

RULE 3.03

COSTS AND SECURITY FOR COSTS

A. No motion to proceed In Forma Pauperis shall be granted by the Court unless there is attached thereto a statement by the attorney for the party executing such affidavit that he or she has not accepted and will not accept any attorney's fees in said cause until the costs are paid or secured to be paid.

B. Unless a motion to proceed In Forma Pauperis is filed and accepted by the Court or the Court waives deposit for costs or costs, the following amounts shall be deposited with the Clerk of Courts:

1. \$200 - Civil Suits, excluding Foreclosure actions and Domestic Relations actions (includes a special projects fee of \$50.00 per R.C. 2303.201(E)(1)).
2. \$300 - Divorces and Legal Separations
\$150 - Dissolutions
 - a. However the Court may determine at the first hearing the party most able to make the deposit; and upon Order of the Court, that party shall deposit an amount determined by the Court; and if the Court so orders, the Clerk shall refund the original deposit to the extent the combined deposit exceeds that required.
 - b. Failure by the party to deposit the amount ordered may result in the party being sanctioned including the striking of any pleading or the case proceeding as in default.
3. \$110 - Reopened Domestic Relations cases.
4. \$40 - Consent Judgment Entries for Domestic Relations Cases. No consent entry will be accepted unless accompanied by a deposit.
5. \$40 - Filing of notice pursuant to provisions of Final Judgment or Statute.
6. \$75 - Qualified Domestic Relations Order for Domestic Relations Cases. No order will be accepted unless accompanied by a deposit.

7. \$180 - Real Estate Foreclosure actions (includes a special projects fee of \$50.00 per R.C. 2303.201(E)(1)). An additional deposit of \$725 is required when the Praecipe for Order of Sale is filed.
8. \$75 - Motion to vacate, revive, or modify judgment. Proceedings in aid of execution deposit must include estimated fees for appraisers and related costs.
9. \$20 - Service of Summons or execution on each non-resident defendant when service by foreign sheriff is required.
10. \$300 - Additional for any civil or domestic relations case requiring service by publication.
11. \$180 - Notice of Appeal from tribunals, commissions or administrative agencies (includes a special projects fee of \$50.00 per R.C. 2303.201(E)(1)).
12. \$100 - Counter-Claim, cross-complaint or third party complaint.
13. \$50 - Judge or Jury View, per view. The deposit must be paid 30 days before trial or the Judge or Jury view is waived.
14. \$300 - Jury deposit. The deposit must be paid 30 days before trial or jury trial is waived.
15. \$175 - Expungement of criminal conviction.
16. If a party is due a refund of deposit in any case, before making said refund, the Clerk of Courts may apply said refund to any court costs then owed by said party.

C. Unless a poverty affidavit is filed and accepted by the Court, the following amounts shall be paid to the Clerk of Courts:

1. \$150 - Writ of possession or execution.
2. \$25 - Judgment lien.
3. \$5 - Release of judgment lien.
4. \$30 - Release of tax lien.
5. \$.06 - Copy fee per page.
6. Facsimile documents

- a. \$2 - A use fee of \$2 plus \$1 a page payable to the Clerk of Courts for transmitting from the Clerk's electronic facsimile machine.
 - b. The costs associated with facsimile transmissions shall be billed immediately to the party either transmitting or requesting receipt of facsimile copies.
 - c. If the attorney requires a file-stamped copy to be returned to him or her and has not provided a copy for this purpose or if the attorney has not provided a copy for the judge's file, the charge for making copies will be \$.06 per page. (See Local Rule 3.01(D)).
7. \$5 - for recopying the first page of a document so that the required top margin is preserved. (See Local Rule 3.01(A)(3)).

Unless otherwise ordered by the Court, payments received by the Clerk of Courts in a case where more than one financial obligation exists shall be applied in the following order:

1. To any order of restitution
2. To Court costs
3. To any order to reimburse Wood County for costs of appointed counsel, incarceration, community control sanction or any further financial sanction
4. To any fines

D. If a check or other negotiable instrument for deposit for costs is dishonored for any reason, the filing may be dismissed by the Court after 10 days notice is given to the filer for failure to pay the required security for costs.

E. If at any time the deposit for costs becomes insufficient in any case, the Clerk shall require of the appropriate parties an additional deposit in an amount sufficient to secure the reasonably anticipated additional costs.

F. When a judgment entry orders payment of costs by a party who has a deposit with the Clerk, the costs shall be deducted from that party's deposit, if sufficient, and any balance shall be returned to the depositor. If, however, the deposit is insufficient or that party has no deposit, then the amount still due shall be billed to that party. If there is a failure to pay within sixty (60) days from the Clerk's cost statement by the party so ordered, the Clerk shall deduct the costs from any deposit held in that case.

G. If notice of voluntary dismissal is filed by a plaintiff or an appellant, the dismissal shall be at the cost of the dismissing party, unless otherwise ordered.

H. When an entry terminating a pending matter does not specify who is to pay the court costs, the Clerk shall:

1. In civil proceedings initiated by the Wood County Child Support Enforcement Agency, assess the costs to the Wood County Child Support Enforcement Agency IV-D contract.
2. In all other civil proceedings, deduct the costs equally from any deposits held and refund the remainder. If the deposits are insufficient to satisfy the court costs, the Clerk shall then assess the excess costs to the parties equally unless otherwise ordered. If there are no deposits, the Clerk shall assess the costs to the Plaintiff/Movant/Initiator.

I. The commission charged by the Clerk of Courts pursuant to R.C. 2303.20(V) shall be paid by the party paying or depositing money at the time of payment or deposit with the clerk unless otherwise ordered by the Court.

J. At the termination of any case, the Clerk shall not bill any party for costs less than \$5.00. The Clerk shall not refund any balance remaining from a deposit that is \$5.00 or less, unless a written request for the refund is made within 14 days after the termination of the case.

K. Arrangements for the payment of the costs of transcripts shall be made with the Court Reporter at the time the transcript is ordered.