

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION CONCERNING FEES CHARGED BY THE ADAMS COUNTY SHERIFF'S
OFFICE RELATING TO THE SERVICE OF PROCESS

Resolution 2014-116

WHEREAS, the fees set forth in this Resolution will supersede and rescind certain fees which the Sheriff's Office is authorized to charge except that the fees in effect for the Sheriff's Office services provided herein to Adams County government offices and agencies which are funded wholly or in part by Adams County shall be charged as set forth in Section II below; and

WHEREAS, the Colorado Legislature enacted certain amendments to §§ 30-1-104, 30-1-105, 30-1-105.5, 30-1-106, 30-1-107, and 30-1-116, C.R.S. in House Bill 10-1057, effective August 11, 2010, concerning certain fees collected by sheriffs in civil actions and the authorized mileage rate; and

WHEREAS, House Bill 10-1057 authorizes a Sheriff to establish a zone-or zip code – based mileage fee structure to be set by resolution of a Board of County Commissioners for the County and posted pursuant to § 30-1-108, C.R.S.

NOW THEREFORE, BE IT RESOLVED: In accordance with the provisions of §§ 30-1-104, 105, 105.5, 106 and 116 C.R.S., as amended, fees collected by the Sheriff or his/her designated representatives, for serving and returning various writs and processes and performing other duties under state law shall be fixed as follows:

I. FEES:

- (1) For serving and returning a summons or other writ of process in a criminal action not specified in this section, with or without complaint attached, on each party served, fifteen dollars (\$15.00).
- (2) For serving and returning a summons or other writ of process in other than a criminal action not specified in this section, with or without complaint attached, on each party served, actual expenses not to exceed thirty-five dollars (\$35.00).
- (3) For making a return on a summons in a criminal action not served, for each party, five dollars (\$5.00).
- (4) For making a return on a summons in other than a criminal action not served, for each party, twenty dollars (\$20.00).
- (5) For serving and returning each subpoena in a criminal action on each witness, seven dollars and fifty cents (\$7.50).

- (6) For serving and returning each subpoena in other than a criminal action on each witness, sixty dollars (\$60.00).
- (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00).
- (8) For making return on a subpoena in other than a criminal action not served, twenty dollars (\$20.00).
- (9) For serving each juror, ten dollars (\$10.00).
- (10) For serving and returning writ of attachment or replevin on each party, mileage as described in Section II. B. of this resolution and actual expenses.
- (11) For serving garnishee summons on each party, twenty dollars (\$20.00).
- (12) In making demand for payment on executions when payment is not made, one dollar (\$1.00).
- (13) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred by county, mileage as described in Section II. B. of this resolution and actual expenses.
- (14) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred by county, mileage as described in Section II. B. of this resolution and actual expenses.
- (15) For making and filing for record a certificate of levy on attachment or other cases, actual expenses, but not more than thirty dollars (\$30.00).
- (16) For serving writ with aid of posse comitatus with actual expenses necessarily incurred in executing said writ, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00), for serving same without aid, actual expenses, but not more than four dollars (\$4.00).
- (17) For advertising property for sale besides the actual cost of the advertising, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (18) For making certificates of sale previous to execution of deed, or on sales of personal property, actual expenses, but not more than thirty dollars (\$30.00).
- (19) For executing and acknowledging deed of sale of real estate, actual expenses, but not more than forty dollars (\$40.00).

- (20) For his or her services in sales or real estate on an execution or decree, order of court, or other court process, besides actual expenses, on all bids under three thousand dollars (\$3000.00), twenty dollars (\$20.00); and on all sums bid over three thousand dollars (\$3000.00), on percent; but such commission shall in no case exceed the sum of one hundred dollars (\$100.00).
- (21) For money collected by sale of personal property, on all sums bid under five hundred dollars (\$500.00), five percent; on all sums bid over five hundred dollars (\$500.00) and under one thousand dollars (\$1000.00), six percent; and on all sums bid over one thousand dollars (\$1000.00), seven percent; but no fee shall be charged for an auctioneer or other person for making sales of personal property; and in no case shall such commission exceed the sum of one hundred dollars (\$100.00).
- (22) For money collected or settlements made without sale, after writ of execution, attachment, or replevin has been placed in his/her hands, and levy or demand for payment had been made on the proper party, on all amounts under five hundred dollars (\$500.00) three percent; on all amounts over five hundred dollars (\$500.00) and under one thousand dollars (\$1000.00), two percent; and on all amounts over one thousand dollars (\$1000.00), one and one-half percent; but the fee in no case shall exceed the sum of one hundred fifty dollars (\$150.00); and the plaintiff or any person making any settlement shall be liable to the sheriff for such fees.
- (23) For serving and returning writ of ne exeat: (A writ to restrain a person from leaving the country, or the jurisdiction of the court) or body attachment, actual expenses, but not more than twenty dollars (\$20.00).
- (24) For serving copy of execution when making levy on shares of stock under execution, on each party served, actual expenses, but not more than sixty dollars (\$60.00).
- (25) For making certificates of levy on shares, or otherwise, actual expenses, but not more than thirty dollars (\$30.00).
- (26) For making return on execution, actual expenses, but not more than sixty dollars (\$60.00).
- (27) For executing certificate of redemption, actual expenses, but not more than thirty dollars (\$30.00).

(28) For service and execution of any writ of restitution or order of possession of premises, besides actual transportation costs necessarily, actual expenses not to exceed two hundred dollars (\$200.00), except that a Sheriff may charge for actual expenses in excess of two hundred dollars (\$200.00) if the work performed exceeds two hours in duration. A Sheriff may charge a fee under this paragraph (29) after the sheriff had provided a detailed accounting of his or her actual expenses to the person requesting such service. Actual transportation costs assessed pursuant to this paragraph (29) shall only be charged once per location for each service or execution.

(29) Actual Expenses: Pursuant to § 30-1-104 (2) C.R.S., as amended, “actual expenses” means those personnel and processing costs incurred in typing, processing, filing, and serving said process papers but does not include mileage

II. MILEAGE

A. Criminal Actions:

(1) Mileage for each mile actually and necessarily traveled in serving each writ, subpoena or other processes in a criminal action, forty five cents (\$0.45).

B. An Action other than a Criminal Action:

(1) Mileage shall be charged at the mileage rate authorized for County officials and employees pursuant to § 30-11-107 (1)(t), C.R.S. as amended. The Sheriff's Office will post the current mileage rate set by the Board of County Commissioners pursuant to § 30-11-107 (1) (t), C.R.S. as amended in a location accessible to the public pursuant to § 30-1-108, C.R.S. as amended.

(2) Per C.R.S. § 30-1-104(1) (h.5) (II), the Adams County Sheriff may establish a zone- or zip code-based mileage fee structure. The zone- or zip code-based mileage fee structure shall establish a single mileage fee for the service of any writ, subpoena, or other process in an action, other than a criminal action, in each separate zone or zip code, as applicable, in the county. The applicable single mileage fee for a zone or zip code shall be charged for all papers served in the zone or zip code regardless of the number of attempts or actual mileage traveled by a sheriff within the zone or zip code during a sheriff's operational period. The Adams County Sheriff's Office has established a zip code based mileage fee structure as set forth in Appendix “A”. The single mileage fees for each zip code in Adams County as set forth in Appendix “A” are hereby set by this resolution and approved by the Board of County Commissioners. The Adams County Sheriff's Office will post Appendix “A” in a location accessible to the public pursuant to section § 30-1-108, C.R.S. as amended.

III. Two or more papers served on the same person or different persons at the same time and place in same action.

- (1) Pursuant to § 30-1-105.5, C.R.S. as amended, in situations when any sheriff serves two or more papers on the same person, or serves papers on different persons at the same time and place in the same action, the sheriff shall charge the highest individual fee allowable pursuant to section § 30-1-104 for the first process and an additional ten dollars (\$10.00) for each subsequent process served
- (2) Pursuant to § 30-1-105.5, C.R.S. as amended, if the county has adopted a zone- or zip code-based mileage fee structure, as that term is described in section § 30-1-104 (1) (h.5) (II), when any sheriff serves two or more papers on the same person, or serves papers on different persons at the same time and place in the same action, the sheriff shall charge the single zone- or zip code-based mileage fee for the first process and an additional ten dollars (\$10.00) for each subsequent process served.

IV. **Billing Accounts:**

- (1) Pursuant to § 30-1-106 (2) and (3) C.R.S. as amended, the Adams County Sheriff has the authority to establish billing accounts for licensed attorneys and licensed collection agencies that have a principle office located in the state of Colorado. The Adams County Sheriff's Office Civil Section has the authority to develop standardized procedures for billing the accounts authorized herein, including the ability to suspend the billing privileges of any entity for nonpayment of a fee upon demand or other good cause shown.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
Hansen _____ Aye

Commissioners

STATE OF COLORADO)
County of Adams)

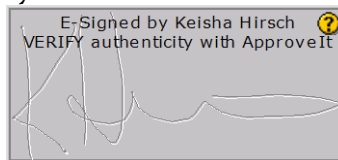
I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 10th day of March, A.D. 2014.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Karen Long:



By:



Deputy