

House File 711 - Enrolled

House File 711

AN ACT

RELATING TO THE CALCULATION OF CERTAIN COURT COSTS IN PROBATE MATTERS, AND INCLUDING EFFECTIVE DATE AND APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 633.31, Code 2021, is amended to read as follows:

633.31 Calendar — fees court costs in probate.

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

2. The clerk shall charge and collect the following fees court costs in connection with probate matters, ~~which shall be deposited in the account established under [section 602.8108](#):~~

- a. For services performed in short form probates pursuant to sections 450.22 and [450.44](#).....\$ 15.00
- b. For services performed in probate of will without administration\$ 15.00
- c. For filing and indexing a transcript.....\$ 50.00
- d. For taking and approving a bond, or the sureties on a bond\$ 20.00
- e. For entering a rule or order\$ 10.00
- f. For certificate and seal\$ 10.00
- g. For making a complete record where real estate is sold . per 100 words\$.20
- h. For making a transcript or copies of

orders or records filed in

the clerk's office .. per 100 words\$.50

i. For certifying change of title\$ 20.00

j. For issuing commission to

appraisers\$ 2.00

~~k. For other services performed in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, except where actions are brought by the administrator, guardian, trustee, or person acting in a representative capacity or against that person, or as may be otherwise provided herein, where the value of the personal property and real estate of such a person falls within the following indicated amounts, the fee opposite such amount shall be charged.~~

~~(1) Up to \$3,000.00 5.00~~

~~(2) 3,000.00 to 5,000.0010.00~~

~~(3) 5,000.00 to 7,000.0015.00~~

~~(4) 7,000.00 to 10,000.0020.00~~

~~(5) 10,000.00 to 15,000.0025.00~~

~~(6) 15,000.00 to 25,000.0030.00~~

~~(7) For each additional \$25,000.00 or~~

~~major fraction thereof50.00~~

~~l. For services performed in small~~

~~estate administration15.00~~

3. a. ~~The fee set forth in subsection 2, paragraph "k", shall not be charged on any property transferred to a testamentary trust from an estate that has been administered in this state and for which court costs have been assessed and paid. For other services performed in a decedent's estate administered under this chapter or chapter 635, the clerk shall charge and collect court costs equal to two-tenths of one percent of the value of the probate assets listed in the report and inventory.~~

b. ~~Court costs shall not be charged or collected under this subsection on assets which are not probate assets including but not limited to the following:~~

(1) Joint tenancy property.

(2) Property transferred during the decedent's lifetime.

(3) Life insurance, annuities, individual retirement

accounts, retirement plans, transfer on death accounts, payable on death accounts, and similar assets payable to beneficiaries other than the estate of the decedent.

(4) Real estate not located in Iowa.

c. Court costs shall not be charged or collected on assets transferred to an estate from a conservatorship that has been administered in the state and for which court costs have been charged and collected from the conservatorship under subsection 4.

4. For other services performed in a conservatorship, the clerk shall charge and collect court costs equal to two-tenths of one percent of the gross value of the assets listed in the inventory minus the value of the life insurance.

5. Court costs collected under this section shall be deposited in the account established under section 602.8108.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2022.

Sec. 3. APPLICABILITY. This Act applies to conservatorships, court-administered trusts, guardianships, and estates of decedents for which the petition is filed and other probate matters where filings are made and actions are taken on and after January 1, 2022.

PAT GRASSLEY
Speaker of the House

JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 711, Eighty-ninth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2021

KIM REYNOLDS
Governor