

**Opinion No. 21-3122**

September 24, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mr. A. G. Whittier, State Traveling Auditor, Santa Fe, New Mexico.

**Docket Fees in Cases Remanded by Supreme Court and Cases in Which  
Deficiency Judgments Entered.**

**OPINION**

{\*89} In reply to your letter of the 20th instant, asking for a construction of certain parts of Chapter 149, Laws 1919, the district clerk fee bill. I would advise you as follows:

You ask if an additional docket fee should be charged when a case appealed to the Supreme Court is returned to the district court with instructions to reinstate?

In our opinion there is no authority to charge an additional docket fee under such circumstances. The act provides that only the fees mentioned therein shall be charged, and there is nothing which would indicate an intent to require an additional docket fee where a case is returned to the district court from the Supreme Court with instructions as to how to proceed.

You also inquire if there is authority to make an additional charge for the entry of a deficiency judgment upon foreclosure sale where the purchase price of the mortgaged property is not sufficient to pay the face of the mortgage.

In my opinion there is no authority to make such additional charge for the entry of such judgment. The cost of the entry of the original judgment should cover the cost of the entry for de-deficiency judgment.