

**Senate File 604 - Introduced**

SENATE FILE 604

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 327)

(SUCCESSOR TO SSB 1013)

**A BILL FOR**

1 An Act relating to the calculation of certain court costs  
2 in probate matters, and including effective date and  
3 applicability provisions.

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

1 Section 1. Section 633.31, Code 2019, 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 opposite such~~  
35 ~~amount shall be charged.~~

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1	<del>(1) Up to \$3,000.00 .....</del>	<del>5.00</del>
2	<del>(2) 3,000.00 to 5,000.00 .....</del>	<del>10.00</del>
3	<del>(3) 5,000.00 to 7,000.00 .....</del>	<del>15.00</del>
4	<del>(4) 7,000.00 to 10,000.00 .....</del>	<del>20.00</del>
5	<del>(5) 10,000.00 to 15,000.00 .....</del>	<del>25.00</del>
6	<del>(6) 15,000.00 to 25,000.00 .....</del>	<del>30.00</del>
7	<del>(7) For each additional \$25,000.00 or</del>	
8	<del>major fraction thereof .....</del>	<del>50.00</del>
9	<del>1. For services performed in small</del>	
10	<del>estate administration .....</del>	<del>15.00</del>

11 3. a. The fee set forth in subsection 2, paragraph  
12 "k", shall not be charged on any property transferred to a  
13 testamentary trust from an estate that has been administered  
14 in this state and for which court costs have been assessed and  
15 paid. For other services performed in a decedent's estate  
16 administered under this chapter or chapter 635, the clerk shall  
17 charge and collect court costs equal to two-tenths of one  
18 percent of the value of the probate assets listed in the report  
19 and inventory.

20 b. Court costs shall not be charged or collected under this  
21 subsection on assets which are not probate assets including but  
22 not limited to the following:

- 23 (1) Joint tenancy property.
- 24 (2) Property transferred during the decedent's lifetime.
- 25 (3) Life insurance annuities, individual retirement  
26 accounts, retirement plans, transfer on death accounts, payable  
27 on death accounts, and similar assets payable to beneficiaries  
28 other than the estate of the decedent.
- 29 (4) Real estate not located in Iowa.

30 c. Court costs shall not be charged or collected on assets  
31 transferred to an estate from a conservatorship that has been  
32 administered in the state and for which court costs have been  
33 charged and collected from the conservatorship under subsection  
34 4.

35 4. For other services performed in a conservatorship, the

1 clerk shall charge and collect court costs equal to two-tenths  
2 of one percent of the gross value of the assets listed in the  
3 inventory minus the value of the life insurance.

4 5. Court costs collected under this section shall be  
5 deposited in the account established under section 602.8108.

6 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,  
7 2020.

8 Sec. 3. APPLICABILITY. This Act applies to  
9 conservatorships, court-administered trusts, guardianships, and  
10 estates of decedents for which the petition is filed and other  
11 probate matters where filings are made and actions are taken  
12 on and after January 1, 2020.

13 EXPLANATION

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

16 This bill relates to the court costs the clerk of probate  
17 court charges and collects in connection with probate matters.  
18 Under current law, Code section 633.31(2)(k) provides a  
19 sliding scale fee for services performed in connection with the  
20 settlement of an estate based upon the value of the estate.  
21 The bill provides that for services performed in a decedent's  
22 estate administered under Code chapter 633 or Code chapter 635  
23 that the clerk of court shall charge and collect court costs  
24 based on the probate assets listed in the report and inventory.  
25 The bill provides that the court costs charged on the value of  
26 those assets shall be .2 percent of the value of the probate  
27 assets. The bill provides that court costs shall not be  
28 charged or collected on assets that are not probate assets and  
29 identifies what is not a probate asset. The bill provides  
30 that court costs shall not be charged or collected on assets  
31 transferred to an estate from a conservatorship that has been  
32 administered in the state and for which court costs have been  
33 charged and collected in the conservatorship.

34 The bill provides that the clerk shall charge and collect  
35 court costs for services performed in a conservatorship based

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1 on the gross value of the assets listed in the inventory minus  
2 the value of the life insurance. The bill provides that the  
3 court costs charged on the value of those assets shall be .2  
4 percent of the value of the assets.

5 The bill takes effect January 1, 2020. The bill applies to  
6 conservatorships, court-administered trusts, guardianships, and  
7 estates of decedents for which the petition is filed and other  
8 probate matters where filings are made and actions are taken  
9 on and after January 1, 2020.