

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act relating to the calculation of certain fees in probate.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.31, Code 2015, is amended to read as
2 follows:

3 **633.31 Calendar — fees in probate.**

4 1. The clerk shall keep a court calendar, and enter thereon
5 such matters as the court may prescribe.

6 2. The clerk shall charge and collect the following fees in
7 connection with probate matters, which shall be deposited in
8 the account established under section 602.8108:

- 9 a. For services performed in short
10 form probates pursuant to sections
11 450.22 and 450.44.....\$ 15.00
12 the filing and docketing fee
13 set forth in section 602.8105,
14 subsection 1, paragraph "a"
- 15 b. For services performed in probate of a
16 will without administration15.00
17 the filing and docketing fee
18 set forth in section 602.8105,
19 subsection 1, paragraph "a"
- 20 c. For services performed in testamentary trust
21 administration under this chapter or when jurisdiction is
22 invoked under chapter 633Athe filing and docketing
23 fee set forth in section
24 602.8105, subsection 1,
25 paragraph "a"
- 26 d. For services performed in a guardianship, standby
27 guardianship, or combined guardianship and
28 conservatorship.....the filing and docketing fee
29 set forth in section
30 602.8105, subsection 1,
31 paragraph "a"
- 32 e. For services performed in small estate
33 administration.....\$ 50.00
- 34 f. For depositing a will for safekeeping by
35 a living testator.....\$ 50.00

1	e. <u>g.</u>	For filing and indexing a transcript.....	\$ 50.00
2	d. <u>h.</u>	For taking and approving a bond, or	
3		the sureties on a bond	\$ 20.00
4	e.	For entering a rule or order	10.00
5	f. <u>i.</u>	For certificate and seal	10.00
6			\$ 20.00
7	g.	For making a complete record where	
8		real estate is sold per 100 words	.20
9	h. <u>j.</u>	For making a transcript or copies of	
10		orders or records filed in the clerk's office or	
11		<u>printing a copy of an electronic record</u>	
12		<u>or document, per 100 words page</u>	<u>\$.50</u>
13	i. <u>k.</u>	For certifying change of title	20.00
14			\$ 50.00
15	j. <u>l.</u>	For issuing commission to	
16		appraisers	2.00
17			\$100.00
18	k. <u>m.</u>	For other services performed in the settlement	
19		<u>probate with administration of the <u>an</u> estate of any decedent,</u>	
20		minor, person with mental illness, or other persons	
21		laboring under legal disability or the administration of	
22		<u>a conservatorship, except where actions are brought by</u>	
23		<u>the administrator, guardian, trustee conservator, personal</u>	
24		<u>representative, or person acting in a representative capacity</u>	
25		<u>or against that person, or as may be otherwise provided herein,</u>	
26		where the value of the personal property and real estate of	
27		such a person gross assets of the estate or conservatorship	
28		falls within the following indicated amounts, the fee opposite	
29		such amount shall be charged.	
30	(1)	Up to \$3,000.00	\$ 5.00
31	(2)	3,000.00 to 5,000.00	\$ 10.00
32	(3)	5,000.00 to 7,000.00	\$ 15.00
33	(4)	7,000.00 to 10,000.00	\$ 20.00
34	(5)	10,000.00 to 15,000.00	\$ 25.00
35	(6)	15,000.00 to 25,000.00	\$ 30.00

1 (7) For each additional \$25,000.00 or
2 major fraction thereof\$ 50.00

3 ~~1. For services performed in small~~
4 ~~estate administration15.00~~

5 3. The fee set forth in subsection 2, paragraph ~~"k"~~
6 ~~"m"~~, shall not be charged on any property transferred to a
7 testamentary trust from an estate that has been administered
8 in this state and for which court costs have been assessed and
9 paid.

10 4. The clerk shall charge the filing and docketing fee set
11 forth in section 602.8105, subsection 1, paragraph "a", for the
12 filing and docketing of a petition by an interested third party
13 against an original party to a probate matter. The fee shall
14 be deposited in the account established in section 602.8108.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the fees the clerk of the probate court
19 charges in connection with certain probate matters.

20 For services performed in short form probate and probate
21 of a will without administration, the bill increases the
22 fee from \$15.00 to the civil filing and docketing fee set
23 forth in Code section 602.8105(1)(a), or \$185.00. The bill
24 establishes that for services performed in testamentary trust
25 administration under Code chapter 633, when jurisdiction is
26 invoked under Code chapter 633A, or for services performed in a
27 guardianship, standby guardianship, or combined guardianship
28 and conservatorship, the clerk shall charge the civil filing
29 and docketing fee set forth in Code section 602.8105(1)(a), or
30 \$185.00.

31 The bill requires the clerk to charge \$50.00 for the
32 safekeeping of a will. For services performed in small
33 estate administration, the bill increases the fee from \$15.00
34 to \$50.00. For providing a certificate and seal, the bill
35 increases the fee from \$10.00 to \$20.00. For printing or

1 making a copy, the clerk is required to charge \$0.50 per page.
2 For certifying a change in title, the bill increases the fee
3 from \$20.00 to \$50.00. For issuing a commission to appraisers,
4 the bill increases the fee from \$2.00 to \$100.00.

5 For other services performed, the bill provides that the
6 applicable fee, which is determined based on the value of the
7 estate, shall be calculated based on the value of the gross
8 estate.

9 The bill provides that if an interested third party files
10 a petition against an original party in a probate matter, the
11 clerk shall charge the civil filing and docketing fee set forth
12 in Code section 602.8105(1)(a), or \$185.00.