

Microfilm No. 5 Day Sept 2018  
 At 10:18 O'Clock A M  
 ABBIE MACE  
 FREMONT CO RECORDER  
 Fee \$ 0- Deputy  
 Recorded at Request of  
~~Fremont County~~  
 Commissioners

RESOLUTION NO. 2018- 22

A RESOLUTION OF THE BOARD OF FREMONT COUNTY COMMISSIONERS, STATE OF IDAHO, AMENDING THE SHERIFF'S FEES STATED IN RESOLUTION NO. 2005-10. SAID AMENDMENT WILL SUPERSEDE ALL PREVIOUS POLICIES REGARDING THE SHERIFF'S FEES PERMITTED BY IDAHO CODE SECTIONS 31-3203 AND 11-729.

WHEREAS, Idaho Code section 31-3203 allows the Board of Fremont County Commissioners to set Sheriff's fees by resolution for the services outlined in said statute and provides the fees set must be an amount reasonably related to but not exceeding the actual costs of such service.

WHEREAS, Idaho Code section 11-729 allows the Board of Fremont County Commissioners to set Sheriff's fees by resolution for serving an initial order of garnishment, writ of execution, and interim returns on continuing garnishment and provides that said fees shall be established using criteria determined by the Board, not to exceed the actual costs directly incurred for order of garnishment and writ of execution service.

WHEREAS, the Fremont County Sheriff has approached the Commissioners for the purpose of updating the fee schedule to raise fees to meet current costs.

WHEREAS, the Fremont County Sheriff has demonstrated to the Commissioners that the proposed fees are reasonably related to but don't exceed the annual costs of services listed under Idaho Code 31-3203.

WHEREAS, the Fremont County Sheriff has demonstrated to the Commissioners that the proposed fees under Idaho Code 11-729 were established using criteria which the Commissioners desire to adopt as they are reasonable and don't results in fees which exceed the annual costs of services listed under Idaho Code 11-729.

NOW, THEREFORE, be it hereby ordained by the Fremont County Commissioners of Fremont County, Idaho, that the attached fee schedule, incorporated herein by reference as fully set forth as Schedule A, is hereby adopted and shall become immediately enforced and of effect as the date signed below. That Fremont County Commissioners of Fremont County, Idaho, shall immediately and annually hereafter publish on the county website all the criteria used to establish the total fee under Idaho

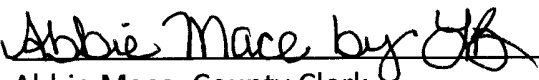
Code 11-729 and the value of each criterion's proportionate share of the total fee.

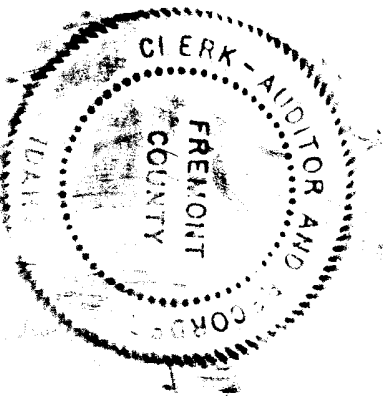
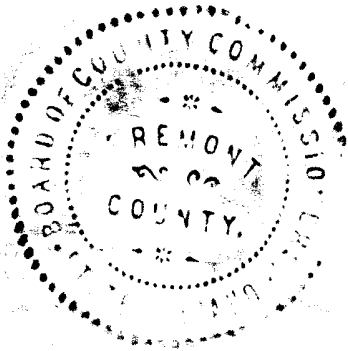
PASSED THIS 4<sup>th</sup> DAY OF September, 2018, BY THE BOARD OF FREMONT COUNTY COMMISSIONERS, STATE OF IDAHO.

Board of County Commissioners  
Fremont County, Idaho

  
\_\_\_\_\_  
Jordan Stoddard as Chairman

ATTEST:

  
\_\_\_\_\_  
Abbie Mace, County Clerk



## Schedule A

Sheriff's Civil Process Fees	Old Fee	New Fee
Generally: Fees for service and process of documents are based on each party that is to be served. Deposits will be routinely required for certain services where indicated below ("requires deposit"), but may also be required in any instance when actual costs are to be assessed. Deposit amount may increase depending on the size/amount of property. Any person making a deposit will be responsible for the balance of costs that exceed any deposit amount required. Deposit amounts in excess of actual costs will be refunded.		
Service & Process of Summons and Complaint or each process that commences an action proceedings including Small Claims.	\$ 40.00	\$ 70.00
Service & Process of each and every Notice, Rule, Order or Body Attachment. Includes Affidavit & Order, Notice of Landlord Tenant, Notice to Pay Rent or Quit, Notice to Quit, Notice to Vacate, Order for Appearance or Examination, Order to Show Cause, services of Affidavits and/or Notices, Orders and all other pleadings and papers not specifically listed herein.	\$ 40.00	\$ 70.00
Service and Process of civil and criminal subpoenas, for each witness summoned. (When not issued by the Court.)	\$40.00 Civil/ \$0 criminal	\$ 70.00
Service of Civil Protection Order or Subpoena when issued by court.	No Charge	No Charge
Service of Restraining Order (issued by attorney)	\$40.00	\$40.00
Certified Mail/Postage	actual costs	actual costs
Certificate of Sale	\$ 10.00	\$ 10.00
Service & Process of each Writ of Execution where levy is not made on property or cash.	\$ 40.00	\$ 70.00
Service & Process of Order to Deliver Personal Property, Writ of Assistance, Writ of Attachment, Writ of Possession, Writ of Restitution	\$ 40.00 + Actual Costs, requires deposit	\$ 70.00 + Actual Costs, requires deposit
Service of Papers Resulting in Impound, Moving, Towing, Storage of Property	\$ 40.00 + actual costs, requires deposit	\$ 70.00 + actual costs, requires deposit
Service of Execution or Notice of Levy <sup>1</sup>	\$ 5.00 + levy*	\$ 70.00 + levy*
Notice of Sale	\$ 40.00 + \$ 5.00 + Actual costs, requires deposit	\$ 10.00 + Actual costs, requires deposit.
Notice of Trustee Sale	\$ 5.00 + \$ 5.00	\$ 70.00
Postings, manual, of required notices	\$ 5.00	\$ 5.00
Publication Costs	actual costs	actual costs
Recording of Documents	actual costs + requires deposit	actual costs
Returned Check Fee	None	\$ 30.00
Sheriff's Deed	\$ 15.00	\$ 10.00
Writ of Execution – Garnishments (Bank, Wage)	\$ 40.00	\$ 70.00
Warrant of Distrain	\$ 20.00	\$ 20.00
Writ of Attachment/Civil Arrest	\$ 40.00	actual costs, requires deposit
Deposit for actual costs if Sheriff arranges evictions, personal property & vehicle attachments, move outs, storage, levy	\$ 3,000.00	\$ 3,000.00
Deposit for actual costs of Sheriff's sale	\$ 500.00	\$ 500.00

\* Levy - Commission on receiving and paying over money on execution regarding land or personal property when levied and sold. On first \$1,000, it is 2%; on all amounts over \$1,000 it is 1%, if no sale it is \$100.00. Levy amount shall not exceed actual costs.