

# Fees for Probates, Guardianships and Small Estates

Probate Academy

Lubbock, TX

May 7-10, 2019

**CLERK'S FEE LGC 118.052(2)(A)(i)**

Each clerk of a county court **shall** collect the following fees for services rendered to any person:

Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . **\$40.00**

**CLERK'S FEE LGC 118.052 (iii)**

Small estates . . . **\$40.00**

**RECORDS MANAGEMENT AND PRESERVATION FEE-**  
**PROBATE CASES LGC 118.0645**

(a) The fee for "Records Management and Preservation" under Section 118.052 (3)(G) is for the records management and preservation services performed by the county as required by Chapter 203.

(b) The fee shall be assessed as cost and must be paid at the time of filing **any** probate case or adverse probate action.

(c) The fee shall be placed in a special fund entitled records management and preservation fund.

The fee shall be used only for records management and preservation purposes in the county as required by Chapter 203.

No expenditure may be made from this fund without prior approval of the commissioners court.

Reference: (118.052(3)(G))Records Mgmt & Preservation Fee . . . **\$ 5.00**

## RECORDS ARCHIVE FEE LGC 118.025 \*(CC Approved) Pg 1

(b) The commissioners court of a county may adopt a records archive fee under Section [118.011](#)(f) as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process. The fee for "Records Archive" under Section [118.011](#)(f) is for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive.

(c) The fee must be paid at the time a person, excluding a state agency, presents a public document to the county clerk for recording or filing.

(e) The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county clerk's records archive. The county clerk shall designate the public documents that are part of the records archive for purposes of this section. The designation of public documents by the county clerk under this subsection is subject to approval by the commissioners court in a public meeting during the budget process.

**RECORDS ARCHIVE FEE LGC 118.025 \*(CC Approved) Pg 2**

(f) The funds may not be used to purchase, lease, or develop computer software to geographically index public records, excluding indexing public records by lot and block description as provided by Section [193.009](#)(b)(4).

(g) Before collecting the fee under this section, the county clerk shall prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive. The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15th day before the date of the hearing.

**RECORDS ARCHIVE FEE LGC 118.025 \*(CC Approved)** Pg 3

After the public hearing, the plan shall be considered for approval by the commissioners court. Funds from the records archive account may be expended only as provided by the plan. All expenditures from the records archive account shall comply with Subchapter C, Chapter [262](#). The hearing may be held during the budget process. After establishing the fee, the plan may be approved annually during the budget process.

**RECORDS ARCHIVE FEE LGC 118.025 \*(CC Approved)** pg 4

(h) If a county charges a fee under this section, a notice shall be posted in a conspicuous place in the county clerk's office. The notice must state the amount of the fee in the following form: "THE COMMISSIONERS COURT OF \_\_\_\_\_ COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$\_\_\_\_\_ IS NEEDED TO PRESERVE AND RESTORE COUNTY RECORDS."

(i) The fee is subject to approval by the commissioners court in a public meeting during the budget process. Reference LGC 118.011

**(Effective until September 1, 2019)**

**RECORDS ARCHIVE FEE LGC 118.025 \*(CC Approved)** pg 5

Reference LGC 118.011 (Effective until September 1, 2019)

**LGC 118.011(f)** The county clerk of a county **shall**, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

(1) Records Archive Fee (Sec. [118.025](#)) . . . . **not more than \$10**

**\*\*Effective AFTER September 01, 2019\*\***

(Depending on Legislature)

**LGC 118.011(f)** The county clerk of a county **shall**, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

(1) Records Archive Fee (Sec. [118.025](#)) . . . . **not more than \$5**



**TECHNOLOGY FUND (CLERKS TO COLLECT) LGC 118.052 (3)(H) (\*#)**

Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. [118.026](#)) . . . **\$ 2.00**

Sec. 118.026. FEE FOR COUNTY RECORDS TECHNOLOGY AND INFRASTRUCTURE IN CERTAIN COUNTIES.

(a) The commissioners court of a county that **borders the United Mexican States and the Gulf of Mexico** **may** adopt a records technology and infrastructure fee as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process.

(c) The fee shall be deposited in a separate records technology and infrastructure account in the general fund of the county. Any interest accrued remains with the account.

(d) The funds generated from the collection of a fee under this section may be used only for technology and infrastructure for the maintenance of county records and the operation of the county records system.

## **TECHNOLOGY FUND (JUDGES TO COLLECT) LGC 118.102**

Sec. 118.102. FEE FOR COUNTY RECORDS TECHNOLOGY AND INFRASTRUCTURE. If adopted by the commissioners court under Section [118.026](#), the **County Judge shall** collect the records technology and infrastructure fee at the time a person pays a fee for probate matters under Section [118.101](#)(14) **...\$2.00**

Sec. 118.026. FEE FOR COUNTY RECORDS TECHNOLOGY AND INFRASTRUCTURE IN CERTAIN COUNTIES.

(a) The commissioners court of a county that **borders the United Mexican States and the Gulf of Mexico** may adopt a records technology and infrastructure fee as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process.

(d) The funds generated from the collection of a fee under this section may be used only for technology and infrastructure for the maintenance of county records and the operation of the county records system.

**Counties that are allowed to charge Technology  
fee that border the United Mexican States  
and the Gulf of Mexico :**

**Aransas, Brazoria, Brewster, Calhoun, Cameron,  
Chambers, El Paso, Galveston, Harris, Hildago,  
Hudspeth, Jackson, Jeff Davis, Jefferson, Kenedy,  
Kinney, Kleberg, Matagorda, Maverick, Nueces,  
Presidio, Refugio, San Patricio, Starr, Terrell,  
Val Verde, Webb, Willacy and Zapata**

## **PRESERVATION FUND GC 51.708**

- (a) In addition to all other fees authorized or required by other law, the clerk of a county court, statutory county court, or district court **shall** collect a filing fee of **not more than \$10** in **each** civil case filed in the court to be used for court record preservation for the courts in the county.

### **PER OCA - COURT RECORD PRESERVATION FEE**

Source: Government Code § 51.708

Amount: **\$0.01 to \$10.00**

Applicability: All new civil suits (including probate court actions and garnishments

after judgment) except minors' applications for orders authorizing an abortion without parental notice (see Family Code, § 33.003(n)).

Local Option: **Fee is mandatory**, but Commissioners Court (apparently) sets fee amount. (The statute does not say who is to set the fee.)

**COURTHOUSE SECURITY FEE LGC 291.008(a)**  
**(\*CC Approv)(†Webb Co Only)**

(a) The commissioners court **may** set a fee **not to exceed \$5** to be collected at the time of filing in each civil case filed in a county court, county court at law, or district court which shall be taxed as other costs.

**(†)(LGC 291.009** (a) In addition to any other fee authorized by law, including a fee for security under Section [291.008](#), the **Webb County** Commissioners Court **may** set a fee **not to exceed \$20** to be collected at the time of filing in each civil case filed in the county court, a county court at law, or a district court in Webb County. The fee shall be taxed as other costs. The county is not liable for the costs.

**LAW LIBRARY LGC 323.023(a) (\*CC Approved)** pg 1

(a) A sum set by the commissioners court **not to exceed \$35** shall be taxed, collected, and paid as other costs in each civil case filed in a county or district court, except suits for delinquent taxes.

(b) The clerks of the respective courts **shall** collect the costs and pay them to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the county law library fund. The fund may be used only for:

- (1) establishing the law library after the entry of the order creating it;
- (2) purchasing or leasing library materials, maintaining the library, or acquiring furniture, shelving, or equipment for the library; or
- (3) purchasing or leasing library materials or acquiring library equipment, including computers, software, and subscriptions to obtain access to electronic research networks for use by judges in the county.

**LAW LIBRARY LGC 323.023(a) (\*CC Approved)** pg 2

(c) Money in the fund may be used for the purposes described by Subsection (b)(3) only if the county's law librarian or, if the county has no law librarian, the person responsible for the county's law library, authorizes the use in consultation with the county auditor.

(d) Expenditures by a county under Subsection (b)(3) may not exceed \$175,000 each year. Any unexpended and unobligated balance allocated by the county for Subsection (b)(3) purposes that remains at the end of the county's fiscal year remains available for use for Subsection (b)(3) purposes during subsequent fiscal years.

(e) The county law library fund shall be administered by or under the direction of commissioners court.

**JUDICIAL FEE GC 51.702-51.704** pg 1

**51.702(a) ADDITIONAL FEES AND COSTS IN STATUTORY  
COUNTY COURTS**

(a) The clerk of a statutory county court **shall** collect a **\$40** filing fee in each civil case filed in the court to be used for court-related purposes for the support of the judiciary.

**PER OCA: JUDICIAL SUPPORT FEE IN STATUTORY COUNTY COURT  
OTHER THAN STATUTORY PROBATE COURT:**

Source: Government Code § 51.702      **Amount: \$40.00**

Applicability: All new civil suits (including probate court actions and garnishments after judgment) except minors' applications for orders authorizing an abortion without parental notice (see Family Code, § 33.003(n)) that are filed in a statutory county court.



**51.703(a) ADDITIONAL FEES AND COSTS IN CERTAIN COUNTY COURTS**

(a) In addition to all other fees authorized or required by other law, the clerk of a county court with a judge who is entitled to an annual salary supplement from the state under Section [26.006](#) (County Judge with 40% Judicial duties) **shall** collect a **\$40** filing fee in each civil case filed in the court to be used for court-related purposes for the support of the judiciary.

**JUDICIAL FEE GC 51.702-51.704** pg 3

**51.704(a) ADDITIONAL FEES IN STATUTORY PROBATE COURTS.**

(a) In addition to all other fees authorized or required by other law, the clerk of a statutory probate court **shall** collect a **\$40** filing fee in each probate, guardianship, mental health, or civil case filed in the court to be used for court-related purposes for the support of the judiciary.

**PER OCA: JUDICIAL SUPPORT FEE IN STATUTORY PROBATE COURT**

Source: Government Code § 51.704      **Amount: \$40.00**

Applicability: All **new** civil cases, probate cases, guardianship cases, and mental health cases except minors' applications for orders authorizing an abortion without parental notice (see Family Code, § 33.003(n)) that are filed in a statutory probate court.

**INDIGENT DEFENSE FUND LGC 133.153** Pg 1

(a) In addition to other fees authorized or required by law, the clerk of a court other than a district court, the courts of appeals, or the supreme court **shall** collect the following fees on the filing of **any** civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

(1) **\$10** for statutory & constitutional county courts

**INDIGENT DEFENSE FUND LGC 133.153** Pg 2

**PER OCA: BASIC CIVIL LEGAL SERVICES FOR INDIGENTS FEE**

Source: Local Government Code § 133.153

Amount: **\$10.00**

Applicability: All **new** civil suits (including probate court actions and garnishments after judgment) except minors' applications for orders authorizing an abortion without parental notice (see Family Code, § 33.003(n)). Also, all adverse probate actions, all civil appeals from justice court and small claims court, and all counterclaims, cross-actions, interventions, interpleaders, and third-party actions.

Local Option: No – **Fee is mandatory**

Destination: (a) 95% to State Judicial Fund – Basic Civil Legal Services Account

(b) 5% to County General Fund as a “service fee” for collecting fee

(c) County may retain any interest earned on fee

**COURT REPORTER GC 51.601(a) (††)**

(a) The clerk of each court that has an official court reporter **shall** collect a court reporter service fee of **\$15** as a court cost in each civil case filed with the clerk to maintain a court reporter who is available for assignment in the court.

**(††)** (a-1) Notwithstanding Subsection (a), the clerk of each court that has an official court reporter and that serves a **county located on the Texas-Mexico border that contains a municipality with a population of 500,000 (El Paso and Hildago only)** or more **shall** collect a court reporter service fee of **\$30** as a court cost in **each civil case filed** with the clerk to maintain a court reporter who is available for assignment in the court.

## **SHERIFF FEES/POSTING LGC 118.131**

**(\* CC Approved)**

(a) The commissioners court of a county may set reasonable fees to be charged for services by the offices of the sheriff and constables.

## **JUDICIAL EDUCATION LGC 118.064(a)(b)(1)**

(a) The fee "Additional, special fee" under Section [118.052\(2\)\(A\)\(vi\)](#) Each clerk of a county court **shall** collect the following fees for services rendered to any person:

(Additional, special fee (Sec. [118.064](#)) . . . **\$ 5.00**) is to be paid for each **original action** filed in a probate court and is in addition to all other fees.

(b) The fee shall be deposited in the general fund of the county to be used for:

(1) the continuing education of the judge and staff of the probate courts, including the payment of travel and related expenses in attending a continuing judicial education activity of an organization accredited by the supreme court for continuing judicial education

(c) If the fee produces more revenue than required for the purposes provided by Subsection (b), the commissioners court by order shall reduce the fee to an amount that will not produce more revenue than required.

**JUDICIARY SUPPORT LGC 133.154(a)** pg 1

(a) In addition to other fees authorized or required by law, the clerk of a district court, statutory county court, or county court **shall** collect a fee of **\$42** on the filing of **any** civil suit to be used for court-related purposes for the support of the judiciary. (changed from \$37 to \$42 in 2007).

**PER OCA:**

**JUDICIAL SUPPORT FEE IN COUNTY-LEVEL COURT OTHER THAN STATUTORY PROBATE COURT**

Source: Local Government Code § 133.154     **Amount: \$42.00**

Applicability: All **new** civil suits (including probate court actions and garnishments after judgment) except minors' applications for orders authorizing an abortion without parental notice (*see* Family Code, § 33.003(n)).



JUDICIARY SUPPORT LGC 133.154(a) pg 2

While this fee is assessed in the foregoing suits filed in constitutional county courts and county courts at law, **the fee is not to be assessed in statutory probate courts** (*see* Tex. Att’y Gen. Op. No. GA-0568 (2007)).

**\*\*Statutory Probate Courts are: Bexar, Collin, Dallas, Denton, El Paso, Galveston, Harris, Hildago, Tarrant and Travis Counties**

## APPELLATE JUDICIAL

(Applies to Appellate Courts 1-14) GC 22.2021-GC 22.2121

(b) To fund the system, the commissioners court **shall** set a court costs fee of **\$5** for each civil suit filed in county court, statutory county court, probate court, or district court in the county.

(d) The court costs fee shall be taxed, collected, and paid as other court costs in a suit. The clerk of the court **shall** collect the court costs fee set under this section and pay it to the county officer who performs the county treasurer's functions.

## GUARDIANSHIP SUPPLEMENT LGC 118.067 Pg 1

(a) The "supplemental court-initiated guardianship fee" under Section [118.052](#)(2)(E) Each clerk of a county court **shall** collect the following fees for services rendered to any person:  
(Supplemental Court-Initiated Guardianship Fee in **Probate Original Actions** and Adverse Probate Actions (Sec. [118.067](#)) . . . **\$20.00**) is for the support of the judiciary in guardianships initiated under Chapter [1102](#), Estates Code

Fees collected under Section [118.052](#)(2)(E) shall be deposited in a court-initiated guardianship fund in the county treasury and may be used only to supplement, rather than supplant, other available county funds used to:

## GUARDIANSHIP SUPPLEMENT LGC 118.067<sub>Pg 2</sub>

- (1) pay the compensation of a guardian ad litem appointed by a court under EC Section [1102.001](#),
- (2) pay the compensation of an attorney ad litem appointed by a court to represent a proposed ward in a guardianship proceeding initiated under EC Chapter [1102](#), and
- (3) fund local guardianship programs that provide guardians for indigent incapacitated persons who do not have family members suitable and willing to serve as guardians.

(b) The supplemental court-initiated guardianship fee is charged for:

- (1) a **probate original action** described by Section [118.055](#) and for which a fee is charged in accordance with Section [118.052](#)(2)(A)(i), (ii), (iii), (iv), or (v); and

## GUARDIANSHIP SUPPLEMENT LGC 118.067<sup>Pg 3</sup>

(c) The supplemental court-initiated guardianship fee must be paid by the person against whom the fee for a probate original action or adverse probate action, as applicable, is charged and is due at the time that fee is due.

(d) The supplemental court-initiated guardianship fee is in addition to all other fees charged in probate original actions and adverse probate actions.

### **Reference 118.052(2)(E)**

(2)(E) Supplemental Court-Initiated Guardianship Fee in **Probate Original Actions** and Adverse Probate Actions (Sec. [118.067](#)) . . . **\$20.00**

**APPROVE BOND LGC 118.052(2)(b)(ii)**

Each clerk of a county court **shall** collect the following fees for services rendered to any person

(ii) Approving and recording bond . . . **\$ 3.00**

**APPROVE OATH LGC 118.052(2)(b)(iii)**

Each clerk of a county court **shall** collect the following fees for services rendered to any person

(iii) Administering oath . . . **\$ 2.00**

### **ISSUE DOCUMENTS LGC 118.052(3)(A)**

Each clerk of a county court **shall** collect the following fees for services rendered to any person

(A) Issuing Document (Sec. [118.059](#)): original document and one copy . . . **\$ 4.00**

each additional set of an original and one copy . . . **\$ 4.00**

### **JUDGE'S FEE LGC 118.101**

The county judge **shall** collect the following fees in probate matters:

(1) Probate of a will.....**\$2.00**

(2) Granting letters testamentary, letter of guardianship, or letter of administration...**\$2.00**

(11) Orders for which another fee is not prescribed...**\$2.00**

(12) Administering oath or affirmation w/certificate and seal..**\$2.00**

(14) Records technology & infrastructure, if authorized by the Commissioners Court of the county...**\$2.00** (See slide 10)

## **STATE E-FILE FEE GC 51.851(b)**

(b) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court **shall** collect a **\$30** fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section [51.852](#).

**Changed from \$20.00 to \$30.00 in September 2015  
per SB1139 Section 4.1**



## **COUNTY E-FILE FEE GC 72.031(c)**

(c) A local government or appellate court that uses the electronic filing system **may** charge a fee of **\$2** for each electronic filing transaction if:

- (1) the fee is necessary to recover the actual system operating costs reasonably incurred by the local government or appellate court to:
  - (A) accept electronic payment methods; or
  - (B) interface with other technology information systems;
- (2) the fee does not include an amount to recover local government or appellate court employee costs, other than costs for directly maintaining the system;
- (3) the governing body of the local government or the appellate court approves the fee using the local government or appellate court's standard approval process for fee increases; and
- (4) the local government or appellate court annually certifies to the office on a form prescribed by the office that the amount of the fee is necessary to recover the actual system operating costs incurred by the local government or appellate court.

(c-1) **This subsection and Subsection (c) expire September 1, 2019.**

**JUDICIAL/COURT PERSONNEL SECURITY TRAINING** pg 1

**GC §51.971(a) or GC §101.10111\*\*††**

**Sec. 51.971.** JUDICIAL AND COURT PERSONNEL TRAINING FEE. (a) In addition to other fees authorized or required by law, the clerk of a district court, county court, statutory county court, statutory probate court, or justice court **shall** collect a **\$5** fee on the filing of **any civil action** or proceeding requiring a filing fee, including an appeal, and on the **filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee** to be used as provided under Section [56.003](#).

(b) A court may waive payment of a fee due under this section for an individual the court determines is indigent.

(c) Fees due under this section **shall** be collected in the same manner as other fees, fines, or costs in the case.

**\*\*Effective 9/1/2017\*\***

**JUDICIAL/COURT PERSONNEL SECURITY TRAINING** pg 2

**GC §51.971(a) or GC §101.10111\*\*††**

**Sec. 101.10111.** ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. The clerk of a statutory probate court **shall** collect an additional filing fee of **\$5** under Section 51.971 in civil cases to fund judicial and court personnel training.

**\*\*Statutory Probate Courts are: Bexar, Collin, Dallas, Denton, El Paso, Galveston, Harris, Hildago Tarrant and Travis Counties**

**DISPUTE RESOLUTION CP&R 152.004(a) (\*CC Approved)**

152.002(a) The commissioners court of a county by order **may** establish an alternative dispute resolution system for the peaceable and expeditious resolution of disputes.

152.004(a) To establish and maintain an alternative dispute resolution system, the commissioners court **may** set a court cost in an amount **not to exceed \$15** to be taxed, collected, and paid as other court costs in each civil case filed in a county or district court in the county, including a civil case relating to probate matters.

## LIABILITY COMPENSATION LGC 82.003 (\*CC Approved)<sub>pg 1</sub>

(a) The county clerk **shall** obtain an insurance policy or similar coverage from a governmental pool operating under Chapter [119](#) covering the clerk and each deputy clerk against liability incurred through errors and omissions in the performance of their official duties.

(b) The policy or other coverage document must be in an amount equal to the maximum amount of fees collected in any year during the term of office preceding the term for which the policy is to be obtained. However, the policy or other coverage document must be in an amount of at least \$10,000 but is not required to exceed \$500,000. If the policy or other coverage document provides coverage for other county officials, the policy or other coverage document must be in an amount of at least \$1 million.

## LIABILITY COMPENSATION LGC 82.003 (\*CC Approved)

(c) The commissioners court may establish a contingency fund to provide the coverage required by this section if it is determined by the county clerk that insurance coverage is unavailable at a reasonable cost. The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the county clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by this section, the clerk shall stop collecting the additional fee.

## JUVENILE PLACEMENT SPECIAL FUND

### (COMAL CO ONLY) HR 152.002 (\*\*)

(a) A person who files a civil suit in a district or statutory county court in **Comal County** shall pay to the clerk of the court a \$4 filing fee. A fee imposed under this subsection is in addition to other fees imposed for filing a civil suit in a district, statutory county, justice, or small claims court in **Comal County** and is collected at the time the case is filed.

**CONSTRUCTION/FACILITIES BUILDING FUND FEE**

**GC 51.705-711(b) (\*\*\*)**

**(ONLY BEXAR/CAMERON/DALLAS/  
HAYS/HILDAGO/ROCKWALL/TRAVIS)**  
**(IF CC APPROVED)**

(b) In addition to all other fees authorized or required by other law, the clerk of a \_\_\_\_\_ County civil court **shall** collect a filing fee of **not more than \$15** in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the \_\_\_\_\_ County civil courts.



**ABSTRACT FEE AND PUBLIC ADMIN FEE GC 101.0814(3)(f)** pg 1

**GC 101.0814(3)(f)** The clerk of a statutory county court shall collect fees and costs under the Local Government Code as follows:

(3)(F) Supplemental Public Probate Administrator Fee For Counties That Have Appointed a Public Probate Administrator  
(Sec. LGC [118.068](#) & LGC 118.052 ) . . **\$10.00**

**\*\*Statutory Probate Courts are:  
Bexar, Collin, Dallas, Denton, El Paso,  
Galveston, Harris, Hildago Tarrant and  
Travis Counties**

**ABSTRACT FEE AND PUBLIC ADMIN FEE GC 101.0814(3)(f)**<sub>pg 2</sub>

The "supplemental public probate administrator fee" under Section [118.052](#)(2)(F) is for the support of the office of public probate administrator under Chapter [455](#), Estates Code.

**Reference: LGC 118.068** (a) The "supplemental public probate administrator fee" under Section [118.052](#)(2)(F) is for the support of the office of public probate administrator under Chapter [455](#), Estates Code. Fees collected under Section [118.052](#)(2)(F) shall be deposited in the county treasury to fund the expenses of the public probate administrator's office.

**ATTORNEY AT LITEM FEE/DEPOSIT EST 53.104** pg 1  
**(Guardianships)**

- (a) Except as provided by EC Section 202.009(b), the judge of a probate court may appoint an attorney ad litem in any probate proceeding to represent the interests of any person, including:
- (1) a person who has a legal disability under state or federal law;
  - (2) a nonresident;
  - (3) an unborn or unascertained person;
  - (4) an unknown heir;
  - (5) a missing heir; or
  - (6) an unknown or missing person for whom cash is deposited into the court's registry under EC Sec 362.011

**ATTORNEY AT LITEM FEE/DEPOSIT EST 53.104** pg 2

**(Guardianships)**

**Reference:** EC 202.009(b) An attorney ad litem appointed under this section is entitled to reasonable compensation for services provided in the amount set by the court. The court shall:

(1) tax the compensation as costs in the probate proceeding and order the compensation to be paid out of the estate or by any party at any time during the proceeding; or

(2) for an attorney ad litem appointed under Subsection (a)(6), order that the compensation be paid from the cash on deposit in the court's registry as provided by EC Section 362.011.

**ATTORNEY AT LITEM FEE/DEPOSIT EST 53.104** pg 3  
**(Guardianships)**

**Reference:** Sec. 362.011. (a) If, on final settlement of an estate, any of the estate remains in the personal representative's possession, the court shall order that a partition and distribution be made among the persons entitled to receive that part of the estate. (b) The court shall order the personal representative to convert into money any remaining nonmonetary assets to which a person who is unknown or missing is entitled. The procedures in Chapter [356](#) apply to the conversion of nonmonetary assets under this subsection.

**ATTORNEY AT LITEM FEE/DEPOSIT EST 53.104 pg 3**  
**(Guardianships)**

- (c) The court shall order the personal representative to deposit in an account in the court's registry all money, including the proceeds of any conversion under Subsection (b), to which a person who is unknown or missing is entitled. The court shall hold money deposited in an account under this subsection until the court renders:
- (1) an order requiring money in the account to be paid to the previously unknown or missing person who is entitled to the money; or
  - (2) another order regarding the disposition of the money.

## **COURT INVESTIGATOR (GUARDIANSHIPS) GC 25.0025**

(a) The judge of a **Statutory Probate Court** **shall** appoint a court investigator. One person shall serve as the court investigator for all statutory probate courts in the county unless the commissioners court has authorized additional investigators. The commissioners court may authorize additional court investigators if necessary.

(b) The commissioners court shall set the salary of a court investigator.

**\*\*Statutory Probate Courts are: Bexar, Collin, Dallas, Denton, El Paso, Galveston, Harris, Hidalgo Tarrant and Travis Counties**

**CLERK CERTIFICATION FEE/COPIES/COPY DEPOSIT**

**LGC 118.052(3)(B)(C)**

(B) Certified Papers (Sec. [118.060](#)): for the clerk's certificate **.\$5.00**

plus a fee per page or part of a page of . . . **\$1.00**

(C) Noncertified Papers (Sec. [118.0605](#)): for each page or part of a page . . . **\$1.00**



# Miscellaneous Fees

Probate Academy

Lubbock, TX

May 7-10, 2019

## Annual/Final Accounts

**LGC 118.052(2)(B)(vi)** Filing annual or final report of guardian of a person . . . \$10.00

### PER OCA :

#### **ANNUAL OR FINAL REPORT-OF-GUARDIAN-OF-PERSON FEE**

Source: Local Government Code § 118.052(2)(B)(vi)

Amount: \$10.00

Applicability: All annual reports and final reports of guardians of persons

Local Option: No – Fee is mandatory

#### **JUDGE'S FEE LGC 118.101(11)**

Orders for which another fee is not prescribed....\$2.00

## Annual/Final Accounts

**LGC 118.052(2)(B)(iv)** Filing annual or final account of estate . .  
**\$25.00**

**PER OCA:**

**ANNUAL OR FINAL ACCOUNT OF PERSON & ESTATE FEE**

Source: Local Government Code § 118.052(2)(B)(iv)

Amount: **\$25.00**

Applicability: All annual accounts and final accounts

Local Option: No – Fee is mandatory

**JUDGE'S FEE LGC 118.101(11)**

Orders for which another fee is not prescribed....**\$2.00**

## Inventories vs Affidavit in Lieu of Inventory Pg 1

**EC 309.051**. INVENTORY AND APPRAISEMENT. (a) Except as provided by Subsection (c) or Section [309.056](#) or unless a longer period is granted by the court, **before the 91st day** after the date the personal representative qualifies, the representative shall prepare and file with the court clerk a single written instrument that contains a verified, full, and detailed inventory of all estate property that has come into the representative's possession or of which the representative has knowledge.

## Inventories vs Affidavit in Lieu of Inventory Pg 2

**EC 309.056**. AFFIDAVIT IN LIEU OF INVENTORY, APPRAISEMENT, AND LIST OF CLAIMS. (a) In this section, "beneficiary" means a person, entity, state, governmental agency of the state, charitable organization, or trust entitled to receive property:

(b) Notwithstanding Sections [309.051](#) and [309.052](#), or any contrary provision in a decedent's will that does not specifically prohibit the filing of an affidavit described by this subsection, if there are no unpaid debts, except for secured debts, taxes, and administration expenses, at the time the inventory is due, including any extensions,

## Inventories vs Affidavit in Lieu of Inventory Pg 3

an independent executor may file with the court clerk, in lieu of the inventory, appraisement, and list of claims, an affidavit stating that all debts, except for secured debts, taxes, and administration expenses, are paid and that all beneficiaries other than those described by Subsection (b-1) have received a verified, full, and detailed inventory and appraisement. **The affidavit in lieu of the inventory, appraisement, and list of claims must be filed within the 90-day period prescribed by Section [309.051\(a\)](#), unless the court grants an extension.**

## Inventory vs Affidavit in Lieu of Inventory Fees

**LGC 118.052 (2)(B)(i)** Filing an inventory and appraisement as provided by Section [118.056](#)(d) . . . \$25.00

**LGC 118.056(d)** The fee for filing an inventory and appraisement under Section [118.052](#)(2)(B)(i) applies **only if** the instrument is filed after the 90th day after the date the personal representative has qualified to serve or, if the court grants an extension under Section [309.051](#), Estates Code, after the date of the extended deadline specified by the court.

**LGC 118.101. FEE SCHEDULE.** The county judge **shall** collect the following fees in probate matters:

**(11)** Orders for which another fee is not prescribed...\$2.00





THANK YOU!!