

No. 535, A.]

[Published July 29, 1953.

**CHAPTER 511**

AN ACT to repeal section 2 of chapter 311 of the laws of 1862, as last amended by chapter 25, laws of 1935; to amend 270.12 (3) and 270.66; and to repeal and recreate 59.42 of the statutes, relating to fees of clerks of circuit court.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 59.42 of the statutes is repealed and recreated to read:

59.42 CLERK OF COURT; FEES. Except as otherwise provided by law the clerk of circuit court shall collect the following fees:

(1) CRIMINAL ACTIONS. In criminal actions, upon disposition of such actions, for all necessary filing, entering, docketing and recording:

- (a) If there is a dismissal or plea of guilty or nolo contendere, \$5;
- (b) If there is a plea of not guilty and a trial before the court without a jury, \$10;
- (c) If there is a plea of not guilty and a jury trial, \$15;
- (d) If criminal fees are lawfully retained by the clerk as part of his compensation, the foregoing fees, if not assessed against the defendant and paid by him, shall be paid by the county.

(2) CIVIL ACTIONS. In civil actions and cognovit judgments at the times indicated below, for all necessary filing, entering, docketing and recording, drawing of jurors, swearing of witnesses, jurors and officers to take charge of jurors, placing cases on the calendar and taxing costs (but no fee other than suit tax shall be paid by counties, municipalities or school districts initially or upon change of venue, nor shall fees other than suit tax be paid in judicial reviews of industrial commission orders or awards):

Manner of disposition of action	At commencement of action (exclud- ing state tax)	At time of entry of judgment or other disposition
(a) Cognovit	\$6	
(b) Divorce, real estate fore- closure, partition and quiet title actions	\$6	\$6
(c) Other contract actions	\$6	\$7
(d) Tort actions	\$6	\$8
(e) All other actions	\$6	\$6

(3) CHANGE OF VENUE; APPEAL; SECOND JUDGMENT AFTER NEW TRIAL. On a change of venue at commencement in the court to which the action is transferred (no suit tax), \$6; on filing an appeal from an inferior, municipal or justice court, \$6 plus suit tax; and on entry of judgment or other disposition after a new trial, the same fee as provided upon entry of the first judgment or other disposition.

(4) SPECIAL PROCEEDINGS. In special proceedings independent of an action, at time of filing of petition or other initial instrument, for all necessary filing, entering, docketing and recording, \$6 excluding suit tax.

(5) FOREIGN JUDGMENTS. On filing of a verified complaint for registration of any foreign judgment, \$6 excluding suit tax.

(6) ANCILLARY MATTERS. In deficiency judgments, amended judgments, amortization proceedings or other ancillary matters except contempt proceedings, for all necessary filing, entering, docketing and recording, \$5.

(7) WRITS; EXECUTIONS. For issuing any writ not commencing an action or special proceeding, or issuing an execution, \$1.

(8) CERTIFICATES; COMMISSIONS. For issuing certificates (including seals), or commissions to take depositions, 50 cents.

(9) JUDGMENTS; LIENS; WARRANTS. For issuing, filing and docketing in connection with all transcripts, certified copies and satisfactions of judgments, claims for contractors, subcontractors, materialmen, maintenance and other liens, delinquent state income tax warrants and unemployment compensation warrants the following amounts:

- (a) Issuing transcripts from judgment docket, \$1;
- (b) Filing and docketing transcripts from judgment docket of any court or delinquent income tax or unemployment compensation warrants, \$2;
- (c) Filing and docketing assignments or satisfactions of judgments of warrants, or assignment or satisfaction of any lien, 50 cents;
- (d) Filing and docketing liens, \$1;
- (e) Filing and docketing certified copies of judgments or judgment rolls for enforcing real estate judgments rendered in other courts of the state, \$3;
- (f) Filing and docketing judgment on award of industrial commission, \$2.
- (10) TRANSMITTING DOCUMENTS. For certifying and transmitting documents upon appeals, writs of error, changes of venue, for special terms in other counties, for enforcing real estate judgments in other counties, or for enforcing judgments in other states (in addition to postage), \$2.
- (11) DISBURSING MONEY. For receiving money deposited by a debtor for payment of a judgment or receiving and disbursing a trust fund, such sum as the presiding judge may direct.
- (12) BONDS AND UNDERTAKINGS. For approving any bond or undertaking, 25 cents.
- (13) NOTARY CERTIFICATES. For filing certificates of notaries public, 50 cents.
- (14) CERTIFIED COPIES. For certified copies of any document for which a specific fee is not established in this section, per page 50 cents if prepared by the clerk, 25 cents if only compared by the clerk, but in no case less than \$1.

SECTION 2. 270.12 (3) of the statutes is amended to read:

270.12 (3) The clerk shall not place any cause upon the calendar unless the state tax and \* \* \* *the proper amount of* clerk's fees shall have been paid and summons and complaint or copies thereof, shall have been filed in his office.

SECTION 3. 270.66 of the statutes is amended to read:

270.66 Within 60 days after filing of a verdict on which the clerk is authorized to enter judgment without an order, or within 60 days after an order to enter judgment is filed, the successful party may tax costs and perfect the judgment and cause it to be entered and if he fails so to do the clerk of the court shall prepare and enter the proper judgment, but without costs. If there be a stay of proceedings after the filing of the findings or verdict, judgment may be perfected at any time within 60 days after the expiration of such stay. *If the parties agree to settle all issues but fail to file an order of dismissal the judge may direct the clerk to draft an order dismissing the action.* No execution shall issue until the judgment is perfected by the taxation of costs and the insertion of the amount thereof in the judgment or until the expiration of the time for taxing costs.

SECTION 4. Section 2 of chapter 311 of the laws of 1862, as last amended by chapter 25, laws of 1935, is repealed.

Approved July 9, 1953.

---