

## **LOCAL RULE 4**

### **DEPOSIT FOR COSTS**

- 4.1** No civil action or domestic relations action shall be accepted for filing by the clerk unless there is deposited as security for costs the amount required. Any action accepted without deposit shall be stricken by the Court. Said advanced deposit shall be in accordance with the following schedule:

Civil actions (five (5) defendants or less)	\$250.00
Each additional defendant over five (5)	10.00
Any counterclaim or cross-claim in a civil action	100.00
Cognovits	55.00
All action with service by publication, in addition to regular deposit for costs	150.00
Post decree civil motions, Motion to Vacate, Revive or Modify Judgment, Motion for Relief from Judgment	100.00
Appeals from other tribunals	75.00
Divorce, alimony or annulment – complaint	250.00
Dissolution Petition	250.00
Home Investigation (with children)	25.00
Post decree domestic relations motions, Motion to Modify, Motion for Relief from Judgment, Motion for Order to Show Cause (contempt), Motion for Terminations	100.00
Objections	150.00
Pre-judgment attachment	150.00
Garnishment of property other than personal earnings (property in the possession of a third-party)	60.00
Garnishment of personal earnings	60.00
Execution	60.00
Judgment Debtor Examination	60.00
Cover cost for bond and care of property (minimum)	60.00
Recovery of possession of specific personal property (Replevin)	150.00
Foreclosure Action	500.00
Order of Sale	800.00
Medical Malpractice Action	500.00
Arbitration fee (set by the Court on a case by case basis)	-----
Certificate of Judgment Lien (Relating to a civil judgement in this Court.)	38.00
Certificate of Judgment Lien (Relating to civil judgement in another Court.)	33.00
Release of State of Ohio Judgment Tax Lien	38.00
Release of State (other than Ohio) Judgment Tax Lien	33.00

Release of personal Judgment Lien	5.00
Verified Petition (for lost vehicle title)	100.00
Certificate of Qualification of Employment	50.00
Probation investigation for sealing of record	50.00
Sealing of Record	50.00
Foreign Subpoena	150.00
Jury Demand The deposit for jury demand shall be paid by the date of the final pre-trial. If multiple parties request a jury trial, the deposit will be assessed proportionately. The Court may modify the required deposit based upon the complexity and duration of the trial.	\$500.00
<b>NOTE:</b> If motions fall into more than one category, the deposit for costs will be the sum total of all categories, but not to exceed \$75.00 for any one filing.	
<sup>1</sup> Pursuant to Civil Rule 4.4(A)(2), In the case of indigency, service by publication shall be by posting on the bulletin board in on the first floor lobby of the courthouse.	

Domestic Relation Cases: In the event of claimed indigency, said indigent shall file a Motion to Proceed in Forma Pauperis accompanied by a Poverty Affidavit in support thereof along with a Financial Disclosure/Affidavit of Indigency. The Clerk of Courts shall forward the motion and papers associated to the Magistrate or Judge for review immediately upon receipt. The application to proceed *in Forma Pauperis* is subject to Court approval.

- 4.2** Whenever the initial deposit for costs reaches \$25.00 or less, the Clerk of Courts is hereby authorized to require the moving party to deposit with the Clerk of Courts additional security in an amount not to exceed \$175.00, which is necessary to adequately secure costs. Failure to comply may result in case dismissal by the Court on its own motion. No final decree or order shall issue unless all costs are paid or a proper Affidavit in Support of Request to Proceed in Forma Pauperis is filed and approved by the Court. In cases where a defendant/respondent fails to appear, the plaintiff or other moving party shall be responsible for the Court costs (Note: the Court, in its discretion, may order that plaintiff or other moving party be reimbursed for costs from the defendant/respondent).
- 4.3** Cases transferred to the Common Pleas Court in which the demand of the counterclaim or the cross-complaint exceeds the monetary jurisdiction of any other jurisdiction, the counterclaimant or cross-complainant shall, within ten (10) days of docketing the case, post security for costs in a sum equal to the amount

required, as if the action were originally filed in this Court. Failure to comply may result in case dismissal by the Court on its own motion.

- 4.4** In cases where a counterclaim or cross-claim is filed without the posting of the additional security required by this Local Rule, the clerk shall immediately notify the person filing such pleading of the additional security required herein and, on the failure of such person to forthwith post such additional security for costs, such counterclaim or cross-claim shall be subject to dismissal by the Court on its own motion.
- 4.5** In cases where service other than certified mail is requested, the clerk may require the party requesting such service to advance an additional amount estimated by the clerk to be sufficient to cover the increased costs thereof.
- 4.6** Return of unused Court costs shall be to the appropriate attorney of record or to the party if there is no attorney of record.
- 4.7** (A) A fee in the amount of forty-five dollars (\$45.00) shall be collected as an assessment for the special works fund on the filing of every criminal and civil action and the Clerk of this Court is hereby directed to charge this fee in accordance with this Local Rule.  
(B) A fee in the amount of two hundred fifty dollars (\$250.00) shall be collected as an assessment for the special works fund on the filing of every foreclosure action and the Clerk of this Court is hereby directed to charge this fee in accordance with this Local Rule.
- 4.8** (A) When filing a praecipe for order for sale with the Clerk of Courts, a deposit of \$800.00 will be required. This will ensure payment to all parties incurring costs, regardless of the outcome of the Sheriff's sale.  
(B) If the property is sold through a Sheriff's sale, the security deposit will be returned to the depositor to be disbursed upon journalization of a decree of confirmation.  
(C) If the property is not sold through a Sheriff's Sale, the security deposit will be used to pay any incurred costs. Any amount of the security deposit not used will be returned to the depositor. Any costs not covered by the security deposit will be billed to the depositor. The security deposit will be disbursed upon journalization of an entry either terminating or vacating a Sheriff's sale.  
(D) When filing a Motion and Entry to terminate or vacate a Sheriff's Sale, the Motion and Entry should first be presented to the Clerk of Courts office to be cost out before presenting the Motion and Entry to the Court for signature and journalization.
- 4.9** Anyone filing a Motion for Expungement shall be charged \$100.00. The Clerk of Courts shall collect such fees, and they shall disburse the investigation fee into the Brown County Court of Common Pleas Probation Fund.

**4.10** Payment will be accepted in the form of cash, money order, personal, or certified check. Personal checks will not be accepted on criminal cases. The Clerk of Courts will not accept payment in coins (loose or rolled) exceeding \$3.00.