



[HF 2128](#) – Probate, Small Estates (LSB5191HV)
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Fiscal Note Version – New

Description

[House File 2128](#) relates to probate and the administration of small estates. The Bill raises the maximum value of a small estate as defined under Iowa Code section [635.1](#), from \$100,000 to \$200,000. Section 1 of the Bill would apply to estates opened or converted from administration on or after July 1, 2018. The Bill also makes various procedural changes to probate administration under Iowa Code chapter [635](#). The Bill is effective July 1, 2018.

Background

Under Iowa Code section [633.31\(2\)\(l\)](#), the clerk of court must charge and collect a fee of \$15 for services performed in the administration of a small estate of \$100,000 or less. If the estate is valued above \$100,000, the clerk collects the fees as prescribed in Iowa Code section [633.31\(2\)\(k\)](#). The current total fee for costs associated with the settlement of an estate valued at \$200,000 is \$380, and \$280 for estates valued at \$150,000.

Assumptions

- In FY 2017, there were 1,342 small estate cases filed. It is assumed there will be the same number of estates valued between \$100,000 and \$200,000, and the same number of small estates valued at \$100,000 or less, for future fiscal years.
- The number of small estate filings will eventually double if the small estate cap is raised to \$200,000.
- The average value of estates between \$100,000 and \$200,000 is \$150,000.
- The total amount of small estate filings and filings for estates valued between \$100,000 and \$200,000 will remain the same in FY 2019 and FY 2020.
- It is estimated to take at least two years for probate cases opened or converted from administration after July 1, 2018, to be closed and fees paid, and for the full fiscal impact to be known.

Fiscal Impact

[House File 2128](#) is estimated to reduce fee revenues to the State General Fund within a year of implementation. The following chart shows an estimate of the fiscal impact over the next two fiscal years:

	Estimated Impact on Fee Revenue*					
	FY 2019			FY 2020		
	Current Law	Proposed Law HF 2128	Difference	Current Law	Proposed Law HF 2128	Difference
Fee Revenue	\$395,890	\$218,075	-\$177,815	\$395,890	\$40,260	-\$355,630

*For small estates and estates valued at \$100,000 - \$200,000.

Source

Iowa Judicial Branch

/s/ Holly M. Lyons

January 30, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
