

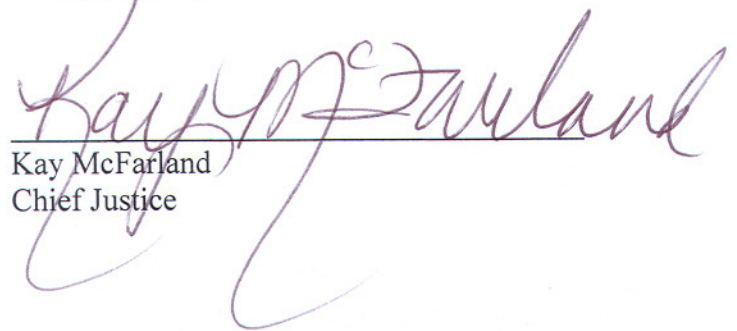
IN THE SUPREME COURT OF THE STATE OF KANSAS

ADMINISTRATIVE ORDER NO. 222

Re: Amended Rules on Satisfaction of Money Judgment and Taxation of Costs by the Clerk

The attached Supreme Court Rules 186 and 187 are hereby adopted.

AMENDED BY ORDER OF THE COURT this 5th day of March 2008.



Kay McFarland
Chief Justice

Attachment

RULE 186

SATISFACTION OF MONEY JUDGMENT

In all cases where there has been a money judgment entered with interest accruing as set forth in the judgment or pursuant to K.S.A. 16-204, a final settlement amount to satisfy the judgment to a particular date may be obtained as follows:

- (a) A written proffer of a payoff figure of principal and interest to satisfy the judgment shall be filed with the clerk of the district court of original jurisdiction specifying a date of payment. A written payoff proffer shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.
- (b) The person proffering the payoff figure shall compute the amount of principal, interest, and court costs to the date requested to satisfy the judgment, together with interest per day thereafter until paid, and attach it to the request in (a) above. The amount of court costs shall be included in the calculation regardless of whether the plaintiff or judgment creditor was required to pay court costs, including the docket fee, at the time of filing of the case.
- (c) The proffering party shall serve by first class mail on all counsel and parties of record involved in the case copies of the proffer and computation of principal and interest and costs. Proof of service shall be filed with the clerk of the district court within fourteen (14) days of mailing the notices.
- (d) All counsel and parties served shall within fourteen (14) days of service or any extension thereof by the court respond in writing if they have any objections to the computations, stating that party's computation of the principal, interest, per diem and costs. The judgment debtor may pay to the judgment creditor, filing a notice with the court to this effect, the amount of principal, interest, and costs which the judgment debtor believes to be due and owing, together with the statement provided in this subsection. If the judgment debtor is correct, no additional interest shall be charged to the judgment debtor.
- (e) If there are no objections at the expiration of the time for serving objections, the clerk of the district court shall certify the original as the amount of principal and interest to satisfy the judgment. If counsel or parties cannot agree as to the amount needed to satisfy the judgment, then the judge shall settle the amount due to satisfy judgment.
- (f) Upon payment to the judgment creditor of the amount ordered to satisfy the judgment, including any court costs, the judgment creditor shall file a notice with the clerk that court costs, including the docket fee, and the judgment have been satisfied and shall tender payment of the amount of any court costs paid to the judgment creditor with such notice. Upon receipt of the notice and cost payment, if required to be made under this rule, from the judgment creditor that the judgment has been satisfied, the clerk of the district court shall show the judgment satisfied in the case.

[**History:** New rule effective April 26, 2000; Am. effective September 8, 2006; Am. (b) and (f) effective March 4, 2008.]

RULE 187

TAXATION OF COSTS BY THE CLERK

(a) *Procedure for Taxation.* In any case pursuant to Chapter 60 or 61 where the journal entry does not state an amount for costs and a party wishes to have the clerk tax costs pursuant to K.S.A. 60-2002, the party entitled to recover costs may file and serve a bill of costs within 30 days (1) after the expiration of time allowed for appeal of a final judgment or decree, or (2) after receipt by the clerk of an order terminating the action on appeal. The bill of costs shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council. A party may object to the bill of costs by filing and serving an objection within ten (10) days of service of the bill. If an objection is filed, both the bill of costs and the objection shall be referred to the judge for disposition after such hearing, if any, as the judge deems appropriate. If no timely objection to the bill of costs is filed, the clerk may proceed to tax costs according to the bill. The clerk's action may be reviewed by the court if a motion to retax the costs is filed within ten (10) days after taxation by the clerk.

(b) *Items Allowable as Costs.* The items allowable as costs shall be those specified in K.S.A. 60-2003, unless otherwise ordered by the court.

(c) *To Whom Payable.* Unless otherwise ordered by the court, all costs taxed are payable directly to the party entitled thereto and not to the clerk.

(d) Notwithstanding any other provision of this rule or Rule 186, court costs, including the docket fee, shall be assessed and collected by the judgment creditor in those cases where payment of court costs is excused under K.S.A. 28-110 and K.S.A. 60-2005. Unless otherwise required by law and except as otherwise directed by the court, moneys received by the judgment creditor shall be credited first to court costs, including the docket fee, then to the principal and interest to satisfy the judgment. Court costs, including the docket fee, shall have priority and shall be paid to the clerk from the first moneys collected regardless of whether the judgment creditor recovers the total amount of principal and interest ordered or files notice that judgment has been satisfied as set out in subsection (f) of Rule 186. Upon collection of costs, the judgment creditor shall pay the same to the clerk and, if applicable, shall file notice with the clerk that the judgment has been satisfied as set out in subsection (f) of Rule 186.

[**History:** New rule effective September 8, 2006; Am. (a) effective November 29, 2006; Am. (d) effective March 5, 2008.]