

**BEFORE THE 2006 JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. JC 06-016**

**RELATIVE TO AMENDMENT TO PROVIDE CLARIFICATION REGARDING
SUPERIOR COURT OF GUAM SCHEDULE OF FEES AND TO RATIFY THE
ADMINISTRATOR OF THE COURTS' APPLICATION OF
CERTAIN CIVIL FILING FEES**

WHEREAS, on April 30, 2004, the Judicial Council adopted its Resolution No. 04-010 approving Superior Court fees found in Rules 91 & 92 as reflected in its Exhibit A effective July 1, 2004 pursuant to Title 7 GCA § 9502(c) (as amended by P.L. 27-31); and

WHEREAS, the Administrator of the Courts has brought to the Judicial Council's attention that gaps exist with the Rule 91 & 92 schedules of Superior Court fees which have resulted in confusion regarding whether or not filing fees are required for certain types of filings in the Superior Court; and

WHEREAS, the Administrator of the Courts has concluded that certain fees are distinctly implied within the fee schedules but the fee schedules lack express articulations of such fees; and

WHEREAS, the Administrator of the Courts recommends that the Judicial Council provide express clarification through amendments to the Rule 91 & 92 schedules of fees to expressly articulate the existence of the following fees:

Within Rule 91:

- * Clarification that there is a \$75 fee for filing a counterclaim or a third party complaint, just as there is a \$75 fee for filing a cross-complaint; and
- * Clarification that there is a \$25 fee for filing an amended counterclaim or an amended third party complaint or an amendment to a counterclaim or a third party complaint, just as there is a \$25 fee for filing an amended complaint or an amendment to a complaint or an amended cross-complaint or amendment to a cross-complaint.

Within Rule 92:

- * Filing a cross-complaint or third party complaint requires payment of a filing fee equal to the filing fee paid for the filing of the initial claim, just as there is a similar fee for filing a counterclaim.

and;

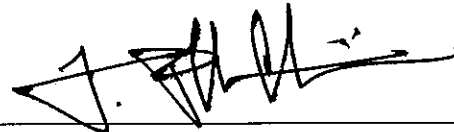
WHEREAS, the Administrator of the Courts has interpreted the Rule 91 Schedule of Fees in a manner whereby the Civil Filing Fees found at the beginning of the fee schedule

apply to all manner of civil cases, whether they be regular civil cases, family law cases, probate cases, etc., and has requested the Judicial Council's agreement, concurrence and ratification of this interpretation;

NOW THEREFORE BE IT RESOLVED, that the Judicial Council agrees with the recommendations of the Administrator of the Courts and hereby approves the clarification amendments in the Schedule of Fees for Superior Court filings as identified above and as shown in Exhibit A hereto which is incorporated herein by this reference, with the now-clarified and recognized fees to be charged prospectively from and after September 1, 2006; and

BE IT FURTHER RESOLVED, that the fees articulated in the "Civil Filing Fees" section of the Rule 91 Schedule of Fees apply to all manner of civil cases, whether they be regular civil cases, family law cases, probate cases, etc., and thus the Administrator of the Court's interpretation and application of those fees to all civil cases is hereby **RATIFIED**.

DULY ADOPTED this 31st day of August, 2006 at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman

Dated: 9-1-06

ATTEST:



ANNABELLE C. MAJILLO, Secretary

Dated: 9-1-06

SUPERIOR COURT OF GUAM

**SCHEDULE OF FEES
(RULE 91)**

Effective: September 1, 2006

**ADOPTED BY: JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. 06-016
AUGUST 31, 2006**

SUPERIOR COURT OF GUAM

**SCHEDULE OF FEES
(RULE 91)**

Effective: July 01, 2004

**ADOPTED BY: PROMULGATION ORDER NO. 03-008 OF THE
SUPREME COURT OF GUAM ON OCTOBER 24, 2003**

**AMENDED
BY
THE JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. JC 06-016
AUGUST 31, 2006**

CIVIL FILING FEES

Complaint, Petition or Other First Paper in Civil or Special Proceedings	\$150.00
Filing of first Paper in Registration of Land	\$150.00
Issuance of Summons, Alias Summons, Amended Summons	\$7.00
Abstract of Judgment	\$10.00
Subpoena Fees (All Categories)	\$5.00
Confession of Judgment JUSTIFICATION: The Territorial Law Library Fund requires a fee of \$20.00 pursuant to JCR#01-97.	\$60.00
Issuing Writ of Execution, Attachment Sale, Possession (One Payment per Party per Action)	\$20.00
Affidavit for an Order of Examination of Judgment Debtor and Order for Examination (JDX)	\$20.00
Application for Renewal of Judgment	\$20.00
Filing a Cross-Complaint, Counterclaim or a Third Party Complaint	\$75.00
Filing an Amended Complaint or an Amendment to a Complaint, Amended Cross-Complaint or Amendment to a Cross-Complaint, Amended Counterclaim or an Amended Third Party Complaint, or an Amendment to a Counterclaim or a Third Party Complaint	\$25.00

Note: The fee provided by this section shall not apply to any of the following:

- 1. An amended pleading or amendment to a pleading ordered by the court to be filed.**
- 2. An amended pleading or amendment to a pleading that only names previously fictitious named defendants.**

Superior Court of Guam Schedule of Fees**Page 2**

Notice of Motion/Order to Show Cause or any other paper requiring a Court hearing subsequent to filing the First Paper (any party). This fee must now be paid for an Exparte Motion, Stipulation by the parties for a continuance of hearing	\$10.00
Motion for Summary Judgment	\$100.00
Alternative Writ, Writ of Habeas Corpus, Mandate and Prohibition (Special Proceedings Filing)	\$150.00

FAMILY LAW FILING FEES

Complaint, Petition or Other First Paper for Divorce/Dissolution, Legal Separation, Nullity, Custody and/or Visitation, Conciliation Jurisdiction and Statement to Register Foreign Support or Custody Order (Private Party)	\$150.00
Petition for Adoption, per individual being adopted	\$150.00
Motions, Ex Parte Motions and Order to Show Cause to Modify or Enforce Custody and/or Visitation Judgment or Order	\$10.00

PROBATE FILING FEES

First Petition for Letters of Administration, Petition for Special Letters of Administration, Petition for Letters of Testamentary	\$150.00 Subject to credit to Final Closing Costs
Filing of Last Will & Testament & Codicil	\$25.00

For all clerical services in the allowance of wills, granting letters of administration, appointment of guardian, trustees, settlement of the accounts of executors, administrators, guardians, trustees and recording final and interlocutory orders and judgments therein, filing of inventory and appointments, and for all other work as clerk pertaining to any one estate, fees payable out of the estate shall be collected in accordance with the value of the property involved in the proceedings as follows:

Superior Court of Guam Schedule of Fees

Page 3

Where the valuation is less than \$1,000	\$ 5.00
Where the valuation is \$1,000 or more but less than \$2,000	\$25.00
Where the valuation is \$2,000 or more but less than \$4,000	\$40.00
Where the valuation is \$4,000 or more but less than \$7,500	\$50.00
For each additional \$1,000 above \$7,500, provided that the maximum fee shall not exceed \$5,000 unless the Judicial Council decides that the complexity or work required on a particular case justifies a higher fee. In no event shall the fee be lowered.	\$10.00

REDUCED COURT FEES FOR ADMINISTRATION OF LAND CLAIMS AWARDS. The fee payable out of the estate pursuant to Rule 91(A)(5), for probate administration on land claims award shall be the sum equal to ten percent (10%) of the amount otherwise payable under said Rule. A single fee, computed as aforesaid, shall be assessed against each award. No additional fee shall be assessed against each award. No additional fees shall be assessed against any portion of an award distributed to the estate of a deceased heir, for separate administration thereon, if said portion was included in computing the fee for administration upon the estate of the deceased heir's predecessor. [Rule 9(A)(6) added by the 15 GCA §4912 (P.L., 19-34:24)]

JURY DEMAND FEES

Demand for Jury of Six (6)	\$100.00
Demand for Jury of Twelve (12)	\$200.00

Note: All Jury Fees in Civil Suits shall be paid upon making demand for jury trial, which is not refundable.

MARRIAGE FEES

Judges perform marriage ceremony which includes issuance of Certificate of Marriage	\$50.00
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APPEAL FEES

Notice of Appeal from the Superior Court	\$50.00
Notice of Appeal or Transfer from Small Claims Court to Civil Action	\$150.00
Notice of Appeal from Traffic Court	\$75.00

**RECORDS, SEARCH, RETRIEVAL, COPY AND
CERTIFICATION FEES**

Searching Records or Files	\$2.00
Retrieval Fee: On Site Location, per case. (Not to include Criminal Felony, Criminal Misdemeanor, Adoption, Juvenile Special Proceedings & Juvenile Division cases.)	\$2.00 each
Retrieval Fee: Remote Storage Location, per case	\$10.00
Copy Fee: Copy per page	\$0.50
Certification: Certify a copy of any filed paper: \$2.00 Certify a copy of a paper, records or proceeding on file other than filed papers: (Clerk's minute entry, letters, etc.) \$2.00 For each certificate to the official: \$3.00 (capacity of any public official) For every certificate where no fee is fixed: \$2.00 For certification of documents produced from microfilm records, per document: \$3.00	
<u>Superior Court Clearance Fee and</u> Traffic Clearance Fee:	\$15.00 \$1.50
Taking acknowledgment or subscription of an affidavit or other court-related document:	\$5.00
Authentication / Exemplification	\$15.00
File Retrieval for Electronic Data Input	\$2.00 (each file)

COURT REPORTERS FEES

Transcript to be provided within 30 days: Original Page: \$3.00 Copies Page: \$1.50	
Transcript to be provided within 10 days: Original Page: \$4.00 Copies Page: \$1.50	

COURT REPORTERS FEES (Continued)

Transcript to be provided within 24 hours: Original Page: Copies Page:	\$4.50 \$1.75
Tape Duplication (reproduction of magnetic recording tape with court-issued cassette tapes) Tape Duplication (tape supplied by parties)	\$15.00 \$5.00

Note: Court Reporters shall give certified transcript of notes taken by them to every person requesting same on 8 ½ X 11 paper according to the schedule above.

COURT COSTS

Court Cost Assessment Minimum: Maximum:	\$40.00 \$100.00
Traffic Court Cases Minimum: Maximum:	\$2.00 Amount of Fine Assessed

MISCELLANEOUS AND OTHER FEES

Returned Checks	\$25.00
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**OFFICERS AND OTHERS SERVING PROCESS
(MARSHALS FEES)**

For executing process, preliminary, incidental and final of any court	\$20.00 plus \$1.00 per mile mileage fee
For serving an attachment/levy against the property of the defendant with the writ, together with a reasonable allowance to be assessed by the court for expense, if any, necessarily incurred in caring for the property (one payment per party per property)	\$25.00 plus storage and handling fees \$50.00 Writ Preview (See Marshal's Division)
For serving summons and copy of complaint furnished by the complainant for each defendant	\$20.00 plus \$1.00 per mile mileage fee

**OFFICERS AND OTHERS SERVING PROCESS
(MARSHALS FEES-Continued)**

For executing a writ of process to put a person in possession or writ of eviction	\$30.00 plus \$1.00 per mile mileage fee
For serving subpoenas, for each witness served and documents with no address for service	\$10.00 plus \$1.00 per mile mileage fee
For advertising sale, posting, besides printers charge	\$25.00 plus printing cost
For executing a Civil Warrant of Arrest	\$50.00 plus \$1.00 per mile mileage fee
For conducting Marshal Sale	\$50.00 plus \$1.00 per mile mileage fee
In an action pending in Superior Court, the prevailing party may recover the following costs: a. For his own attendance and that of his attorneys down to and including final judgment, not more than b. All lawful fees charged against him for filing records, issuing process, entering and docketing the action jury costs, if any c. For each witness necessarily produced by him, for each day's necessary attendance of such witness at the trial, \$30.00 and his lawful traveling fees d. Costs of deposition and service e. The lawful fees of receivers, referees, inspectors, may be taxed against the defeated party of apportion	\$100.00
Any other Process	\$20.00
Attachment (record/serve/mail/post)	\$25.00 per document
Attachment on Garnishment	\$25.00 per document
Attachment on Real Property	\$25.00 per document
Bailiff Fee	

**OFFICERS AND OTHERS SERVING PROCESS
(MARSHALS FEES-Continued)**

Certiorari	
Civil Capias (Warrant)	\$50.00 per defendant
Citation	
Citation - Tax Suit (within District)	
Citation - Tax Suit (outside District)	
Commitment	
Constable Sale Posting (each)	
Deed or Bill of Sale	
Delivery Bond	
Deposition Subpoena	\$10.00 per document
Distress Warrant (Order to obtain personal property)	
Forcible (Eviction)	\$50.00
Habeas Corpus	\$20.00 per document
Injunction	\$20.00 per document
Judgment Debtor Exam	\$20.00 per document
Levy on Banks	\$25.00 per document
Levy - Third Party	\$25.00 per document
Levy - Book (levying officer)	\$25.00 per document
Levy - Personal Property w/o Storage	\$25.00 per document
Levy - Personal Property Storage	\$25.00 per document
Levy - Real Property (levy / sell real property)	\$25.00 per document

**OFFICERS AND OTHERS SERVING PROCESS
(MARSHALS FEES-Continued)**

Notice	\$20.00 per document
Possession	\$30.00
Posting of Citation	\$25.00 per document
Precept	
Publication of Citation	
Replevy Bon (Order to hold property that is unlawfully taken)	
Restraining Order	No Fees
Scire Facias	
Sequestration	
Show Cause	\$20.00 per document
Small Claims	
Subpoena	\$10.00 each
Summons	\$20.00
Summons and Complaint	\$20.00 per document
Tax Sale - Sold or Canceled	
Temporary Restraining Order	No Fees
Trustee Sale Posting (Each)	\$25.00 per document
Warrant	\$50.00
Writ of Possession / Real Property	\$30.00
Writ of Execution (proposed preview)	\$50.00
Writ of Execution and Order of Sale	\$50.00
Writ / Real Property Service (Eviction)	\$30.00
Writ / Real Property - Reposting	\$25.00 per document
Mileage Fee	\$1.00

SEX OFFENDERS REGISTRATION FEE (PL 25-75)

\$50.00

MEDIATION / COUNSELING FEES

Individual Counseling by Master Degree	\$75.00 per hour
Individual Counseling by Clinical Psychiatrist	\$100.00 per hour
Psychiatrist	\$150.00 - \$250.00 per hour
Group Session	\$75.00 per hour

**FAMILY VIOLENCE COUNSELING OF EDUCATION
PROGRAM FEES**

Group Treatment through Client Services and Family Counseling Division	\$300.00 per cycle (50 Sessions)
Individual Counseling on Psychological Evaluation through Client Services and Family Counseling Division	\$10.00 per session
Domestic Abuse Project	\$150.00 per cycle (15 classes)

*** If a person drops out of a group he or she shall pay an additional fee of \$200.00 for the next group.**

**NATIONAL CRIME INFORMATION CENTER (NCIC)
BACKGROUND CHECK
Interstate Identification Index (II)
(Federal Bureau of Investigation)**

For criminal history searches, includes criminal justice employment and use by state and/or local governments for purposes of employment (teachers, bus drivers, doctors and nurses...etc.) And licensing (day care providers...etc.) pursuant to local statute or administrative requirement. Searches through NCIC (National/Federal data base)/III (state/local data base).

\$25.00 Processing Fee
\$25.00 National Clearance
\$50.00 Total

**AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM
(AFIS)
Interstate Identification Index (II)
(Federal Bureau of Investigation)**

For felony criminal history searches through the FBI's Automated Fingerprint Identification System/III/NCIC to authorize GPD issuance of Firearms Identification Card.

**\$22.00 Maintain fee for
FBI**
\$10.00 Maintenance fee
\$32.00 Total

**SMALL CLAIMS SCHEDULE OF FEES
RULE 92**

**SMALL CLAIMS SCHEDULE OF FEES
(BASED ON CLAIM AMOUNT)**

INITIAL CLAIM AMOUNT	\$ 500.00	\$20.00
	\$ 501.00 - \$ 2,000.00	\$30.00
	\$2,001.00 - \$ 3,500.00	\$40.00
	\$3,501.00 - \$ 5,000.00	\$50.00
	\$5,001.00 - \$ 6,500.00	\$60.00
	\$6,501.00 - \$ 8,000.00	\$70.00
	\$8,001.00 - \$ 9,500.00	\$80.00
	\$9,501.00 - \$10,000.00	\$90.00

SMALL CLAIMS SCHEDULE OF FEES

Summons	\$4.00
Judgment Debtor Examination	\$10.00
Order to Show Cause	\$10.00
Writs	\$15.00
Confession of Judgment	\$15.00
Abstract of Judgment	\$5.00
Motion / Joinder for Summary Judgment	\$20.00
Counterclaim, Cross-Complaint, or Third Party Complaint (Same as Initial Filing Claim)	
Any Motion Requiring a Hearing, Stipulation or Litigant Requesting to Continue Hearing	\$10.00

AMENDED DECLARATION

- A. If amended claim amount does not exceed the initial claim amount, no fee is required.**
- B. If amended claim amount exceeds the initial claim amount, filing fee will be based on the difference of the claim.**
- C. If amendment is to add a defendant(s), fee is assessed as in summons.**
- D. Any other amendments, no fee is required.**