

## MEMORANDUM

**To:** Members of the General Assembly  
**From:** Iowa Judicial Branch  
**Re:** 1220 XD — Probate Fees  
**Date:** 1/22/2015

This bill provides for consistency in statewide application of court costs and fees in probate cases. Currently, clerks are required to assess an order fee of ten dollars each time an order is entered in a case. In lieu of the order fee, this bill establishes:

- Fees consistent to those set forth in section 602.8105(1)(a) for services performed in short form probate, probate of a will without administration, testamentary trust, guardianship and conservatorship.
- New fees for small estate administration, certificate and seal, making and printing an electronic copy of an electronic record or document, certifying a change of title, and issuing a commission to appraisers.
- A new service and fee for depositing a will for safe keeping.

Additionally, this bill provides that all the filing fees and other service fees are to be collected at the time the initiating document is filed or at the time the clerk performs the requested service. Currently, fees are assessed and collected when the probate case is closed; clerks find it difficult to ensure that these fees are paid prior to the judicial officer issuing a final closing order. By eliminating per order fees and collecting up-front filing fees, it is anticipated collection issues will be minimized.

This bill is expected to be revenue neutral.