ARTICLE 80

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§ 8001. Persons subpoenaed; examination before trial; transcripts of records. (a) Persons subpoenaed. Any person whose attendance is compelled by a subpoena, whether or not actual testimony is taken, shall receive for each day's attendance fifteen dollars for attendance fees and twenty-three cents as travel expenses for each mile to the place of attendance from the place where he or she was served, and return. There

shall be no mileage fee for travel wholly within a city.

(b) Persons subpoenaed upon an examination before trial. If a witness who is not a party, or agent or employee of a party, is subpoenaed to give testimony, or produce books, papers and other things at an examination before trial, he shall receive an additional three dollars for each day's attendance.

(c) Transcripts of records. Wherever the preparation of a transcript of records is required in order to comply with a subpoena, the person subpoenaed shall receive an additional fee of ten cents per folio upon demand.

§ 8002. Stenographers. Unless otherwise provided by law, a stenographer is entitled, for a copy fully written out from his or her stenographic notes of testimony or other proceedings taken in a court, and furnished upon request to a party or his or her attorney, to the fee set forth in the rules promulgated by the chief administrator of the courts.

§ 8003. Referees. (a) Generally. A referee is entitled, for each day spent in the business of the reference, to three hundred fifty dollars unless a different compensation is fixed by the court or by the consent in writing of all parties not in default for failure to appear or plead.

(b) Upon sale of real property. A referee appointed to sell real property pursuant to a judgment is entitled to the same fees and disbursements as those allowed to a sheriff. Where a referee is required to take security upon a sale, or to distribute, apply, or ascertain and report upon the distribution or application of any of the proceeds of the sale, he or she is also entitled to one-half of the commissions upon the amount secured, distributed or applied as are allowed by law to an executor or administrator for receiving and paying out money. Commissions in excess of fifty dollars shall not be allowed upon a sum bid by a party, and applied upon that party's judgment, without being paid to the referee. A referee's compensation, including commissions, upon a sale pursuant to a judgment in any action cannot exceed seven hundred fifty dollars, unless the property sold for fifty thousand

dollars or more, in which event the referee may receive such additional compensation as to the court may seem proper.

(c) This section shall not apply to judicial hearing officers who have been designated referees.

§ 8004. Commissions of receivers. (a) Generally. A receiver, except where otherwise prescribed by statute, is entitled to such commissions, not exceeding five per cent upon the sums received and disbursed by him, as the court by which he is appointed allows, but if in any case the commissions, so computed, do not amount to one hundred dollars, the court, may allow the receiver such a sum, not exceeding one hundred dollars, as shall be commensurate with the services he rendered.

(b) Allowance where funds depleted. If, at the termination of a receivership, there are no funds in the hands of the receiver, the court, upon application of the receiver, may fix the compensation of the receiver and the fees of his attorney, in accordance with the respective services rendered, and may direct the party who moved for the appointment of the receiver to pay such sums, in addition to the necessary expenditures incurred by the receiver. This subdivision shall not apply to a receiver or his attorney appointed pursuant to article twenty-three-a of the general business law.

§ 8005. Commissions of trustees; advance payment of fees of an attorney-trustee. A trustee of an express trust shall be entitled to commissions and the allowance of his expenses and compensation and, if he be an attorney admitted to practice in this state, to the allowance of a sum on account of his compensation for legal services theretofore rendered to the trust, in the same manner and amount as that provided by sections twenty-one hundred eleven, twenty-three hundred eight and twenty-three hundred eleven of the surrogate's court procedure act for testamentary trustees, if the trust was established on or before August thirty-first, nineteen hundred fifty-six, or as that provided by sections twenty-one hundred eleven, twenty-three hundred nine and twenty-three hundred eleven of the surrogate's court procedure act for testamentary trustees, if the trust was established after August

thirty-first, nineteen hundred fifty-six or as that provided for by sections twenty-one hundred eleven and twenty-three hundred eleven for testamentary trustees and twenty-three hundred twelve of the surrogate's court procedure act except that the statements required thereunder to be furnished annually in order to retain certain annual commissions need be furnished during the settlor's lifetime only to beneficiaries currently receiving income. The court shall make such determinations and allowances as the named sections require or authorize the surrogate to make, and the term "will" used in those sections shall be construed to mean the instrument creating the trust and the phrase "the court from which his letters were issued" shall be construed to mean the court having jurisdiction of the trust.

§ 8006. Premiums on undertakings by fiduciaries. A receiver, assignee, guardian, trustee, committee, conservator or person appointed under section one hundred eleven of the real property law or under section twenty of the personal property law, required by law to give an undertaking as such, may include as a part of his necessary expenses such reasonable sum, not exceeding one per cent per annum upon the amount of such undertaking paid his surety thereon, as the court appointing him shall allow.

§ 8007. Printers. Except where otherwise prescribed by law, the proprietor of a newspaper is entitled for publishing a summons, notice, order or other advertisement, required to be published by law or by the order of any court, or of the clerk of a court, to twenty-nine cents per line of a column width not less than ten pica ems, provided that in computing such charge per line the line shall average at least five words for each insertion in newspapers having a circulation of less than two thousand five hundred; twenty-nine and one-half cents per line for newspapers having two thousand five hundred or more circulation and less than five thousand; thirty and one-half cents per line for newspapers having five thousand or more circulation and less than seven thousand five hundred; thirty-one and one-half cents per line for newspapers having seven thousand five hundred or more circulation and less than ten

thousand; thirty-two and one-half cents per line for newspapers having ten thousand or more circulation and less than fifteen thousand; and three and one-half cents per line, in addition to the thirty-two and one-half cents for the initial fifteen thousand circulation, for each additional five thousand circulation up to thirty-five thousand circulation and one and one-half cents per line for each additional five thousand possessed by a newspaper. To all of the above rates nine cents per line shall be added to the initial insertion charge of each separate advertisement. To all of the above rates for the initial insertion eight cents per line shall also be added for tabular matter or intricate composition. In reckoning line charges allowance shall be made for date lines, paragraph endings, titles, signatures and similar short lines as full lines where the same are set to conform to the usual rules of composition. Display advertising shall be charged agate measurement (fourteen lines to each inch), ten to thirteen pica ems wide, depending on the makeup of the newspaper publishing such copy. This rate shall not apply to any newspaper printed, principally circulated or having its principal office in the counties of New York or Bronx within the first judicial district or in the county of Kings within the second judicial district or in the county of Richmond within the thirteenth judicial district or in the county of Nassau within the tenth judicial district or in the county of Queens within the eleventh judicial district or in the county of Westchester within the ninth judicial district or in any city having a population of over one hundred seventy-five thousand inhabitants within the eighth judicial district, where the rate for such publication may be equal to but shall not exceed the regularly established classified advertising rate of such newspapers. Every newspaper making claim for compensation under the provisions of this section must be established at least one year and entered in the post office as second class matter.

§ 8008. Fees and expenses of officer to be paid before transmission of paper. Each provision of law requiring a judge, clerk or other officer to transmit a paper to another officer, for the benefit of a party, is to be construed as requiring the transmission only at the request of the person so to be benefited, and upon payment by him of the fees allowed

by law for the paper transmitted, or any copy or certificate connected therewith, and the expenses specified in section sixty-eight of the public officers law.

§ 8009. Oaths; acknowledgments; certification or exemplification. Any authorized officer is entitled, for the services specified, to the following fees:

1. for administering an oath or affirmation, and certifying it when required, except where another fee is specially prescribed by statute, two dollars;

2. for taking and certifying the acknowledgment or proof of the execution of a written instrument, two dollars for one person and two dollars for each additional person, and two dollars for swearing each witness thereto; and

3. for certifying or exemplifying a typewritten or printed copy of any document, paper, book or record in his custody, twenty-five cents for each folio with a minimum of one dollar.

§ 8010. County treasurers. The treasurer of a county or the commissioner of finance of the city of New York is entitled for the services specified to the following fees:

1. two per cent upon a sum of money paid out of court by him;

2. one-half of one per cent upon a sum of money invested by him;

3. two per cent of the par value of investments transferred or assigned out of court by him, when the investments have been made by him;

4. two per cent of the par value of securities deposited into court and received by him, to be paid at the time of the deposit by the

parties making it; and

5. one dollar for each certificate issued by him certifying as to the amount of deposit to the credit of court funds.

§ 8011. Fixed fees of sheriffs. For the services specified, a sheriff is entitled to the following fees and, where indicated, these shall be paid in advance.

(a) Order of attachment.

1. For receiving an order of attachment, entering it in the appropriate books, and return when required, twenty dollars, in advance.

2. For levying upon real or personal property, fifty dollars, in advance.

3. For each additional levy upon real or personal property by virtue of an order of attachment, fifty dollars, in advance.

4. For serving a copy of an order of attachment on a defendant, and for serving a copy on each additional defendant, twenty dollars, in advance.

5. For serving a summons with or without a complaint, twenty dollars, in advance.

6. For making and filing a description of real property, or an inventory of personal property, levied upon by virtue of an order of attachment, or an estimate of the value thereof, twenty dollars.

7. Mileage for services covered in paragraphs two, three and four of this subdivision, in advance, provided, however, that where the services covered in such paragraphs are performed at the same time and place, there shall be only one mileage fee.

(b) Property execution.

1. For receiving an execution against property, entering it in the appropriate books, and return when required, twenty dollars, in advance, except that in an execution which arises out of an action brought pursuant to article eighteen of the uniform district court act, article eighteen of the uniform city court act, article eighteen of the New York city civil court act or article eighteen of the uniform justice court act, the fees provided in this subdivision shall not be collected in advance.

2. For levying upon property by virtue of an execution, twenty dollars.

3. For making an inventory of property levied upon by virtue of an execution, twenty dollars.

4. Mileage for services covered in paragraphs two and three of this subdivision, in advance, provided however, that where the services covered in such paragraphs are performed at the same time, there shall be only one mileage fee.

(c) Income execution; service upon judgment debtor.

1. For receiving an income execution, entering it in appropriate books, and return when required, twenty dollars, in advance.

2. For serving the income execution upon the judgment debtor, twenty dollars, in advance.

3. Mileage for service covered in paragraph two of this subdivision, unless such execution is served by mail.

(d) Income execution; levy upon default or failure to serve judgment debtor.

1. For serving an income execution, entering it in the appropriate books, and return when required, twenty dollars, in advance.

2. For levying upon the money that the judgment debtor is receiving or will receive, twenty dollars, in advance.

3. Mileage for services covered in paragraph two of this subdivision unless such levy is made by mail.

(e) Recovery of chattel.

1. For receiving an order to recover chattel, entering it in the appropriate books, and return when required, twenty dollars, in advance.

2. For executing the order of seizure against the defendant's chattel or chattels, one hundred dollars, in advance.

3. For executing the order of seizure against the chattel or chattels of an additional defendant or any other person in whose possession said chattel or chattels may be found, fifty dollars, in advance.

4. For serving an additional copy of the required papers, twenty dollars, in advance.

5. For serving the summons with or without a complaint, twenty dollars, in advance.

6. Mileage for services covered in paragraphs two, three, four and five of this subdivision, in advance, provided however, that where the services covered in such paragraphs are performed at the same time and place, there shall be only one mileage fee.

(f) Summary proceeding.

1. Notice of petition and petition.

(i) For receiving a notice of petition and petition, obtaining an index number when required, entering it in the appropriate books, and return, twenty dollars, in advance.

(ii) For serving the notice of petition on a tenant or other person in possession, twenty dollars, in advance.

(iii) For serving the notice of petition on each additional tenant, undertenant, subtenant, person or persons in possession, or person or persons not in possession to be served, twenty dollars, in advance.

(iv) For making an affidavit of military or nonmilitary service,

twenty dollars for each affidavit, in advance.

(v) Mileage for services covered in subparagraph (ii) of this paragraph, and where person or persons named in the petition are to be served at an address or addresses other than the premises described in the petition, additional mileage shall be paid, in advance, except where two or more notices of petition are to be served at the same time, within the same site or location, there shall be only one mileage fee.

2. Warrant of eviction or any mandate requiring delivery of possession of real property and removal of person or persons in possession.

(i) For requisitioning, receiving, entering in the appropriate books, and for the return of a warrant of eviction or any other mandate, fifteen dollars, in advance.

(ii) For service of notice of eviction on a person or persons to be served, fifteen dollars for each person to be served, in advance.

(iii) Mileage of services covered in subparagraph (ii) of this paragraph, in advance, except where two or more notices of eviction are to be served at the same time, within the same site or location, there shall be only one mileage fee.

(iv) For executing a warrant of eviction or any mandate requiring him or her to put a person in possession of real property and removing person or persons in possession, seventy-five dollars, in advance.

(v) Mileage for services covered in subparagraph (iv) of this paragraph, in advance.

(g) Sales.

1. For posting of notice, including advertising real or personal property for sale by virtue of an execution, order of attachment, or other mandate, or in pursuance of a direction contained in a judgment, or for a notice of postponement of a sale, twenty dollars.

2. For drawing and executing a conveyance upon a sale of real property, twenty-five dollars, to be paid by the grantee, in advance.

3. For attending a sale of real or personal property, twenty dollars.

4. For conducting a sale of real or personal property, twenty dollars.

5. Mileage for services covered in paragraphs three and four of this subdivision provided, however, that where the services covered in such paragraphs are performed at the same time and place, there shall be only one mileage fee.

(h) Summons, subpoenas and other mandates.

1. For serving a summons, with or without a complaint or notice, for serving a subpoena, or for serving civil process, twenty dollars, in advance.

2. For serving or executing an order of arrest, or any other mandate for the service or execution of which no other fee is specifically prescribed by law, fifty-five dollars, in advance, except that when a court has directed the service of an order of protection, there shall be no fee for service of such order and of any related orders or papers to be served simultaneously.

3. Mileage for services subject to fees under paragraphs one and two of this subdivision, in advance.

4. For receiving a precept issued by commissioners appointed to inquire concerning the incompetency of a person, the fee allowed the clerk by subdivision (a) of section eight thousand twenty of this article for placing a cause on the calendar, and for notifying a county clerk or commissioner of jurors pursuant to such a precept, the fee, if any, allowed the clerk by subdivision (c) of section eight thousand twenty of this article for filing a demand for jury trial.

(i) Undertakings; returns; copies.

1. For taking any undertaking which the sheriff is authorized to take two dollars, and the notary's fees to any affidavit or acknowledgements.

2. For making a copy of a description or any inventory of property levied upon by virtue of an order of attachment, or of a summons or complaint, or other mandate, or an affidavit or any other paper served by him or her, fifteen dollars, in advance.

3. For a certified copy of an execution, and of the return or satisfaction thereupon, or for a certified copy of any undertaking which he or she is authorized to take, fifteen dollars.

(j) Prisoners.

1. For each person committed to or discharged from prison, fifteen dollars, in advance, to be paid by the person at whose instance he or she is imprisoned.

2. For attending before an officer for the purpose of surrendering a prisoner, or receiving into custody a prisoner surrendered, in exoneration of his or her bail, fifteen dollars, for all his or her services upon such a surrender or receipt.

(k) Jurors; view; constables' services.

1. For notifying jurors to attend upon a writ of inquiry, three dollars for each juror notified, including the making and return of the inquisition, when required; and for attending a jury when required in such a case, thirty dollars.

2. For attending a view, fifteen dollars for each day.

3. For any services which may be rendered by a constable, other than those specifically provided for in this section, section eight thousand twelve or eight thousand thirteen of this article, to the same fees as are allowed by law to a constable for those services.

§ 8012. Mileage fees, poundage fees, additional compensation, and limitation on compensation of sheriffs. (a) Mileage fees. A sheriff is entitled to the current federal internal revenue service mileage reimbursement rate for each mile necessarily travelled in performing the following services, payable in advance:

1. in serving or executing a mandate upon or against one person, or upon or against two or more persons in the course of one journey,

computed from the nearest office of the sheriff in the county to the place of service or execution, and return;

2. in serving or executing two or more mandates in one action upon or against one person at one time, computed from the nearest office of the sheriff in the county to the place of service or execution, and return; and

3. in attending a view, computed from the nearest office of the sheriff in the county to the place of attendance, and return.

(b) Poundage fees.

1. A sheriff is entitled, for collecting money by virtue of an execution, an order of attachment, or an attachment for the payment of money in an action, or a warrant for the collection of money issued by the comptroller or by a county treasurer or by any agency of the state or a political subdivision thereof, or for collecting a fine by virtue of a commitment for civil contempt, to poundage of, in the counties within the city of New York, five per cent of the sum collected and in all other counties, five per cent upon the first two hundred fifty thousand dollars collected, and three per cent upon the residue of the sum collected.

2. Where a settlement is made after a levy by virtue of service of an execution, the sheriff is entitled to poundage upon the judgment or settlement amount, whichever is less. Where an execution is vacated or set aside after levy, the sheriff is entitled to poundage upon the value of the property levied upon, not exceeding the amount specified in the execution, and the court may order the party liable therefor to pay the same to the sheriff.

3. Where a settlement is made, either before or after judgment, after a levy by virtue of service of an order of attachment, the sheriff is entitled to poundage upon the judgment or settlement amount, whichever is less. Where an order of attachment is vacated or set aside after levy, the sheriff is entitled to poundage upon the value of the property levied upon, not exceeding the amount specified in the order of

attachment, and the court may order the party at whose instance the order of attachment was granted to pay the same to the sheriff. Where an order of attachment is otherwise discharged by order of the court, the sheriff is entitled to the same poundage, to be paid by the party at whose instance the order of attachment is discharged, and the sheriff is entitled to retain the property levied upon until the poundage is paid. The maximum amount upon which poundage shall be computed, if such a settlement is made or the order of attachment is vacated or set aside, is one million dollars.

4. Where a settlement is made (i) after service of an income execution upon the debtor pursuant to subdivision (d) of section fifty-two hundred thirty-one of this chapter or upon the garnishee pursuant to subdivision (e) of section fifty-two hundred thirty-one of this chapter, or (ii) after issuance of a property execution pursuant to section fifty-two hundred thirty of this chapter and levy against personal or real property pursuant to section fifty-two hundred thirty-two or fifty-two hundred thirty-five of this chapter, the sheriff is entitled to poundage upon the judgment amount or settlement amount, whichever is less. Where an income or property execution is vacated or set aside after levy, the sheriff is entitled to poundage upon the value of the property levied upon, not exceeding the amount specified in the execution, and the court may order the party liable therefor to pay the same to the sheriff.

5. A sheriff who brings an action in a court of competent jurisdiction to collect such amount provided for in this subdivision may also be awarded reasonable attorney's fees and court costs.

(c) Additional compensation. A sheriff is entitled in any case, including an instance in which a mandate has been stayed, vacated or set aside, or a settlement has been made after a levy, to such additional compensation for his trouble and expenses in taking possession of and preserving property under any mandate or in removing a person in possession of real property and the said person's property, as the court allows, and the court may make an order requiring the party liable therefor to pay the same to the sheriff.

(d) Mileage fees in the city of New York. For mileage travelled wholly within the city of New York the sheriff of the city of New York shall be

entitled to thirty dollars payable in advance, as provided in section eight thousand eleven of this chapter, and commencing one year after the effective date of the chapter of the laws of two thousand thirteen which amended this subdivision, such fee shall be thirty-five dollars.

§ 8013. Expenses of sheriffs. (a) Publication of notice of sale. A sheriff, where real property is to be sold by virtue of an execution or in pursuance of a direction contained in a judgment, is entitled to reimbursement for printer's fees, paid by him for the publication of a notice of the sale. Where the notice is published more than four times, or the sale is postponed, the expense of continuing the publication, or of publishing the notice of postponement, shall be paid by the person requesting it. Where two or more executions against the property of one judgment debtor are in the hands of the sheriff at the time when the proceeds are distributed, the sheriff is entitled to reimbursement for printer's fees upon only the execution issued upon the judgment first docketed in the county.

(b) Appraisal of attached property. A sheriff, where an estimate of the value of property levied upon by virtue of an order of attachment is made, shall be entitled to reimbursement for such compensation to appraisers actually employed thereupon as the court which granted the order of attachment may allow.

(c) Other expenses. A sheriff is entitled to reimbursement of all expenses necessarily incurred in the execution of any mandate and in the protection, presentation, transportation or sale of property.

(d) Payment in advance. A sheriff, whenever he deems it necessary, may require payment to him in advance to cover any or all expenses for which he is entitled to reimbursement; advance payments made in connection with a mandate or direction affecting property shall be repaid by the sheriff out of the proceeds of the sale of the property, if any.

§ 8014. Collection of sheriff's fees on execution. The fees of a sheriff, upon an execution against property, which are not required by statute to be paid by a particular person and which are not included in the bill of costs of the party in whose favor the execution is issued,

shall be collected by virtue of the execution in the same manner as the sum therein directed to be collected.

§ 8015. County clerk where sheriff is a party or otherwise disqualified. A county clerk is entitled for the services specified to the following fees:

1. for performing any duty of a sheriff in an action in which the sheriff, for any cause, is disqualified, the same compensation to which a sheriff is entitled for the same services; and

2. for confining a sheriff in a house by virtue of a mandate, and maintaining him while there, two dollars for each day, to be paid by the sheriff, before he is entitled to be discharged.

§ 8016. Clerks of courts of record generally. (a) Fees of clerks in actions. Except where a greater fee is allowed by another statute for the same service, each clerk of a court of record, except the clerk of the civil court of the city of New York, except a county clerk, except clerks of the family courts, and except the clerks of the district courts, is entitled for the services specified to the following fees, payable in advance:

1. upon the trial of an action, or the hearing, upon the merits, of a special proceeding, from the party bringing it on, one dollar;

2. for entering final judgment, including the filing of the judgment-roll and a copy of the judgment to insert therein, fifty cents, and fifteen cents in addition for each folio, exceeding five, contained in the judgment;

3. for entering any order or an interlocutory judgment, fifty cents, and fifteen cents in addition for each folio, exceeding five;

4. for a certified or other copy of an order, record or other paper in

an action brought or transferred to the court of which he is clerk and entered or filed in his office, ten cents for each folio;

5. for a certified transcript of the docket of a judgment, fifty cents; and

6. for filing a transcript, or docketing or redocketing a judgment thereupon, fifty cents, and fifty cents in addition for each defendant, exceeding two.

(b) Certifying judgment-roll on appeal. Where, on an appeal from a judgment or order, a party shall present to the clerk of a court of record, except the clerk of the civil court of the city of New York, except a county clerk, except clerks of the family courts, and except the clerks of the district courts, a printed copy of the judgment-roll or order appealed from, it shall be the duty of the clerk to compare and certify the same, for which service he shall be entitled to be paid at the rate of fifty cents per page or portion thereof, unless a greater fee is allowed by another statute.

§ 8017. Exemption of the state and counties, and agencies and officers thereof, from fees of clerks. (a) Notwithstanding any other provision of this article or any other general, special or local law relating to fees of clerks, no clerk shall charge or collect a fee from the state, or an agency or officer thereof, for any service rendered in an action in which any of them is involved, nor shall any clerk charge or collect a fee for filing, recording or indexing any paper, document, map or proceeding filed, recorded or indexed for the county, or an agency or officer thereof acting in an official capacity, nor for furnishing a transcript, certification or copy of any paper, document, map or proceeding to be used for official purposes.

(b) Notwithstanding any other provision of law the exemption of subdivision (a) of this section shall not apply to the fees of clerks where the action is on behalf of the New York State Higher Education Services Corporation to recover money due as a result of default of a student loan.

§ 8018. Index number fees of county clerks. (a) Amount of fee. 1. A county clerk is entitled, for the assignment of an index number to an action pending in a court of which he or she is clerk, to a fee of: (i) one hundred ninety dollars; and (ii) in an action to foreclose pursuant to article thirteen of the real property actions and proceedings law, such clerk is entitled to collect an additional fee of one hundred ninety dollars. Such fees are payable in advance.

2. The filing of a transcript of judgment in the county clerk's office is not to be deemed an action pending in the supreme or county court of the county in which it is filed, nor does it constitute the commencement of an action in such courts.

3. In addition, a county clerk is entitled, for the assignment of an index number to an action pending in a court of which he or she is clerk, to the following fee: an additional five dollars, to be paid monthly by the county clerk to the commissioner of education, after deducting twenty-five cents, for deposit into the New York state local government records management improvement fund and an additional fifteen dollars, after deducting seventy-five cents, for deposit to the cultural education account.

(b) Exemptions from index number fee. No fee shall be charged for the assignment of an index number:

1. upon the filing of an order of the appellate term of the supreme court or of an order or certificate of commitment under the mental hygiene law; or

2. upon the transfer of papers from the clerk of any other court, pursuant to an order for change of venue; or

3. to a criminal case or to any action at the request of a public agency, officer or poor person entitled by law to exemption from payment of fees to a county clerk; or

4. to any case in a county court on appeal from a judgment or order of

the district court or a town, village or city court; or

5. to a civil cause of action in which a city, town, village, fire district, district corporation, school district or board of cooperative educational services is the plaintiff; or

6. upon the filing of an application for an extreme risk protection order pursuant to article sixty-three-a of this chapter.

(c) Endorsement of index number on papers. No paper in an action in the supreme or a county court, other than an order submitted for signature to a judge out of court, shall be submitted for any purpose to the supreme or county court or to a clerk thereof unless there is endorsed on such paper the index number of the action assigned by the clerk of the county.

(d) Additional services without fee where index number assigned. A county clerk who has assigned an index number shall charge no further fee in the action to which the index number is assigned:

1. for the filing, entering, indexing, or docketing, and in the counties within the city of New York, for recording, as required by statute, of any and all papers in the action, or preliminary thereto or supplementary to judgment;

2. for furnishing an extract of minutes for filing with the clerk of the court, for affixing a certificate to a filed paper, for taxing costs, for sealing writs, for issuing commissions, for certifying a copy of the clerk's minutes to accompany papers transmitted upon entry of an order for change of venue, or for entering a judgment in the action;

3. for docketing of a satisfaction, a partial satisfaction, an assignment, a reversal, a modification, an amendment, a cancellation or a continuance of a previous entry or docket of a previously filed paper in the action;

4. for certifying a copy of an order of an appellate term of the supreme court for transmittal to the civil court of the city of New York or a city, municipal or district court, or for certifying a copy of an

order for use in a division of the clerk's office or for transmittal to a city or county treasurer;

5. for docketing of a return of execution, satisfied, unsatisfied or partially satisfied;

6. for filing a notice or order continuing or cancelling a notice of pendency of action or a notice of attachment against real property; and

7. for discharging a judgment of record by deposit with the clerk.

§ 8019. County clerks generally. (a) Application. The fees of a county clerk specified in this article shall supersede the fees allowed by any other statute for the same services, except in so far as the administrative code of the city of New York sets forth different fees for the city register of the city of New York and the county clerk of Richmond, and except that such fees do not include the block fees as set out in the Nassau county administrative code or the tax map number verification fees on instruments presented for recording or filing as set out in the Suffolk county administrative code, which are to be charged in addition to the fees specified in this article. This subdivision does not apply to the fees specified in subdivision (f) of section 8021.

(b) Legible copies. Whenever a paper or document, presented to a county clerk for filing or recording, is not legible or otherwise suitable for copying or recording by the photocopying process, the county clerk may require a legible or suitable copy thereof along with such paper or document, and the same fees shall be payable for the copy as are payable for the paper or document.

(c) Notice to county clerk. A county clerk need not make an entry which is required by a court order unless proper notice is given to the clerk by a party to the action or a person legally interested therein.

(d) Exemptions for state or city of New York. A clerk of a county within the city of New York shall not charge or receive any fee from the city of New York or the state of New York or from any agency or officer of either acting in official capacity.

(e) Size of page and type. For purposes of this article, the size of each page accepted by a county clerk for recording and indexing shall not exceed nine inches by fourteen inches, except that in the counties of Cattaraugus, Columbia, Delaware, Herkimer, Monroe and Otsego, the size of the page shall not exceed eight and a half inches by fourteen inches, and every printed portion thereof shall be plainly printed in not smaller than eight point type. The county clerk acting as recording officer may in special circumstances accept a page exceeding the size or with smaller print than that prescribed herein, on such terms and at such fee, subject to review by the supreme court, as he may deem appropriate, but the fee for such recording and indexing shall not be less than double the fees otherwise chargeable by law therefor.

(f) Copies of records. The following fees, up to a maximum of forty dollars per record shall be payable to a county clerk or register for copies of the records of the office except records filed under the uniform commercial code:

1. to prepare a copy of any paper or record on file in the office, except as otherwise provided, sixty-five cents per page with a minimum fee of one dollar thirty cents;

2. to certify a prepared copy of any record or paper on file, sixty-five cents per page with a minimum fee of five dollars twenty cents;

3. to prepare and certify a copy of any record or paper on file, one dollar twenty-five cents per page with a minimum fee of five dollars;

4. to prepare and certify a copy of a certificate of honorable discharge, except as provided for in the military law, two dollars fifty cents; and

5. to prepare a copy of any paper or record on file in the office in a medium other than paper, the actual cost of reproducing the record in accordance with paragraph (c) of subdivision one of section eighty-seven of the public officers law.

§ 8020. County clerks as clerks of court. Whenever a county clerk renders a service in his capacity as clerk of the supreme or a county court, in an action pending in such court, he is entitled to the fees specified in this section, payable in advance.

(a) Placing cause on calendar. For placing a cause on a calendar for trial or inquest, one hundred twenty-five dollars in the supreme court and county court; except that where rules of the chief administrator of the courts require that a request for judicial intervention be made in an action pending in supreme court or county court, the county clerk shall be entitled to a fee of ninety-five dollars, payable before a judge may be assigned pursuant to such request, and thereafter, for placing such a cause on a calendar for trial or inquest, the county clerk shall be entitled to an additional fee of thirty dollars, and no other fee may be charged thereafter pursuant to this subdivision; except that the county clerk shall be entitled to a fee of forty-five dollars upon the filing of each motion or cross motion in such action. However, no fee shall be imposed for a motion which seeks leave to proceed as a poor person pursuant to subdivision (a) of section eleven hundred one of this chapter.

(b) Calendar fee for transferred cause, joint trial, retrial, or separate trial. Where a cause which has been placed upon a calendar is transferred before trial to a court for which a larger calendar fee is prescribed, the difference in calendar fee shall be paid at the time the cause is placed upon the calendar of the latter court, except that no additional fee shall be required when the action is transferred for the purpose of consolidation or trial jointly with another action. No separate calendar fee shall be imposed for a retrial of a cause or for the trial of a separate issue in a cause.

(c) Filing demand for jury trial. For filing a demand for a jury trial in the following counties, where the right to a jury trial is duly demanded:

1. in the counties within the city of New York, sixty-five dollars in the supreme court;

2. in all other counties, sixty-five dollars in the supreme court and

county court.

(d) Filing a stipulation of settlement or a voluntary discontinuance. For filing a stipulation of settlement pursuant to rule twenty-one hundred four of this chapter or a notice, stipulation, or certificate pursuant to subdivision (d) of rule thirty-two hundred seventeen of this chapter, the defendant shall file and pay:

1. in the counties within the city of New York, thirty-five dollars in the supreme court.

2. in all other counties, thirty-five dollars in the supreme court and county court.

Provided, however, that only one such fee shall be charged for each notice, stipulation or certificate filed pursuant to this subdivision.

(e) Jury fee for transferred cause, joint trial, retrial or separate trial. Where a cause in which a jury has been demanded is transferred before trial to a court for which a larger jury fee is prescribed, the difference in the jury fee shall be paid at the time the cause is placed upon the calendar of the latter court, except that no additional fee shall be required when the action is transferred for the purpose of consolidation or trial jointly with another action in which a jury fee has previously been paid. No separate jury fee shall be imposed for a retrial of a cause or for the trial of a separate issue in a cause.

(f) Certification, exemplification, and copies of papers.

1. For issuing any certificate, in counties within the city of New York, eight dollars, and in all other counties, four dollars, except as otherwise expressly provided in this article.

2. For a certificate of exemplification, exclusive of certification, in counties within the city of New York, twenty-five dollars, and in all other counties, ten dollars.

(g) Searches. For certifying to a search of any court records for a consecutive two-year period or fraction thereof, for each name so searched, five dollars.

(h) Production of court records. For each day or part thereof in

attendance in any action pursuant to a subpoena duces tecum, twenty dollars, and in addition thereto, mileage fees of twelve cents per mile each way and the necessary expenses of the messenger, except that if the subpoena duces tecum be served within the city of New York, and the place of attendance is within the city of New York, then actual transportation costs shall be charged instead of the mileage fees.

§ 8021. County clerks other than as clerks of court. Whenever a county clerk renders a service other than in his capacity as clerk of the supreme or a county court, or other than in an action pending in a court of which he is clerk, he is entitled to the fees specified in this section, payable in advance.

(a) Services in connection with papers or instruments relating to real property and not filed under the uniform commercial code.

1. For filing any paper, document or other instrument of any nature or description which is required or permitted by law to be filed in his office, five dollars, except as otherwise expressly provided in this article and in article twelve of the real property law.

2. For filing and indexing any map, ten dollars.

3. For affixing and indexing a notice of foreclosure of a mortgage, as prescribed in section fourteen hundred four of the real property actions and proceedings law, ten dollars.

4. a. (1) For recording, entering, indexing and endorsing a certificate on any instrument, five dollars, and, in addition thereto, three dollars for each page or portion of a page, and fifty cents for each additional town, city, block or other indices in which such instrument is to be indexed as directed by the endorsement thereon. On the assignment of a mortgage which assigns more than one mortgage or on a release of lease which releases more than one lease, then there shall be an additional fee of three dollars for every mortgage assigned or lease released in excess of one.

(2) Notwithstanding clause one of this subparagraph, any county may

opt by county law to increase the fee for recording, entering, indexing and endorsing a certificate on any instrument from five dollars to twenty dollars and, in addition thereto, increase from three dollars to five dollars for each page or portion of a page. Such increase shall take effect thirty days after the county enacts such fees. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent a county clerk has placed an image of such cover page online, such county clerk shall make a good faith effort to redact such information.

b. For recording, entering, indexing and endorsing a certificate on any instrument, an additional fee of five dollars to be paid monthly by county clerks to the commissioner of education, after deducting twenty-five cents, for deposit into the New York state local government records management improvement fund and an additional fifteen dollars, after deducting seventy-five cents, for deposit to the cultural education account.

5. For re-indexing a recorded instrument, two dollars for each town, city, block or other indices so re-indexed upon presentation of the instrument with such additional endorsement thereon or, if the original instrument is not obtainable, by request in writing sworn to by an interested party, setting forth the facts.

6. For copying and mailing any map, such fees as may be fixed by the county clerk subject to review by the supreme court.

7. For entering a cross reference of the record of any instrument on the margin of the record of any other instrument referred to therein by liber and page, fifty cents for each cross reference.

8. For examining the record of each assignment of mortgage or other instrument recited in a certificate of discharge of mortgage, fifty cents.

9. For searching for any filed or recorded instrument, upon a written request specifying the kind of instrument, the location by town, city or block if a real property instrument, and the names and period to be searched, such fee as may be fixed by the county clerk subject to review by the supreme court.

10. For filing or recording a notice of pendency of action or a notice of attachment against real property, or an amended notice of pendancy of action or an amended notice of action against real property, in counties within the city of New York, thirty-five dollars, and in all other counties, fifteen dollars, but no fee shall be charged for filing or recording a notice or order continuing or cancelling same.

11. For filing federal tax liens payment shall be made in the manner provided by section two hundred forty-three of the lien law.

(b) Filing, other than in connection with papers or instruments relating to real property or filed under the uniform commercial code.

1. For filing any paper, document or other instrument of any nature or description which is required or permitted by law to be filed in his office, five dollars, except as otherwise expressly provided in this article, and except that no fee shall be charged for filing a commission of appointment to public office or an oath of office of a public officer or employee, other than a notary public or commissioner of deeds.

2. For filing any certificate, instrument or document in relation to a corporation, or any certificate pursuant to section forty-nine-a of the personal property law, or any certificate, instrument or document in relation to a joint stock association, limited partnership, continued use of firm name or registration of hotel name, in counties within the city of New York, one hundred dollars, and in all other counties, twenty-five dollars. For filing any certificate pursuant to section one hundred thirty of the general business law, in counties within the city of New York, one hundred dollars, and in all other counties, twenty-five dollars. No fee shall be charged for filing proof of publication or a cancellation, discontinuance or dissolution certificate.

3. For filing an assignment of or order for the payment of salary or wages, in counties within the city of New York, ten dollars, and in all other counties, five dollars. No fee shall be charged for filing of a satisfaction, assignment, cancellation or vacation thereof.

4. For filing a notice of mechanics lien, or a notice of lending, in counties within the city of New York, thirty dollars, and in all other counties, fifteen dollars. No fee shall be charged for filing a notice or order continuing, amending or cancelling same, but when a mechanics lien is discharged by deposit with a clerk of the court, there shall be a fee of three dollars in all counties other than those within the city of New York.

5. For filing, examining and entering an absolute bill of sale of chattels, or any instrument affecting chattels, or a copy of the foregoing or an assignment of any such instrument, or a satisfaction of a chattel mortgage or conditional bill of sale, in all counties except those within the city of New York, one dollar and fifty cents. For filing, examining and entering an assignment of a notice of lien on merchandise, one dollar and fifty cents. Every instrument affecting chattels must be endorsed on the outside thereof with the character of the instrument, the names of all the parties thereto and the location of the property affected thereby, which must be distinguished from the address of the parties by the words "property located at, " or similar words.

6. For filing a notice of hospital lien, five dollars. No fee shall be charged for filing a satisfaction, partial satisfaction, modification, assignment, cancellation, discharge of amendment thereof.

7. For filing a transcript of judgment, in counties within the city of New York, twenty-five dollars, and in all other counties, ten dollars. No fee shall be charged for filing a certificate or order of satisfaction, partial satisfaction, modification, assignment, reversal, cancellation or amendment, of judgment or lien.

8. For filing and indexing a certificate of appointment or official

character of a notary public, or for filing and indexing a certificate of appointment as commissioner of deeds, ten dollars.

9. For filing an assignment of money due on a contract, or an order on owner, twenty-five dollars. No fee shall be charged for filing a notice or order continuing, amending or cancelling same.

10. For filing a building loan contract, in counties within the city of New York, fifty dollars, and in all other counties, twenty-five dollars.

11. a. For recording any instrument required by statute to be recorded, in counties within the city of New York, ten dollars, and in all other counties, five dollars, and, in addition thereto, three dollars for each page or portion of a page recorded, except that the charge for instruments of surrender and orders of commitment required to be filed and recorded pursuant to section three hundred eighty-four of the social services law shall be ten dollars per instrument or order in counties within the city of New York, and in all other counties, five dollars per instrument or order.

b. For recording any instrument required by statute to be recorded, an additional fee of five dollars to be paid monthly by county clerks to the commissioner of education, after deducting twenty-five cents, for deposit into the New York state local government records management improvement fund and an additional fifteen dollars, after deducting seventy-five cents, for deposit to the cultural education account.

(c) Certification, issuing certificates, other papers and copies of papers, records, and related services, other than in connection with papers or instruments relating to real property or filed under the uniform commercial code.

1. For issuing any certificate, except as otherwise expressly provided for in this article, in counties within the city of New York, ten dollars, and in all other counties, five dollars.

2. For an execution of a judgment, five dollars.

3. For issuing a transcript of the docket of a judgment or other lien, in counties within the city of New York, fifteen dollars, and in all other counties, five dollars.

4. For issuing a certificate of appointment of a notary public, five dollars.

5. For issuing a certificate authenticating an official act by a notary public, commissioner of deeds or other public officer, three dollars, except that no fee shall be charged for a certificate on a paper required by the United States veterans' administration.

6. For issuing an official receipt for any instrument affecting personal property, two dollars.

7. For a certificate of exemplification, exclusive of certification, ten dollars.

8. For preparing and certifying a copy of a marriage record, five dollars.

9. No fee shall be charged to any county officer, employee or institution required to file or record any instrument in connection with the official duties thereof, or to any public official in connection with the filing of his undertaking.

(d) Searches of records not filed under the uniform commercial code. For certifying to a search of any records, other than those in an action or relating to real property, for a consecutive two year period or fraction thereof, for each name so searched, five dollars; except that in the counties within the city of New York, when the records so searched are the census records of the state of New York, the charge shall be one dollar for a consecutive two-year period or fraction thereof.

(e) Production of records. The production in any action of any filed or recorded paper, document, map or other instrument which is part of the public records and papers of a county clerk's office, except the

papers in an action which have been filed with the county clerk in his capacity as clerk of the court, is hereby prohibited in the interest of the safety and preservation thereof, unless the county clerk consents to such production, or the judge presiding in the court in which such production is sought so orders. Instead of the original, a certified copy of such filed or recorded paper, document, map or other instrument shall be produced in evidence as provided in section 4540 without an order. In the event that the original is to be produced on order of such judge, there shall be a fee for each day or part thereof in attendance pursuant to a subpoena duces tecum of twenty dollars and, in addition thereto, mileage fees of twelve cents per mile each way and the necessary expenses of the messenger, except that if the subpoena duces tecum be served within the city of New York and the place of attendance is within the city of New York, then actual transportation cost shall be charged instead of the mileage fees. In the event that a certified photo copy of the records subpoenaed is produced, there shall be the same fee as if the original was produced on the order of a judge.

(f) Services rendered pursuant to part four of article nine of the uniform commercial code.

1. For filing, indexing and furnishing filing data for a financing statement or a continuation statement on a form conforming to standards prescribed by the secretary of state, three dollars, or if the statement otherwise conforms to the requirements of part four of such article, four dollars and fifty cents, plus, in either case,

(a) if the statement covers collateral which is crops or goods which are or are to become fixtures, fifty cents and, in addition,

(b) if the real estate is in the city of New York or the counties of Suffolk or Nassau, any block fees allowed by the administrative code of the city of New York or the Nassau county administrative code or any tax map number verification fees on instruments presented for recording or filing allowed by the Suffolk county administrative code;

(c) for each additional person, firm or organization, beyond the first, named as a debtor in the statement, seventy-five cents.

2. For filing and indexing an assignment or statement of assignment on a form conforming to standards prescribed by the secretary of state, of

a security interest included in or accompanying a termination statement, three dollars, or if the assignment or statement of assignment otherwise conforms to the requirements of part four of such article, four dollars and fifty cents, plus, in either case, for each additional person, firm or organization, beyond the first, named as a debtor in the assignment or statement, seventy-five cents.

3. For filing and indexing a termination statement, including sending or delivering the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto, or an acknowledgment of the filing of the termination statement, one dollar and fifty cents and, otherwise, shall be three dollars, plus, in each case an additional fee of seventy-five cents for each name more than one against which the termination statement is required to be indexed.

4. For filing, indexing and furnishing filing data for a financing statement indicating an assignment of a security interest in the collateral on a form conforming to standards prescribed by the secretary of state, three dollars, or if the financing statement otherwise conforms to the requirements of part four of such article, four dollars and fifty cents, and seventy-five cents for each additional person, firm or organization, beyond the first, named as a debtor in the statement.

5. For filing, indexing and furnishing filing data about a statement of assignment on a form conforming to standards prescribed by the secretary of state, separate from a financing statement, three dollars, or if the statement of assignment otherwise conforms to the requirements of part four of such article, four dollars and fifty cents plus, in either case, for each additional person, firm or organization, beyond the first, named as a debtor in the statement, seventy-five cents.

6. For filing and noting a statement of release of collateral on a form conforming to standards prescribed by the secretary of state, three dollars, or if the statement of release otherwise conforms to the requirements of part four of such article, four dollars and fifty cents plus, in either case, for each additional person, firm or organization, beyond the first, named as a debtor in the statement, seventy-five

cents.

7. For noting the file number and date and hour of the filing of the original upon a copy thereof furnished by the person filing any financing statement, termination statement, statement of assignment, or statement of release, and delivering or sending the copy to such person, when the filed statement contains more than one page or the statement and copy are not on forms conforming to standards prescribed by the secretary of state, an amount equal to the product of one dollar and fifty cents multiplied by the number of pages the filed statement contains.

8. For issuing a certificate showing whether there is on file a presently effective financing statement naming a particular debtor and any statement of assignment thereof or statement of release of collateral pertaining thereto, and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein, four dollars and fifty cents if the request for the certificate is on a form conforming to standards prescribed by the secretary of state or, otherwise, seven dollars and fifty cents.

9. For furnishing a copy of any filed financing statement, continuation statement, termination statement, statement of assignment or statement of release, one dollar and fifty cents per page; provided, however, that the county clerk may furnish duplicate copies of microfilm records of all financing statements, continuation statements, termination statements, statements of assignment and statements of release filed during any month to any person requesting the same at a fee, to be determined by the county clerk, of less than one dollar and fifty cents per page.

(g) Services rendered in relation to federal tax liens filed pursuant to the lien law.

1. For filing and indexing a notice of lien for taxes payable to the United States of America and certificates and notices affecting such liens, four dollars and fifty cents.

2. For issuing a certificate showing whether there is on file on the date and hour stated therein, any notice of federal tax lien or certificate or notice affecting such lien, filed on or after July third, nineteen hundred sixty-six, and if there is, giving the date and hour of filing each such notice or certificate, four dollars and fifty cents.

§ 8022. Fee on civil appeals proceedings before appellate courts. (a) A county clerk, upon filing a notice of appeal, is entitled to a fee of sixty-five dollars, payable in advance.

(b) The clerks of the appellate divisions of the supreme court and the clerk of the court of appeals are entitled, upon the filing of a record on a civil appeal or a statement in lieu of record on a civil appeal, as required by rule 5530 of this chapter, to a fee of three hundred fifteen dollars, payable in advance. The clerks of the appellate divisions also shall be entitled to such fee upon the filing of a notice of petition or order to show cause commencing a special proceeding in their respective courts. In addition, the clerks of the appellate divisions of the supreme court and the clerk of the court of appeals are entitled, upon the filing of each motion or cross motion with respect to a civil appeal or special proceeding, to a fee of forty-five dollars, payable in advance. However, no fee shall be imposed for a motion or cross motion which seeks leave to prosecute or defend a civil appeal or special proceeding as a poor person pursuant to subdivision (a) of section eleven hundred one of this chapter.