

House File 2447 - Introduced

HOUSE FILE 2447

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 645)

A BILL FOR

1 An Act relating to the calculation of certain court costs in
2 probate matters, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.31, Code 2016, is amended to read as
2 follows:

3 **633.31 Calendar — fees court costs 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
7 court costs in connection with probate matters, which shall be
8 deposited in 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 b. For services performed in probate of
13 will without administration\$ 15.00
- 14 c. For filing and indexing a transcript.....\$ 50.00
- 15 d. For taking and approving a bond, or
16 the sureties on a bond\$ 20.00
- 17 e. For entering a rule or order\$ 10.00
- 18 f. For certificate and seal\$ 10.00
- 19 g. For making a complete record where
20 real estate is sold per 100 words\$.20
- 21 h. For making a transcript or copies of
22 orders or records filed in
23 the clerk's office per 100 words\$.50
- 24 i. For certifying change of title\$ 20.00
- 25 j. For issuing commission to
26 appraisers\$ 2.00
- 27 k. For other services performed in the settlement of the
28 estate of any decedent, minor, person with mental illness, or
29 other persons laboring under legal disability, except where
30 actions are brought by the administrator, guardian, trustee,
31 or person acting in a representative capacity or against that
32 person, or as may be otherwise provided herein, where the value
33 of the personal property and real estate of such a person falls
34 within the following indicated amounts, the fee court costs
35 opposite such amount shall be charged, in accordance with

1 subsection 3.

- 2 (1) Up to \$3,000.00\$ 5.00
- 3 (2) \$3,000.00 to \$5,000.00\$ 10.00
- 4 (3) \$5,000.00 to \$7,000.00\$ 15.00
- 5 (4) \$7,000.00 to \$10,000.00\$ 20.00
- 6 (5) \$10,000.00 to \$15,000.00\$ 25.00
- 7 (6) \$15,000.00 to \$25,000.00\$ 30.00
- 8 (7) For each additional \$25,000.00 or
- 9 major fraction thereof\$ 50.00

10 1. For services performed in small
11 estate administration\$ 15.00

12 3. a. For purposes of determining the court costs set
13 forth in subsection 2, paragraph "k", the "value of the personal
14 property and real estate of such a person" means the gross
15 assets of the estate listed in the probate inventory minus the
16 following, unless the proceeds of such assets are payable to
17 the estate:

- 18 (1) Joint tenancy property.
- 19 (2) Transfers during such person's lifetime.
- 20 (3) Assets payable to beneficiaries, including but not
21 limited to life insurance, annuities, individual retirement
22 accounts, retirement plans, transfer on death accounts, and
23 payable on death accounts.

24 b. The fee court costs set forth in subsection 2, paragraph
25 "k", shall not be charged on any property transferred to a
26 testamentary trust from an estate that has been administered
27 in this state and for which court costs have been assessed and
28 paid.

29 c. The court costs set forth in subsection 2, paragraph "k",
30 shall not be charged on any property transferred to an estate
31 from a conservatorship that has been administered in this state
32 and for which court costs have been assessed and paid.

33 Sec. 2. APPLICABILITY. This Act applies to estates of
34 decedents dying on or after January 1, 2017.

35

EXPLANATION

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

3 This bill relates to the court costs the clerk of probate
4 court charges and collects in connection with probate matters.

5 Under current law, Code section 633.31(2)(k) provides a
6 sliding scale fee for services performed in connection with the
7 settlement of an estate based upon the value of the decedent's
8 estate. The bill provides that joint tenancy property,
9 property transfers made during the person's lifetime, and
10 assets payable to beneficiaries are to be excluded from the
11 value of the decedent's estate for purposes of determining the
12 fee, described as court costs in the bill, unless the proceeds
13 of such assets are payable to the estate.

14 Additionally, the bill provides that the court costs due
15 to the clerk pursuant to Code section 633.31(2)(k) shall not
16 be charged on any property transferred to an estate from a
17 conservatorship that has been administered in Iowa and for
18 which court costs have been assessed and paid.

19 The bill applies to estates of decedents dying on or after
20 January 1, 2017.