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### Amending 56-4-7, Colorado Revised Statutes 1953, Relating to the Fees of Sheriffs.

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## CHAPTER 149

## FEES AND SALARIES

## FEES OF SHERIFF

(House Bill No. 190. By Representatives Banta, Sellens and Holland.)

## A N A C T

AMENDING 56-4-7, COLORADO REVISED STATUTES 1953,  
RELATING TO THE FEES OF SHERIFFS.

*Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. 56-4-7, Colorado Revised Statutes 1953, is hereby amended to read as follows:

**56-4-7. Fees of sheriff.** Fees collected by sheriffs shall be as follows:

(1) For serving and returning summons or other writ of process not herein specified, with or without complaint attached, on each party served, in counties of every class, two dollars.

(2) For making a return on a summons not served for each party not exceeding ten, in counties of every class, one dollar. For each party in the excess of ten not served in counties of every class, fifty cents.

(3) For serving and returning each subpoena on each witness, in counties of the first class, two dollars; second class, one dollar; third class, one dollar; fourth class, one dollar; fifth class, one dollar and fifty cents.

(4) For making return on a subpoena not served, in counties of the first class, one dollar; second class, one dollar; third class, one dollar; fourth class, one dollar; fifth class, one dollar and fifty cents.

(5) For serving each juror in counties of every class, one dollar.

(6) For serving and returning writ of attachment or replevin, each party, in counties of the first class, three

dollars; second class, one dollar fifty cents; third class, one dollar fifty cents; fourth class, three dollars; fifth class, three dollars.

(7) For serving garnishee summons on each party in counties of every class, two dollars.

(8) Mileage for each mile actually and necessarily traveled in serving each writ, subpoena or other process, eight cents; provided that actual and not constructive mileage shall be allowed in all cases; and where more than one warrant is served by any officer on one trip, the actual mileage only shall be allowed such officer, and the actual mileage shall be apportioned among the several warrants served on the trip.

(9) In making demand for payment on executions when payment is not made in counties of every class, one dollar.

(10) For levying execution or writ of attachment, besides actual expenses necessarily incurred in counties of the first class, three dollars; second class, two dollars; third class, two dollars; fourth class, three dollars; fifth class, three dollars.

For levying writ of replevin, besides expenses necessarily incurred in counties of every class, five dollars.

(11) No custodian shall be appointed by the sheriff to take custody of goods by him attached, nor shall any deputy be placed in charge thereof, unless the plaintiff or his attorney shall request the appointment of such custodian in writing; such custodian or deputy shall receive twelve dollars per diem of twelve hours, or fraction thereof, which shall be taxed as costs in the case.

(12) For making and filing for record a certificate of levy on attachment or other cases, in counties of every class, one dollar fifty cents.

(13) For committing and discharging prisoners to and from the county jail, in counties of every class, fifty cents.

(14) For serving writ with aid of posse comitatus with actual expenses necessarily incurred in executing said writ, in counties of every class, fifteen dollars; for serving same without aid in counties of every class, two dollars.

(15) For attending before any judge, court not being in session, with prisoners with writ of habeas corpus for each day of twelve hours, or fraction thereof, in counties of every class, twelve dollars.

(16) For attending courts of record when in session, per diem of twelve hours, or fraction thereof in counties of every class, twelve dollars; provided that the attendance upon the county court shall be certified by the judge of said court at the close of each month.

(17) For advertising property for sale, besides actual expenses, in counties of every class, two dollars.

(18) For making certificates of sale previous to execution of deed, or on sales of personal property, in counties of every class, two dollars.

(19) For executing and acknowledging deed of sale of real estate, in counties of every class, five dollars.

(20) For taking, approving and returning bond in any case, in counties of every class, two dollars and fifty cents.

(21) For executing capias or warrant in criminal cases, on each prisoner named therein, in counties of every class, two dollars.

(22) For transporting insane or other prisoners, besides the actual expenses necessarily incurred, in counties of the first class, eight cents per mile; and for the service of mittimus, or other process order, whether written or otherwise, in transporting prisoners in counties of every class, eight cents per mile; provided, however, that such mileage shall be only by one officer and no mileage shall be charged upon the guards attending the officer in the custody of the prisoner or prisoners; provided, further, that the guard or guards attending the officer in charge of the prisoner, or prisoners shall receive besides the expenses necessarily incurred the sum of twelve dollars per diem of twelve hours, or fraction thereof, to be paid out of the county treasury.

(23) For his services in sales of real estate on an execution or decree, order of court, or other court process, besides actual expenses, in counties of the first class on all bids under three thousand dollars, fifteen dollars; on all sums bid over three thousand dollars, one-half of one per cent; in counties of all other classes, ten dollars; provided that such commission shall in no case exceed the sum of fifty dollars.

(24) For money collected by sale of personal property, in counties of the first class, on all sums bid under five hundred dollars, two per cent; on all sums bid over five hundred dollars and under one thousand dollars, one and one-half per cent; on all sums bid over one thousand dollars, one per cent; and two and one-half per

cent, two per cent, and one and one-half per cent, respectively, in counties of the second class; and three per cent, two and one-half, and two per cent, respectively, in counties of the third class; and three and one-half per cent, three per cent, and two and one-half per cent, respectively, in counties of the fourth class; and four per cent, three and one-half per cent, and three per cent, respectively, in counties of the fifth class; provided that no fee shall be charged for an auctioneer, or other person, for making sales of personal property; and provided that in no case shall such commission exceed the sum of fifty dollars except in counties of the first class.

(25) For money collected or settlements made, without sale, after writ of execution, attachment or replevin has been placed in his hands and levy, or demand for payment has been made on the proper party, in counties of the first class, on all amounts under five hundred dollars, two per cent, on all amounts over five hundred dollars and under one thousand dollars, one and one-half per cent; on all amounts over one thousand dollars, one per cent; but the fee in no case shall exceed the sum of one hundred dollars; and the plaintiff, or any person making any settlement shall be liable to the sheriff for such fees.

(26) For pursuing and capturing, or pursuit without capture, when previously authorized by the county commissioners, each prisoner charged with the commission of any crime denominated a felony, beyond the limits of said county, in counties of every class, all necessary expenses of such pursuit, upon a verified, itemized account being presented for the same, together with twelve dollars per diem of twelve hours for the time occupied in such pursuit. The constable shall be entitled to the same fees for pursuing, capturing and transporting criminals, as provided for sheriffs to be paid out of the county treasury.

(27) For serving and returning writ of ne exeat or body attachment, in counties of every class, five dollars.

(28) For serving copy of execution when making levy on shares of stock under execution, on each party served, in counties of every class, two dollars.

(29) For making certificates of levy on shares, or otherwise, in counties of every class, two dollars.

(30) For making return on execution, in counties of every class, two dollars.

(31) For executing certificate of redemption in counties of every class, two dollars and fifty cents.

**Section 2. — Safety Clause —** The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Approved: April 15, 1955.