

Resolution #2020-09

Lincoln County Resolution Setting Lincoln County Sheriff's Office

Whereas, Idaho Code 31-3203, Sheriffs Fees, has been amended to permit the Board of County Commissioners of each county to set sheriff's fees by resolution; and

Whereas, such fees shall be in an amount reasonably related to but not to exceeding the actual costs of such services; and

Whereas, the Lincoln County Sheriff has reviewed and analyzed the actual cost of service of process and determined that the following fees should be revised to more accurately reflect but not exceed the actual costs of serving and processing legal documents:

1	For serving Summons and Complaint, or any other process by which an action or proceeding is commenced, on each defendant.	\$65.00
2	For serving or posting every notice, rule or order.	\$65.00
3	For serving a Subpoena in a criminal action or proceeding, for each witness.	\$65.00
4	Service of any court issued Writ, including continuous wage garnishments and one-time levies (bank levies require additional search fee payable to each bank)	\$65.00
5	Commission for processing Real Property Writs of Execution-this fee will be charged whether the sale is completed or cancelled, or if the property is purchased by the plaintiff in the form of a credit bid against the judgment.	\$150.00
6	Commission for processing Personal Property Writs of Execution-this fee will be charged whether the sale is completed or cancelled, or if the property is purchased by the plaintiff in the form of a credit bid against the judgment.	Min \$40.00 Max \$75.00
7	For serving a Writ of Possession Restitution, putting a person in possession of premises and removing the occupant.	\$65.00
8	For drawing and executing a Sheriff's Deed, including the acknowledgment to be paid by the grantee before delivery.	\$10.00
9	For executing a Certificate of Sale, exclusive of the filing and recording of same.	\$10.00
10	For copy of and making an interim return on a continuing garnishment to show disbursement of monies held by the sheriff.	\$5.00
11	For attempted service and not found return	\$65.00
12	Service of Warrant of Distraint and collection of delinquent tax.	\$65.00
13	Copy legal documents, including Claim of Exemption packet	\$1.00
14	Postage	Actual Cost

Notice of Public Hearing to be held on June 1, 2020 at 1:30pm in the Lincoln County Commissioners Meeting for:

**RESOLUTION NO. 2020-09; LINCOLN COUNTY, IDAHO
A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR LINCOLN COUNTY, IDAHO ADOPTING FEES FOR SERVICES PERFORMED BY THE SHERIFF'S DEPARTMENT FOR REIMBURSEMENT FOR THE ACTUAL COSTS OF SAID SERVICES, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Idaho Code §31-3203, *Sheriff's Fees* allows the Board of County Commissioners of each county to set sheriff's fees by resolution; and

WHEREAS, such fees shall be in an amount reasonably related to but not to exceeding the actual costs of such services; and

WHEREAS, the Lincoln County Sheriff has reviewed and analyzed the actual cost of service of process and determined that the following fees should be revised to more accurately reflect but not exceed the actual costs of serving and processing legal documents:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN, STATE OF IDAHO, as follows:

1	For serving Summons and Complaint, or any other process by which an action or proceeding is commenced, on each defendant.	\$65.00
2	For serving or posting every notice, rule or order.	\$65.00
3	For serving a Subpoena in a criminal action or proceeding, for each witness.	\$65.00
4	Service of any court issued Writ, including continuous wage garnishments and one-time levies (bank levies require additional search fee payable to each bank).	\$65.00
5	Commission for processing Real Property Writs of Execution-this fee will be charged whether the sale is completed or cancelled, or if the property is purchased by the plaintiff in the form of a credit bid against the judgment.	\$150.00
6	Commission for processing Personal Property Writs of Execution-this fee will be charged whether the sale is completed or cancelled, or if the property is purchased by the plaintiff in the form of a credit bid against the judgment.	Min \$40.00 Max \$75.00
7	For serving a Writ of Possession Restitution, putting a person in possession of premises and removing the occupant.	\$65.00
8	For drawing and executing a Sheriff's Deed, including the acknowledgment to be paid by the grantee before delivery.	\$10.00
9	For executing a Certificate of Sale, exclusive of the filing and recording of same.	\$10.00
10	For copy of and making an interim return on a continuing garnishment to show disbursement of monies held by the sheriff.	\$5.00
11	For attempted service and not found return	\$65.00
12	Service of Warrant of Dstraint and collection of delinquent tax.	\$65.00
13	Copy legal documents, including Claim of Exemption packet	\$1.00
14	Postage	Actual Cost
15	Towing of Vehicles per Execution. Advanced deposit required	Actual Cost
16	Moving expense per Writ of Possession or Restitution. Advance deposit of \$1,000.00 required.	Actual Cost
17	Recording of Documents.	Actual Cost
18	Publication costs.	Actual Cost
19	Concealed Weapons License-New applications, and renewals	\$62.00 \$37.00
20	Report request fees-printed accident/incident reports	\$5.00 \$5.00
21	Sex Offender Registration-yearly fee as set by IC 18-8307.	\$80.00

All fees not specifically listed herein shall be as provided by State Statute, including but not limited to Idaho Code § 31-3203.

Brenda Farnworth, Clerk

Published May 22 and May 28, 2020.

15	Towing of Vehicles per Execution. Advanced deposit required	Actual Cost
16	Moving expense per Writ of Possession or Restitution. Advance deposit of \$1,000.00 required.	Actual Cost
17	Recording of Documents.	Actual Cost
18	Publication costs.	Actual Cost
19	Concealed Weapons License-New applications, and renewals	\$56.10 \$37.85
20	Report request fees-printed accident/incident reports	\$5.00 \$5.00
21	Sex Offender Registration-yearly fee as set by IC 18-8307.	\$80.00

All fees not specifically listed herein shall be as provided by State Statute, including but not limited to IC 31-3203.

BE IT THEREFORE RESOLVED that the fee schedule, as provided above shall be effective June 1, 2020

APPROVED AND ADOPTED this 1st day of June, 2020

Board of Lincoln County Commissioners

Rebecca Wood
Rebecca Wood, Chair

Roy Hubert
Roy Hubert, Vice Chair

Rick Ellis
Rick Ellis, Commissioner

Brenda Farnworth
Brenda Farnworth, Clerk