

Senate File 376 - Introduced

SENATE FILE 376
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1077)

A BILL FOR

1 An Act relating to the calculation of certain court costs in
2 probate, and including applicability provisions.
3 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 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 or 4, as applicable.

- 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. The fee court costs set forth in subsection 2, paragraph
13 "k", shall not be charged on any property transferred to a
14 testamentary trust from an estate that has been administered
15 in this state and for which court costs have been assessed and
16 paid.

17 4. For purposes of determining the court costs set forth in
18 subsection 2, paragraph "k", the "value of the personal property
19 and real estate of such a person" means the gross assets of the
20 estate listed in the probate inventory minus the following,
21 unless the proceeds of such assets are payable to the estate:

- 22 a. Joint tenancy property.
- 23 b. Transfers during such person's lifetime.
- 24 c. Assets payable to beneficiaries, including but not
25 limited to life insurance, annuities, individual retirement
26 accounts, retirement plans, transfer on death accounts, and
27 payable on death accounts.

28 Sec. 2. APPLICABILITY. The section of this Act amending
29 section 633.31 applies to estates opened on or after July 1,
30 2015.

31 EXPLANATION

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

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

1 The bill specifies that for purposes of calculating the
2 court costs for other services performed in the settlement of
3 the estate of any decedent, minor, person with mental illness,
4 or other persons laboring under legal disability, the value of
5 such a person's personal property and real estate is equal to
6 the gross assets of the estate listed in the probate inventory
7 minus, unless the proceeds of the gross assets are payable to
8 the estate, joint tenancy property, transfers made during such
9 person's lifetime, and assets payable to beneficiaries, some
10 of which are enumerated.

11 Under current law, joint tenancy property, transfers
12 made during such person's lifetime, and assets payable to
13 beneficiaries are not excluded from the value of the personal
14 property and real estate used to calculate the court costs due
15 to the clerk pursuant to Code section 633.31(2)(k).

16 The bill applies to estates opened on or after July 1, 2015.