

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 23.

Fees and commissions on cases filed prior to January 16, 1977.

Fees and commissions that were applicable to cases filed prior to January 16, 1977, shall continue to apply with respect to those cases, and any clerk or register, present or former, who was authorized to receive the fees and commissions from those cases filed prior to January 16, 1977, shall continue to receive the fees and commissions collected on those cases whether collected after that date or not.

[Amended 9-28-87, eff 10-1-87.]

Comment

This rule conforms with the holding in *Gunter v. Kiker*, 393 So.2d 979 (1981), wherein the Supreme Court interpreted Ala.Code 1975, Section 12-19-22(b), to provide that a clerk or register who was entitled to collect a fee or commission before the Judicial Article was implemented on January 16, 1977, was entitled to receive such monies on cases filed prior to that date, regardless of when collected. Clerks and registers are entitled to such monies, whether or not they are still in office, and if a former clerk or register is deceased, those monies shall be paid into his or her estate.

This Rule replaces former Rule 27.