

House File 40 - Introduced

HOUSE FILE 40

BY SALMON

A BILL FOR

1 An Act relating to calculation of attorney fees for attorneys
2 representing personal representatives in administration of
3 estates.

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

1 Section 1. Section 633.198, Code 2019, is amended to read
2 as follows:

3 **633.198 Attorney fee.**

4 There shall also be allowed and taxed as part of the costs of
5 administration of estates as an attorney fee for the personal
6 representative's attorney, such reasonable fee as may be
7 determined by the court, for services rendered, but not in
8 excess of the attorney's normal hourly rate or the schedule of
9 fees herein provided for personal representatives, whichever
10 is less.

11 EXPLANATION

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

14 This bill relates to the calculation of attorney fees
15 for attorneys representing personal representatives in
16 administration of estates. Current law allows a reasonable
17 attorney fee for the personal representative's attorney, as
18 may be determined by the court, to be taxed as part of the
19 costs of administration of estates. The current fee may not
20 be in excess of the schedule of fees provided for personal
21 representatives, which sets a maximum fee based on certain
22 percentages of the gross assets of the estate. The bill
23 provides that the attorney fee may not be in excess of the
24 schedule of fees provided for personal representatives or the
25 attorney's normal hourly rate, whichever is less.