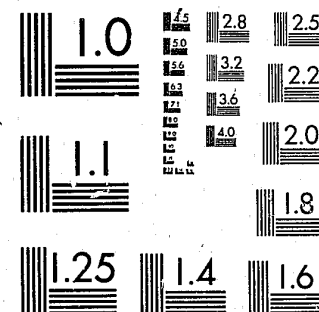


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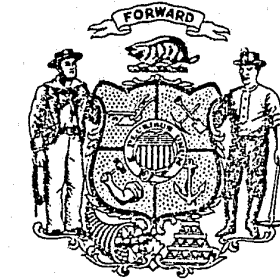
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12/01/81



COURT FEES AND COSTS: A BACKGROUND REPORT

STAFF BRIEF 80-7

U.S. Department of Justice
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Wisconsin Legislative Council Staff

July 9, 1980

State Capitol
Madison, Wisconsin

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Wisconsin Legislative Council Staff

Madison, Wisconsin

Technical Advisory Committee on
Court Fees and Costs

July 9, 1980

STAFF BRIEF 80-7*

COURT FEES AND COSTS: A BACKGROUND REPORT

INTRODUCTION

SECTION 494 of Ch. 449, Laws of 1977, the "Court Reorganization Act," mandated, among other things, a Legislative Council study of current court-related fees and costs. Specifically, SEC. 494 provides that:

SECTION 494. LEGISLATIVE COUNCIL STUDY. (1) The legislative council shall appoint a special committee to study current fines, forfeitures and court-related fees and costs to consider whether specific fines, forfeitures or court-related fees and costs should be raised, lowered, abolished or retained and whether the percentage of such amounts payable to the state should be raised, lowered or retained. The committee shall particularly study costs with a view towards improving administration and the uniform application of costs.

(2) In connection with the study and thereafter for administrative use by the judicial branch, the administrative director of courts shall develop a system, including reporting requirements, to gather information regarding the amount of money received by court reporters from transcript fees and free lance work.

(3) The legislative council shall report its findings and recommendations to the legislature not later than January 1, 1981.

Pursuant to this directive, the Legislative Council, at its May 30, 1980 meeting, created an eight-member Technical Advisory Committee to the Legislative Council's Committee on Courts to develop and analyze relevant data and information and to report its findings and recommendations to the Committee on Courts on or before December 15, 1980.

*This Staff Brief was prepared by Dan Fernbach, Senior Staff Attorney, and Donald Salm, Staff Attorney, Legislative Council Staff.

This Staff Brief contains background information relating to court fees and costs in Wisconsin, including a summary of the current user fee structure. Also discussed are several alternative approaches to revising the structure of court-related costs and fees. Tables of all statutory fees and costs are attached as Appendices 1 and 2.

PART I

SUMMARY OF STATE COSTS TO OPERATE
THE TRIAL COURT SYSTEM

A. CIRCUIT COURTS

At present, the state assumes the cost of the statutory salaries and fringe benefits of Wisconsin's 190 circuit court judges, as well as the statutory salaries and fringe benefits of all circuit court reporters. In addition, the state pays the per diem salaries and expenses of assigned reserve judges and the expenses of assigned circuit judges when it becomes necessary to assign additional judges to handle excess judicial work load in a particular area of the state.

The county assumes all other operational costs of the trial court system, including discretionary salary supplements to judges and court reporters until June 30, 1980.

On July 1, 1980 and thereafter, the state will pay the entire compensation package for judges and court reporters. At that time, the statutory salary for circuit judges will be \$49,182 per year, and the statutory salary range for circuit court reporters will be between \$17,136 and \$23,652 per year.

In fiscal year 1979-80, it is estimated by the Fiscal Officer, Wisconsin Supreme Court, that the following amounts will be paid by the state for the operation of Wisconsin's trial court system:

Circuit Courts (1979-80)

Salaries (Judges and Reporters)	\$12,444,861
Fringe Benefits (Judges and Reporters)	2,542,356
Miscellaneous (Including Per Diem Salaries of Assistant Reporters)	463,000
Travel Expenses	212,825
TOTAL	\$15,663,042

B. MUNICIPAL COURTS

The entire cost of operating the municipal court system is borne by municipalities. The state contributes nothing to the system, nor does the state receive any revenue from forfeitures collected by municipal courts resulting from violations of municipal ordinances.

PART II

AN OVERVIEW OF TRIAL COURT USER FEES IN WISCONSIN

A. SUIT TAX

Prior to the 1977 revision of the Judicial Article of the Wisconsin Constitution, art. VII, s. 18, Wis. Const., and s. 814.21, Wis. Stats., imposed a state tax on all civil suits, the proceeds of which were applied toward the payment of the state's share of judicial salaries. However, the constitutional provision was repealed in 1977; and, in 1978, in conjunction with legislation providing for the full assumption of judicial salaries by the state, the Legislature eliminated the specific application of suit tax revenues towards the payment of judges' salaries.

Currently, a general suit tax of \$11 is applicable to most civil actions, except that actions in municipal court, probate proceedings, cognovit judgments, mental commitments and juvenile cases are exempt from the suit tax. The amount of suit tax applicable to other specific civil actions is shown in Appendix 1, Table 1, page 21.

All suit taxes paid in circuit court actions are forwarded to the state and paid into the State Treasury as general purpose revenue, including the special suit tax of \$2 which is levied against all defendants for traffic violations.

B. FEE IN ACTIONS AFFECTING MARRIAGE

A fee of \$12 is assessed upon commencement of any action affecting marriage, which is cumulative with other applicable fees. The proceeds of this fee are retained by the county.

C. FEE IN CRIMINAL CASES

A fee of \$3 is assessed against the defendant in all criminal cases. The proceeds of this fee are paid into the State Treasury.

D. CLERK'S FEES

Although a standard clerk's fee of \$8 is assessed in most civil actions, numerous other statutory clerk's fees may also be imposed. Some fees are imposed as filing fees when an action is commenced, while others are imposed to cover various clerical services such as issuing a summons, docketing a judgment or forwarding a transcript on appeal. Clerk's fees are not shared with the state, but are paid into the county treasury. A listing of the various clerk's fees is contained in Appendix 1, Table 2, page 22.

E. PROBATE FILING FEES

In probate proceedings, a "filing fee" is substituted for the customary clerk's fee. The amount of the probate filing fee is based on the size of the estate to be probated, as indicated in Appendix 1, Table 2, page 22. The fee, therefore, is usually paid upon filing the inventory following an appraisal of the estate. The county treasurer collects these fees from the probate court, retains 35% for the county and forwards 65% to the state.

F. COURT COMMISSIONER'S FEES

The statutes prescribe a variety of fees to which court commissioners are entitled for performing their services. These fees are set forth in Appendix 1, Table 4, page 29.

G. SHERIFF'S FEES

Sheriffs are entitled to receive, in advance, statutorily prescribed fixed fees, plus mileage, as compensation for serving summonses and other legal process. The amounts of these fees are listed in Appendix 1, Table 5, page 31.

H. JURY FEES

Jury fees are paid by litigants only in small claims and traffic forfeiture cases. However, the court may tax one day's jury fees against any party in a civil or criminal case who withdraws a demand for a jury within 48 hours prior to trial.

I. OTHER FEES

Other miscellaneous court user fees are set forth in Appendix 1. In addition to the user fees, discussed above, which are retained by the state and the counties to defray court operating costs, other statutory court costs may be imposed upon litigants. A listing of these statutory costs is set forth in Appendix 2.

As a final note, while there is no dearth of judicial statistics, the manner in which the costs and revenues of Wisconsin's trial courts are collected, compiled and reported to the state is currently inadequate for informed decision-making about the user fee system. Except for certain suit taxes, it is impossible to determine the amount of revenue generated by any given fee and, in the case of municipalities, reported revenues

are not segregated between user fees and penalty proceeds. Such gaps in information about court finances seriously inhibit attempts to evaluate the court user fee system.

The recent reorganization of Wisconsin's trial courts resulted in an increased level of state financing of the trial court system. However, a large share of trial court operating costs is still borne by local units of government and, as a result, overall planning and budgeting for the court system remains fragmented.

PART III

POSSIBLE ALTERNATIVES TO PRESENT
USER FEE SYSTEM

Previous research by the Legislative Council Staff and other organizations have estimated that the state and the counties recoup only about 25% of the cost of operating Wisconsin's trial courts through "user fee" revenues such as suit taxes, clerk's fees, probate filing fees and miscellaneous other fees. While operating costs have continued to rise, many of Wisconsin's current user fees have not been increased for many years. For example, the \$8 clerk's fee assessed in most civil actions was set in 1953. Therefore, user fees defray a smaller percentage of court operating costs today than they have in the past.

A. PHILOSOPHICAL PRINCIPLES

One of the central issues involved in any review and revision of trial court user fees is the policy question: What portion of court operating costs should be borne by the general public and what portion should be paid for by the litigants who make use of the court system? In considering this issue, several generally agreed-upon principles can be articulated:

1. The court system is a social institution for the orderly resolution of conflicts. It provides valuable public services and should be supported by public resources (i.e., both community and statewide tax bases), in addition to user fees.

2. Fees should be set at levels which reasonably apportion the cost of court services according to the relative benefits flowing to the users and to the general public.

3. Parties who use the courts for private gain or benefit (for example, plaintiffs in creditor actions) should be required to pay their fair share of the cost of court operations.

4. Although persons using the courts should pay their fair share, user fees should not be established at levels which are so high as to deter citizens of little means from seeking redress through the courts.

5. Fees should be set at sufficiently high levels to discourage frivolous or wasteful uses of judge time and court services.

The above principles contain inherent conflicts which must be balanced. A determination of what level or percentage of court operating costs should be recovered from user fee revenues will be affected by the assumptions made as to the utility and purpose of these fees. However, it is assumed in the remainder of this Brief that the basic policy decision

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behind the current structure of court financing - shared support by both users and the general public - will not be disturbed.

B. STRUCTURAL ALTERNATIVES

Another issue involved in a discussion of court fees is that of fee structure, i.e., which litigants should pay what portion of the total user fee burden. In 1973, the Citizen's Study Committee on Judicial Organization recommended that court user fees be graduated according to the relative expense of disposing of different types of cases, considering various factors such as the type of action and the size of the potential or actual money judgment. In addition, the Citizen's Study Committee recommended that the litigant's ability to pay should be considered and that any future increases in user fees should be subject to a waiver for indigents, which would be applied uniformly in all trial courts. Other factors which may affect the type of structure established for user fees include whether a particular court service is mandatory or selective and whether a service is available exclusively through the courts or generally available elsewhere.

Some specific fee structure proposals which have been suggested include:

1. Fees Based on Court Use

One method of implementing a court user fee structure would be to base user fees on the amount of judicial or clerical time taken in processing and resolving a particular action. For example, a relatively modest fee could be imposed each time a court service is utilized by a litigant. [This appears to be the basis for Wisconsin's present system of clerk's fees, and has been implemented in specific detail under the current system of compensation for services of the sheriff.]

Another method of implementing an "actual" court user fee system would be to require that specific records be maintained of the actual amount of judicial or clerical time, or both, spent in processing and adjudicating a particular case. Then, a fee could be imposed based on an hourly rate for these services. Under this method, the judge could be given discretion to impose this fee upon the losing party or, when equitable, the judge could assess the fee in proportionate amounts between the parties. [One obvious disadvantage of this method would be the amount of detailed recordkeeping necessary. However, modern electronic data processing equipment may provide a feasible means of maintaining such records.]

A third method of implementing a fee system based on actual use would involve a determination of either (a) the average cost to the state and county of processing and adjudicating each type of case, or (b) a computation of "weights" for each type of case, based on the average length of time expended by judges and court personnel to dispose of each

case type. Then, a filing fee could be assessed upon commencement of an action, which would be based on a fixed percentage of the average cost or case weight for each type of case.

2. Fees Based on User's Ability to Pay as Reflected by the Amount in Controversy

Basing some portion of court user fees on the litigant's ability to pay could be accomplished by relating user fees to the amount in controversy. To a degree, this philosophy is reflected in Wisconsin's current fee structure for small claims actions (an additional \$4 suit tax is imposed, if the amount in controversy is over \$1,000) and the graduated filing fee schedule for probating estates.

It is possible to expand this concept to other civil cases by linking the amount of suit tax or filing fee to either the amount demanded in the plaintiff's complaint or the amount actually awarded in the final judgment. The 1973 Report of the Citizen's Study Committee noted that some states impose fees graduated upon the amount of the judgment, and recommended that the concept be considered in any future revision of Wisconsin's court user fees.

Colorado is an example of a state which uses a graduated court user fee based on the size of the judgment recovered by the plaintiff. Under the Colorado system, the plaintiff is required to pay an initial "docket fee" of \$40, and is assessed an additional fee graduated by the amount of the judgment, as follows:

<u>Size of Judgment</u>	<u>Fee</u>
0 - \$ 5,000	None
\$ 5,000 - \$10,000	\$10
\$10,000 - \$20,000	\$30
\$20,000 - \$30,000	\$50
\$30,000 - \$50,000	\$90
For each \$1,000 above \$50,000, an additional	\$ 2

3. Split or Shared Fees

Other states have adopted simplified fee structures for civil actions which are assessed against both parties, and which constitute the total fees charged for use of the trial courts, except fees for copying and certifying documents. In Minnesota, the plaintiff pays a flat \$20

filing fee upon filing the summons and complaint, and the defendant is assessed a flat \$15 fee when the answer is filed. In Arizona, these fees are \$30 and \$20, respectively.

C. ADDITIONAL CONSIDERATIONS

The preceding section discussed alternatives to be considered in answering the questions of who pays, and how much do they pay, for using the court system. Other policy factors also should be considered in a review of court costs and fees, including those set forth below. Over the years, many states, including Wisconsin, have enacted a myriad of court user fees. These fees are often difficult to ascertain because they are scattered throughout the statutes. However, a few states have recently simplified their court user fees by eliminating many minor statutory fees, combining two or more fees into a single uniform fee and consolidating all court-related fees into a single statutory section or chapter.

1. Uniformity and Simplicity

For example, in 1965 North Carolina established a unified state-financed court system. Uniform fees were created at approximately the same levels charged under the old system, but many separate items of statutory costs were eliminated. As a result, North Carolina's fee system now has only three basic components: a facilities fee, a general court of justice fee and a process fee. A fourth component, a fee which goes into the law enforcement officers' retirement fund, is applicable only in criminal cases.

Certain states have consolidated all statutory court user fees into a single section or series of consecutive sections of the statutes, and have established a relatively high entry-level filing fee which is assessed against the plaintiff in civil cases. For example, Illinois requires the payment, in advance, of a \$40 clerk's fee in most civil actions, and Kentucky has established a \$70 filing fee for civil actions brought in circuit court.

2. Periodic Adjustment of Fee Levels

In the past, fee adjustments and other revisions of charges assessed against users of Wisconsin's court system have been made on a sporadic, ad hoc basis, often in conjunction with statutory salary increases for judges and other court personnel. The Citizen's Study Committee suggested that court user fees be reviewed and revised on a regular basis to permit (a) the timely repeal of obsolete fees, (b) the establishment of appropriate fees for new court services and (c) the adjustment of existing fees to reflect the increased cost of providing court services.

One of the problems identified nationally as inhibiting the periodic and timely adjustment of user fees is the timing, complexity and

uncertainty of the legislative process, particularly in those states which have brief biennial legislative sessions. As a response to this problem, the Legislatures of at least two states, Delaware and Alaska, have delegated the responsibility of setting user fees to the judicial branch by court rule.

3. Ease of Application

Whether or not any of the above substantive user fee proposals are deemed meritorious, there presently exists a need to make information on all of Wisconsin's statutory user fees and court-related costs more accessible to clerks, judges, attorneys and the public. The most direct solution to this problem would be to compile all the various statutes relating to the imposition and disposition of user fees and consolidate them into a single statutory chapter. In 1971, the Legislative Council introduced legislation [1971 Senate Bill 43] to accomplish this purpose, but the Bill was never brought to a vote in either House.

PART IV

SUMMARY

Pursuant to SEC. 494, Ch. 449, Laws of 1977, the Technical Advisory Committee of the Legislative Council's Committee on Courts has been directed to:

1. Consider whether court-related fees and costs should be raised, lowered, abolished or retained;
2. Consider whether the percentage of such amounts payable to the state should be raised, lowered or retained; and
3. Conduct its study with a view towards improving administration and the uniform application of costs.

As indicated in Part I, the Legislature recently increased the state's share of the financial burden of operating the trial court system by assuming total payment of compensation to judges and court reporters. However, the counties still assume all other operational costs of Wisconsin's trial courts. In terms of revenues received by the state and counties in the form of user fees and costs, such revenues defray only a fraction of the actual cost borne by the state and county government in running the trial courts. The present system used to report the revenues from user fees and costs is inadequate to provide accurate statistics regarding the differences between actual costs and revenues or the amount of revenue generated from any particular user fee or court activity related to courts.

Wisconsin's current statutory user fee structure, as in most other jurisdictions, consists of a myriad of itemized suit taxes, general and specialized clerk's fees, special fees in certain types of actions, fees for various services performed by officials such as sheriffs and court commissioners, and many other miscellaneous user fees. In addition, a variety of statutory court costs are imposed at the discretion of the judge, and, in many cases, assessed against the losing party at the conclusion of the action. These statutory fees and costs are scattered throughout the statutes and, because they have been enacted in a piecemeal fashion, there has been little systematic correlation as to the various amounts charged to litigants for commencing actions, filing documents and as compensation for services performed by various public officials.

While it is important that user fees and court costs are maintained at sufficient levels to defray a reasonable percentage of total expense to the public of operating the trial courts, various philosophical principles underlying the court user fee system should be considered and reconciled prior to any attempt at statutory reform. For example, the need for defraying expenses and discouraging the frivolous use of the courts by

raising fee levels should be considered in light of conflicting principles, such as the need to maintain court services for the benefit of the public at large and the rights of poor citizens to have open and equal access to the courts.

It is suggested that the balancing of these philosophical principles should be a prerequisite to consideration of proposals to raise, lower or abolish specific statutory user fees, or to restructure fees and costs based on such factors as ability to pay or court time expended by litigants. However, such principles may be less important when the goal of statutory reform is to provide greater administrative efficiency and uniformity of application. In this regard, various types of proposals, such as the consolidation of all fees and costs into a single chapter of the statutes, the elimination of seldom-used fees, the combining of several fees to a designated official for similar purposes or the institution of split fees to more evenly apportion the costs of litigation among all parties, provide a number of alternatives to Wisconsin's present statutory structure of court-related user fees and costs.

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APPENDIX 1

TABLES OF SUIT TAXES AND FEES
FOR WISCONSIN COURTS

(1977 Wisconsin Statutes, as
Amended by the 1979 Legislature)

TABLES OF SUIT TAXES AND FEES
FOR WISCONSIN COURTS

(1977 Wisconsin Statutes, as
Amended by the 1979 Legislature)

This Appendix provides a complete listing of all statutory suit taxes, clerk's fees and other court user fees, set out in a series of tables. The tables are organized by the type or category of court user fee or tax. Within each table, each specific fee or tax is listed sequentially by statutory provision. The statutory reference is set forth in the left-hand column, followed by a brief description of the applicable fee or tax. The amount of each fee or tax, as established by law, is set forth in the right-hand column.

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TABLES OF SUIT TAXES AND FEES
FOR WISCONSIN COURTS

(1977 Wisconsin Statutes, as
Amended by the 1979 Legislature)

TABLE 1:
SUIT TAXES
(CIRCUIT COURT, CIVIL CASES ONLY)

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
s. 23.82 (1) (a)	Natural Resources forfeiture action-paid by defendant when judgment entered against defendant.	\$ 3.00
s. 23.82 (2) (b)	Paid by defendant when a written demand is made for a jury. (Natural Resources action)	8.00
s. 80.38	Appeal in circuit court of town board order changing streets into public highways.	5.00
s. 799.02 (1)	Additional Suit tax in small claims if counterclaim or cross-claim is over \$1,000.	4.00
s. 800.10 (7)	Appeal from municipal court to circuit court.	3.00
s. 812.04 (1)	Garnishment actions over \$1,000.	5.00
s. 812.04 (1)	Small claims garnishment actions.	4.00
s. 814.21 (1)	Civil actions and special proceedings.	11.00
s. 814.21 (1) (a)	Non-jury small claims actions \$1,000 or less (small claims actions in which jury demanded require same suit tax as similar actions in circuit court).	4.00
s. 814.21 (1) (b)	Non-jury forfeiture actions in circuit court (paid by defendant when judgment entered against him for violating a statute or ordinance).	3.00
s. 814.21 (2)	Additional suit tax collected from defendants for violation of traffic regulations.	2.00

TABLE 2:
CLERK FEE'S
(CIVIL ACTIONS - CIRCUIT COURTS)

STATUTE	DESCRIPTION	AMOUNT
<u>Commencement of Action</u>		
s. 59.42 (2)	All general civil actions and special proceedings.	\$ 8.00
s. 59.42 (2) (a)	Cognovit action.	6.00
s. 59.42 (2) (d)	Additional fee assessed by clerk against a party initiating an action affecting marriage.	12.00
s. 59.42 (4)	Enforcing foreign judgment.	5.00
ss. 66.12 (3) and 788.195	In forfeiture actions in courts of record for violations of ordinances, on default or on plea of guilty or no contest	Not more than \$5.00.
<u>Probate Filing Fees</u>		
	<u>Size of Estate</u>	
s. 851.74 (1) (a)	\$0 to \$1,000	None
	\$1,000 to \$10,000	3.00
	\$10,000 to \$25,000	6.00
	\$25,000 to \$50,000	25.00
	\$50,000 to \$75,000	50.00
	\$75,000 to \$100,000	75.00
	\$100,000 to \$200,000	100.00
	For each additional \$100,000 or fraction thereof, add.	100.00
s. 851.74 (1) (b)	For a certificate terminating a life estate or homestead interest.	Same as (1) (a) 3.00
s. 851.74 (1) (c)	For certificate or judgment of descent of lands (fee based on value of property).	Same as (1) (a) based on valuation of property

CLERK'S FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Probate Filing Fees Continued</u>		
s. 851.74 (1) (d)	For filing objections to probate of a will (except objection filed by a guardian ad litem or attorney for a person in military service).	\$10.00
s. 851.74 (1) (e)	For receiving a will for safekeeping.	5.00
s. 851.74 (1) (f)	For each certificate issued by the registers in probate or county judges.	.50
s. 851.74 (1) (g)	For copies of records or other papers in the custody of registers in probate, per page.	.50
	For comparison and attestation of such record by the registers, per page (minimum charge for both, \$1.00).	.50
s. 851.74 (1) (h)	For filing claims against estates in counties with population over 500,000	1.00
<u>Other Fees</u>		
s. 23.82 (1) (b)	Natural Resources forfeiture action - fee paid by defendant when judgment entered against defendant.	2.00
s. 23.82 (2) (c)	Paid when written demand for jury in Natural Resources action.	6.00
s. 59.42 (2) (b)	For <u>ex parte</u> special proceedings independent of an action.	.4.00
s. 59.42 (3)	For change of venue.	.5.00
s. 59.42 (6)	For issuing execution or other writ not commencing an action or special proceeding.	1.00
s. 59.42 (7)	For issuing certificates, seals or commissions to take depositions.	.50

CLERK'S FEES CONTINUED

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>Other Fees Continued</u>		
s. 59.42 (8) (a)	For issuing transcripts from judgment dockets.	1.00
s. 59.42 (8) (b)	For filing and docketing transcripts from judgment dockets, delinquent income tax or unemployment compensation warrants.	2.00
s. 59.42 (8) (c)	For filing and docketing assignments, satisfactions of judgments or warrants or assignment or satisfaction of any lien.	1.00
s. 59.42 (8) (d)	For filing and docketing liens.	1.00
s. 59.42 (8) (e)	For filing and docketing certified copies of judgments.	3.00
s. 59.42 (8) (f)	For filing and docketing judgment on award of Department of Industry, Labor and Human Relations.	2.00
s. 59.42 (9) (a)	For certifying and transmitting of documents upon appeal, writ of error, changes of venue, for enforcing real estate judgments in other counties or for enforcing judgments in other states.	\$ 2.00 plus postage.
s. 59.42 (10) (a)	For receiving money deposited by a debtor for payment of a judgment or disbursing of a trust fund.	As judge may direct.
s. 59.42 (10) (b)	For receiving and disbursing money deposited as payment for alimony or support.	Annual sum not more than \$10.00.
s. 59.42 (11)	For approving bonds and undertakings.	.25
s. 59.42 (12)	For filing certificates of notaries public.	.50

CLERK'S FEES CONTINUED

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>Other Fees Continued</u>		
s. 59.42 (13)	For certified copies of any document where no fee is specified:	
	(i) If prepared by the clerk, per page.	\$.50
	(ii) If only compared by the clerk, per page, but not less than \$1.00	.25
	(iii) For certifying photostatic copy.	1.00
s. 812.04 (1)	For issuing garnishee summons, either small claims or regular circuit court.	3.00

TABLE 3:
OTHER CLERK'S FEES

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>Small Claims Clerk's Fees</u>		
s. 799.02 (1)	Additional clerk's fee required if counterclaim or cross-claim over \$1,000.	\$ 5.00
s. 799.08	For issuing a summons or for issuing process in proceedings not commenced by summons.	3.00
s. 799.12 (3)	For service of summons by mail.	.50 per <u>def.</u>
	For service by registered or certified mail.	1.50 per <u>def.</u>
s. 799.21 (3) (b)	Additional clerk's fee if jury demanded.	6.00
	Jury fee.	24.00
s. 799.255 (1)	For issuing execution or writ of resolution.	.50
s. 799.255 (2)	For issuing or docketing transcript.	1.00
s. 799.255 (3)	For certified copies of documents:	
	(i) Prepared by the clerk, per page.	.50
	(ii) Compared by the clerk, per page (\$1.00 minimum).	.25
	(iii) For certifying photostatic copy.	1.00
<u>Municipal Court Fees</u>		
s. 800.04 (1) (d)	Fee for 12-person jury.	\$ 24.00 plus suit tax & clerk's fee.
	Fee for 6-person jury.	12.00 plus suit tax & clerk's fee.

OTHER CLERK'S FEES CONTINUED

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>Municipal Court Fees Continued</u>		
s. 800.10 (1) [also see ss. 66.12 (3) and 788.195 (1)]	Court costs on each separate matter, whether default of appearance or a plea of guilty or no contest or on issuance of warrant or summons or the action is tried as a contested matter.	5.00
s. 800.10 (2)	Witness' and interpreter's fees.	As specified in s. 885.05.
s. 800.10 (7)	Filing fee on appeal.	5.00
s. 800.10 (7)	Transcript on appeal.	10.00
<u>Clerk's Fees (Criminal Actions - Circuit Courts)</u>		
s. 59.42 (1) (a)	For dismissal, plea of guilty or no contest.	6.00
s. 59.42 (1) (b)	For trial before court without jury.	10.00
s. 59.42 (1) (c)	For jury trial.	15.00
<u>State Fee (Criminal Actions - Circuit Courts)</u>		
s. 59.42 (1) (e)	Assessment against all criminal defendants (paid into State Treasury).	3.00
<u>Clerk of Court of Appeals Fees</u>		
s. 809.25 (2) (a) 1	For filing an appeal, cross-appeal, petition to appeal, petition to bypass or other proceeding.	\$25.00
s. 809.25 (2) (a) 2	For making a copy of a record, paper or opinion of the court and comparing it to the original.	.40 per page.

OTHER CLERK'S FEES CONTINUED

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>Clerk of Court of Appeals Fees Continued</u>		
s. 809.25 (2) (a) 3	For comparing for certification of a copy of a record, entry or paper, when the copy is furnished by the person requesting its certification.	.10 per page.
s. 809.25 (2) (a) 4	For comparing a photographic reproduction of an original record, entry or paper, when furnished by the person requesting its certification.	.05 per page.
s. 809.25 (2) (a) 5	For certificate and seal.	1.00
<u>Miscellaneous Clerk's Fees</u>		
s. 23.82 (2) (a)	Natural Resources forfeiture action; <u>Jury fees</u> when written demand for jury.	\$ 2.00 per person on jury
s. 52.37 (3)	For issuing birth certificates after paternity judgment.	4.00
ss. 59.42 (8) and 71.13 (3) (b)	For filing and docketing income tax warrants, clerk's fee.	2.00
ss. 59.42 (8) and 71.13 (3) (b)	For filing satisfaction of such warrants, clerk's fee.	1.00
s. 80.38	For appeal in circuit court of town board order changing streets into public highways.	1.00
s. 128.21 (1)	For filing voluntary wage-earner plan, clerk's fee.	4.00
s. 345.43 (1) (b)	Jury fee in traffic forfeiture action, six jurors.	12.00
s. 345.43 (1) (b)	Jury fee in traffic forfeiture action, 12 jurors.	24.00
s. 779.19	Filing petition for log lien, clerk's.	1.00

OTHER CLERK'S FEES CONTINUED

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>Miscellaneous Clerk's Fees Continued</u>		
s. 779.40 (2)	Filing stone quarry lien, clerk's fee.	\$ 1.00
s. 806.19 (3)	Satisfaction of judgment.	1.00
s. 812.06	Garnishee fee (paid to garnishee).	3.00
s. 815.62	To make entry on judgment docket to preserve lien on property, clerk's fee.	1.00

TABLE 4:
COURT COMMISSIONER'S, COURT
REPORTER'S AND WITNESS' FEES

STATUTE	DESCRIPTION	AMOUNT
<u>Court Commissioner's Fees</u>		
s. 59.77 (6)	On claims against county: (i) From county treasurer for making statements and returns concerning allocations or proceedings before court commissioner in which county has become liable for costs. (ii) From county treasurer for making certificate indicating all actions or proceedings before court commissioner in which state was party and in which county has become liable for the fees of officers. (iii) For transmitting the statements and certificates to county clerk.	\$ 1.00 per page 1.00 1.00
s. 757.71 (2) (a)	For each decision, signing or filing of document.	1.00
s. 757.71 (2) (b)	1. Attending a hearing of any motion for an order and for attending any motion or an official act to be done by a court commissioner. 2. Conducting a hearing and deciding on the issuance of a writ of habeas corpus, certiorari, ne exeat and alternate writs of mandamus. 3. Attending the taking of testimony or examination of witnesses while acting as a referee or otherwise.	Reasonable. Compensation to be fixed by the court BUT Not more than the hourly equivalent of the salary of a judge of the court.
s. 816.035 (2)	Supplementary examination - fee for signing the order.	.50
s. 816.035 (2)	Fee for attendance at supplementary exam.	10.00

COURT COMMISSIONER'S, COURT REPORTER'S AND WITNESS' FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Court Reporter's Fees</u>		
s. 757.57 (2)	Transcript in criminal action where a person sentenced to prison for more than six months.	\$.50 per 25-line page for original; \$.15 per 25-line page for duplicate.
s. 757.57 (3)	Transcript of referee's hearing.	Same as s. 757.57 (2).
s. 757.57 (5)	Transcript requested by any party to an action or proceedings.	\$.60 per 25-line page for original; \$.20 per 25-line page copy.
s. 757.57 (7)	Transcript of testimony from day to day during progress of any trial or proceeding.	Reporter may make special charge pursuant to arrangement with party requesting transcript.
<u>Witness' and Interpreter's Fees in Circuit Court</u>		
s. 885.05 (1) (a)	For attending before a municipal justice, arbitrator, board or committee for each day for a witness and for an interpreter.	\$ 4.00
s. 885.05 (1) (b)	For attending before any other officer, board or committee for each day for a witness. For an interpreter, per half day	5.00 10.00
s. 885.05 (1) (bn)	For attending before any other court for each day for a witness. For an interpreter, per half day.	16.00 10.00
s. 885.05 (1) (c)	For traveling (forth and back) per mile.	.10
s. 885.05 (1) (d)	County board can establish fee higher than \$16.00 per day and \$.10 per mile.	

TABLE 5:
SHERIFF'S AND OTHER LAW
ENFORCEMENT OFFICER'S FEES

STATUTE	DESCRIPTION	AMOUNT
<u>Sheriff's Fees</u>		
s. 59.28 (1)	For service of summons, process, writ, etc., on one defendant. For each additional defendant. For attempted service on defendant on each additional defendant. For counties with population over 500,000, attempted service for one defendant. For each additional defendant.	\$ 4.00 2.00 2.00 1.00 4.00 2.00
s. 59.28 (2) (a)	For travel charge per mile in counties with population less than 500,000.	.15
s. 59.28 (2) (b)	For travel charge for service or attempted service of process in counties with population over 500,000, per each person served.	1.00
s. 59.28 (3)	For taking and approving bonds or undertakings.	1.00
s. 59.28 (4)	For making copy of bonds, undertakings, summons, writs, etc., per folio (page).	.10
s. 59.28 (5)	For service and return of subpoena to testify, first person served. For each additional person named.	4.00 2.00
s. 59.28 (6)	For service of execution on judgment and other writs not provided for.	4.00
s. 59.28 (7)	For collecting and paying over all sums upon execution, writ or process for collection of money: 10% on the first \$300, 5% on the next \$300 or part thereof and 3% on any excess over \$600 but in no case shall the whole amount exceed \$60.	Variable.
s. 59.28 (8)	For advertising goods and chattels for sale upon execution, writ or process.	1.50

SHERIFF'S AND OTHER LAW ENFORCEMENT OFFICER'S FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Sheriff's Fees Continued</u>		
s. 59.28 (9)	For drawing advertisement of real estate, per folio.	.50
s. 59.28 (10)	For every certificate of sale of real estate.	1.00
s. 59.28 (11)	For filing copy of certificate of sale with register of deeds.	4.00
s. 59.28 (12)	For drawing, executing and acknowledging a deed pursuant to a sale of real estate.	4.00
s. 59.28 (13)	For summoning a grand or petit jury (to be paid from county treasury), per juror.	\$1.00
s. 59.28 (14)	For summoning a jury upon a writ of inquiry.	3.00
s. 59.28 (15)	For summoning a special jury.	5.00
s. 59.28 (16)	For summoning a jury pursuant to precept or summons of any officer in any special proceedings.	2.00
s. 59.28 (16)	For attending such jury per day.	6.00
s. 59.28 (17)	For attending a view when ordered by court, per diem. For traveling fee per mile.	6.00 .10
s. 59.28 (18)	For summoning and swearing of appraisers.	2.00
s. 59.28 (19)	For each appraiser, for each day (as fixed by the county board).	Not less than \$2.00 Not more than \$14.00
s. 59.28 (20)	For drawing inventory or papers other than return upon a summons, subpoena or venire, per folio. For drawing an inventory of several writs of attachment against the same defendant subsequent to first writ of attachment per folio. For all copies thereof.	.50 .20 .10
s. 59.28 (21)	For attending the Court of Appeals or the Supreme Court (paid out of State Treasury).	3.00 per day
s. 59.28 (23)	For service of election notice on election officers, per election district (paid by county).	1.00

SHERIFF'S AND OTHER LAW ENFORCEMENT OFFICER'S FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Sheriff's Fees Continued</u>		
s. 59.28 (24)	For service of a writ or other process with aid of the county.	5.00 per hour
	For each deputy assigned to inventory property on attachment, replevin, execution or evicting on a writ of restitution or assistance.	5.00
s. 59.28 (27)	For travel charge for service of any criminal process, per mile.	.15
s. 59.28 (28)	For every commitment to prison.	\$4.00
s. 59.28 (29)	For discharging a person from prison.	1.00
s. 59.28 (30)	For bringing up a prisoner upon habeas corpus or answer in court.	4.00
s. 59.28 (31)	For attending before any officer with a prisoner in exoneration of his bail or to receive a prisoner into custody.	3.00
s. 59.28 (32)	For attending court with a prisoner, per day.	6.00
	For each half day.	3.00
	For guarding a prisoner at hard labor on the highway, per diem.	3.00
	For each half day so employed.	1.50
s. 59.28 (33)	For selling real estate under any judgment, order of court or on foreclosure where bid does not exceed \$1,000.	20.00
	Where bid exceeds \$1,000.	30.00
	For travel charge computed from courthouse to place of sale (forth and back), per mile.	.15
	For drawing, executing and acknowledging a deed upon a sale made by his predecessor.	6.00
s. 59.28 (35)	For assisting clerk of circuit court in drawing jury.	2.00

SHERIFF'S AND OTHER LAW ENFORCEMENT OFFICER'S FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Sheriff's Fees Continued</u>		
s. 59.28 (37)	For taking or removing a mentally ill, infirm or deficient person to and from hospital, per diem (plus necessary and actual expenses for the support and transportation of such patient).	\$20.00 per day
	For each assistant similarly engaged per diem (plus necessary expenses).	16.00 per day or 4.00 per each quarter day.
s. 59.28 (39)	For the first posting of notices of sheriff's sales of real or personal property or any other notice and making a return thereon.	4.00
	For each additional posting.	2.00
s. 59.57 (1) (a)	For recording instrument in the office of the register of deeds, per page.	2.00
	For each additional page.	1.00
s. 59.57 (1) (ab)	Extra charge per mortgage.	.50
s. 59.57 (1) (am)	Additional charge for every entry in tract index in excess of five.	.10
s. 59.57 (3)	For filing and entering any writ of attachment, certificate of sale or any notice of the pendency of any action containing not more than 20 defendants.	2.00
	For every additional 20 defendants in any such notice affecting from one to five lots.	1.00
	For each additional lot.	.10
s. 59.57 (4)	For copies of any records of papers, per page.	2.00
	For each additional page.	1.00
	Plus register's certificate.	.25

SHERIFF'S AND OTHER LAW ENFORCEMENT OFFICER'S FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Constable's Fees</u>		
s. 60.55 (1)	For serving a summons or any other process by which action is commenced, or writ or other order, and making return thereon, for one defendant. For each additional defendant. For attempting to serve one defendant. For each additional defendant.	2.00 1.00 1.00 .50
s. 60.55 (2)	For travel in making service of any process or to post any notice.	.10 per mile
s. 60.55 (3)	For making a copy of any bond or undertaking, summons, writ or other paper.	.10 per folio
s. 60.55 (4)	For serving and returning a subpoena on the first person named therein. For each additional person.	2.00 1.00
s. 60.55 (5)	For drawing an inventory or other paper except return upon a summons or subpoena. <u>Exception:</u> If several writs of attachment against the same defendant are delivered to the constable for service and execution, the constable shall be entitled to \$.10 per folio for drawing an inventory on all writs subsequent to the first writ of attachment so executed by the constable, of any property included in the first inventory so drawn by him or her, and no more. For all copies thereof.	.25 per folio .05 per folio
s. 60.55 (6)	For service and execution of an attachment or writ not provided for.	2.00
s. 60.55 (7)	For every commitment to prison.	2.00
s. 60.55 (8)	For drawing a jury list. For summoning a jury. For attending such jury when required.	1.00 1.00 3.00 per day
s. 60.55 (9)	For attending at the command of a municipal judge on the trial of a cause.	3.00 per day 1.50 per half day

SHERIFF'S AND OTHER LAW ENFORCEMENT OFFICER'S FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Constable's Fees Continued</u>		
s. 60.55 (10)	For collecting and paying over all sums upon execution, 5% on first \$300; 2-1/2% on next \$300 or part thereof and 1-1/2% on any excess over \$600; but in no case shall whole fee exceed \$30.	Variable.
s. 60.55 (11)	For summoning appraisers and swearing them.	\$ 1.00
s. 60.55 (12)	For taking an appraisal, bond or undertaking in any case and approving same.	.50
s. 60.55 (13)	All necessary expenses and disbursements made for board and conveyance of prisoners or incurred in impounding or taking possession of any goods or chattels and preserving them.	
<u>Village Marshall; City Police</u>		
s. 61.28	Same fees allowed to constables for similar services.	
s. 62.09 (13)	Same fees allowed to constables for similar services.	

TABLE 6:
REGISTER OF DEEDS' AND
COUNTY CLERK'S FEES

STATUTE	DESCRIPTION	AMOUNT
<u>Register of Deeds' Fees</u>		
s. 59.57 (5m)	For filing an original memorandum pursuant to s. 342.20 (4).	\$.50
s. 59.57 (6)	For filing and entering each bill of sale.	2.00
s. 59.57 (6a)	For filing of any other instrument where no fee is provided.	2.00
s. 59.57 (7)	For processing vital records or issuing copies of vital records.	4.00
s. 59.57 (9)	For making a new tract index.	.10
s. 59.57 (10)	For recording plats 1 to 50 lots.	25.00
	For each additional lot.	.10
	For cemetery plats 1 to 200 lots or fractional part thereof.	25.00
	For each additional 200 lots or fractional part thereof.	5.00
s. 59.57 (10m)	For recording documents in administrative termination of joint tenancy.	10.00
s. 59.57 (12a)	For recording an instrument larger than 8-1/2 by 14 inches per page.	4.00
	For each additional page.	2.00
s. 59.57 (15)	Filing any papers specified in s. 69.225 (pertains to filing the record or certificate of a Wisconsin resident born abroad).	1.00
s. 74.76 (3) (e)	Issuing certificate showing federal tax liens on file.	2.00
s. 74.76 (3) (e)	For a copy of notice of federal tax lien or notice or certificate affecting such lien.	.50

REGISTER OF DEEDS' AND COUNTY CLERK'S FEES CONTINUED

STATUTE	DESCRIPTION	AMOUNT
<u>Register of Deeds' Fees Continued</u>		
s. 74.76 (4) (a)	For filing and indexing such notice of lien or certificate or notice affecting a federal tax lien:	
	(i) For a tax lien or real estate.	2.00
	(ii) For a tax lien on tangible and intangible personal property.	2.00
	(iii) For certificate of discharge or subordination.	2.00
	(iv) For all other notices, including a certificate of release or nonattachment.	2.00
<u>Register of Deeds, State Registrar, City Health Officer</u>		
s. 69.24 (1) (a)	For search of files.	\$ 4.00 - 2.00 for each copy after first copy.
s. 69.24 (1) (b)	For making authorized corrections, alterations, etc.	2.00
s. 69.24 (1) (d)	For a short form certificate.	4.00
s. 69.24 (1) (e)	For filing new birth certificate, State Registrar's fee.	4.00
s. 69.24 (2) (a)	For examination of documentary proof and filing of a delayed record or issuing certified copy of delayed record (State Registrar).	4.00
s. 69.24 (2) (b)	For examination of documentary proof and filing of a delayed record or issuing of certified copy of delayed record (Registrar of Deeds).	4.00
s. 69.24 (3)	For special searches by State Registrar.	A reasonable fee meeting the cost of such special search.
<u>County Clerk's Fees</u>		
s. 59.17 (14)	Certified copy or transcript of any book, record, account, file or paper in clerk's office and any certificate which by law is declared to be evidence.	.10 per folio .25 per certificat

APPENDIX II

TABLE OF COSTS

IN WISCONSIN COURTS

(1977 Wisconsin Statutes as
Amended by the 1979 Legislature)

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TABLES OF COSTS IN WISCONSIN COURTS

(1977 Wisconsin Statutes as
Amended by the 1979 Legislature)

This table provides a complete listing of all statutory items of court costs which may be assessed against litigants in civil actions, both in regular circuit court and in small claims court. These charges are imposed at the discretion of the presiding judge and, in many cases are assessed against the losing party in favor of the prevailing party. Specific costs are listed sequentially by statutory provision. The statutory reference is set forth in the left-hand column, followed by a brief description of specific costs involved.

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TABLES OF COSTS IN WISCONSIN COURTS

(1977 Wisconsin Statutes as
Amended by the 1979 Legislature)

COSTS IN REGULAR CIRCUIT COURT ACTIONS (CIVIL)

<u>STATUTE</u>	<u>DESCRIPTION</u>
s. 814.01	In certain actions (e.g., libel, slander), if the plaintiff recovers less than \$50 damages, plaintiff cannot recover more costs than damages.
s. 814.02 (2)	<u>Equitable Actions and Special Proceedings:</u> Costs allowed to any party in discretion of court; to the successful party, costs not exceeding \$100 as court deems reasonable.
s. 814.025	<u>Frivolous Claims and Counterclaims:</u> Costs under s. 814.04 plus reasonable attorney fees.
s. 814.04	<p><u>Items of Costs</u> (Civil Action, Circuit Court)</p> <p>(1) (a) <u>Fees:</u></p> <ul style="list-style-type: none"> - When amount recovered or value or property is \$1,000 or over, <u>\$100</u> (exclusive of disbursements). - When amount is at least \$500 but less than \$1,000, <u>\$50</u>. - When amount is at least \$200 but less than \$500, <u>\$25</u>. - When amount less than \$200, <u>\$15</u>. <p>(1) (b) <u>Fees:</u> When no money judgment or specific property involved or no practical way to ascertain value of rights involved, <u>set by court, not less than \$15, not more than \$100</u>.</p> <p>(2) <u>Disbursements:</u></p> <ul style="list-style-type: none"> - All disbursements and fees of officers allowed by law. - Suit tax. - Compensation of referees. - Service of process fees when process served by a person authorized by law <u>other than an officer</u>, but in no event exceeding the authorized sheriff's fee for the same service.

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STATUTE

DESCRIPTION

s. 814.04 (cont.)

- Certified copies of papers and records in any public office.
- Postage, telegraphing, telephoning and express.
- Adverse examinations (depositions) including copies.
- Plats and photographs, not exceeding \$50 for each item.
- Expert witness fee of \$25 for each expert who testifies, exclusive of the standard witness fees and mileage, which shall also be taxed for each expert.
- Cost of procuring an abstract of title to lands in actions relating to or affecting title to lands.

(3) Judgment on Confession: When judgment for damages entered upon confession or upon a note or bond and warrant of attorney, costs of \$5 (exclusive of disbursements).

(4) Interest on Verdict: When money judgment, interest at rate of 12% per year from time of verdict, decision or report until judgment entered. [Ch. 271, Laws of 1979, increased the interest rate from 7% to 12% per year.]

(5) Disbursements in Timber Trespass: In action for unlawful cutting of timber or its conversion or its detention, when value of timber or damages recovered exceeds \$50, plaintiff recovers full costs PLUS the actual reasonable expense of one survey and ascertainment of the quantity of timber cut, if proved as necessary disbursement. Defendant recovers the same costs if plaintiff loses.

(6) Default Judgment: Costs under s. 814.04 (1) on Fees shall be 1/2 of what they would have been had the matter been contested.

(8) Actions for Municipal Corporations: In an action brought for benefit of municipal corporation by a citizen taxpayer, taxpayer can recover, for his own use, costs and such part of the recovery as court deems reasonable as attorney's fees, not to exceed 20% of the recovery and not to exceed \$500.

STATUTE

DESCRIPTION

s. 814.05

Bond Premium: If premium paid to authorized insurer for suretyship obligation, entitled to recover payment as disbursement in action or proceeding.

s. 814.07

Costs on a Motion: In discretion of court, but not to exceed \$50.

s. 814.08 (1)

Items of Costs: On Appeal from Municipal Court:

- \$10 fees.
- Disbursements for:
 - State tax.
 - Return of the judge.
 - Officers' and witnesses' fees.
 - All costs taxable in the municipal court action.

s. 814.08 (2)

Items of Costs: Upon Certiorari to Municipal Court:

- Same as in s. 814.08 (1) if no new trial.

s. 814.49 (1)

Costs on Dismissal for Lack of Jurisdiction: Court may order plaintiff to pay defendant all reasonable actual costs, disbursements and expenses of the action up to the judgment of dismissal, but not to exceed \$500.

s. 814.49 (2)

Costs on Stay of Further Proceedings: Party obtaining order staying further proceeding in an action pursuant to s. 801.63 may recover all statutory costs and disbursements up to issuance of the order for stay.

COSTS IN SMALL CLAIMS ACTIONS

STATUTE

DESCRIPTION

s. 799.25

Items of Costs in Small Claims Actions:

- (1) Suit Tax.
- (2) Clerk's Fee.
- (3) Mailing Fee: \$.50 if regular mail or \$1.50 if registered or certified mail return receipt requested.
- (4) Fee for Returning Case File and Transcript: \$.50.
- (5) Garnishee Fee, if any.
- (6) Sheriff's Service Fee: Also charges paid to sheriff for execution of writ of restitution.
- (7) Witness Fees: Including travel, can't exceed 50% of amount recovered unless order entered specifying otherwise.
- (9) Jury Fee: \$24.
- (10) (a) Attorney Fees in Money Judgment Action:
 - On judgment of \$50 or less, none.
 - On judgment for more than \$50, but less than \$100, \$5.
 - On judgment for \$100 or more, but less than \$200, \$10.
 - On judgment for \$200 or more, but not more than \$500, \$25.
- (10) (b) Attorney's Fees in Replevin and Attachment: Value of property recovered governs amount of fees.
- (10) (b) Attorney's Fees in Eviction: \$10 plus such sum as is taxable under (10) (a) for recovery of damages.
- (10) (c) Attorney's Fees if Judgment for Defendant: Value of property sought to be recovered or the amount recovered on defendant's counterclaim governs, in the court's discretion.
- (11) Additional Costs Allowed to Municipality: Under ss. 66.12 (3) (a) (forfeiture action for violation of municipal ordinances) and s. 778.195
- (2) (same).

STATUTE

DESCRIPTION

s. 799.25 (cont.)

- (12) Security for Costs: If ordered under s. 814.28, maximum allowed, \$50.
- (13) Additional Costs and Disbursements: Court may permit additional costs and disbursements to be taxed pursuant to Ch. 814.

END