

Senate Study Bill 1077 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the calculation of certain court costs in
2 probate.

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 EXPLANATION

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

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

33 The bill specifies that for purposes of calculating the
34 court costs for other services performed in the settlement of
35 the estate of any decedent, minor, person with mental illness,

1 or other persons laboring under legal disability, the value of
2 such a person's personal property and real estate is equal to
3 the gross assets of the estate listed in the probate inventory
4 minus, unless the proceeds of the gross assets are payable to
5 the estate, joint tenancy property, transfers made during such
6 person's lifetime, and assets payable to beneficiaries, some
7 of which are enumerated.

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