

House Bill 541

By: Representatives Jenkins of the 110<sup>th</sup>, Channell of the 111<sup>th</sup>, Reichert of the 126<sup>th</sup> and Holland of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to costs and compensation for the probate courts, so as to revise comprehensively the costs and fees for the probate courts; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to costs and compensation for the probate courts, is amended by striking in its entirety Code Section 15-9-60, relating to costs, and inserting in lieu thereof the following:

"15-9-60.

~~(a) The judges of the probate courts are entitled to the following court costs for specific services:-~~

~~(1) Temporary letters of administration:~~

~~Receiving applications; docketing and filing applications; services in determining necessity for temporary administration and entitlement of petitioner or other nominee thereto; order appointing; bond taking, approving, and filing; issuing oath; and issuing letters; excluding recording cost . . . . . \$ 41.00~~

~~(2) Permanent letters of administration:~~

~~Receiving applications; docketing and filing applications; granting and issuing citation and copy for legal gazette; services in determining statutory compliance in publication of citation, residence, and intestacy of deceased; necessity for administration, and entitlement of petitioner or other nominee thereto; order of appointment; bond, taking, approving, and filing; issuing oath; and issuing letters; excluding recording cost . . . . . 49.00~~

1	<del>(3) Cost of probating wills in common form:</del>	
2	<del>Receiving and filing will; receiving application; docketing and filing application;</del>	
3	<del>hearing evidence on probate and determining issue of devisavit vel non; order of</del>	
4	<del>probate and appointing executor; and issuing letters; excluding recording cost</del>	<del>38.00</del>
5	<del>(4) Cost of probating in solemn form:</del>	
6	<del>Filing will for purpose of probating 'in solemn form'; receiving application;</del>	
7	<del>docketing and filing application; order for service, including all citations issued</del>	
8	<del>in connection therewith; hearing evidence upon the probate and determining issue</del>	
9	<del>of devisavit vel non; order of probate and appointing executor (or order denying</del>	
10	<del>same); oath of executor; and issuing letters; excluding recording cost . . . . .</del>	<del>50.00</del>
11	<del>(5) Guardian ad litem (in probate of wills in solemn form and in all other</del>	
12	<del>proceedings where such is necessary):</del>	
13	<del>Services in determining necessity for the appointment of guardian ad litem;</del>	
14	<del>receiving and examining answer of guardian ad litem; and copy of service;</del>	
15	<del>excluding recording cost . . . . .</del>	<del>6.00</del>
16	<del>(6) Letters of guardianship of minors (includes temporary and permanent</del>	
17	<del>guardianships of the person or property):</del>	
18	<del>Receiving application; docketing and filing application and issuing all necessary</del>	
19	<del>citations, if any; services in determining necessity therefor and entitlement of</del>	
20	<del>petitioner or other nominee thereto; order appointing guardian; bond, taking;</del>	
21	<del>approving, and filing (person or property); issuing oath; and issuing letters;</del>	
22	<del>excluding recording cost . . . . .</del>	<del>41.00</del>
23	<del>(7) Year's support:</del>	
24	<del>All services of the probate court (except sheriff service and advertising);</del>	
25	<del>excluding recording cost . . . . .</del>	<del>49.00</del>
26	<del>Recording certificate in superior court . . . . .</del>	<del>4.00</del>
27	<del>(8) Conveying or encumbering a year's support:</del>	
28	<del>Whole service, excluding recording cost . . . . .</del>	<del>33.00</del>
29	<del>(9) Division in kind:</del>	
30	<del>Receiving application; docketing and filing application; order appointing</del>	
31	<del>freeholders; commission to freeholders; and recording plat (see clerk's fees);</del>	
32	<del>excluding recording cost . . . . .</del>	<del>49.00</del>
33	<del>(10) Compromise claim:</del>	
34	<del>Receiving application; docketing and filing application; services in hearing</del>	
35	<del>evidence for determination of the matter; and final order; excluding recording</del>	
36	<del>cost . . . . .</del>	<del>33.00</del>

1	<del>(11) Returns -- Annual and final:</del>	
2	<del>Receiving return, filing, docketing, and examining annual and final returns of</del>	
3	<del>executors, administrators, guardians, and trustees, oath, and order admitting,</del>	
4	<del>return to record:</del>	
5	<del>Of all estates worth not more than \$5,000.00, excluding recording cost . . . .</del>	<del>20.00</del>
6	<del>Of all estates worth more than \$5,000.00, excluding recording cost . . . . .</del>	<del>25.00</del>
7	<del>(12) Dismission of administrator, executor, or guardian:</del>	
8	<del>Receiving application, docketing and filing application, granting citation,</del>	
9	<del>services in determining statutory compliance in publication of citation and</del>	
10	<del>entitlement of applicant to dismission, and issuing letters, excluding recording</del>	
11	<del>cost . . . . .</del>	<del>31.00</del>
12	<del>(13) Habeas corpus:</del>	
13	<del>Receiving application, docketing and filing application, issuance of writ, filing</del>	
14	<del>answer of respondent, excluding recording cost . . . . .</del>	<del>31.00</del>
15	<del>(14) Order of title:</del>	
16	<del>Receiving application, docketing and filing application, granting citation, hearing</del>	
17	<del>evidence and determining matter, order, excluding recording cost . . . . .</del>	<del>22.00</del>
18	<del>(15) Establishment of lost papers:</del>	
19	<del>Receiving application, docketing and filing application, granting citation or</del>	
20	<del>notice, order, excluding recording cost . . . . .</del>	<del>22.00</del>
21	<del>(16) Constitutional homesteads:</del>	
22	<del>For the whole service in setting apart of homestead of realty and personalty when</del>	
23	<del>not litigated . . . . .</del>	<del>25.00</del>
24	<del>Where objections are filed and heard, in addition to the proceedings . . . . .</del>	<del>9.00</del>
25	<del>Surveyor, actual charge made (not included in fee base) . . . . .</del>	<del>====</del>
26	<del>(17) Statutory homestead (pursuant to Code Section 44-13-100):</del>	
27	<del>For whole services in setting apart short homestead exemption . . . . .</del>	<del>16.00</del>
28	<del>(18) Nonwaiverable homestead exemption (pursuant to Code Section 44-13-42):</del>	
29	<del>Short homestead, \$300.00 limit . . . . .</del>	<del>5.00</del>
30	<del>(19) Mental illness (petition to determine the issue of hospitalization under</del>	
31	<del>Chapter 3 of Title 37):</del>	
32	<del>For whole service in connection with each mental illness case . . . . .</del>	<del>56.00</del>
33	<del>For services when petition filed but subsequently withdrawn or dismissed before</del>	
34	<del>hearing . . . . .</del>	<del>30.00</del>

1	<del>(20) Letters of guardianship for mentally ill, mentally retarded, or mentally</del>	
2	<del>incompetent:</del>	
3	<del>For whole service, including hearing (\$56.00) and appointment of guardianship</del>	
4	<del>(\$38.00).....</del>	<del>94.00</del>
5	<del>(21) Inventory and appraisement:</del>	
6	<del>Whole service for inventory, excluding recording cost.....</del>	<del>13.00</del>
7	<del>Whole service for appraisement, excluding recording cost.....</del>	<del>13.00</del>
8	<del>(22) Sale of realty, personalty, or perishable property under administration or</del>	
9	<del>guardianship:</del>	
10	<del>Sale of perishable personalty, excluding recording cost.....</del>	<del>31.00</del>
11	<del>(23) Leave of sale of realty and nonperishable personalty:</del>	
12	<del>Public sale.....</del>	<del>31.00</del>
13	<del>Private sale.....</del>	<del>50.00</del>
14	<del>(24) Sale bill:</del>	
15	<del>Whole service for same, excluding recording cost.....</del>	<del>5.00</del>
16	<del>(25) No administration:</del>	
17	<del>Receiving application; filing and docketing same; granting and issuing citation</del>	
18	<del>and copy for legal gazette; service in determining statutory compliance in</del>	
19	<del>publication of citation, intestacy of decedent, his heirs and his being sui juris,</del>	
20	<del>property of decedent, no debts, and agreement to amicably divide estate, etc.; and</del>	
21	<del>issuing order of 'No Administration Necessary'; excluding recording cost....</del>	<del>47.00</del>
22	<del>(26) Petition for attorney's fee:</del>	
23	<del>Receiving application; filing and docketing the same; services in hearing and</del>	
24	<del>determining allegations of applications; and order; excluding recording cost..</del>	<del>31.00</del>
25	<del>(27) Public safety patrol trial:</del>	
26	<del>Holding trial.....</del>	<del>10.00</del>
27	<del>Receiving written application for warrant.....</del>	<del>6.00</del>
28	<del>(28) Petition for change of birth certificate:</del>	
29	<del>Whole service for same.....</del>	<del>30.00</del>
30	<del>(29) Requests to terminate temporary guardianship of a minor.....</del>	<del>12.00</del>
31	<del>(30) Petition to remove obstruction from a private way.....</del>	<del>49.00</del>
32	<del>(31) Application by administrator for waiver of bond or grant of certain powers</del>	<del>49.00</del>

~~(32) Alcoholics and drug users (petition to determine the issue of hospitalization under Chapter 7 of Title 37);~~

~~For whole service in connection with each such case . . . . . 56.00~~

~~For services when petition filed but subsequently withdrawn or dismissed before hearing . . . . . 30.00~~

~~(33) For hearing to determine eligibility to purchase a handgun . . . . . 30.00~~

~~(b) The judges of the probate courts are entitled to the following court costs for general services:~~

~~(1) Recording, per page . . . . . \$ 1.50~~

~~(2) All pleadings, amendments, motions, etc., excluding recording cost per page 4.00~~

~~(3) Photostatic copies (for use as plain copies or as parts of cert. copies), per page .25~~

~~(4) All contested hearings (uncontested hearings included in base fee), per day 31.00~~

~~(5) All contested hearings (uncontested hearings included in base fee), per one-half day or less . . . . . 19.00~~

~~(6) Exemplified copies, base fee . . . . . 3.00~~

~~Cost per page . . . . . .25~~

~~(c) The judges of the probate courts are entitled to the following court costs for miscellaneous services:~~

~~(1) Applicant to pay all publication costs of citations, notices, etc., at the usual legal rate, in all manner when such required. For receiving any application, petition, or case where no costs are prescribed . . . . . \$ 13.00~~

~~(2) For every case litigated before the judge of the probate court where no costs are prescribed, per day . . . . . 31.00~~

~~(3) For every case litigated before the judge of the probate court where no costs are prescribed, per one-half day minimum charge . . . . . 19.00~~

~~(4) For filing and docketing any application, petition, or case where no costs are prescribed . . . . . 13.00~~

~~(5) For every order passed where no costs are prescribed (provided that no fee shall be charged for drawing checks, orders, drafts, or warrants on the county treasury or county depository) . . . . . 3.00~~

~~(6) For each affidavit where no case is pending before judge of the probate court .50~~

~~(7) For issuing process against a person for not making return . . . . . 16.00~~

~~(8) For rule nisi . . . . . 12.50~~

~~(9) For each subpoena . . . . . 1.00~~

~~(10) For hearing election contests, to be taxed as cost per day . . . . . 25.00~~

1	<del>(11) For certificate of residency . . . . .</del>	<del>4.00</del>
2	<del>(12) For recording marks and brands . . . . .</del>	<del>4.00</del>
3	<del>(13) For bond when necessary . . . . .</del>	<del>6.00</del>
4	<del>(14) For recording vouchers . . . . .</del>	<del>.25</del>
5	<del>(15) Base fee for entering an appeal and transmitting the proceeding to superior</del>	
6	<del>court . . . . .</del>	<del>9.00</del>
7	<del>Cost per page of document . . . . .</del>	<del>1.50</del>
8	<del>(Provided, however, that where a transcript of the evidence and proceedings is</del>	
9	<del>filed with the court and does not require recopying, the court shall not receive</del>	
10	<del>\$1.50 per page for the transcript of evidence.)</del>	
11	<del>(16) For filing and recording an official bond of county officers (to be paid by</del>	
12	<del>county) . . . . .</del>	<del>4.00</del>
13	<del>(17) For taking and recording oath of county officer (to be paid by county) . .</del>	<del>4.00</del>
14	<del>(18) For each fi. fa. issued by the clerk of the probate court . . . . .</del>	<del>3.00</del>
15	<del>(19) For seal and certificate . . . . .</del>	<del>4.00</del>
16	<del>(20) Disabled veterans, certificate of eligibility, filing fee . . . . .</del>	<del>1.00</del>
17	<del>(21) For every explosive permit . . . . .</del>	<del>5.00</del>
18	<del>(22) For every peddler's license . . . . .</del>	<del>1.50</del>
19	<del>(23) For certified copy of letters of administration, letters testamentary, or</del>	
20	<del>guardianship, including seal and certificate . . . . .</del>	<del>4.00</del>
21	<del>(24) For services in making settlement of accounts of executors, administrators,</del>	
22	<del>and guardians (when contested) . . . . .</del>	<del>31.00</del>
23	<del>(25) For registration of corporation, business profession, or commodity subject</del>	
24	<del>to special tax, each . . . . .</del>	<del>1.00</del>
25	<del>(26) For every pistol license issued . . . . .</del>	<del>15.00</del>
26	<del>(26.1) For every pistol license application regarding which any hospital,</del>	
27	<del>treatment center, or the Department of Human Resources makes a confidential</del>	
28	<del>report to the court concerning involuntary treatment (which fee shall be remitted</del>	
29	<del>to such hospital, treatment center, or the department) . . . . .</del>	<del>3.00</del>
30	<del>(27) For preparing all papers, appointing managers, consolidating returns in</del>	
31	<del>general and special election, each ballot box . . . . .</del>	<del>28.00</del>
32	<del>(28) For petition for removal or accounting by any fiduciary (whole service does</del>	
33	<del>not include costs of certified or registered mail or statutory overnight delivery,</del>	
34	<del>sheriff's service, or advertising; base cost does not include a certified copy) . .</del>	<del>31.00</del>

1	<del>(29) For examining book and giving extract or fact that information sought is not</del>	
2	<del>therein . . . . .</del>	<del>2.00</del>
3	<del>(30) For safekeeping a will . . . . .</del>	<del>5.00</del>
4	<del>(31) For petition to encroach if amount of encroachment is \$500.00 or less . .</del>	<del>9.00</del>
5	<del>(32) For petition to encroach over \$500.00 . . . . .</del>	<del>16.00</del>
6	<del>(33) For granting letters of administration CTA, DBN, or DBN-CTA, whole</del>	
7	<del>service . . . . .</del>	<del>56.00</del>
8	<del>(34) For granting letters to successor executor . . . . .</del>	<del>38.00</del>
9	<del>(35) For petition to determine heirs . . . . .</del>	<del>50.00</del>
10	<del>(36) For petition to enter safe-deposit box . . . . .</del>	<del>16.00</del>
11	<del>(37) For receiving marriage application, issuing marriage license, and recording</del>	
12	<del>(whole service) . . . . .</del>	<del>10.00</del>
13	<del>(38) For petition to accept funds for custody of minors, incompetents, and</del>	
14	<del>missing heirs (percentage of funds deposited) . . . . .</del>	<del>5%</del>
15	<del>(39) For every service required and performed where no fees are specified, the</del>	
16	<del>same fees allowed the clerks of the superior courts for similar services for a like</del>	
17	<del>amount of labor shall be allowed.</del>	
18	<del>(d) The judges of the probate courts are entitled to an advance cost of \$30.00 for deposit</del>	
19	<del>to be made before filing any proceeding, where required in accordance with Code Section</del>	
20	<del>15-9-61.</del>	
21	<del>(e) Notwithstanding the provisions of subsections (a) through (d) of this Code section, in</del>	
22	<del>all counties of this state having a population of not less than 38,600 nor more than 39,500</del>	
23	<del>according to the United States decennial census of 1990 or any future such census, the</del>	
24	<del>judges of the probate courts are entitled to the following court costs:</del>	
25	<del>(1) For specific services:</del>	
26	<del>(A) Temporary letters of administration:</del>	
27	<del>Receiving applications; docketing and filing applications; services in</del>	
28	<del>determining necessity for temporary administration and entitlement of</del>	
29	<del>petitioner or other nominee thereto; order appointing bond, taking, approving,</del>	
30	<del>and filing; issuing oath; and issuing letters; excluding recording cost . . . . .</del>	<del>\$ 58.00</del>

(B) ~~Permanent letters of administration:~~

~~Receiving applications; docketing and filing applications; granting and issuing citation and copy for legal gazette; services in determining statutory compliance in publication of citation, residence and intestacy of deceased, necessity for administration, and entitlement of petitioner or other nominee thereto; order of appointment; bond, taking, approving, and filing; issuing oath; and issuing letters; excluding recording cost . . . . . 65.00~~

(C) ~~Cost of probating wills in common form:~~

~~Receiving and filing will; receiving application; docketing and filing application; hearing evidence on probate and determining issue of devisavit vel non; order of probate and appointing executor; and issuing letters; excluding recording cost . . . . . 46.00~~

(D) ~~Cost of probating wills in solemn form:~~

~~Filing will for purpose of probating 'in solemn form'; receiving application; docketing and filing application; order for service, including all citations issued in connection therewith; hearing evidence upon the probate and determining issue of devisavit vel non; order of probate and appointing executor (or order denying same); oath of executor; and issuing letters; excluding recording cost . . . . . 58.00~~

(E) ~~Guardian ad litem (in probate of wills in solemn form and in all other proceedings where such is necessary):~~

~~Services in determining necessity for the appointment of guardian ad litem; receiving and examining answer of guardian ad litem; and copy of service; excluding recording cost . . . . . 20.00~~

(F) ~~Letters of guardianship of minors (includes temporary and permanent guardianships of the person or property):~~

~~Receiving application; docketing and filing application and issuing all necessary citations, if any; services in determining necessity therefor and entitlement of petitioner or other nominee thereto; order appointing guardian; bond, taking, approving, and filing (person or property); issuing oath; and issuing letters; excluding recording cost . . . . . 50.00~~

(G) ~~Year's support:~~

~~All service of the probate court (except sheriff services and advertising), excluding recording cost . . . . . 56.50~~

~~Recording certificate in superior court shall be \$3.00 for the first page and \$2.00 for each additional page.~~



1	<del>(H) Conveying or encumbering a year's support:</del>	
2	<del>Whole service, excluding recording cost . . . . .</del>	<del>39.00</del>
3	<del>(I) Division in kind:</del>	
4	<del>Receiving application; docketing and filing application; order appointing</del>	
5	<del>freeholders; commission to freeholders; and recording plat (see clerk's fees);</del>	
6	<del>excluding recording cost . . . . .</del>	<del>34.50</del>
7	<del>(J) Compromise claim:</del>	
8	<del>Receiving application; docketing and filing application; services in hearing</del>	
9	<del>evidence for determination of the matter; and final order; excluding recording</del>	
10	<del>cost . . . . .</del>	<del>19.00</del>
11	<del>(K) Returns -- Annual and final:</del>	
12	<del>Receiving return; filing, docketing, and examining annual and final returns of</del>	
13	<del>executors, administrators, trustees, and guardians; oath; and order admitting;</del>	
14	<del>return to record:</del>	
15	<del>Of all estates worth not more than \$5,000.00, excluding recording cost . . .</del>	<del>28.00</del>
16	<del>Of all estates worth more than \$5,000.00, excluding recording cost . . . . .</del>	<del>36.00</del>
17	<del>(L) Dismission of administrator, executor, or guardian:</del>	
18	<del>Receiving application; docketing and filing application; granting citation;</del>	
19	<del>services in determining statutory compliance in publication of citation and</del>	
20	<del>entitlement of applicant to dismission; and issuing letters; excluding recording</del>	
21	<del>cost . . . . .</del>	<del>56.50</del>
22	<del>(M) Habeas corpus:</del>	
23	<del>Receiving application; docketing and filing application; issuance of writ; and</del>	
24	<del>filing answer of respondent; excluding recording cost . . . . .</del>	<del>51.50</del>
25	<del>(N) Order of title:</del>	
26	<del>Receiving application; docketing and filing application; granting citation;</del>	
27	<del>hearing evidence and determining matter; and order; excluding recording cost</del>	<del>15.00</del>
28	<del>(O) Establishment of lost papers:</del>	
29	<del>Receiving application; docketing and filing application; granting citation or</del>	
30	<del>notice; and order; excluding recording cost . . . . .</del>	<del>15.00</del>
31	<del>(P) Constitutional homesteads:</del>	
32	<del>For the whole service in setting apart of homestead of realty and personalty</del>	
33	<del>when not litigated . . . . .</del>	<del>15.00</del>
34	<del>Where objections or demurrer is filed and heard, in addition to the proceedings</del>	<del>5.00</del>
35	<del>Surveyor, actual charge made (not included in fee base) . . . . .</del>	<del>=====</del>

1	<del>(Q) Statutory homestead (pursuant to Code Section 44-13-100):</del>	
2	<del>For whole services in setting apart short homestead exemption . . . . .</del>	<del>15.00</del>
3	<del>(R) Nonwaiverable homestead exemption (pursuant to Code Section</del>	
4	<del>44-13-42):</del>	
5	<del>Short homestead, \$300.00 limit . . . . .</del>	<del>4.00</del>
6	<del>(S) Mental illness (petition to determine the issue of hospitalization under</del>	
7	<del>Chapter 3 of Title 37):</del>	
8	<del>For whole service in connection with each mental illness case . . . . .</del>	<del>40.00</del>
9	<del>For services when petition filed but subsequently withdrawn or dismissed</del>	
10	<del>before hearing . . . . .</del>	<del>20.00</del>
11	<del>(T) Letters of guardianship for mentally ill, mentally retarded, or mentally</del>	
12	<del>incompetent:</del>	
13	<del>For whole service, including hearing (\$40.00) and appointment of guardianship</del>	
14	<del>(\$28.50) . . . . .</del>	<del>68.50</del>
15	<del>(U) Inventory and appraisement:</del>	
16	<del>Whole service for inventory, excluding recording cost . . . . .</del>	<del>7.50</del>
17	<del>Whole service for appraisement, excluding recording cost . . . . .</del>	<del>7.50</del>
18	<del>(V) Sale of realty, personalty, or perishable property under administration or</del>	
19	<del>guardianship:</del>	
20	<del>Sale of perishable personalty, excluding recording cost . . . . .</del>	<del>40.00</del>
21	<del>(W) Leave of sale of realty and nonperishable personalty:</del>	
22	<del>Public sale . . . . .</del>	<del>37.00</del>
23	<del>Private sale . . . . .</del>	<del>51.50</del>
24	<del>(X) Sale bill:</del>	
25	<del>Whole service for same, excluding recording cost . . . . .</del>	<del>3.00</del>
26	<del>(Y) No administration:</del>	
27	<del>Receiving application; filing and docketing same; granting and issuing citation</del>	
28	<del>and copy for legal gazette; service in determining statutory compliance in</del>	
29	<del>publication of citation, intestacy of decedent, his heirs and his being sui juris;</del>	
30	<del>property of decedent, no debts, and agreement amicably to divide estate, etc.;</del>	
31	<del>and issuing order of 'No Administration Necessary'; excluding recording cost</del>	<del>44.00</del>
32	<del>. . . . .</del>	
33	<del>(Z) Petition for attorney's fee:</del>	
34	<del>Receiving application; filing and docketing the same; services in hearing and</del>	
35	<del>determining allegations of applications; and order; excluding recording cost</del>	<del>25.00</del>

~~(AA) Public safety patrol trial:~~

~~Holding trial . . . . . 6.50~~

~~Receiving written application for warrant . . . . . 3.50~~

~~(BB) Petition for change of birth certificate:~~

~~Whole service for same . . . . . 25.00~~

~~(CC) For hearing to determine eligibility to purchase a handgun . . . . . 30.00~~

~~(2) For general services:~~

~~(A) Recording, per page . . . . . \$ 1.50~~

~~(B) All pleadings, amendments, motions, etc., excluding recording cost, per page . . . . . 2.50~~

~~(C) Photostatic copies (for use as plain copies or as parts of cert. copies), per page . . . . . .25~~

~~(D) All contested hearings (uncontested hearings included in base fee), per day 20.00~~

~~(E) All contested hearings (uncontested hearings included in base fee), per one-half day or less . . . . . 10.00~~

~~(F) Exemplified copies, base fee . . . . . 3.00~~

~~Cost per page . . . . . .25~~

~~(3) For miscellaneous services:~~

~~(A) Applicant to pay all publication cost of citations, notices, etc., at the usual legal rate, in all manner when such required. For receiving any application, petition, or case where no costs are prescribed . . . . . \$ 8.00~~

~~(B) For every case litigated before the judge of the probate court where no costs are prescribed, per day . . . . . 20.00~~

~~(C) For every case litigated before the judge of the probate court where no costs are prescribed, per one-half day minimum charge . . . . . 10.00~~

~~(D) For filing and docketing any application, case, or petition where no costs are prescribed . . . . . 8.00~~

~~(E) For every order passed where no costs are prescribed, provided that no fee shall be charged for drawing checks, orders, drafts, or warrants on the county treasury or county depository . . . . . 1.00~~

~~(F) For each affidavit where no case is pending before the judge of the probate court . . . . . .50~~

~~(G) For issuing process against a person for not making return . . . . . 10.00~~

~~(H) For rule nisi . . . . . 10.00~~

~~(I) For each subpoena . . . . . .50~~

1	<del>(J) For hearing election contests, to be taxed as cost per day . . . . .</del>	<del>20.00</del>
2	<del>(K) For certificate of residency . . . . .</del>	<del>3.50</del>
3	<del>(L) For recording marks and brands . . . . .</del>	<del>5.00</del>
4	<del>(M) For bond when necessary . . . . .</del>	<del>4.00</del>
5	<del>(N) For recording vouchers . . . . .</del>	<del>.25</del>
6	<del>(O) Base fee for entering an appeal and transmitting the proceeding to superior</del>	
7	<del>court . . . . .</del>	<del>5.00</del>
8	<del>Cost per page of document . . . . .</del>	<del>1.50</del>
9	<del>(Provided, however, that where a transcript of the evidence and proceedings</del>	
10	<del>is filed with the court and does not require recopying, the court shall not</del>	
11	<del>receive \$1.50 per page for the transcript of evidence.)</del>	
12	<del>(P) For filing and recording an official bond of county officers (to be paid by</del>	
13	<del>county) . . . . .</del>	<del>3.00</del>
14	<del>(Q) For taking and recording oath of county officer (to be paid by county) . .</del>	<del>5.00</del>
15	<del>(R) For each fi. fa. issued by the clerk of the probate court . . . . .</del>	<del>3.00</del>
16	<del>(S) For seal and certificate . . . . .</del>	<del>3.00</del>
17	<del>(T) Disabled veterans, certificate of eligibility, filing fee . . . . .</del>	<del>3.00</del>
18	<del>(U) For every explosive permit . . . . .</del>	<del>20.00</del>
19	<del>(V) For every peddler's license . . . . .</del>	<del>3.00</del>
20	<del>(W) For certified copy of letters of administration, letters testamentary, or</del>	
21	<del>guardianship, including seal and certificate . . . . .</del>	<del>3.00</del>
22	<del>(X) For services in making settlement of accounts of administrators, executors,</del>	
23	<del>and guardians (when contested) . . . . .</del>	<del>20.00</del>
24	<del>(Y) For registration of corporation, business profession, or commodity subject</del>	
25	<del>to special tax, each . . . . .</del>	<del>1.00</del>
26	<del>(Z) For every pistol license issued . . . . .</del>	<del>20.00</del>
27	<del>(AA) For preparing all papers, appointing managers, consolidating returns in</del>	
28	<del>general and special election, each ballot box . . . . .</del>	<del>30.00</del>
29	<del>(BB) For petition for removal or accounting by any fiduciary (whole service</del>	
30	<del>does not include costs of certified or registered mail or statutory overnight</del>	
31	<del>delivery, sheriff's service or advertising, base cost does not include a certified</del>	
32	<del>copy) . . . . .</del>	<del>25.00</del>
33	<del>(CC) For examining book and giving extract or fact that information sought is</del>	
34	<del>not therein . . . . .</del>	<del>1.50</del>
35	<del>(DD) For safekeeping a will . . . . .</del>	<del>5.00</del>

1	<del>(EE) For petition to encroach if amount of encroachment is \$500.00 or less—</del>	<del>15.00</del>
2	<del>(FF) For petition to encroach over \$500.00—</del>	<del>30.00</del>
3	<del>(GG) For granting letters of administration CTA, DBN, or DBN-CTA, whole</del>	
4	<del>service—</del>	<del>40.00</del>
5	<del>(HH) For granting letters to successor executor—</del>	<del>51.50</del>
6	<del>(II) For petition to determine heirs—</del>	<del>54.50</del>
7	<del>(JJ) For petition to enter safe-deposit box—</del>	<del>10.00</del>
8	<del>(KK) For receiving marriage application, issuing marriage license, and</del>	
9	<del>recording (whole service)—</del>	<del>10.00</del>
10	<del>(LL) For petition to accept funds for custody of minors, incompetents, and</del>	
11	<del>missing heirs (percentage of funds deposited)—</del>	<del>5%</del>
12	<del>(MM) For every service required and performed where no fees are specified,</del>	
13	<del>the same fees allowed the clerks of the superior courts for similar services for</del>	
14	<del>a like amount of labor shall be allowed.</del>	

~~The judges of the probate courts in such counties are entitled to an advance cost of \$30.00 for deposit to be made before filing any proceeding, where required in accordance with Code Section 15-9-61.~~

~~(f) Unless otherwise provided by law, in cases of a conflict regarding the amount of costs or fees, the judges of the probate court may charge or require the higher cost or fee.~~

(a) The judges or clerks of the probate courts of this state shall be entitled to charge and collect the sums enumerated in this Code section.

(b) All sums that the probate courts may be required to collect pursuant to Code Sections 15-23-7, 15-9-60.1, and 36-15-9 and all other sums as may be required by law shall be in addition to the sums provided in this Code section. The sums provided for in this Code section are exclusive of costs for service of process, fees for publication of citation or notice, or any additional sums as may be provided by law.

(c) In all counties in this state where the judge of the probate court is paid or compensated on a salary basis, the fees provided for in this Code section shall be paid into the county treasury less and except such sums as are otherwise directed to be paid by law, which sums shall be remitted as provided by law.

(d) Except for the filing of a proceeding in which the filing party also files with the court a sworn affidavit that the party is unable because of indigence to pay the cost of court, all sums specified in this Code section shall be paid to the court at the time of filing or as thereafter incurred for services rendered. In accordance with Code Section 15-9-61, the judges of the probate courts are entitled to an advance cost of \$30.00 for deposit to be made before filing any proceeding.

1 (e) Cost in decedent's estates:

2 (1) Except as otherwise provided, the cost in an initial proceeding regarding the estate  
3 of a decedent or of a missing individual believed to be dead shall be \$90.00 for all  
4 services rendered by the judge or clerk of the probate court through the entry of the final  
5 order on such initial proceedings, exclusive of recording charges;

6 (2) As used in this subsection, the term 'initial proceeding' shall mean the first proceeding  
7 filed in the probate court in connection with or regarding the estate of a decedent or of  
8 a missing individual believed to be dead, including, but not necessarily limited to, the  
9 following proceedings: petition for temporary letters of administration; petition for letters  
10 of administration; petition to probate will in common form; petition to probate will in  
11 solemn form; petition to probate will in solemn form and for letters of administration with  
12 will annexed; petition for order declaring no administration necessary; petition for year's  
13 support; petition for presumption of death of missing individual believed to be dead; any  
14 proceeding for ancillary administration by a foreign personal representative; or any other  
15 proceeding by which the jurisdiction of the probate court is first invoked with regard to  
16 the estate of a decedent or of a missing individual believed to be dead;

17 (3) As used in this subsection, the term 'initial proceeding' shall not include a petition to  
18 establish custodial account for missing heir, a petition to enter a safe-deposit box, or any  
19 other petition or proceeding for which a specific cost is otherwise set forth in this Code  
20 section;

21 (4) Except as otherwise provided, the cost shall be \$75.00 for all services rendered by  
22 the judge or clerk of the probate court through the entry of the final order, exclusive of  
23 recording charges, in any of the proceedings listed in paragraph (2) of this subsection  
24 filed subsequent to the filing of an initial proceeding regarding the estate of the same  
25 decedent or missing individual believed to be dead;

26 (5) Except as otherwise provided, the cost shall be \$50.00 for all services rendered by  
27 the judge or clerk of the probate court through the entry of the final order, exclusive of  
28 recording charges, for the filing of the following proceedings or pleadings regarding the  
29 estate of a decedent or of a missing individual believed to be dead: petition for letters of  
30 administration with will annexed (will previously probated); petition of personal  
31 representative for leave to sell property; petition for leave to sell perishable property;  
32 petition for leave to sell or encumber property previously set aside as year's support;  
33 petition by administrator for waiver of bond, grant of certain powers, or both; petition for  
34 discharge; petition by personal representative for approval of a division in kind; petition  
35 to determine heirs; petition by personal representative for direction under will; petition  
36 by personal representative to compromise a disputed claim or debt; petition by or against  
37 personal representative for an accounting or final settlement; petition to resign as personal

1 representative and for the appointment of a successor; petition to remove a personal  
2 representative and for the appointment of a successor; citation against a personal  
3 representative for failure to make returns or for alleged mismanagement of estate; a  
4 caveat, objection, or other responsive pleading by which the proceeding becomes  
5 contested filed by any person to whom notice or citation has been issued; petition or  
6 motion to intervene as an interested party; and any other petition application, motion, or  
7 other pleading for which no specific cost is set forth in this Code section filed regarding  
8 the estate of a decedent or of a missing individual believed to be dead;

9 (6) Except as otherwise provided, the cost shall be \$25.00 for all services rendered by  
10 the judge or clerk of the probate court through the entry of the final order, exclusive of  
11 recording charges, for the filing of the following proceedings, pleadings, or documents  
12 regarding the estate of a decedent or of a missing individual believed to be dead: petition  
13 to change accounting period; petition to enter a safe-deposit box; petition or motion for  
14 attorneys' fees; petition or motion of personal representative for extra compensation; or  
15 inventory, appraisal, or annual, intermediate, or final returns of personal  
16 representatives; and

17 (7) Except as otherwise provided, the cost shall be \$10.00 for all services rendered by  
18 the judge or clerk of the probate court, exclusive of recording charges, for the filing of  
19 the following proceedings, pleadings, or documents regarding the estate of a decedent or  
20 of a missing person believed to be dead: notice of claim or claim of a creditor; declination  
21 to serve of nominated personal representative; or renunciation of right of succession.

22 (f) Costs in minor guardianship matters:

23 (1) Except as otherwise provided, the cost in a proceeding regarding the person, property,  
24 or person and property of a minor shall be \$60.00 for all services rendered by the judge  
25 or clerk of the probate court through the entry of the final order on such proceeding,  
26 exclusive of recording charges, including, but not necessarily limited to, the following  
27 proceedings: petition for temporary letters of guardianship of the person of minor;  
28 petition for letters of guardianship of person, property, or person and property of minor  
29 by person other than natural guardian; petition for letters of guardianship of property of  
30 minor, by natural guardian, with bond - personal property over \$5,000.00; petition for  
31 order that natural guardian not be required to become legally qualified guardian of the  
32 property; application of guardian for letters of dismissal; or any other proceeding by  
33 which the jurisdiction of the probate court is first invoked with regard to the person,  
34 property, or person and property of a minor; and

35 (2) Except as otherwise provided, the costs for all services rendered by the judge or clerk  
36 of the probate court shall be as set forth below for the following proceedings, pleadings,

or documents regarding the person, property, or person and property of a minor, exclusive of recording charges:

<u>(i) Petition of guardian for leave to sell</u>	<u>\$ 50.00</u>
<u>(ii) Petition to compromise doubtful claim of minor</u>	<u>50.00</u>
<u>(iii) Petition for leave to encroach on corpus</u>	<u>25.00</u>
<u>(iv) Petition to change accounting period</u>	<u>25.00</u>
<u>(v) Inventory or annual, intermediate, or final return (each)</u>	<u>25.00</u>
<u>(vi) Petition or motion for attorneys' fees</u>	<u>50.00</u>
<u>(vii) Petition to terminate temporary guardianship of minor</u>	<u>25.00</u>
<u>(viii) Any other petition, application, motion, or other pleading for which no specific cost is set forth in this Code section filed regarding an existing guardianship of a minor</u>	<u>25.00</u>

(g) Costs in adult guardianship matters:

(1) Except as otherwise provided, the cost in a proceeding regarding the person and/or property of an adult alleged to be incapacitated shall be \$150.00 for all services rendered by the judge or clerk of the probate court through the entry of the final order on such proceeding, exclusive of recording charges, including, but not necessarily limited to, the following proceedings: petition for the appointment of an emergency guardian for an alleged gravely incapacitated adult; petition for the appointment of an emergency and permanent guardian for an alleged gravely incapacitated adult; Petition for the appointment of a guardian for an alleged incapacitated adult; or any other proceeding by which the jurisdiction of the probate court is first invoked with regard to an adult alleged to be incapacitated; and

(2) Except as otherwise provided, the cost for all services rendered by the judge or clerk of the probate court shall be as set forth below for the following proceedings, pleadings, or documents regarding the person, property, or person and property of an incapacitated adult, exclusive of recording charges:

<u>(i) Petition of guardian for leave to sell</u>	<u>\$ 50.00</u>
<u>(ii) Petition to compromise doubtful claim</u>	<u>50.00</u>
<u>(iii) Petition for leave to encroach on corpus</u>	<u>25.00</u>
<u>(iv) Petition to change accounting period</u>	<u>25.00</u>
<u>(v) Inventory or annual, intermediate, or final return (each)</u>	<u>25.00</u>
<u>(vi) Petition or motion for attorneys' fees</u>	<u>50.00</u>
<u>(vii) Petition to terminate or modify guardianship of incapacitated adult</u>	<u>50.00</u>
<u>(viii) Application of guardian for letters of dismissal</u>	<u>60.00</u>



(ix) Any other petition, application, motion, or other pleading for which no specific cost is set forth in this Code section filed regarding an existing guardianship of an adult . . . . . 50.00

(h) Costs in matters involving sterilization, involuntary treatment, habilitation, or temporary placement:

(1) Except as otherwise provided, the cost in a proceeding filed under Chapter 20 of Title 31, Chapter 36A of Title 31, or Chapter 3, 4, or 7 of Title 37 shall be \$75.00 for all services rendered by the judge or clerk of the probate court through the entry of the final order on such proceeding, exclusive of recording charges;

(2) There shall be no cost assessed for the receipt and consideration of affidavits in support of an order to apprehend under Part 1 of Article 3 of Chapter 3 of Title 37 or Part 1 of Article 3 of Chapter 7 of Title 37 or for the issuance of the order to apprehend; and

(3) There shall be no cost assessed for the receipt and consideration of a petition in support of an order to apprehend under Part 3 of Article 3 of Chapter 3 of Title 37 or Part 3 of Article 3 of Chapter 7 of Title 37 or for the issuance of the order to apprehend a patient alleged to be in noncompliance with an involuntary outpatient treatment order.

(i) Costs for hearings in contested matters:

(1) For conducting trials of contested matters or for formal hearing on the denial of an application for a firearms license before the probate court, the cost shall be \$25.00 per one-half day or portion thereof;

(2) There shall be no additional cost for the initial hearing in adult guardianship matters or in matters involving sterilization, involuntary treatment, habilitation, or involuntary placement; and

(3) There shall be no cost for any hearing in an uncontested matter.

(j) Custodial accounts. For each account accepted by the judge of the probate court as custodian for a minor, incapacitated adult, or missing or unknown heir or beneficiary, there shall be a one-time fee of 8 percent of the fund deducted from the fund when first accepted.

(k) Miscellaneous costs. Except as otherwise provided, the judge or clerk of the probate court shall be entitled to the following costs for the proceedings, pleading, documents, or services itemized:

(1) Application for writ of habeas corpus . . . . . \$ 75.00

(2) Petition to establish lost papers, exclusive of recording charges . . . . . 50.00

(3) Petition for or declaration of exemptions . . . . . 25.00

(4) Petition to change birth certificate . . . . . 60.00

(5) For all services rendered by the judge or clerk of the probate court through the entry of the final order, exclusive of recording charges, for any

1	<u>application or petition by which the jurisdiction of the probate court is first</u>	
2	<u>invoked for which no cost is set forth in this Code section or other applicable</u>	
3	<u>law . . . . .</u>	<u>50.00</u>
4	<u>(6) Issuance of any order, including a rule nisi, in any matter for which the</u>	
5	<u>costs set forth in this Code section do not include all services to be rendered</u>	
6	<u>by the judge or clerk of the probate court, exclusive of recording charges</u>	<u>25.00</u>
7	<u>(7) Motions, amendments, or other pleadings filed in any matter for which</u>	
8	<u>the cost set forth in this Code section do not include all services to be</u>	
9	<u>rendered by the judge or clerk of the probate court, exclusive of recording</u>	
10	<u>charges, and no other cost is set forth in this Code section . . . . .</u>	<u>10.00</u>
11	<u>(8) For processing appeals to superior court, exclusive of recording charges</u>	<u>25.00</u>
12	<u>(9) For issuance of writ of fieri facias (fi.fa.) . . . . .</u>	<u>10.00</u>
13	<u>(10) For issuance of permit to discharge explosives . . . . .</u>	<u>25.00</u>
14	<u>(11) For issuance of permit to discharge fireworks . . . . .</u>	<u>25.00</u>
15	<u>(12) Application for firearms license (exclusive of fees charged by other</u>	
16	<u>agencies for the examination of criminal records) . . . . .</u>	<u>25.00</u>
17	<u>(13) For issuance of a replacement firearms license . . . . .</u>	<u>5.00</u>
18	<u>(14) Application for marriage license . . . . .</u>	<u>10.00</u>
19	<u>(15) For the safekeeping of a will . . . . .</u>	<u>10.00</u>
20	<u>(16) For issuance of a veteran's license . . . . .</u>	<u>No Fee</u>
21	<u>(17) For issuance of a peddler's license . . . . .</u>	<u>10.00</u>
22	<u>(18) For issuance of a certificate of residency . . . . .</u>	<u>10.00</u>
23	<u>(19) Registration of junk dealer . . . . .</u>	<u>10.00</u>
24	<u>(20) Certification of publication of application for insurance company charter</u>	<u>10.00</u>
25	<u>(21) Recording of marks and brands, each . . . . .</u>	<u>10.00</u>
26	<u>(22) Exemplification . . . . .</u>	<u>10.00</u>
27	<u>(23) Certification under seal of copies (plus copy cost) . . . . .</u>	<u>5.00</u>
28	<u>(24) Certified copies of letters of personal representative, temporary</u>	
29	<u>administrator, or guardian, each, including copy cost . . . . .</u>	<u>5.00</u>
30	<u>(25) For issuance of a subpoena, each . . . . .</u>	<u>5.00</u>
31	<u>(26) For filing and recording of oath or bond of any official, officer, or</u>	
32	<u>employee of any municipality or authority within the county, each . . . . .</u>	<u>5.00</u>
33	<u>(27) For filing and recording of oath or bond of county official or officer</u>	<u>No Fee</u>
34	<u>(28) For examination of records or files by employee of the probate court to</u>	
35	<u>provide abstract of information contained therein or to provide copies</u>	
36	<u>therefrom, per estate or name . . . . .</u>	<u>5.00</u>
37	<u>(29) Recording, per page . . . . .</u>	<u>2.00</u>

2 SECTION 2.

3 All laws and parts of laws in conflict with this Act are repealed.