

RULE 5 FEES AND COSTS

5.1 FILING FEE AND COSTS DEPOSIT

In all cases filed in this Circuit there shall be deposited with the appropriate clerk a sum set from time to time by the court en banc in accord with the applicable statutes, ordinances, Supreme Court Rules and Local Rules, as posted in the Office of the Circuit Clerk. When a case is electronically filed by a registered attorney the fee shall be paid by credit card, debit account or e-check.

5.2 Costs shall be assessed in favor of the prevailing party in accordance with Missouri Law. The Clerk shall not bill for costs but the costs shall be part of the judgment of the court. Any party seeking to have deposition fees or special process server fees included as costs shall electronically file the proper documents as required by these Rules. See Rule 32.2

5.3 WITNESS FEES

The parties are responsible for paying the witness fees as court costs so that the party who is responsible for paying the court costs are responsible for any witness fee if the witness submits a statement of fees and mileage to the court and parties as part of the judgment of the court.

5.4 WAIVER OF FEES OR COSTS DEPOSIT

(1) Applicants to the Court for permission to sue as a poor person must, unless unavoidably prevented, be present in court when the application is made and the application shall be made before the case is filed. Every such application shall be accompanied with the petition in the case and an affidavit which shall contain (1) a statement of the inability of the applicant to pay or provide security for costs of the suit, (2) whether prior application has been made to any Court or Judge thereof and the result of that requests, (3) the period of time the applicant has resided in the circuit, and (4) that the applicant has truthfully stated to counsel or the court all the facts bearing on the case and has a meritorious cause of action.

(2) The court shall rule on the request and may conduct any investigation necessary to determine if the request or the cause of action has merit.

(3) If the court approves the request, the case shall be filed without a cost deposit and proceed as any other case shall proceed. However, the court making the final determination of the case may order costs paid as it sees fit in the interest of justice. However, if the request is denied the petition shall be filed with a copy of the denial and the parties shall be given ten days to deposit the proper costs or the case will be dismissed without prejudice.

(4) In any case in which an indigent person seeks to have costs or fees waived because of representation by a legal aid society or legal services or other nonprofit organization, and because of such representation does not need approval of the court for the waiver of the fees, the organization shall be required to file a written certification that the person has been found indigent signed by a licensed attorney at law of the organization.

5.5 MOTION FOR SECURITY

[No local rule]

5.6 CONDEMNATION CASES

No party shall be required to submit cost deposit in order to file an exception to a condemnation commissioner's award and seek a jury trial.