

## **N.D.A.G. Letter to Koppy (Sep. 4, 1991)**

September 4, 1991

Mr. Allen Koppy  
Morton County State's Attorney  
210 Second Avenue NW  
Mandan, ND 58554

Dear Mr. Koppy:

Thank you for your August 27, 1991, letter in which you have inquired as to whether N.D.C.C. § 11-15-07(1) permits a sheriff to collect separate \$10 service fees for service of process upon multiple parties at one location. An example given by you and Sheriff Snider refers to service of process upon a husband and wife when the husband is not at home to accept service. The wife is then served both copies of the process resulting in a dwelling house and a personal service. You state that both you and Sheriff Snider believe that the proper service fee would be \$20.

You are correct in your interpretation of this statutory provision. N.D.C.C. § 11-15-07(1) provides:

County fees. The sheriff shall charge and collect the following fees on behalf of the county:

1. For serving a summons, writ of attachment, writ of execution, subpoena, notice of motion, or other notice or order of the court, order of replevin, injunctive order, citation, or any other mesne process and making a return thereon, in addition to the actual incurred costs of postage and long distance telephone calls a total of ten dollars for each person served.

This statutory provision was the result of one of many amendments to N.D.C.C. § 11-15-07 by the 1991 Legislative Assembly in Senate Bill No. 2454. Prior to these amendments, this section, then found at N.D.C.C. § 11-15-07(2), read:

For serving a summons, writ of attachment, order of replevin, injunctive order, citation, and other mesne process and making a return thereon, a total of ten dollars for each person served at different locations.

The 1991 amendments to this section deleted the language "at different locations". This deletion indicates the legislative intent that a \$10 service fee must be charged by the sheriff for each person served with process enumerated in N.D.C.C. § 11-15-07(1) regardless if such service was made to more than one individual in the same location.

I trust that I have adequately responded to your inquiry.

Sincerely,

Nicholas J. Spaeth

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