

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

**IN RE: AMENDMENT TO COURT OF CHANCERY RULES, SECTION II,
RULE 3**

This 15th day of December 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section II, Rule 3 shall be amended effective January 1st, 2015.

Rule 3 shall be amended as follows:

Rule 3. Commencement of action.

(a) Complaint.

(1) An action is commenced by filing with the Register in Chancery a complaint or, if required by statute, a petition or statement of claim all hereafter referred to as "complaint." Sufficient copies of the complaint shall be filed so that 1 copy is available for service on each defendant as hereafter provided, unless the Court orders otherwise.

(2) Each complaint, when accepted for filing by the Register in Chancery, shall be accompanied by a covering sheet in the form adopted by the Court and containing information which the Court shall determine is necessary and appropriate.

(aa) Verification. -- All complaints as defined in Rule 3(a) shall be verified. Every pleading, except that filed by a business entity, which is required to be verified by statute or by these Rules shall be under oath or affirmation by the party filing such pleading that the matter contained therein insofar as it concerns the party's act and deed is true, and so far as relates to the act and deed of any other person, is believed by the party to be true. Every pleading by a business entity which must be verified shall be verified under oath or affirmation by any person or agent duly authorized by such business entity.

(b) Nonrefundable deposit for costs. -- The Register in Chancery shall not file any paper or record or docket proceeding until a nonrefundable deposit for fees and costs has been made with the Register. Such deposit is \$100 for all matters except those specifically stated herein. The Register in Chancery shall apply the deposit from time to time in payment of the fees and costs of the Register's office. If the amount of the deposit is expended in payment of such fees and costs as they accrue from time to time, the Register shall demand and receive such additional amount as shall be necessary in the Register's judgment to defray fees and costs for additional services before any such services shall be performed. If the amount of the deposit is not exhausted in payment of such fees and costs, any balance is not refundable and shall be retained by the Register in Chancery at the end of the case. An additional deposit of \$400 shall be required in all actions commenced by writ of sequestration, pursuant to 10 Del. C. § 366; \$200 of such additional deposit shall be set aside solely for the purpose of paying any fee that the Court may allow the sequestrator. For papers filed from time to time in connection with guardianship matters, the deposit for costs shall be such sum as the Register, from the

Register's experience, shall deem sufficient to cover fees and costs of the Register's office for such matter. This rule shall not apply to any action or other proceeding that is exempt by law from making a deposit for costs.

(bb) Court fees or charges. The Register in Chancery shall assess the following court fees:

FEES AND CHARGES APPLICABLE TO ALL TYPES OF ACTIONS

Issuing summonses, subpoenas, and other writs	
Original.....	\$50
Each copy	\$25
Filing an exception to a Master's Final Report	\$100
Noticing appeal (including preparation of record)	\$500
Furnishing advertisements to publishers	\$25
Certification of a document (excludes copy charge).....	\$25
Exemplification of a document (in addition to certification).....	\$50
Preparation of Register's certificate	\$25
Preparation of short certificate	\$25
Filing commission	\$20
Filing bond.....	\$25
Any court proceeding scheduled upon request of a party, whether in-person or telephonic	\$150 per day
Docketing any item, per page	\$1.75
Scanning hard copy documents for docketing, per page.....	\$2
Photocopies, per page	\$1.50
Copies of opinions, per page	\$1.50
Microfilm copies, per page	\$2
Facsimiles, first page	\$10
Facsimiles, per page after first	\$2
Storage of exhibits, per exhibit (charged to party that submitted exhibit)	\$10
Archival retrieval fees (excluding copy charge) One folder or less	\$25
For each box or partial box greater than one folder	\$50
Preparation of mailing via next day carrier (excludes copy charge).....	\$5

CIVIL ACTION FEES

Filing a new case or petition With 1 or 2 defendants	\$250
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With 3 or more defendants	\$350
Asserting class action or derivative claims	\$600
Asserting technology disputes under 10 Del. C. § 346.....	\$600
Involving service under 10 Del. C. § 3114	
with 10 or less defendants	\$600
with more than 10 defendants	\$850
To confirm or vacate an arbitration award	\$500
For partition.....	\$150
For decree of distribution	\$150
To sell real property to pay debts	\$150
For instructions.....	\$150
For adjudication of presumed death	\$150
For order disposing of remains.....	\$150
For elective share.....	\$150
For admission of a copy of decedent's will to probate	\$150
For a rule to show cause to compel return of assets	
Pursuant to 12 Del. C. § 2105	\$150
To remove the personal representative of a decedent's estate	\$250
For sequestration	\$850
(In addition to filing fees an extra \$100 is collected at time of filing as a deposit for court costs)	

Counterclaims, cross-claims, or third-party claims are charged at the same rates as a new case or petition

Amended complaint.....	\$150
An amended complaint must be separately docketed. A party cannot rely on the form of amended complaint attached to a motion for leave to amend.	
Motion or application for expedited proceedings	\$300
Note: A motion or application for expedited proceedings must be filed in connection with any motion or application for a temporary restraining order or preliminary injunction or in conjunction with any summary proceeding	
Petition for Mediation under Rules 93-95	\$10,000
Each additional day of mediation.....	\$5,000
Service letters under 10 Del. C. § 3114 (per letter).....	\$10

TRUST FEES

Petitions	
For administration of new trust	\$25
To modify a trust	\$650
Otherwise civil action fees apply	

Trustee bond	\$10
Filing, recording & indexing accounts of trustees and receivers	
Amount of principal and income of trust:	
Less than \$500 to \$1000.....	\$10
\$1001 to \$5000.....	\$20
\$5001 to \$15,000.....	\$60
Each additional \$1000 to \$10,000 or part thereof.....	\$15
Charge per page.....	\$1
Filing inventory, charge per page.....	\$2
Mailing notices to interested parties (per notice)	\$5
Trustee release	\$10
Registering certificates of trust.....	\$25
Filing an exception to trust accounting	\$100
Orders modifying a trust – per additional order beyond one	\$150

GUARDIANSHIP FEES

Petition or application	
To appoint guardian for a minor (inclusive of all initial filing fees).....	\$125
To appoint guardian for a disabled person (inclusive of all initial filing fees).....	\$125
In connection with tort settlement (inclusive of all initial filing fees).....	\$125
For a rule to show cause in a pending action	\$50
To remove a guardian.....	\$50
To appoint a successor guardian	\$50
To expend	\$35
To initiate or increase monthly allotment	\$35
To reinvest.....	\$35
To sell real estate.....	\$50
To accept foreign guardianship	\$50
To transfer guardianship.....	\$50
Promissory note for guardian borrowing from account	\$25
Transfer of funds	\$15
Third party certification of compliance with order	\$3
Filing an exception to guardianship accounting.....	\$100

RECEIVERSHIP FEES

Order appointing receiver.....	\$100
Processing of receivership claims	
Claims under \$100.....	\$0
Claims of \$100 to \$999	\$25
Claims of \$1000 or greater.....	3% of amount paid

STATEWIDE SECURITY FEE APPLICABLE TO ALL COURTS

Pursuant to 10 Del. C. § 8505, a \$10 fee is assessed in addition to any other costs imposed by Rule for each complaint, amended complaint, petition, cross-petition, counter-petition, cross-claim, counterclaim, or third party complaint. The fee is not retained by the Court of Chancery. It is deposited in the Court Security Fund to provide supplemental funding for personnel, equipment, and/or training expenses related to judicial branch security.

THE ATTORNEY GENERAL WHEN FILING UNDER THE DELAWARE FAIR HOUSING ACT PURSUANT TO 6 Del. C. § 4614(e) OR IN VETERANS ADMINISTRATION CASES, THE OFFICE OF THE PUBLIC GUARDIAN, THE INSURANCE COMMISSIONER, AND THE HUMAN RELATIONS COMMISSION

are exempt from paying filing fees and costs.

Charges for matters not covered by this Rule shall be fixed by Order of the Court. Any charge herein may be increased or decreased by the Court for good cause.

(c) Security for costs. -- In every case in which the plaintiff is not at the time of filing the complaint a resident of this State, or being so, afterwards moves from the State, an order for security for costs may be entered upon motion after 5 days notice to the plaintiff; in default of such security the Court, on motion, may dismiss the complaint.