

Senate Study Bill 3016 - Introduced

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

A BILL FOR

1 An Act relating to probate, by amending the court fees 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 2018, is amended to read as
2 follows:

3 **633.31 Calendar — court fees 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 in~~
7 ~~connection with probate matters, which shall be deposited in~~
8 ~~the account established under section 602.8108: probate fees~~
9 as follows:

10 a. ~~For services performed in short form probates pursuant~~
11 ~~to sections 450.22 and 450.44 filings described in the~~
12 following subparagraphs\$ 15.00
13 \$185.00

14 (1) Filing a petition to invoke the jurisdiction of the
15 court for the administration of trusts under section 633A.6201
16 or where the jurisdiction of the court is otherwise exercised
17 over trusts as provided by law.

18 (2) Filing a petition to open a court-administered
19 testamentary trust.

20 (3) Filing a petition for guardianship of a minor, a person
21 with a mental illness, or other person laboring under legal
22 disability unless the petition is part of a combined filing
23 with a conservatorship.

24 b. ~~For services performed in probate of will without~~
25 administration filings described in the following
26 subparagraphs15.00
27 \$50.00

28 (1) Filing a short form probate pursuant to sections 450.22
29 and 450.44.

30 (2) Filing a petition for probate of a will without
31 administration or a petition under section 633.290 other than
32 probate of a will.

33 (3) Filing and indexing a transcript.

34 c. ~~For filing and indexing a transcript the actions~~
35 described in the following subparagraphs50.00

1		\$20.00
2	<u>(1) Taking and approving a bond or the sureties on a bond.</u>	
3	<u>(2) Preparing a certificate and seal.</u>	
4	<u>(3) Certifying a change of title.</u>	
5	<u>(4) Issuing a clerk's commission to appraisers.</u>	
6	d. For taking and approving a bond, or	
7	the sureties on a bond <u>copies of court records per page ..</u>	20.00 20.00
8		<u>\$0.50</u>
9	e. For entering a rule or order	10.00 10.00
10	f. For certificate and seal	10.00 10.00
11	g. For making a complete record where	
12	real estate is sold . per 100 words20 .20
13	h. For making a transcript or copies of	
14	orders or records filed in	
15	the clerk's office .. per 100 words50 .50
16	i. For certifying change of title	20.00 20.00
17	j. For issuing commission to	
18	appraisers	2.00 2.00
19	k. For other services performed in the settlement of the	
20	estate of any decedent, minor, person with mental illness, or	
21	other persons laboring under legal disability, except where	
22	actions are brought by the administrator, guardian, trustee,	
23	or person acting in a representative capacity or against that	
24	person, or as may be otherwise provided herein, where the value	
25	of the personal property and real estate of such a person falls	
26	within the following indicated amounts, the fee opposite such	
27	amount shall be charged.	
28	(1) Up to \$3,000.00	5.00 5.00
29	(2) 3,000.00 to 5,000.00	10.00 10.00
30	(3) 5,000.00 to 7,000.00	15.00 15.00
31	(4) 7,000.00 to 10,000.00	20.00 20.00
32	(5) 10,000.00 to 15,000.00	25.00 25.00
33	(6) 15,000.00 to 25,000.00	30.00 30.00
34	(7) For each additional \$25,000.00 or	
35	major fraction thereof	50.00 50.00

1 ~~1. For services performed in small~~
2 ~~estate administration15.00~~

3 ~~3. The fee set forth in subsection 2, paragraph "k", shall~~
4 ~~not be charged on any property transferred to a testamentary~~
5 ~~trust from an estate that has been administered in this state~~
6 ~~and for which court costs have been assessed and paid. For~~
7 ~~other services performed in estates administered under this~~
8 ~~chapter or chapter 635, the clerk shall charge and collect an~~
9 ~~administration fee in the amount of one-quarter of one percent~~
10 ~~of the value of the gross assets of the decedent's estate~~
11 ~~listed in the probate inventory minus the value of all of the~~
12 ~~following:~~

- 13 ~~a. Joint tenancy property.~~
- 14 ~~b. Transfers during the decedent's lifetime.~~
- 15 ~~c. Nonprobate assets, including but not limited to~~
16 ~~life insurance, annuities, individual retirement accounts,~~
17 ~~retirement plans, transfer on death securities accounts,~~
18 ~~payable on death bank accounts, and similar assets payable to~~
19 ~~beneficiaries other than the estate of the decedents.~~

20 ~~4. For other services performed in conservatorship,~~
21 ~~the clerk shall charge and collect an administrative fee of~~
22 ~~one-quarter of one percent of the value of the gross assets of~~
23 ~~the conservatorship listed in the inventory.~~

24 ~~5. An administration fee shall not be charged on any~~
25 ~~property transferred to an estate from a conservatorship~~
26 ~~that has been administered in this state and for which an~~
27 ~~administration fee has been assessed and paid.~~

28 ~~6. Court fees collected under this section shall be~~
29 ~~deposited in the account established under section 602.8108.~~

30 ~~Sec. 2. APPLICABILITY. This Act applies July 1, 2018, to~~
31 ~~estates of decedents dying on or after that date.~~

32 EXPLANATION

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

35 This bill amends Code section 633.31 by altering the court

1 fees in probate and including applicability provisions. The
2 bill sets forth the following fees. The fee is \$185 to any of
3 the following: filing a petition to invoke the jurisdiction of
4 the court for the administration of trusts under Code section
5 633A.6201 or where the jurisdiction of the court is otherwise
6 exercised over trusts as provided by law; filing a petition to
7 open a court-administered testamentary trust; filing a petition
8 for guardianship of a minor, a person with a mental illness,
9 or other person laboring under legal disability unless the
10 petition is part of a combined filing with a conservatorship.
11 The fee is \$50 for any of the following: filing a short form
12 probate pursuant to Code sections 450.22 and 450.44; filing
13 a petition for probate of a will without administration or a
14 petition under Code section 633.290, other than probate of
15 a will; and filing and indexing a transcript. The fee is
16 \$20 for any of the following: taking and approving a bond
17 or the sureties on a bond; preparing a certificate and seal;
18 certifying a change of title; and issuing a clerk's commission
19 to appraisers. The fee is \$0.50 per page for copies of court
20 records.

21 The bill also provides for the following administration
22 fees. For other services performed in estates administered
23 under Code chapters 633 and 635, the clerk shall charge and
24 collect an administration fee in the amount of 0.25 percent
25 of the value of the gross assets of the decedent's estate
26 listed in the probate inventory minus the value of all of
27 the following: joint tenancy property; transfers during the
28 decedent's lifetime; and nonprobate assets, including but not
29 limited to life insurance, annuities, individual retirement
30 accounts, retirement plans, transfer on death securities
31 accounts, payable on death bank accounts, and similar
32 assets payable to beneficiaries other than the estate of the
33 decedents. For other services performed in conservatorship,
34 the clerk shall charge and collect an administrative fee
35 of 0.25 percent of the value of the gross assets of the

1 conservatorship listed in the inventory.

2 Finally, the bill provides that an administration fee shall
3 not be charged on any property transferred to an estate from a
4 conservatorship that has been administered in this state and
5 for which an administration fee has been assessed and paid.

6 The bill applies to estates of decedents dying on or after
7 July 1, 2018.