



STEVE CLARK
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STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

June 17, 1985

OPINION NO. 85-136

Mr. Mike Beebe
State Senator
211 Arch
Searcy, AR 72143

Dear Senator Beebe:

This letter is written in response to your request for an opinion regarding Act 898 of 1983. Your specific question was whether a clerk should charge the fees contained in section 2 of Act 898 in addition to the initial \$75.00 filing fee provided in section 1.

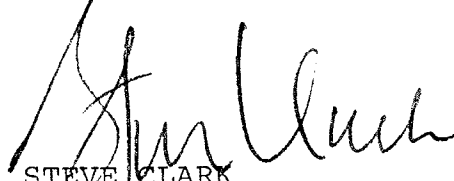
Section 1 of Act 898 of 1983, provides a uniform filing fee of \$75.00 for initiating a cause of action in probate court. The section further states, the uniform advance fee proscribed herein shall include all extra fees now authorized by law including, but not limited to, those fees authorized for assessment for continuing legal education, county law library, court reporter, justice building, and bureau of vital statistics-domestic relations, . . .". Under the doctrine of ejusdem generis the specific items mentioned control the general reference to all fees. Thus the fees that are included within the \$75.00 cost for initiating a cause of action includes only those fees of the same nature as the legal education fund, the county law library, etc., but not the various filing fees included in section 2.

It appears the clerk should charge a \$75.00 fee for initiating a cause of action under section 1. The clerk should also charge the fee provided in section 2 where applicable.

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The foregoing opinion, which I hereby approve, was
prepared by Assistant Attorney General Randel K. Miller.

Sincerely,



STEVE CLARK
Attorney General

SC/RKM/ljm