

Rule 187

TAXATION OF COSTS BY CLERK

- (a) **Bill of Costs; Timing.** In a case under K.S.A. Chapter 60 in which the journal entry does not state an amount for costs, a party entitled to recover costs under K.S.A. 60-2002 may file and serve a bill of costs no later than 30 days after:
 - (1) the expiration of the time allowed for appeal of the final judgment or decree; or
 - (2) receipt by the clerk of an order terminating the action on appeal.
- (b) **Form.** The bill of costs is sufficient if in substantial compliance with the judicial council form.
- (c) **Objection.** A party may object to a bill of costs by filing and serving an objection no later than 14 days after service of the bill. If an objection is filed, the court—with or without a hearing—must determine the costs to be taxed.
- (d) **Taxation by Clerk; Motion to Retax.** If no timely objection to a 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 no later than 14 days after taxation by the clerk.
- (e) **Items Allowable as Costs.** The items allowable as costs are those specified in K.S.A. 60-2003, unless otherwise ordered by the court.
- (f) **To Whom Payable.** Unless otherwise ordered by the court, all costs taxed are payable directly to the party entitled to the payment.
- (g) **Priority of Court Costs.** Notwithstanding any other provision of this rule or Rule 186, court costs, including the docket fee, must be assessed and collected by the judgment creditor in a case in which payment of court costs is excused under K.S.A. 28-110 and 60-2005. Unless otherwise required by law and except as otherwise directed by the court, moneys received by the judgment creditor must 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, have priority and must 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 under Rule 186(g). Upon collection of costs, the judgment creditor must pay the collected costs to the clerk and, if applicable, file notice under Rule 186(g) that the judgment has been satisfied.
- (h) **Applicability to Chapter 61 Cases.** This rule applies in a case under K.S.A. Chapter 61 when costs are taxed under K.S.A. 60-2002 and 61-4002.

[History: New rule effective September 8, 2006; Am. (a) effective November 29, 2006; Am. (d) effective March 5, 2008; Am (a) effective July 1, 2010; Restyled rule and amended effective July 1, 2012.]