

IC 34-35-7

Chapter 7. Collection of Costs in Change of Venue Cases

IC 34-35-7-1

Itemized transcript of cost; certification

Sec. 1. (a) This section applies to an action in which:

- (1) a change of venue from the county is taken;
- (2) an order of judgment for costs is made and entered upon dismissal or otherwise disposed of; and
- (3) the costs remain unpaid for thirty (30) days from the date of finality of the order or judgment.

(b) The clerk of the circuit court of the county in which the order or judgment is made and entered, shall certify an itemized transcript of all costs accrued in the action to:

- (1) the clerk of the court of the county where the action was first filed; or
- (2) the clerk of the court of the county of residence of the judgment debtor, if the residence of the judgment debtor is in a county other than where the action first originated.

As added by P.L.1-1998, SEC.31.

IC 34-35-7-2

Judgment for cost; recording; lien; receipt

Sec. 2. (a) The clerk of the court to which the transcript is sent shall immediately record the order or judgment upon the judgment docket of the circuit court of the county in the same manner as other judgments are recorded. The judgment is a lien on properties and land owned by the judgment debtor in the county in the same manner and to the same extent as if the property were situated in the county where the order or judgment was rendered.

(b) The clerk transmitting the transcript shall:

- (1) make a notation in the records of the court in which the action was entered and the order or judgment was recorded, showing:
 - (A) the name of the county and court to which the transcript was transmitted;
 - (B) the date of transmittal; and
 - (C) any other necessary notation;
- (2) prepare a receipt for the receiving clerk that shows:
 - (A) the name of judgment debtor;
 - (B) title and number of cause;
 - (C) amount of costs;
 - (D) to whom the costs are due; and
 - (E) record reference wherein recorded by both the receiving and sending clerk; and
- (3) complete, date, sign, and return the receipt to the sending clerk to be filed with other papers relating to the action.

As added by P.L.1-1998, SEC.31.

IC 34-35-7-3

Duty of receiving court to collect costs

Sec. 3. (a) This section applies after the transcript of costs is certified to the clerk of the court of:

- (1) the county where the action first originated; or
- (2) the county of residence of the judgment debtor.

(b) The clerk of the court of the county in which the order or judgment was rendered may not:

- (1) collect costs; or
- (2) issue a fee bill, execution, or statement thereafter.

(c) The clerk of the court receiving and recording the transcript shall accept payment of costs from the judgment debtor or enforce collection by execution or fee bill as provided by law.

As added by P.L.1-1998, SEC.31.

IC 34-35-7-4

Remission of cost collected to proper counties

Sec. 4. Upon collection of change of venue costs by the clerk of the court of:

- (1) the county where the action first originated; or
- (2) the county of residence of the judgment debtor;

the clerk shall immediately remit to the county or counties entitled to payment all costs as shown by the transcript and retain costs that are due to the clerk's own county. Clerks of courts receiving payment of costs under this section shall account for and distribute the costs as provided by law.

As added by P.L.1-1998, SEC.31.

IC 34-35-7-5

Recording fees

Sec. 5. The clerks of the courts issuing and recording the transcript shall tax as additional costs, to be paid by the judgment debtor, the fees taxed in similar matters as provided by IC 33-37.

As added by P.L.1-1998, SEC.31. Amended by P.L.98-2004, SEC.134.