75 percent of the fees collected by the State Court Administrator under ORS 21.010, 21.135, 21.145, 21.155, 21.160, 21.170, 21.180, 21.235, 46.570, 105.130 and 106.120. [2013 c.685 §47]

**Sec. 48.** Section 47 of this 2013 Act applies only to fees collected on and after October 1, 2013, and before July 1, 2014. [2013 c.685 §48]

**21.007 Legislative intent relating to funding certain programs, services and activities.** It is the intent of the Legislative Assembly that funding be provided to the following entities by appropriations each biennium to fund programs, services and activities that were funded through court fees before the 2011-2013 biennium:

(1) To the counties of this state for the purposes of funding mediation services, conciliation services and other services in domestic relations cases.

(2) To the counties of this state for the purposes of funding the operation of law libraries or of providing law library services.

(3) To Portland State University and the University of Oregon to fund the programs and expenses of the Mark O. Hatfield School of Government and the University of Oregon School of Law under ORS 36.100 to 36.238 and 183.502.

(4) To the Housing and Community Services Department for the purpose of funding programs that defray the cost of rent for dwelling units for very low income households.

(5) To the Oregon University System to fund clinical legal education programs at accredited institutions of higher education that provide civil legal services to victims of domestic violence, stalking or sexual assault.

(6) To the State Department of Agriculture for the purpose of funding mediation programs established by the department, other than individual farm credit mediations.

(7) To the Judicial Department for the purposes of funding the appellate settlement program established under ORS 2.560.

(8) To the Department of Human Services for the funding of the Office of Children's Advocate. [2011 c.595 §3; 2012 c.48 §8; 2013 c.768 §100]

**Note:** The amendments to 21.007 by section 100, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 8, chapter 48, Oregon Laws 2012, is set forth for the user's convenience.

**21.007.** It is the intent of the Legislative Assembly that funding be provided to the following entities by appropriations each biennium to fund programs, services and activities that were funded through court fees before the 2011-2013 biennium:

(1) To the counties of this state for the purposes of funding mediation services, conciliation services and other services in domestic relations cases.

(2) To the counties of this state for the purposes of funding the operation of law libraries or of providing law library services.

(3) To the Oregon University System to fund the programs and expenses of the Mark O. Hatfield School of Government and the University of Oregon School of Law under ORS 36.100 to 36.238 and 183.502.

(4) To the Housing and Community Services Department for the purpose of funding programs that defray the cost of rent for dwelling units for very low income households.

(5) To the Oregon University System to fund clinical legal education programs at accredited institutions of higher education that provide civil legal services to victims of domestic violence, stalking or sexual assault.

(6) To the State Department of Agriculture for the purpose of funding mediation programs established by the department, other than individual farm credit mediations.

(7) To the Judicial Department for the purposes of funding the appellate settlement program established under ORS 2.560.

(8) To the Department of Human Services for the funding of the Office of Children's Advocate.

**APPELLATE COURT FEES**

**21.010 Appellate court filing fees.** (1) Except as provided in this section, the appellant in an appeal or the petitioner in a judicial review in the Supreme Court or the Court of Appeals shall pay a filing fee of \$355 in the manner prescribed by ORS 19.265. The respondent in such case and any other person appearing in the appeal, upon entering first appearance or filing first brief in the court, shall pay to the State Court Administrator a filing fee of \$355. The party entitled to costs and disbursements on such appeal shall recover from the opponent the amount so paid.

(2) Filing and appearance fees may not be assessed in appeals from habeas corpus proceedings under ORS 34.710, post-conviction relief proceedings under ORS 138.650, juvenile court under ORS 419A.200, the involuntary commitment of persons determined to be persons with mental illness under ORS 426.135 or persons determined to have an intellectual disability under ORS 427.295 or orders of the State Board of Parole and Post-Prison Supervision or on judicial review of orders entered under ORS 161.315 to 161.351 by the Psychiatric Security Review Board or the Oregon Health Authority.

(3) Filing and appearance fees shall be assessed in an appeal from an appeal to a circuit court from a justice court or municipal court in an action alleging commission of a state offense designated as a violation or an action alleging violation of a city charter or ordinance, but not in an action alleging commission of a state crime.

(4) Filing and appearance fees shall only be assessed in an appeal in a contempt proceeding seeking imposition of remedial sanctions under the provisions of ORS 33.055.

(5) The filing and appearance fees established by this section apply to cases of original jurisdiction in the Supreme Court. [Amended by 1963 c.556 §1; 1967 c.398 §3; 1969 c.198 §50; 1981 s.s. c.3 §§66,67; 1985 c.734 §15; 1987 c.852 §4; 1991 c.724 §17; 1993 c.33 §276; 1997 c.801 §27; 1999 c.1051 §118; 2003 c.737 §§1,3; 2005 c.702 §§1,2,3; 2005 c.843 §33; 2007 c.70 §7; 2007 c.860 §1; 2009 c.659 §§28,30; 2009 c.885 §§37e,37f; 2011 c.595 §66; 2011 c.658 §§28,29; 2011 c.708 §§17,18; 2013 c.360 §3; 2013 c.685 §§29,29a]

**Note:** The amendments to 21.010 by section 29a, chapter 685, Oregon Laws 2013, become operative July 1, 2014, and apply to filings made on or after July 1, 2014. See section 38a, chapter 685, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 3, chapter 360, Oregon Laws 2013, and section 29, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.010.** (1) Except as provided in this section, the appellant in an appeal or the petitioner in a judicial review in the Supreme Court or the Court of Appeals shall pay a filing fee of \$373 in the manner prescribed by ORS 19.265. The respondent in such case and any other person appearing in the appeal, upon entering first appearance or filing first brief in the court, shall pay to the State Court Administrator a filing fee of \$373. The party entitled to costs and disbursements on such appeal shall recover from the opponent the amount so paid.

(2) Filing and appearance fees may not be assessed in appeals from habeas corpus proceedings under ORS 34.710, post-conviction relief proceedings under ORS 138.650, juvenile court under ORS 419A.200, the involuntary commitment of persons determined to be persons with mental illness under ORS 426.135 or persons determined to have an intellectual disability under ORS 427.295 or orders of the State Board of Parole and Post-Prison Supervision or on judicial review of orders entered under ORS 161.315 to 161.351 by the Psychiatric Security Review Board or the Oregon Health Authority.

(3) Filing and appearance fees shall be assessed in an appeal from an appeal to a circuit court from a justice court or municipal court in an action alleging commission of a state offense designated as a violation or an action alleging violation of a city charter or ordinance, but not in an action alleging commission of a state crime.

(4) Filing and appearance fees shall only be assessed in an appeal in a contempt proceeding seeking imposition of remedial sanctions under the provisions of ORS 33.055.

(5) The filing and appearance fees established by this section apply to cases of original jurisdiction in the Supreme Court.

**21.020 Seal of court; copies of appellate court and administrative records.** (1) The State Court Administrator shall collect a fee of \$1 for affixing the seal of the court to a document.

(2) The Chief Justice of the Supreme Court by order may establish or authorize fees for copies of records of the appellate courts and the administrative offices of the State Court Administrator, for services relating to those records and for other services that the appellate courts or administrative offices of the State Court Administrator are authorized or required to perform for which no fees are specifically provided by law. The fee established by the Chief Justice for paper copies of records may not exceed 25 cents per page, except for records for which additional services are required. If additional services are required, fees for providing the records are subject to ORS 192.440. [Amended by 1967 c.398 §4; 1969 c.198 §51; 1971 c.193 §25; 1997 c.801 §47; 2003 c.576 §286; 2005 c.385 §1]

**21.025 Motion fees in appellate courts; exceptions.** (1) In any appeal or petition for review subject to a fee under ORS 21.010, a \$50 fee must be paid by the party filing one of the following motions and by the party responding to the motion:

(a) A motion to dismiss filed by a respondent.

(b) A motion to determine jurisdiction.

(c) A motion for continuance.

(d) A motion for an extension of time for the filing of a brief or other document in the proceeding.

(2) The fees provided for in this section may not be collected from the state, a county, a city or a school district. [2011 c.595 §76; 2013 c.685 §28a]

**21.030** [Repealed by 1967 c.398 §10]

**21.040** [Amended by 1967 c.398 §5; 1997 c.801 §48; 2003 c.737 §§5,6; 2005 c.702 §§5,6,7; 2007 c.129 §11; repealed by 2011 c.595 §68]

**21.050** [Amended by 1969 c.198 §52; 1971 c.193 §26; repealed by 1981 s.s. c.1 §25]

**21.060** [1981 s.s. c.3 §81; 1983 c.308 §1; 1985 c.496 §16; 1995 c.658 §23; 1997 c.801 §§49,49a; 1997 c.872 §1; renumbered 21.325 in 1997]

**21.070** [1981 s.s. c.3 §82; 1983 c.763 §40; renumbered 21.335 in 1997]

## CIRCUIT COURT FEES

### (Filing Fees)

**21.100 Filing fees payable in advance.** A pleading or other document may be filed by the circuit court only if the filing fee required by law is paid by the person filing the document or a request for a fee waiver or deferral is granted by the court. Filing fees are not refundable under any circumstances. Unless otherwise specifically provided by statute, the filing fee for an action or proceeding is the only fee or charge that may be collected for the filing, whether by the court or any other public body, as defined by ORS 174.109. [2011 c.595 §4]

**21.105 Caption of pleading; amended pleadings.** (1) The caption of any complaint or other document filed in a circuit court for the purpose of commencing an action or other civil proceeding must include a reference to the statute that establishes the filing fee for the proceeding. If the proceeding is subject to a filing fee established under ORS 21.160, the caption must indicate the amount in controversy. If the proceeding is subject to a filing fee established under ORS 21.170 or 21.180, the caption must indicate the value of the estate.

(2) If at any time a party files an amended pleading in a proceeding that is subject to a filing fee established under ORS 21.160, 21.170 or 21.180, and the pleading increases the amount in controversy or the value of the estate in the proceeding, the caption of the pleading must note that increased amount. The court shall collect an additional filing fee from the party filing the pleading that is equal to the difference between the filing fee that was paid by the party when the original pleading was filed and the filing fee that would have been collected if the amount had been pleaded in the original pleading.

(3) If at any time the court determines that a party has failed to comply with the requirements of this section, the court may require that the party pay all fees that should have been paid at the time the document was filed. [2011 c.595 §5]

**Note:** Section 6, chapter 595, Oregon Laws 2011, provides:

**Sec. 6.** Section 5 of this 2011 Act [21.105] applies only to proceedings commenced on or after October 1, 2011. Any proceeding commenced before October 1, 2011, shall continue to be governed by the law in effect immediately before October 1, 2011. [2011 c.595 §6]

**21.110** [Amended by 1955 c.458 §1; 1959 c.563 §2; 1965 c.619 §8; 1971 c.621 §1; 1975 c.607 §1; 1979 c.833 §3; 1981 s.s. c.3 §§68,69; 1983 c.581 §2; 1983 c.763 §20; 1985 c.496 §1; 1995 c.273 §8; 1995 c.658 §140; 1995 c.664 §69; 1997 c.801 §§25,25a; 2003 c.530 §4; 2003 c.737 §§8a,10a; 2005 c.702 §§9,10,11; 2007 c.129 §12; 2007 c.860 §2; 2009 c.659 §§14,16; 2009 c.885 §§37b,37c; 2010 c.107 §§28,29,31; 2011 c.271 §§5,6; 2011 c.398 §§5,6; repealed by 2011 c.595 §7]

**21.111** [1997 c.801 §26; 2003 c.737 §§12,14a,14c; 2005 c.702 §§13,14,15; 2007 c.129 §13; 2007 c.666 §1; 2007 c.860 §3; repealed by 2011 c.595 §10]

**21.112** [1963 c.434 §11; 1971 c.280 §20; 1975 c.607 §2; 1979 c.833 §4; 1981 c.835 §1; 1981 s.s. c.3 §70; 1983 c.671 §6; 1983 c.763 §38; 1985 c.412 §1; 1995 c.273 §9; 1997 c.475 §§5,5a; 1999 c.59 §11; 2001 c.394 §1; 2003 c.737 §107; repealed by 2011 c.595 §108]

**21.114** [Formerly 21.320; 2003 c.737 §§16,17; 2005 c.702 §§17,18,19; 2007 c.129 §14; 2007 c.860 §4; repealed by 2011 c.595 §17]

**21.115** [Formerly 21.210; 1965 c.619 §9; renumbered 21.375]

**21.120** [Amended by 1959 c.453 §1; 1963 c.519 §6; 1965 c.619 §10; 1967 c.111 §2; 1971 c.621 §2; 1981 c.571 §1; 1981 s.s. c.3 §71; repealed by 1981 s.s. c.3 §141]

**21.125** [2007 c.860 §29; 2009 c.484 §4; 2011 c.398 §2; 2011 c.595 §73; renumbered 21.200 in 2011]

**21.130** [Amended by 1959 c.678 §1; 1963 c.519 §7; 1965 c.619 §11; 1967 c.111 §3; 1971 c.61 §1; 1979 c.631 §1; repealed by 1981 s.s. c.3 §141]

**21.135 Standard filing fee.** (1) Unless a specific fee is provided by other law for a proceeding, a circuit court shall collect a filing fee of \$240 when a complaint or other document is filed for the purpose of commencing an action or other civil proceeding and when an answer or other first appearance is filed in the proceeding.

(2) The filing fee established by this section applies to:

(a) Proceedings in which only equitable remedies are sought.

(b) Appeals from a conviction of a violation in justice or municipal courts as provided in ORS 21.285.

(c) Interpleader actions.

(d) Adoptions under ORS chapter 109.

(e) Actions relating to a trust.

(f) Proceedings for judicial review of an agency order.

(g) Declaratory judgment actions.

(h) Any other action or proceeding that is statutorily made subject to the fee established by this section and any other civil proceeding for which a specific filing fee is not provided. [2011 c.595 §8; 2013 c.685 §§30,30a]

**Note:** The amendments to 21.135 by section 30a, chapter 685, Oregon Laws 2013, become operative July 1, 2014, and apply to filings made on or after July 1, 2014. See section 38a, chapter 685, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 30, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.135.** (1) Unless a specific fee is provided by other law for a proceeding, a circuit court shall collect a filing fee of \$252 when a complaint or other document is filed for the purpose of commencing an action or other civil proceeding and when an answer or other first appearance is filed in the proceeding.

(2) The filing fee established by this section applies to:

(a) Proceedings in which only equitable remedies are sought.

(b) Appeals from a conviction of a violation in justice or municipal courts as provided in ORS 21.285.

(c) Interpleader actions.

(d) Adoptions under ORS chapter 109.

(e) Actions relating to a trust.

(f) Proceedings for judicial review of an agency order.

(g) Declaratory judgment actions.

(h) Any other action or proceeding that is statutorily made subject to the fee established by this section and any other civil proceeding for which a specific filing fee is not provided.

**21.140** [Amended by 1961 c.563 §1; 1963 c.519 §8; 1965 c.619 §12; renumbered 21.350]

**21.145 Simple proceeding filing fee.** In the following proceedings, a circuit court shall collect a filing fee of \$105 when a com-

plaint or other document is filed for the purpose of commencing an action or other proceeding and at the time of filing an answer or other first appearance in the proceeding:

(1) Applications for change of name under ORS 33.410.

(2) Applications for a legal change of sex under ORS 33.460.

(3) Guardianship proceedings under ORS chapter 125.

(4) Any other action or proceeding that is statutorily made subject to the fee established by this section. [2011 c.595 §13; 2013 c.685 §§31,31a]

**Note:** The amendments to 21.145 by section 31a, chapter 685, Oregon Laws 2013, become operative July 1, 2014, and apply to filings made on or after July 1, 2014. See section 38a, chapter 685, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 31, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.145.** In the following proceedings, a circuit court shall collect a filing fee of \$111 when a complaint or other document is filed for the purpose of commencing an action or other proceeding and at the time of filing an answer or other first appearance in the proceeding:

(1) Applications for change of name under ORS 33.410.

(2) Applications for a legal change of sex under ORS 33.460.

(3) Guardianship proceedings under ORS chapter 125.

(4) Any other action or proceeding that is statutorily made subject to the fee established by this section.

**21.150** [Amended by 1963 c.519 §9; repealed by 1965 c.619 §39]

**21.155 Domestic relations filing fee.** A circuit court shall collect a filing fee of \$260 when a complaint or other document is filed for the purpose of commencing one of the following proceedings and when an answer or other first appearance is filed in the proceeding:

(1) Proceedings for dissolution of marriage, annulment of marriage or separation.

(2) Filiation proceedings under ORS 109.124 to 109.230.

(3) Proceedings under ORS 108.110, 109.100 and 109.103. [2011 c.595 §11; 2013 c.685 §§32,32a]

**Note:** The amendments to 21.155 by section 32a, chapter 685, Oregon Laws 2013, become operative July 1, 2014, and apply to filings made on or after July 1, 2014. See section 38a, chapter 685, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 32, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.155.** A circuit court shall collect a filing fee of \$273 when a complaint or other document is filed for the purpose of commencing one of the following proceedings and when an answer or other first appearance is filed in the proceeding:

(1) Proceedings for dissolution of marriage, annulment of marriage or separation.

(2) Filiation proceedings under ORS 109.124 to 109.230.

(3) Proceedings under ORS 108.110, 109.100 and 109.103.

**21.160 Filing fee for tort and contract actions.** (1) A circuit court shall collect the following filing fees when a complaint or other document is filed for the purpose of commencing an action or other civil proceeding based on a tort or contract and when an answer or other first appearance is filed in the proceeding:

(a) If the amount claimed is \$10,000 or less, the court shall collect a filing fee of \$150.

(b) If the amount claimed is more than \$10,000 and less than \$50,000, the court shall collect a filing fee of \$240.

(c) If the amount claimed is \$50,000 or more, and less than \$1 million, the court shall collect a filing fee of \$505.

(d) If the amount claimed is \$1 million or more and less than \$10 million, the court shall collect a fee of \$755.

(e) If the amount claimed is \$10 million or more, the court shall collect a filing fee of \$1,005.

(2) The filing fees provided by this section apply to proceedings for the foreclosure of a mortgage, lien or other security interest. For the purposes of such proceedings, the amount claimed is the amount of the debt secured by the mortgage, lien or other security interest that is owing as of the date that the proceeding is filed.

(3) The filing fees provided by this section apply to proceedings for specific performance of a contract. For the purposes of such proceedings, the amount claimed is the amount owing under the contract on the date that the proceeding is filed.

(4) A court shall collect the filing fees provided by this section when an appeal from a justice court is filed under ORS 53.005 to 53.125 or a case is transferred from a justice court under ORS 52.320.

(5) For purposes of this section, the amount claimed in a proceeding does not include any amount claimed as attorney fees or as costs and disbursements.

(6) For purposes of this section, the amount claimed in a proceeding includes any penalty or forfeiture provided by statute or arising out of contract. [2011 c.595 §15; 2012 c.48 §2; 2013 c.685 §§33,33a]

**Note:** The amendments to 21.160 by section 33a, chapter 685, Oregon Laws 2013, become operative July 1, 2014, and apply to filings made on or after July 1, 2014. See section 38a, chapter 685, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 2, chapter 48, Oregon Laws 2012, and section 33, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.160.** (1) A circuit court shall collect the following filing fees when a complaint or other document is filed for the purpose of commencing an action or other civil proceeding based on a tort or contract and when an answer or other first appearance is filed in the proceeding:

(a) If the amount claimed is \$10,000 or less, the court shall collect a filing fee of \$158.

(b) If the amount claimed is more than \$10,000 and less than \$50,000, the court shall collect a filing fee of \$252.

(c) If the amount claimed is \$50,000 or more, and less than \$1 million, the court shall collect a filing fee of \$531.

(d) If the amount claimed is \$1 million or more and less than \$10 million, the court shall collect a fee of \$793.

(e) If the amount claimed is \$10 million or more, the court shall collect a filing fee of \$1,056.

(2) The filing fees provided by this section apply to proceedings for the foreclosure of a mortgage, lien or other security interest. For the purposes of such proceedings, the amount claimed is the amount of the debt secured by the mortgage, lien or other security interest that is owing as of the date that the proceeding is filed.

(3) The filing fees provided by this section apply to proceedings for specific performance of a contract. For the purposes of such proceedings, the amount claimed is the amount owing under the contract on the date that the proceeding is filed.

(4) A court shall collect the filing fees provided by this section when an appeal from a justice court is filed under ORS 53.005 to 53.125 or a case is transferred from a justice court under ORS 52.320.

(5) For purposes of this section, the amount claimed in a proceeding does not include any amount claimed as attorney fees or as costs and disbursements.

(6) For purposes of this section, the amount claimed in a proceeding includes any penalty or forfeiture provided by statute or arising out of contract.

**21.165 Third-party complaints.** (1) When a person files a third-party complaint in a civil action or proceeding in circuit court and the complaint names a defendant who has not already appeared in the proceeding, the clerk of the court shall collect from the third-party plaintiff the same filing fee that would be required of a plaintiff filing the same complaint in an original action.

(2) When a third-party defendant files an appearance in a civil action or proceeding in circuit court, and defendant has not already appeared in the action or proceeding, the clerk of the court shall collect the same filing fee that would be required of a defendant filing the same appearance in an original action. [2009 c.659 §13; 2010 c.107 §27; 2011 c.271 §§25,26; 2011 c.595 §§81,81a; 2012 c.48 §4]

**21.170 Probate filing fees and accounting fees.** (1) Except as provided in ORS 114.515, a probate court shall collect the following filing fees for the filing of a petition for the appointment of personal representative:

(a) If the value of the estate is less than \$50,000, \$240.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$505.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$755.

(d) If the value of the estate is \$10 million or more, \$1,005.

(2) A probate court shall collect the following fees for an annual or final accounting filed in a probate proceeding:

(a) If the value of the estate is less than \$50,000, \$30.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$255.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$505.

(d) If the value of the estate is \$10 million or more, \$1,005.

(3) For the purpose of determining the value of the estate under this section, the amount of a settlement in a wrongful death action brought for the benefit of the decedent's surviving spouse or dependents is not part of the estate.

(4) A person filing an appearance in a probate proceeding must pay the fee established under ORS 21.135.

(5) The fees established under this section apply to county courts exercising probate jurisdiction. [2011 c.595 §21; 2013 c.685 §§34,34a]

**Note:** The amendments to 21.170 by section 34a, chapter 685, Oregon Laws 2013, become operative July 1, 2014, and apply to filings made on or after July 1, 2014. See section 38a, chapter 685, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 34, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.170.** (1) Except as provided in ORS 114.515, a probate court shall collect the following filing fees for the filing of a petition for the appointment of personal representative:

(a) If the value of the estate is less than \$50,000, \$252.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$531.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$793.

(d) If the value of the estate is \$10 million or more, \$1,056.

(2) A probate court shall collect the following fees for an annual or final accounting filed in a probate proceeding:

(a) If the value of the estate is less than \$50,000, \$32.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$268.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$531.

(d) If the value of the estate is \$10 million or more, \$1,056.

(3) For the purpose of determining the value of the estate under this section, the amount of a settlement in a wrongful death action brought for the benefit of the decedent's surviving spouse or dependents is not part of the estate.

(4) A person filing an appearance in a probate proceeding must pay the fee established under ORS 21.135.

(5) The fees established under this section apply to county courts exercising probate jurisdiction.

**21.175 Guardianship filing fees.** (1) A circuit court shall collect the filing fee established under ORS 21.145 for the filing of the initial documents in a guardianship proceeding and for filing an appearance in a guardianship proceeding.

(2) The fees established under this section apply to county courts exercising probate jurisdiction. [2011 c.595 §27]

**21.180 Conservatorship filing fees and accounting fees.** (1) The court shall collect the following filing fees for the filing of the initial documents in a conservatorship proceeding:

(a) If the value of the estate is less than \$50,000, \$240.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$505.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$755.

(d) If the value of the estate is \$10 million or more, \$1,005.

(2) The court shall collect the following fees for an annual or final accounting filed in a conservatorship proceeding:

(a) If the value of the estate is less than \$50,000, \$30.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$255.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$505.

(d) If the value of the estate is \$10 million or more, \$1,005.

(3) For the purpose of determining the value of the estate under this section, the amount of a settlement in a wrongful death action brought for the benefit of the decedent's surviving spouse or dependents is not part of the estate.

(4) Except as provided in subsection (1) of this section, at the time of filing an appearance in a conservatorship proceeding the party filing the appearance must pay the filing fee established under ORS 21.135.

(5) The fees established by this section apply to county courts exercising probate jurisdiction. [2011 c.595 §28; 2013 c.685 §§35,35a]

**Note:** The amendments to 21.180 by section 35a, chapter 685, Oregon Laws 2013, become operative July 1, 2014, and apply to filings made on or after July 1, 2014. See section 38a, chapter 685, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 35, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.180.** (1) The court shall collect the following filing fees for the filing of the initial documents in a conservatorship proceeding:

(a) If the value of the estate is less than \$50,000, \$252.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$531.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$793.

(d) If the value of the estate is \$10 million or more, \$1,056.

(2) The court shall collect the following fees for an annual or final accounting filed in a conservatorship proceeding:

(a) If the value of the estate is less than \$50,000, \$32.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$268.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$531.

(d) If the value of the estate is \$10 million or more, \$1,056.

(3) For the purpose of determining the value of the estate under this section, the amount of a settlement in a wrongful death action brought for the benefit of the decedent's surviving spouse or dependents is not part of the estate.

(4) Except as provided in subsection (1) of this section, at the time of filing an appearance in a conservatorship proceeding the party filing the appearance must pay the filing fee established under ORS 21.135.

(5) The fees established by this section apply to county courts exercising probate jurisdiction.

**21.185 Child support cases exempt from certain filing fees.** The filing fees described in ORS 21.135, 21.145, 21.155 and 21.160 may not be charged to a district attorney or to the Division of Child Support of the Department of Justice for the filing of any proceeding related to the provision of support enforcement services as described in ORS 25.080. [2011 c.595 §16a]

#### (Motion Fees)

**21.200 Motion fees generally.** (1) In any action or other proceeding subject to a fee under ORS 21.135, 21.145 or 21.160, a \$100 fee must be paid by the party filing one of the following motions and by the party responding to the motion:

(a) A motion for summary judgment under ORCP 47.

(b) A motion for judgment notwithstanding the verdict under ORCP 63.

(c) A motion for new trial under ORCP 64.

(d) A motion for relief from judgment under ORCP 71.

(e) A motion for preliminary injunction under ORCP 79.

(f) A motion seeking remedies for contempt of court.

(2) The fees provided for in this section may not be collected from the state, a county, a city or a school district.

(3) The fees provided for in this section may not be collected for motions made to an arbitrator or mediator in an arbitration or mediation required or offered by a court, or to any motion relating to an arbitration or mediation required or offered by a court.

(4) The clerk shall file a motion or response that is subject to a fee under this section only if the fee required by this section is paid when the motion or response is submitted for filing. [Formerly 21.125]

**21.205 Motion fees in domestic relations cases.** (1) In any action or other proceeding subject to a fee under ORS 21.155, a \$150 fee must be paid by the party filing a motion that seeks entry of a supplemental judgment and by a party responding to the motion.

(2) The fee provided for in subsection (1) of this section does not apply to any motion under ORCP 68, 69 or 71.

(3) In any action or other proceeding subject to a fee under ORS 21.155, a \$50 fee must be paid by the party filing one of the following motions and by a party responding to the motion:

(a) A motion filed under ORS 107.434; and

(b) A motion seeking remedies for contempt of court.

(4) Only the fees specified by subsection (1) of this section may be collected if a party concurrently files a motion that seeks entry of a supplemental judgment and a motion seeking remedies for contempt of court. [2011 c.595 §74]

**21.210** [Amended by 1955 c.458 §2; renumbered 21.115 and then 21.375]

#### (Fees for Settlement Conferences)

**21.215 Fees for settlement conferences.** (1) In any civil proceeding subject to a fee under ORS 21.155 in which the parties request a settlement conference before a judge, or in which a settlement conference before a judge is required by law or by the court, each party participating in the conference shall pay a \$100 fee to the court for each day or partial day during which the conference is conducted.

(2) Notwithstanding ORS 3.428 (3), the fee required under subsection (1) of this section must be paid when parties request a settlement conference through a family law facilitation program.

(3) In civil proceedings other than those described in subsection (1) of this section, if the parties request a settlement conference

before a judge, or a settlement conference before a judge is required by law or by the court, each party participating in the conference shall pay a \$200 fee to the court for each day or partial day during which the conference is conducted.

(4) The fees required by this section shall be collected in advance, and are due and payable on the first day of the settlement conference. [2009 c.659 §32; 2011 c.595 §§83,83a]

**21.220** [Amended by 1963 c.519 §10; repealed by 1965 c.619 §39]

#### (Trial Fees)

**21.225 Trial fees.** (1) In any civil action, suit or proceeding in the circuit court, other than a protective proceeding under ORS chapter 125 or a probate, adoption or change of name proceeding, trial fees shall be collected as provided in this section.

(2) The clerk of the circuit court shall collect from the plaintiff, appellant or moving party, for a trial on the merits without a jury, a trial fee of \$125 for each full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance and is due and payable when the action, suit or proceeding is set for trial. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes.

(3)(a) The clerk shall collect from the plaintiff or appellant, for a trial by a jury of more than six persons, a jury trial fee of \$225 for each full or partial day of the trial. The clerk shall collect from the plaintiff or appellant, for a trial by a jury of six persons, a jury trial fee of \$150 for each full or partial day of the trial. The amount of the fee for the first day of trial shall be collected in advance and is due and payable when the action, suit or proceeding is set for trial by jury. The amount of the fee for subsequent days of trial shall be collected on the day the trial concludes.

(b) If the plaintiff or appellant waives a trial by jury, and the defendant or respondent desires a trial by jury, the clerk shall collect the jury trial fee from the defendant or respondent, and not from the plaintiff or appellant.

(c) A case in which the jury trial fee for the first day of trial has not been paid shall be tried by the court without a jury, unless the court otherwise orders. If a case in which the jury trial fee for the first day of trial has not been paid is tried by a jury, the clerk shall tax against the losing party the total amount of the jury trial fee. The jury trial fee constitutes a monetary obligation payable to the court, and may be made part of the judgment in the case by the clerk

without further notice to the debtor or further order of the court.

(4) If a counterclaim, cross-claim or third party claim is tried on any day other than a day on which the claim of the plaintiff is tried, the clerk shall collect from the party asserting the counterclaim, cross-claim or third party claim the trial fee or jury trial fee, whichever is applicable, for that day, and shall not collect the applicable fee for that day from the plaintiff. If the party asserting a counterclaim, cross-claim or third party claim waives a trial by jury on the claim, and the party defending against the claim desires a trial by jury on the claim, the clerk shall collect the jury trial fee from the defending party and not from the asserting party.

(5) The fees provided for in this section include any reporting of the trial proceedings, but not the preparation of transcripts of a report.

(6) Except as otherwise provided in subsection (3)(c) of this section, the fees provided for in this section that are paid by a party shall be considered costs and disbursements and may be taxed and collected as other costs and disbursements by the prevailing party.

(7) A court shall order that a trial fee paid under the provisions of this section be refunded to the party that paid the fee if all claims in the action or proceeding are decided without the commencement of a trial and the party that paid the fee files a motion and affidavit requesting refund of the fee not more than 15 days after entry of judgment disposing of the action or proceeding. [Formerly 21.270]

**21.230** [Amended by 1963 c.519 §11; repealed by 1965 c.619 §39]

#### (Fees for Documents and Forms)

**21.235 Document fee.** (1) A circuit court shall collect a fee of \$15 for:

(a) Making or entering a transcript of a judgment.

(b) Preparing a certified copy of a satisfaction document under ORS 18.225 (5).

(c) Issuing notices of restitution as provided in ORS 105.151.

(d) Any other service that is statutorily made subject to the fee established in this section.

(2) A circuit court shall collect a fee of \$35 for issuing a writ of execution or a writ of garnishment. [2011 c.595 §70; 2013 c.685 §§40,40a]

**Note:** The amendments to 21.235 by section 40a, chapter 685, Oregon Laws 2013, apply to writs issued and services rendered on or after July 1, 2014. See section 41a, chapter 685, Oregon Laws 2013. The text that is applicable until July 1, 2014, including amendments

by section 40, chapter 685, Oregon Laws 2013, is set forth for the user's convenience.

**21.235.** (1) A circuit court shall collect a fee of \$16 for:

(a) Making or entering a transcript of a judgment.

(b) Preparing a certified copy of a satisfaction document under ORS 18.225 (5).

(c) Issuing notices of restitution as provided in ORS 105.151.

(d) Any other service that is statutorily made subject to the fee established in this section.

(2) A circuit court shall collect a fee of \$37 for issuing a writ of execution or a writ of garnishment.

**21.240** [Amended by 1959 c.563 §3; 1963 c.519 §12; repealed by 1965 c.619 §39]

**21.245 Form fees.** (1) The State Court Administrator may prescribe and charge a reasonable price, covering the costs of labor and material, for any forms provided by the courts of this state. The sums so collected shall be paid over to the State Treasurer and credited to the Court Forms Revolving Fund.

(2) Notwithstanding subsection (1) of this section, no charge shall be made for forms made available under the provisions of ORS 107.700 to 107.735 or 124.005 to 124.040 or ORS 163.760 to 163.777. [Formerly 21.361; 2013 c.687 §11]

**21.250** [Amended by 1963 c.519 §13; repealed by 1965 c.619 §39]

#### **21.255 Court Forms Revolving Fund.**

There is established in the General Fund of the State Treasury the Court Forms Revolving Fund. Moneys in the revolving fund are continuously appropriated to the Judicial Department for the purpose of paying the costs of labor and materials incurred by the courts of this state in providing forms as provided in ORS 21.245. [Formerly 21.363]

#### (Fees for Other Services)

##### **21.258 Fees for other court services.**

(1) A circuit court may collect such fees as the Chief Justice of the Supreme Court may establish or authorize for any service the court may be required or authorized to perform and for which no fee is provided by law.

(2) A fee may not be established under this section for location or inspection of court records. [2011 c.595 §72]

#### (Fees Not Collectible From Public Bodies)

**21.259 Fees not collectible from public bodies.** The fees prescribed in ORS 21.235, and the fees established or authorized by the Chief Justice of the Supreme Court under ORS 21.258, may not be collected from the state, from the county in which the court is located or from a city in the county in which the court is located. [2012 c.48 §11]

**21.260** [Amended by 1959 c.563 §4; 1963 c.519 §14; repealed by 1965 c.619 §39]

**21.270** [Amended by 1963 c.519 §15; 1965 c.619 §13; 1971 c.621 §4; 1975 c.607 §4; 1979 c.833 §5; 1981 s.s. c.3 §§72,73; 1983 c.763 §21; 1985 c.496 §2; 1995 c.664 §70; 1997 c.801 §51; 2003 c.737 §§19,21; 2005 c.702 §§21,22,23; 2011 c.595 §79; renumbered 21.225 in 2011]

**21.275** [1985 c.496 §4; 1995 c.664 §71; 1997 c.801 §52; 2003 c.737 §§23,24; 2005 c.702 §§25,26,27; 2007 c.129 §15; repealed by 2011 c.595 §78]

**21.280** [1959 c.563 §1; 1963 c.519 §16; repealed by 1965 c.619 §39]

### (Appeals From Justice Courts and Municipal Courts)

**21.285 Fees payable in appeals from justice courts and municipal courts.** (1) In an appeal to a circuit court from a justice court or municipal court in an action for commission of a state violation or an action for violation of a city charter or ordinance, but not in an action for commission of a state crime, the filing and trial fees required by ORS 21.135 and 21.225 are required of the appellant and respondent.

(2) Payment of fees required by subsection (1) of this section is subject to ORS 20.140.

(3) Fees required by subsection (1) of this section may be waived or deferred by a judge of the circuit court for the reason and in the manner provided in ORS 21.680 to 21.698. [Formerly 21.615]

### SHERIFF AND PROCESS SERVER FEES

#### 21.300 Sheriff and process server fees.

(1) The sheriff of a county shall collect the following fees in civil actions, suits and proceedings for each case delivered to the office of the sheriff:

(a) \$36 for serving a summons, a subpoena, a citation, an order, a notice, including notice of seizure and sale of personal or real property, a notice of restitution and notice of seizure under writ of attachment or execution or a similar document, including small claims or writ of execution, directed to not more than two parties at the same address. If service is requested for more than two parties at the same address, the fee is \$20 for each party at the same address. The fee authorized by this paragraph shall not be charged to the state in civil actions, suits and proceedings where one party is a person who has been appointed counsel at state expense.

(b) For seizure and sale of personal or real property, enforcement of writ of execution of judgment of restitution, or other enforcement or seizure under writ of attachment or execution, or other process or proceeding, \$70, and, in addition, such sums as may be reasonable and necessary for the costs of standing by in anticipation of secur-

ing custody of the property, the expense of securing each keeper or custodian of property, the expense of inventory of property and the expense incurred in advertising required by law in the sale of the property.

(c) For making a conveyance of real property sold on any process, \$30, to be paid by, or for, the grantee.

(d) For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, \$3; but no charge shall be made for copy of complaint or other document not actually made by the sheriff.

(e) For entering and processing distraint warrants for state agencies, \$6.25 each.

(2) Persons other than a sheriff serving process and other documents may charge any fee agreed to between the server and the person requesting service.

(3) Fees collected for service by the sheriff shall be retained for the benefit of the county where the party to be served cannot be found.

(4) No mileage or commission shall be collected by a sheriff for service of any document or process but in any service involving travel in excess of 75 miles round trip an additional fee not to exceed \$40 may be billed and collected by a sheriff. Mileage shall be measured from the location at which the service is made to the circuit court in that county.

(5) Amounts paid for service of process and other documents may be recovered as costs and disbursements to the extent provided by ORS 20.115.

(6) A sheriff may not collect a fee under this section for serving a foreign restraining order or an order that only grants relief under ORS 107.095 (1)(c).

(7) As used in this section:

(a) "Folio" means 100 words, counting two figures as one word. Any portion of a folio, when the whole paper contains less than a folio, or when such portion is an excess over the last folio, shall be deemed a folio.

(b) "Foreign restraining order" means a restraining order that is a foreign judgment as defined by ORS 24.105. [Formerly 21.410]

**21.310** [Amended by 1955 c.458 §3; 1965 c.619 §14; 1971 c.621 §5; 1973 c.506 §1; 1975 c.607 §5; 1979 c.833 §6; 1981 s.s. c.3 §74; 1985 c.496 §5; 1995 c.664 §72; 1997 c.801 §28; 2003 c.737 §§26,27; 2005 c.702 §§29,30,31; 2007 c.129 §16; repealed by 2011 c.595 §20]

**21.313** [1959 c.452 §2; 1967 c.111 §4; repealed by 1969 c.591 §305]

**21.315** [Formerly 21.360; repealed by 1965 c.619 §39]

**21.320** [Amended by 1963 c.519 §17; 1965 c.619 §15; 1967 c.534 §10; 1971 c.621 §6; 1975 c.607 §6; 1979 c.833 §7;

1981 s.s. c.3 §§75,76; 1985 c.496 §7; 1997 c.801 §29; renumbered 21.114 in 1997]

**21.325** [Formerly 21.060; 1999 c.649 §43; 2001 c.596 §42; 2003 c.737 §§29,30a,30c; 2005 c.702 §§33,34,35; 2007 c.860 §10; repealed by 2011 c.595 §69]

**21.330** [Amended by 1961 c.563 §2; 1963 c.519 §18; repealed by 1965 c.619 §39]

**21.335** [Formerly 21.070; repealed by 2011 c.595 §114]

**21.340** [Amended by 1963 c.519 §19; repealed by 1965 c.619 §39]

### TRANSCRIPT FEES

**21.345 Transcript fees.** (1)(a) A transcriber may not charge more than \$3 per page for preparation of a transcript.

(b) A transcriber may not charge a fee in addition to the fee established under this subsection for:

(A) An electronic copy required to be served on a party;

(B) A paper copy required to be served on an unrepresented party under ORS 19.370 (4)(a) or (b); or

(C) A paper copy required to be filed with the trial court under ORS 19.370 (4)(d).

(2) Except as provided in subsection (3) of this section, a reporter employed by one of the parties may charge fees as agreed to between the reporter and all of the parties to the proceeding for preparing transcripts on appeal. The reporter and the parties must agree to the fees to be charged before the commencement of the proceeding to be recorded. A share of any fees agreed upon shall be charged to parties joining the proceeding after the commencement of the proceeding.

(3) A reporter employed by one of the parties may not charge a public body, as defined by ORS 174.109, fees for preparing transcripts on appeal that exceed the fees established by subsection (1) of this section.

(4) Each page of the original transcript on appeal prepared under this section must be prepared as specified by rules for transcripts on appeal adopted by the Supreme Court and the Court of Appeals.

(5) Except as otherwise provided by law, the fees for preparing a transcript requested by a party shall be paid forthwith by the party, and when paid shall be taxable as disbursements in the case. The fees for preparing a transcript requested by the court, and not by a party, shall be paid by the state from funds available for the purpose.

(6) When the court provides personnel to prepare transcripts from audio records of court proceedings, the fees provided in subsection (1) of this section to be paid by a party shall be paid to the clerk of the court.

(7) For purposes of this section, “transcript” has the meaning given that term in ORS 19.005. [Formerly 21.470; 2013 c.685 §7]

**21.350** [Formerly 21.140; 1973 c.381 §6; 1981 s.s. c.3 §77; 1997 c.801 §46; 2007 c.860 §13; 2011 c.224 §4; repealed by 2011 c.595 §104]

**21.360** [Amended by 1955 c.458 §4; renumbered 21.315]

**21.361** [1991 c.790 §21; 1995 c.666 §11; renumbered 21.245 in 2011]

**21.363** [1991 c.790 §22; 2005 c.22 §13; renumbered 21.255 in 2011]

**21.370** [Amended by 1963 c.519 §20; repealed by 1965 c.619 §39]

**21.375** [Formerly 21.210 and then 21.115; 1971 c.621 §7; 1975 c.607 §8; 1979 c.833 §8; 1981 c.883 §30; 1981 c.898 §23; 1981 s.s. c.3 §83; 1985 c.496 §17; 1995 c.559 §56; 1997 c.872 §3; renumbered 5.125 in 1997]

**21.380** [Amended by 1963 c.519 §21; repealed by 1965 c.619 §39]

**21.385** [Formerly 46.223; repealed by 1999 c.59 §12]

### REFEREE FEES

**21.400 Referee fees.** The fees of referees shall be fixed by the court, but the parties may agree in writing upon any other rate of compensation and thereupon such rate shall be allowed. [Formerly 21.510]

**21.410** [Amended by 1959 c.620 §1; 1965 c.619 §16; 1969 c.252 §1; 1973 c.393 §1; 1975 c.607 §9; 1977 c.547 §1; 1979 c.833 §9; 1981 c.835 §2; 1981 c.883 §31; 1989 c.910 §1; 1989 c.1053 §1; 1991 c.594 §1; 1995 c.559 §53; 1995 c.583 §1; 1997 c.202 §2; 1997 c.249 §14; 1999 c.1052 §8; 2001 c.104 §4; 2001 c.962 §86; 2003 c.304 §§6,7; 2007 c.129 §17; 2009 c.835 §1; renumbered 21.300 in 2011]

**21.420** [Repealed by 2011 c.595 §114]

**21.460** [Amended by 1961 c.446 §1; 1975 c.607 §10; 1979 c.833 §10; 1981 s.s. c.3 §§84,85; repealed by 1985 c.496 §32]

**21.470** [Amended by 1959 c.446 §1; 1971 c.565 §15; 1973 c.195 §1; 1979 c.833 §11; 1981 s.s. c.3 §86; 1987 c.796 §1; 2005 c.164 §1; renumbered 21.345 in 2011]

**21.480** [1977 c.112 §1; 1981 c.664 §1; 1983 c.114 §1; 1985 c.342 §5; 1989 c.385 §1; 1997 c.801 §§45,45a; 2003 c.737 §§92,94,96; 2003 c.791 §§8,8a; 2005 c.817 §2; 2007 c.129 §18; 2007 c.860 §24; 2010 c.107 §§33,34; repealed by 2011 c.595 §97a]

**21.485** [1977 c.112 §2; 1981 c.664 §2; 1983 c.114 §2; 1985 c.342 §6; 1989 c.385 §2; repealed by 1995 c.658 §127]

**21.490** [1977 c.112 §3; 1983 c.763 §39; repealed by 1997 c.801 §77]

**21.510** [Renumbered 21.400 in 2011]

**21.520** [1979 c.429 §1; renumbered 205.245]

**21.530** [1979 c.429 §2; renumbered 205.255]

**21.560** [Repealed by 1983 c.763 §24]

**21.570** [Amended by 1965 c.619 §17; 1967 c.398 §6; repealed by 1983 c.763 §24]

**21.580** [Amended by 1965 c.619 §18; 1981 s.s. c.3 §87; 1983 c.763 §22; 1985 c.496 §26; 1991 c.790 §3; repealed by 2011 c.595 §69]

**21.590** [Repealed by 1981 s.s. c.3 §141]

**21.600** [Amended by 1965 c.619 §19; 1967 c.398 §7; repealed by 1985 c.496 §32]

**21.605** [1969 c.288 §1; 1973 c.67 §1; 1977 c.416 §2; 1981 s.s. c.3 §88; 1983 c.673 §24; 1985 c.342 §24; 1985 c.496 §24; 1995 c.273 §11; 1995 c.658 §25; 1999 c.367 §4; 1999 c.657

§7a; 2003 c.518 §5; 2003 c.576 §178; 2003 c.737 §85; 2007 c.129 §19; repealed by 2007 c.493 §§18,18a]

**21.607** [1995 c.273 §12; 1997 c.801 §129; 1999 c.367 §17; 2003 c.576 §179; 2007 c.493 §9; renumbered 21.700 in 2007]

**21.610** [Amended by 1963 c.519 §22; repealed by 1965 c.619 §39]

**21.615** [1985 c.342 §27; 1999 c.1051 §120; 2007 c.493 §10; 2011 c.595 §101; renumbered 21.285 in 2011]

**21.620** [Amended by 1963 c.519 §23; 1965 c.619 §20; repealed by 1981 s.s. c.3 §141]

**21.630** [Repealed by 1955 c.458 §5]

**21.640** [Repealed by 1955 c.458 §5]

**21.650** [Repealed by 1955 c.458 §5]

**21.660** [Amended by 2003 c.576 §288; repealed by 2011 c.595 §114]

**21.670** [Repealed by 2011 c.595 §114]

### WAIVER AND DEFERRAL OF FEES

**21.680 Definitions for ORS 21.680 to 21.698.** As used in ORS 21.680 to 21.698:

(1) “Applicant” means a person who applies for waiver or deferral of fees or court costs under ORS 21.680 to 21.698.

(2) “Court administrator” means:

(a) The State Court Administrator for the Supreme Court, the Court of Appeals and the Oregon Tax Court;

(b) A trial court administrator in a circuit court that has a trial court administrator; and

(c) The clerk of the court in all other courts.

(3) “Judge” means the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, a judge of a circuit or county court, the judge of the Oregon Tax Court, a tax court magistrate or a justice of the peace.

(4) “Obligor” means a person who has had payment of all or part of fees or court costs deferred under ORS 21.680 to 21.698. [2007 c.493 §1]

**21.682 Authority to waive or defer fees and court costs; delegation.** (1) A judge may waive or defer all or part of the fees and court costs payable to the court by a party in a civil action or proceeding, including sheriff’s fees under ORS 21.300 (1)(a), if the judge finds that the party is unable to pay all or any part of the fees and costs. Waiver or deferral under this section of the fees or court costs of an inmate, as defined in ORS 30.642, is subject to ORS 30.642 to 30.650.

(2) A presiding judge may delegate authority to waive or defer fees and court costs under this section to the court administrator for the court in which the judge serves. A delegation of authority under this subsection must be in writing and must be subject to clear standards. If a delegation is made under this subsection, an applicant may seek

review of the court administrator’s decision by a judge. If an applicant requests review of a court administrator’s decision, the court administrator shall forward the application for waiver or deferral of the fees or court costs to the appropriate judge.

(3) A court may not delay or refuse to enter an order or judgment in an action or proceeding because deferred fees and court costs have not been paid.

(4) The Chief Justice of the Supreme Court by order may provide standards and practices for waiver or deferral of fees or court costs under ORS 21.680 to 21.698. [2007 c.493 §2; 2009 c.484 §5]

**21.685 Application for waiver or deferral of fees or court costs.** Upon request of a party, a court administrator shall provide a party with an application for waiver or deferral of fees or court costs. The form of the application must be consistent with the standards prescribed by the Chief Justice of the Supreme Court under ORS 21.682 (4). The application must contain a notice that the court may enter judgment against the applicant for any deferred fees or court costs. A fee may not be charged for providing the application or for the filing of an application. [2007 c.493 §3]

**21.690 Waived fees; recovery.** (1) If the fees and court costs of a person have been waived under ORS 21.680 to 21.698 and the person prevails in the action or proceeding for which fees and court costs were waived, the court may include in the judgment a money award, payable by any party who is liable to the person receiving the waiver for costs and disbursements in the action or proceeding, in an amount equal to the waived fees and court costs. The money award shall be in favor of the state in courts other than justice courts and county courts. In justice courts and county courts, the money award shall be in favor of the county in which the justice court or county court is located. The judgment debtor must pay the money award amount to the court administrator.

(2) The state is liable for the payment of fees and court costs waived by a court only if a money award as described in subsection (1) of this section is entered against the state. [2007 c.493 §4]

**21.692 Judgment for deferred fees and court costs.** (1) In courts other than justice courts and county courts, fees and court costs deferred under ORS 21.680 to 21.698 constitute a monetary obligation of the obligor that is payable to the state. In justice courts and county courts, fees and court costs deferred under ORS 21.680 to 21.698 constitute a monetary obligation of the

obligor that is payable to the county in which the justice court or county court is located. The court may render a judgment in favor of the state or county for any unpaid part of the obligation. A limited or supplemental judgment may be rendered for the obligation, or the obligation may be included in the general judgment in an action or proceeding. If the court renders a limited judgment for the obligation, the money award may be only for unpaid fees and court costs and may not include any other financial obligation. A court administrator may sign a judgment for deferred fees and costs on behalf of the court.

(2) A court may render a limited or supplemental judgment for unpaid deferred fees or costs, or include a money award for the obligation in a general judgment, without further notice to the obligor or further order of the court.

(3) An obligor subject to a judgment for unpaid fees and court costs may move for relief from the judgment based on a showing that the obligor's financial circumstances have changed since the time of the entry of the judgment such that the obligor is no longer able to pay the judgment amount. A motion for relief under this subsection must be made in the manner provided by ORCP 71 and must be made within one year after the judgment containing the money award is entered. [2007 c.493 §5]

**21.695 Waiver or deferral of costs of transcript on appeal.** (1) In a civil action or proceeding, the Supreme Court or the Court of Appeals may waive in whole or in part, defer in whole or in part, or partially waive and partially defer, the expense of preparing a transcript on appeal if:

(a) The party requesting the transcript is unable to pay the expense of preparing the transcript; and

(b) The party requesting the transcript makes a prima facie showing that the transcript is necessary to prosecute the appeal and would reveal reversible error in the action or proceeding.

(2) If the Supreme Court or the Court of Appeals waives or defers any part of the expense of preparing a transcript on appeal, the court shall authorize preparation of only as much of the transcript as is necessary to prosecute the appeal. The State Court Administrator shall pay the unpaid costs of preparing the transcript out of funds appropriated for that purpose.

(3) If the Supreme Court or the Court of Appeals defers payment of any part of the expense of preparing a transcript on appeal and any part of the deferred expense remains unpaid at the conclusion of the appeal, a

judgment may be entered for the unpaid amount in the manner provided by ORS 21.692.

(4) If the State Court Administrator pays any costs of preparing a transcript on appeal under subsection (2) of this section and costs on appeal are awarded to the obligor, a money award to the State Court Administrator shall be included in the judgment for all waived or deferred transcript costs paid by the State Court Administrator.

(5) Waiver or deferral under this section of the transcript costs of an inmate, as defined in ORS 30.642, is subject to ORS 30.642 to 30.650. [2007 c.493 §6]

**21.698 Confidentiality of information related to waiver or deferral.** (1) Except as provided in subsection (2) of this section, information supplied by a person filing an application for waiver or deferral of fees or court costs, and information collected by the courts for purposes of determining eligibility for waiver or deferral of fees or costs, is confidential and may not be used for any purpose other than determining eligibility for waiver or deferral.

(2) Information described in subsection (1) of this section may be:

(a) Introduced in an action or proceeding arising out of a determination that a person is not eligible for waiver or deferral of fees or court costs;

(b) Introduced in a proceeding arising as a result of an allegation that a person has supplied false information in seeking waiver or deferral of fees or court costs;

(c) Used by a court, the Department of Revenue and the assignees of a court or the Department of Revenue for the purpose of collecting delinquent amounts owed to this state by the person providing the information; and

(d) Released pursuant to a subpoena issued as a result of an allegation that a person has supplied false information in seeking waiver or deferral of fees or court costs. [2007 c.493 §7]

**21.700 Interest on judgments for deferred fees and costs; satisfaction; compromise prohibited.** (1) Notwithstanding ORS 82.010, judgments resulting from the deferral of fees and court costs under the provisions of ORS 21.680 to 21.698 bear no interest.

(2) If a judge of a circuit or county court defers payment of any fees or court costs under the provisions of ORS 21.680 to 21.698, and the amount of those deferred fees or court costs is subsequently paid in full, the trial court administrator for the court shall note in the register or docket that the de-

ferred fees and costs have been paid in full. Notation in the register or docket that deferred fees and costs have been paid in full constitutes a satisfaction of the judgment for those fees and costs.

(3) If the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals or the judge of the Oregon Tax Court defers payment of any fees or court costs under the provisions of ORS 21.680 to 21.698, including deferral of the cost of preparing the transcript on appeal, and the amount of those deferred fees or court costs is subsequently paid in full, the State Court Administrator shall note upon the register of the court that the deferred fees and costs have been paid in full. Notation in the register that deferred fees and costs have been paid in full constitutes a satisfaction of the judgment for those fees and costs.

(4) Upon notation in the register or docket that deferred fees and costs have been paid in full, a certified copy of the notation

may be filed with any circuit court or County Clerk Lien Record in which the judgment was filed under the provisions of ORS 21.680 to 21.698. Upon filing of the certified copy, the trial court administrator for the court, or the county clerk if the judgment was filed in the County Clerk Lien Record, shall cause the certified copy to be entered in the register or docket of the court or recorded in the County Clerk Lien Record.

(5) Judgments resulting from the deferral of fees and court costs under the provisions of ORS 21.680 to 21.698 may not be compromised, settled or adjusted by a trial court administrator or the State Court Administrator. [Formerly 21.607]

**21.710** [Repealed by 1997 c.249 §15]

**21.720** [Repealed by 1981 s.s. c.3 §141]

**21.730** [Repealed by 2011 c.595 §114]

**21.990** [Repealed by 2011 c.595 §114]

