

RULE 5: Deposit of Cash to Secure Costs, Bonds, Etc.

- 5.1 No civil action or proceeding shall be accepted by the Clerk of this Court for filing unless the party or parties offering the same for filing shall first have deposited a sum of money to secure the payment of costs, except as otherwise provided by law where applicable.

Such advance deposit shall be as follows:

GUERNSEY COUNTY COMMON PLEAS COURT FEES/DEPOSITS EFFECTIVE MARCH 23, 2015

TYPE OF PLEADING	Deposit/Fee
Civil Complaint - Personal/certified mail service	\$ 250.00
Answer and counterclaim (Civil cases)	\$ 250.00
Aid in Execution, Garnishment, Attachment	\$ 150.00
Appeals from other Tribunals, Administrative Appeals	\$ 250.00
Service by publication (in addition to proof of payment of printer's fees)	\$ 250.00
Cognovit Judgment (including defense attorney fees)	\$ 250.00
Execution	\$ 150.00
Subpoenas (if out of county witness) *Check made payable to witness for \$6.00 per 1/2 day plus \$.35 per mile round trip	
Jury Demand: (in addition to initial deposit - \$300 ordered at scheduling pretrial and due at final pretrial)	\$ 300.00
Foreclosure	\$ 350.00
Divorce, Dissolution, Legal Separation	\$ 250.00
Application for Modification and Citation of Contempt	\$ 200.00
Post Decree Agreed entry	\$ 25.00
QDRO	\$ 25.00
Certificate of Judgment Liens	
Record (effective 2/1/04)	\$ 35.00
Prepare & Record (effective 2/1/04)	\$ 40.00
Release (plus satisfaction entry from issuing court) includes Partial Release	\$ 5.00
Appeal to the Fifth District Court of Appeals	
* Original Action	\$ 85.00
* Appeals	\$ 90.00

*****Clarification of Jury Demand deposit – The \$250 deposit to initiate the case is paid at the time of filing the case. The \$300 jury demand fee is due at the final pretrial or the case may be assigned to a Court trial instead of a jury trial**

- 5.2 In lieu of cash deposit, costs may be secured by bond with surety approved by the Clerk, provided that no member of the Bar shall be accepted as such surety.
- 5.3 If it is brought to the attention of the Court that any deposit is insufficient, the Court may require said deposit to be increased from time to time.
- 5.4 Where the Plaintiff makes an affidavit of inability to pay or secure costs as provided in Section 2323.31 O.R.C., the Clerk shall receive and file the complaint without such deposit or security. Affiants are subject to investigation, verification and approval by the Court, which may require a hearing to investigate the litigant's indigency. The Court may also require the Court costs to be paid over a period of time as may be found just.
- 5.5 When submitting a request for service by publication or for publication of public sale notice, the proposed text is to be submitted to a newspaper of general circulation in Guernsey County for set up and determination of printer's fee/publication costs. These costs must be paid in advance to the printer and a copy of the receipt for said payment is to be submitted to the Clerk with the precipe for service and/or publication. The publication shall contain the name of the Judge to whom the case is assigned.
- 5.6 Re: Assessment of Court Costs – Post-Dismissal (in Civil Cases) and Post-Conviction (in Criminal Cases). Effective June 2, 2008
- A. For Civil Rule 41(A) Dismissals: If a case is voluntarily dismissed pursuant to Civil Rule 41(A) without any statement in the entry as to assessment of Court costs the deposits shall be applied to the Court costs by the clerk, with any excess of costs over deposit to be billed to Plaintiff or party submitting dismissal entry.
- B. For Pending Bankruptcies: If notice of bankruptcy has been filed staying the case and the case has not been reactivated or dismissed within one year of the date of the staying entry, the case will be voluntarily dismissed by the Court for failure to prosecute with deposits to be applied to Court costs by the Clerk of Courts.
- C. For Agreed Entries: If the parties arrive at an agreement and an Agreed Entry dismissing the case is placed on the record by the parties or the Court, the Court costs of the case shall be charged to the deposits. Any excess of costs over deposit will then be divided equally between the parties – in the absence of any other division of Court costs stated in the Agreed Entry.
- D. For Post-Conviction Motions (Criminal Cases): On criminal cases where post-conviction motions are filed to reopen the case (i.e. judicial release, post-conviction relief, etc.), the Clerk may assess Court costs on such motions to the Defendant in accord with the prior Entry (i.e. sentencing entry, etc.), unless the Defendant submits an Affidavit of Indigency or motion to waive costs.

RULE 6: Deposit of Costs on Cases Transferred from Cambridge Municipal Court

Upon the transfer from the Municipal Court in the City of Cambridge of any case because of jurisdictional limitations, the Plaintiff shall deposit at the time of transfer with the Clerk of Courts an amount equal to the deposit required if the cause of action had originally been filed in this Court.

In addition, if a cross-complaint or counter-complaint has been filed, the Defendant who filed such cross-complaint or counter-complaint shall also deposit at the time of transfer with the Clerk of Courts an amount equal to the deposit required if said pleading had originally been filed in this Court.

RULE 7: Costs on Cases Filed Under Rule 3(F) of the Ohio Rules of Civil Procedure

7.01 Costs for filing a complaint under Rule 3(F) of the Ohio Rules of Civil Procedure, shall be taxed in the amount of \$7.50 plus 10 cents for each Plaintiff and Defendant in excess of two. Said costs are to be paid in advance with notation on docket copy.

