

§ 6-21. Costs allowed either party or apportioned in discretion of court.

Costs in the following matters shall be taxed against either party, or apportioned among the parties, in the discretion of the court:

- (1) Application for years' support, for surviving spouse or children.
- (2) Caveats to wills and any action or proceeding that may require the construction of any will or trust agreement, or fix the rights and duties of parties under any will or trust agreement. In any caveat proceeding under this subdivision, the court shall allow attorneys' fees for the attorneys of the caveators only if it finds that the proceeding has substantial merit.
- (3) Habeas corpus. The court shall direct which officer shall tax the costs of the proceeding.
- (4) In actions for divorce or alimony. The court may, both before and after judgment, make any order respecting the payment of costs incurred by either spouse from the sole and separate estate of either spouse, as may be just.
- (5) Application for the establishment, alteration, or discontinuance of a public road, cartway, or ferry. The board of county commissioners in its discretion may assess the costs incurred before the board.
- (6) The compensation of referees and commissioners to take depositions.
- (7) All costs and expenses incurred in special proceedings for the partition of real or personal property under Chapter 46A of the General Statutes, except that attorneys' fees shall be assessed in accordance with G.S. 46A-3.
- (8) In all proceedings under Chapter 156 of the General Statutes relating to drainage, except as otherwise provided in that Chapter.
- (9) Repealed by Session Laws 2020-23, s. 10, effective October 1, 2020.
- (10) In proceedings under Article 3 of Chapter 49 of the General Statutes regarding children born out of wedlock.
- (11) In custody proceedings under Chapter 50A of the General Statutes.
- (12) In actions brought for misappropriation of a trade secret under Article 24 of Chapter 66 of the General Statutes.

The word "costs" as used in this section includes reasonable attorneys' fees in whatever amounts the court in its discretion determines and allows. Attorneys' fees in actions for alimony, however, shall not be included in the costs as provided in this section but shall be determined and provided for in accordance with G.S. 50-16.4. (Code, ss. 533, 1294, 1323, 1422, 1660, 2039, 2056, 2134, 2161; 1889, c. 37; 1893, c. 149, s. 6; Rev., s. 1268; C.S., s. 1244; 1937, c. 143; 1955, c. 1364; 1965, c. 633; 1967, c. 993, s. 2; c. 1152, s. 5; 1977, c. 576; 1979, c. 110, s. 3; 1981, c. 809, s. 1; c. 890, s. 2; 2013-198, s. 1; 2020-23, ss. 7, 10.)