

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 899

Short Title: Small Estates Costs.

(Public)

Sponsors: Senator Ezzell.

Referred to: Judiciary III.

April 17, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PAYMENT OF COSTS IN SOME SMALL ESTATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-307(a) reads as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, and in collections of personal property by affidavit, the following costs shall be assessed:

(1) For the use of the courtroom and related judicial facilities, the sum of three dollars (\$3.00), to be remitted to the county. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(2) For support of the General Court of Justice, the sum of twenty-two dollars (\$22.00), plus an additional forty cents (40¢) per one hundred dollars (\$100.00), or major fraction thereof, of the gross estate, not to exceed three thousand dollars (\$3,000). Gross estate shall include the fair market value of all personalty when received, and all proceeds from the sale of realty coming into the hands of the fiduciary, but shall not include the value of realty. In collections of personal property by affidavit, the fee based on the gross estate shall be computed from the information in the final affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed. In all other cases, this fee shall be computed from the information reported in the inventory and shall be paid when the inventory is filed with the clerk.

1 If additional gross estate, including income, comes into the hands of  
2 the fiduciary after the filing of the inventory, the fee for such  
3 additional value shall be assessed and paid upon the filing of any  
4 account or report disclosing such additional value. For each filing the  
5 minimum fee shall be five dollars (\$5.00). Sums collected under this  
6 subsection shall be remitted to the State Treasurer.

7 (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty  
8 cents (40¢) per one hundred dollars (\$100.00), or major fraction, of the  
9 gross estate, not to exceed three thousand dollars (\$3,000), shall not be  
10 assessed on personalty received by a trust under a will when the estate  
11 of the decedent was administered under Chapters 28 or 28A of the  
12 General Statutes. Instead, a fee of ten dollars (\$10.00) shall be  
13 assessed on the filing of each annual and final account.

14 (2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs  
15 shall be assessed when the estate is administered or settled pursuant to  
16 G.S. 28A-25-6.

17 (3) For probate of a will without qualification of a personal representative,  
18 the clerk shall assess a facilities fee as provided in subdivision (1) of  
19 this subsection and shall assess for support of the General Court of  
20 Justice, the sum of twelve dollars (\$12.00)."

21 Sec. 2. This act shall become effective October 1, 1989, and shall apply to  
22 the estates of decedents dying on or after that date.