

2010 -- H 7080

LC00066

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- PROBATE RATES

Introduced By: Representatives Gallison, San Bento, Gablinske, and Carter

Date Introduced: January 12, 2010

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 33-22-21 of the General Laws in Chapter 33-22 entitled "Practice in
2 Probate Courts" is hereby amended to read as follows:

3 **33-22-21. Fees enumerated -- Hearing date to be noted on receipt. --** (a) The fees in
4 probate courts shall be as follows: for every petition for the appointment of a receiver, custodian,
5 administrator, guardian, or conservator, or for the probate of and recording of a will, ~~one percent~~
6 ~~(1.0%)~~ two percent (2.0%) of the personal property of the decedent or ward over which the court
7 has jurisdiction, but in no event shall the fee be less than thirty dollars (\$30.00) nor more than ~~one~~
8 ~~thousand five hundred dollars (\$1,500)~~ three thousand dollars (\$3,000); for every petition for the
9 change of name, ~~thirty dollars (\$30.00)~~ seventy-five dollars (\$75.00); for every petition for
10 adoption, thirty dollars (\$30.00); for every petition of a foreign administrator, executor, or
11 guardian to transfer or sell real or personal estate, ~~one percent (1.0%)~~ two percent (2.0%) of the
12 personal property of the decedent, or ward located in Rhode Island, but in no event shall the fee
13 be less than thirty dollars (\$30.00) nor more than ~~one thousand five hundred dollars (\$1,500)~~
14 three thousand dollars (\$3,000) which fees shall be in lieu of all subsequent filing and recording
15 fees in the same proceedings, except as hereinafter provided, and shall be paid before the petition
16 is filed, and shall be based upon estimates submitted by the petitioner or someone in his or her
17 behalf, and shall be subject to revision whenever it appears that the estimates were incorrect, and
18 upon revision a further payment or rebate shall be made promptly. In the event that the
19 appointment of a receiver or custodian, pending the appointment of an administrator, guardian, or

1 conservator, or the probate of or recording of a will, is necessary, the fee so paid for the petition
2 shall be applied on the amount to be paid upon the filing of a petition for the appointment of the
3 administrator, guardian, or conservator, or for the probate of or recording of the will. The court at
4 any time may cite in and examine any receiver, custodian, executor, administrator, guardian, or
5 conservator for the purpose of determining the full fee due and payable. Also, the following fees
6 shall be charged:

7 (1) For every petition to file a claim out of time, thirty dollars (\$30.00);

8 (2) For every petition for the removal of an executor, administrator, guardian,
9 conservator, or other fiduciary, thirty dollars (\$30.00);

10 (3) For every petition for appointment of a successor guardian under the uniform gifts to
11 minors act, ~~thirty dollars (\$30.00)~~ seventy-five dollars (\$75.00);

12 (4) For every petition to file a will with no probate, thirty dollars (\$30.00);

13 (5) An affidavit of complete administration, thirty dollars (\$30.00);

14 (6) For every certificate of appointment, five dollars (\$5.00);

15 (7) For every petition to remove or fill a vacancy of a trustee of any trust established
16 under a will, or the termination of such trust, thirty dollars (\$30.00); and

17 (8) For every petition for tax minimization or estate planning, thirty dollars (\$30.00).

18 (b) Upon payment of any fee enumerated in this section, the clerk of the court shall issue
19 a written receipt to the person making payment. In the event that the matter filed with the court
20 calls for a hearing, the clerk of the court shall note the hearing date and time on the receipt
21 whenever possible; otherwise as soon as is practicable after the filing of the matter, the clerk of
22 the court shall provide written notice of the hearing date and time directly to the person filing the
23 matter.

24 (c) The clerk of the court shall charge one dollar and fifty cents (\$1.50) per page and
25 three dollars (\$3.00) to certify any probate documents on file with the probate court.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would increase certain probate court fees.
- 2 This act would take effect upon passage.

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