

**IC 34-35**

**ARTICLE 35. CHANGE OF VENUE**

**IC 34-35-1**

**Chapter 1. Change of Venue Generally**

**IC 34-35-1-1**

**Application; causes**

Sec. 1. The court or the judge shall change the venue of any civil action upon the application of either party, made upon affidavit showing one (1) or more of the following causes:

- (1) The judge has been engaged as counsel in the cause before the judge's election or appointment as judge or is otherwise interested in the cause.
- (2) The judge is of kin to either party.
- (3) The opposite party has an undue influence over the citizens of the county, or an odium attaches to the applicant or to the applicant's cause of action or defense, on account of local prejudice.
- (4) The county is a party to the suit.
- (5) Showing to the satisfaction of the court that the convenience of witnesses and the ends of justice would be promoted by the change.
- (6) The judge of the court in which the action is pending is a material witness for the party applying for the change.
- (7) Either party makes and files an affidavit of the bias, prejudice, or interest of the judge before whom the cause is pending.

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

**IC 34-35-1-2**

**Designation of county; trial; costs**

Sec. 2. (a) This section applies when a change of venue is directed for any of the causes mentioned in section 1(3), 1(4) and 1(5) of this chapter.

(b) The court or judge shall:

- (1) designate the county to which the venue shall be changed, which may be in the same or in an adjoining circuit, as is considered best for the furtherance of justice; and
- (2) prescribe the time within which the applicant shall pay the costs of the change.

(c) The clerk of the court in which the suit is pending, as soon as the costs of the change are paid, shall immediately transmit:

- (1) all the papers; and
- (2) a transcript of all the proceedings;

to the clerk of the court of the county to which the venue is changed.

(d) The clerk of the proper court shall:

- (1) receive the papers and transcript;
- (2) give a receipt for items received under subdivision (1); and
- (3) docket the action in its order among the other causes of the

court.

(e) The action shall stand for trial and shall be tried or otherwise disposed of in the same manner as if the cause had originated in that court.

(f) If the party fails to pay the costs of the change within the time prescribed by the court, the party:

(1) shall be taxed with all the costs made in the case up to the time of the failure to pay costs; and

(2) is not entitled to a change of venue from the county.

(g) Only one (1) change of venue shall be granted to the same party from the county, and only one (1) from the judge.

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

### **IC 34-35-1-3**

#### **Presiding judge; attorney appointed as judge**

Sec. 3. (a) This section applies when the change of venue is granted for any of the causes mentioned in section 1(1), 1(2), 1(6), or 1(7) of this chapter.

(b) Except as provided in subsection (c), the court or judge shall call a judge of any circuit, superior, or other court of general jurisdiction, or any justice of the supreme court, to preside in and try the case.

(c) If it is difficult, in the opinion of the court, for any cause, to procure the attendance of a judge described in subsection (b), the court, in order to prevent delay, may appoint any competent and disinterested attorney of Indiana, in good standing, to act as judge in the cause. If the attorney appointed under this subsection consents to serve:

(1) the attorney shall be qualified as other judges;

(2) the attorney's appointment and oath shall be filed with the clerk and entered on the order book; and

(3) the attorney has authority to:

(A) hear and determine the cause until it is finally disposed of; or

(B) change the venue of the cause in proper cases.

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

### **IC 34-35-1-4**

#### **Compensation for judge pro tempore and special judges**

Sec. 4. (a) When a practicing attorney is called upon to preside in the place of the regular judge as a judge pro tempore, the attorney shall be allowed the following:

(1) The sum of twenty dollars (\$20) per day for each day or part of a day actually served.

(2) For each mile necessarily traveled each day in going to and returning from the place where the court is being held, a sum for mileage equal to that sum per mile paid to state officers and employees. The rate per mile shall change each time the state government changes its rate per mile.

(b) If such judge pro tempore is a resident of another county, the

judge pro tempore shall be paid an additional sum of twenty dollars (\$20) for each day or part of a day actually served, making a total of forty dollars (\$40).

- (c) The judge pro tempore shall be paid on the presentation of:
- (1) an order made by the court for the allowance, specifying the days of service and mileage, if any, supported by the affidavit of the judge pro tempore that the judge pro tempore actually served the days, and the miles traveled were necessary; and
  - (2) an affidavit of the regular judge stating the reason for the service of the judge pro tempore.

(d) The payment under subsection (c) shall be paid out of the county treasury for the time being, for which the county shall have credit on settlement with the treasurer of state.

(e) In change of venue from one (1) court to another court of the same county, or from one (1) judge to another judge of the same county, the compensation provided for in this section does not apply, unless the other court or judge to which the change is taken is situated in another city in the same county.

(f) A full-time judge of a circuit or superior court may not be paid compensation for serving as a special judge, except reasonable expenses for meals, lodging, travel, and other incidental expenses approved by the state court administrator.

*As added by P.L.1-1998, SEC.31. Amended by P.L.201-2011, SEC.109.*

#### **IC 34-35-1-5**

##### **Absence or loss of judge; selection of attorney to serve as temporary judge**

Sec. 5. (a) This section applies if a judge is prevented from presiding during any session of court by reason of:

- (1) death, sickness, or other casualty; or
- (2) the judge's failure to attend or appear for any period of three (3) days;

so that the court will lapse.

- (b) The sheriff may adjourn the court from day to day.
- (c) If the judge fails to appear under subsection (a)(2):
- (1) the clerk, the sheriff, and the auditor; or
  - (2) in case of the absence of the clerk, the sheriff, or the auditor, the two (2) who are present, together with the recorder of the county;

may elect any competent and reputable attorney to act as judge.

(d) If the attorney elected under subsection (c) accepts, the attorney shall qualify as other judges, and the attorney's appointment, with the reason for the appointment and the attorney's oath, shall be entered on the order book.

(e) A judge selected under this section (or IC 34-1-13-5 before its repeal) may preside until:

- (1) the return of the regular judge;
- (2) in case of death, until the judge's successor is named; or
- (3) in case of vacancy or if the judge is required to be absent,

until a successor is named by the proper authority.  
*As added by P.L.1-1998, SEC.31.*

## **IC 34-35-2**

### **Chapter 2. Change of Venue From County in Civil Actions**

#### **IC 34-35-2-1**

##### **Counties with two or more adjoining counties**

Sec. 1. (a) This section applies when a change of venue is taken from the county in any civil action pending in any circuit, superior, or probate court of Indiana from any county having two (2) or more adjoining counties.

(b) If the parties to the action agree in open court within three (3) days from the filing of the affidavit or motion for the change of venue upon the county to which the change of venue of the action shall be changed, it is the duty of the court to send, transfer, and venue the action to the agreed upon county.

(c) In the absence of an agreement described in subsection (b), within two (2) days the court shall submit to the parties a written list of all the counties adjoining the county from which the venue is changed. Within two (2) days of receiving the list, the parties shall alternately strike off the names of the counties except one (1). The moving party for the change of venue is the first to strike, and the action shall be sent to the county not stricken off under this procedure.

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

#### **IC 34-35-2-2**

##### **Counties with populations of at least 100,000**

Sec. 2. (a) This section applies to a county with a population of at least one hundred thousand (100,000) that is adjoined by three (3) or fewer other counties.

(b) In addition to listing the adjoining counties, the court shall also list the two (2) nonadjoining counties, the county seats of which are nearest measured along the most direct improved and main traveled highways to the county seat of the county from which the change of venue is sought. The additional two (2) nonadjoining counties shall, together with the adjoining counties, comprise the original list from which the parties shall strike on all initial changes of venue taken from the county in which the cause is first filed.

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

#### **IC 34-35-2-3**

##### **Nonadjoining counties; prior change of venue**

Sec. 3. (a) If the venue of the action has already been changed from an adjoining county, the name of the adjoining county shall not be included in the written list submitted by the court.

(b) If excluding the county from which venue was first changed results in fewer than three (3) adjoining counties, the list submitted by the court shall include the following:

- (1) The adjoining county or counties.
- (2) Not more than three (3) nonadjoining counties, the county seats of which are nearest to the county seat of the county from

which the change of venue is sought when measured along improved and main traveled highways.  
*As added by P.L.1-1998, SEC.31.*

#### **IC 34-35-2-4**

##### **Counties stricken from list by parties**

Sec. 4. Each party may strike off one (1) of the three (3) counties submitted within two (2) days after the list is submitted, and the action shall be sent to the county remaining. If either of the parties refuses or fails to strike off the names of the counties within the time limit, the clerk of the court shall strike off the names for the party.  
*As added by P.L.1-1998, SEC.31.*

#### **IC 34-35-2-5**

##### **Counties with populations of more than 400,000 but less than 700,000**

Sec. 5. (a) This section applies in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) Whenever a change of venue is taken from the county in any civil action pending in any circuit, superior, or probate court of Indiana, if the parties to the action agree in open court within three (3) days from the date of the filing of the affidavit or motion for change of venue from the county to which county the change of venue of the action shall be changed, it is the duty of the court to send, transfer, and venue the action to the agreed upon county.

(c) In the absence of an agreement described in subsection (b), the nonmoving party shall, within two (2) days after receipt of notice of the filing of change of venue from the county, submit to the moving parties the names of two (2) counties which must be selected from the adjoining counties or the five (5) nonadjoining counties, the county seats of which are nearest measured along the most direct improved and main traveled highways to the county seat of the county from which the change of venue is sought.

(d) If the venue of the action has already been changed from an adjoining county, the name of the adjoining county shall not be included in the written list to be submitted by the nonmoving party under subsection (c).

(e) The moving party shall strike one (1) of the two (2) counties submitted within two (2) days after receipt of the names of the counties, and the action shall be sent to the county remaining.

(f) If the nonmoving party fails or refuses to name the counties as provided in this section, the court shall, not later than two (2) days after the deadline has expired, name the counties. If the moving party fails or refuses to strike off the name of one (1) of the named counties within the time limit provided in this section, the clerk of the court shall strike off the names for the party within two (2) days.

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

### IC 34-35-3

#### Chapter 3. Change of Venue in Specific Circumstances

##### IC 34-35-3-1

###### Multiple plaintiffs or defendants

Sec. 1. (a) This section applies if there are multiple plaintiffs or multiple defendants in a civil action.

(b) There shall be allowed only one (1) change of venue from the county to all plaintiffs and one (1) change of venue from the county to all defendants.

(c) If a plaintiff files a change of venue from the county, all plaintiffs shall be considered the moving party, and all of the defendants shall be considered the nonmoving party. If the defendants file the change of venue from the county, all of the plaintiffs shall be considered the nonmoving party, and all of the defendants shall be considered the moving party. If there are multiple parties that constitute either the moving party or the nonmoving party, the decision of the majority of such parties is final as to naming the two (2) counties and as to the striking of one (1).

(d) If there is no majority agreement as to the naming of the two (2) counties between the nonmoving parties, the suggested counties shall be submitted to the court by the nonmoving parties and the court shall select the two (2) counties from the list to be named.

(e) If there is no majority agreement between the moving parties as to which county shall be struck, the clerk shall do the following:

- (1) Place each named county on similar unidentifiable slips of paper.
- (2) Place the slips of paper in a suitable container.
- (3) Draw the name of one (1) county from the container without prior identification.

Both parties shall be given an opportunity to be present at the drawing of the name. The clerk shall then strike the name of the county that appeared on the slip of paper so that the action shall then be venued to the remaining named county.

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

##### IC 34-35-3-2

###### Decedent's estate; change of judge or venue authorized

Sec. 2. (a) This section applies in any action, proceeding, or matter, of any character or nature whatever, relating to, connected with, or involving the estate of a decedent.

(b) Except as provided in subsection (c), any of the parties to the action, proceeding, or matter are entitled to:

- (1) a change of judge; or
- (2) a change of venue from the county;

for the same reasons, and upon the same terms and conditions, upon which there may be a change of judge or a change of venue from the county in any civil action.

(c) This section does not authorize:

- (1) a change of venue from the county of the administration of

the estate of a decedent; or  
(2) a change of venue from the county upon the exceptions to the final report of an administrator or executor;  
and there shall be no change of venue from the county upon exceptions to the final report of an administrator or executor.  
*As added by P.L.1-1998, SEC.31.*

### **IC 34-35-3-3**

#### **Nonjury cases; applications and affidavit**

Sec. 3. (a) This section applies when any matter of a civil, statutory, or equitable nature not triable by a jury is pending.

(b) The judge before whom the cause is pending shall change the venue upon the application of either party to the cause, made upon affidavit, of either party or the party's attorney, showing any one (1) or more of the reasons named in the Indiana statutes authorizing changes of venue from the judge in civil actions.

(c) The presiding judge shall appoint a special judge to hear such cause in the manner provided by law for changes of venue in civil actions.

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

## **IC 34-35-4**

### **Chapter 4. Change of Venue in Cases on Remand**

#### **IC 34-35-4-1**

##### **Affidavit of undue influence, local prejudice, or inconvenience**

Sec. 1. (a) This section applies where:

- (1) an appeal to the court of appeals or supreme court of the state of Indiana has been taken from a judgment rendered against any party; and
- (2) the judgment is reversed, and the cause is remanded for a new trial.

(b) Either party in the cause is entitled to a change of venue from the county notwithstanding any changes of venue already taken, upon filing an affidavit:

(1) stating that:

- (A) the opposite party has an undue influence over the citizens of the county;
- (B) an odium attaches to the applicant, or to the applicant's cause of action or defense, on account of local prejudice; or
- (C) the county is a party to the suit; or

(2) showing to the satisfaction of the court that the convenience of witnesses and the ends of justice would be promoted by the change.

(c) All laws and parts of laws defining rights and duties in order to perfect a change of venue from the county in original actions and proceedings apply with equal force to the change of venue provided by this section.

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

#### **IC 34-35-4-2**

##### **Affidavit of judicial bias or prejudice**

Sec. 2. (a) This section applies where:

- (1) an appeal to the court of appeals or the supreme court has been taken from a judgment rendered against any party, and the judgment is reversed with the cause remanded for a new trial; or
- (2) the action of the trial court in granting a new trial is affirmed on appeal.

(b) Either party in the cause is entitled to a change of venue from the judge before whom the cause is pending, notwithstanding any changes of venue previously taken, upon filing an affidavit stating that the party cannot have a fair trial of the cause before that judge because of bias or prejudice on the part of the judge before whom the cause is pending.

(c) The judge shall grant the requested change, and it is unlawful for any judge so challenged to appoint in that case as special judge any relative by blood or marriage of the judge.

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

## **IC 34-35-5**

### **Chapter 5. Reimbursement for Expenses Incurred by Change of Venue**

#### **IC 34-35-5-1**

##### **Originating county to pay expenses of change of venue**

Sec. 1. In all cases, civil, criminal, or otherwise, where there is a change of venue from one (1) county to another, the county in which the cause originated and from which the change of venue is taken shall pay to the county to which the change of venue is taken all expenses incurred by the county to which the change of venue is taken.

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

#### **IC 34-35-5-2**

##### **Expenses to be paid by originating county**

Sec. 2. Expenses to be paid under section 1 of this chapter include the following:

- (1) The expense of keeping the prisoner, if any.
- (2) The expense of transporting the prisoner to or from any penal institution.
- (3) Any extraordinary expense for safekeeping the prisoner.
- (4) The fee set by the venue court under IC 33-40-2-5 for pauper counsel, if counsel was appointed by that court.
- (5) The expense of any mileage, meals, lodging, and per diems paid for or to jurors.
- (6) The per diems paid jury administrators for drawing any special venire.
- (7) The sum of five dollars (\$5) for each day or part of a day a bailiff is engaged in assisting the court in the trial of the cause.
- (8) The sum of eight dollars (\$8) for each day or part of a day an official court reporter takes evidence or testimony before the judge or jury concerning the cause.
- (9) The sum of ten dollars (\$10) per day for each day of trial for use of facilities and utilities.
- (10) The sum of five dollars (\$5) for notifying the jury not to attend court after having been summoned in any cause.
- (11) The amount of telephone or telegraph communications made by the court or authorized by it.

*As added by P.L.1-1998, SEC.31. Amended by P.L.98-2004, SEC.132; P.L.118-2007, SEC.28; P.L.78-2014, SEC.19.*

#### **IC 34-35-5-3**

##### **Refund**

Sec. 3. If any of the amounts specified in section 2 of this chapter are paid by any party against whom costs are taxed under IC 33-37-4-8, the amount paid shall be refunded to the county of origin.

*As added by P.L.1-1998, SEC.31. Amended by P.L.98-2004, SEC.133.*

**IC 34-35-5-4****Audit and certification**

Sec. 4. (a) Expenses shall be audited and allowed by the court to which the cause is venued. The allowance shall be certified by the court in duplicate to the auditor of the county, who shall:

- (1) retain one (1) of the certificates of allowance in the auditor's office; and
- (2) mail by certified mail the duplicate certificate of allowance to the auditor of the county in which the cause originated and from which such expenses are due.

(b) The auditor of the county in which the cause originated shall enter the duplicate certificate of allowance as a claim against the county in which the cause originated on the claim docket of the auditor's office for allowance by the board of county commissioners of the county at their next regular or special session. The certificate of allowance shall be allowed by the board of county commissioners unless it is contested and proved incorrect as provided in this chapter.  
*As added by P.L.1-1998, SEC.31.*

**IC 34-35-5-5****Court reporting fee**

Sec. 5. Of any amount allowed for per diem of an official court reporter charged as expenses against the county of origin of any case, the sum of eight dollars (\$8) shall be paid to the reporter as provided in this chapter.

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

**IC 34-35-5-6****Bailiff fee**

Sec. 6. Of the amount allowed for per diem of a bailiff charged as expenses against the county of origin of any case, the sum of five dollars (\$5) shall be paid to the bailiff as provided in this chapter.

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

**IC 34-35-5-7****Multiple proceedings**

Sec. 7. Not more than one (1) per diem or charge for the official reporting or for use of facilities and utilities shall be made against any county of origin of the causes for the same day. However, if two (2) or more proceedings are conducted in two (2) or more separate causes from any county or counties of origin on the same day, the court shall allocate the charges for any such cause as it may determine. The per diem for the official court reporter or bailiff shall be paid by the county of trial in the first instance and reimbursement for that payment may be obtained from the county of origin.

*As added by P.L.1-1998, SEC.31. Amended by P.L.78-2014, SEC.20.*

**IC 34-35-5-8****Repealed**

*(Repealed by P.L.78-2014, SEC.21.)*

**IC 34-35-5-9**

**Auditor records; payment of warrants**

Sec. 9. (a) The county auditor of each county shall keep correctly the accounts of the auditor's county with the county:

- (1) from which the expenses of change of venue are due; or
- (2) to which the expenses are paid.

(b) The county auditor shall transmit by registered mail all warrants issued for the payment of the expenses of change of venue to the auditor of the county entitled to the payment.

(c) Except as provided in subsection (e), payments described in subsection (b) shall be made quarterly, on the last day of March, June, September, and December in each year.

(d) The auditor of the county receiving the payment shall immediately:

- (1) pay the warrants into the county treasury of the county receiving the payment;
- (2) transmit to the auditor of the county making such payment the quietus for the payment, to be filed with the paid claim; and
- (3) advise the clerk of the circuit court of the county receiving the payment.

When notified of a payment under this section, the clerk shall note the payment on the clerk's record.

(e) If the date of making the quarterly settlement falls on Sunday, the settlement shall be made on the preceding day.

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

**IC 34-35-5-10**

**County council; duties**

Sec. 10. The county council of each county shall provide for the payment of any claim filed in accordance with this chapter.

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

**IC 34-35-5-11**

**Counties; recovery of expenses**

Sec. 11. (a) This section applies if:

- (1) a suit is instituted by any county for the recovery of any expenses incurred by the county on account of change of venue; or
- (2) a county is required to defend its claim for change of venue expenses.

(b) The court trying the cause shall allow:

- (1) the necessary traveling expenses to the proper officers; and
- (2) a reasonable attorney's fee;

to be taxed as a part of the costs in the cause.

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

## **IC 34-35-6**

### **Chapter 6. Collection and Payment of Fees Included in Transcript of Costs for Change of Venue Cases**

#### **IC 34-35-6-1**

##### **Duties of circuit court clerk**

Sec. 1. (a) In all cases where a change of venue is taken from one (1) county to another, the clerk of the circuit court or superior court of the county in which final disposition is made of the cause, shall, within sixty (60) days after the costs are paid, transmit by check to the clerk of the circuit court or superior court of the county in which the costs were accrued.

(b) The check described in subsection (a) must be for an amount equal to all costs which have been included in the transcript.

(c) The clerk receiving the check shall mail a receipt for the amount of the check to the clerk that sent the check. The clerk that receives the receipt shall file the receipt in the clerk's office to be a part of the permanent records of the office.

(d) The clerk who collects the costs shall set out upon the register of fees and also upon the fee book where the costs are taxed a marginal note stating the date, amount, number of check, and the clerk to whom the fees and costs were transmitted.

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

#### **IC 34-35-6-2**

##### **Itemized statement of costs**

Sec. 2. The clerk of the circuit court shall furnish a statement with each remittance of change of venue costs. Statements described in this section must:

(1) show in detail the cause number in the county to which remittance is made, title of case, and the items of costs paid; and

(2) be made on forms prescribed by the state board of accounts.

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

## **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.*