

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 781

Short Title: Amend Costs of Administration.

(Public)

Sponsors: Senator Kerr.

Referred to: Finance.

April 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE COSTS OF ADMINISTRATION OF AN ESTATE
ADMINISTERED PURSUANT TO THE SUMMARY ADMINISTRATION
PROVISIONS.

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
four dollars (\$4.00), 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-six
dollars (\$26.00), 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

1 include the value of realty. In collections of personal property by
2 affidavit, the fee based on the gross estate shall be computed from the
3 information in the final affidavit of collection made pursuant to G.S.
4 28A-25-3 and shall be paid when that affidavit is filed. In all other
5 cases, this fee shall be computed from the information reported in the
6 inventory and shall be paid when the inventory is filed with the clerk. If
7 additional gross estate, including income, comes into the hands of the
8 fiduciary after the filing of the inventory, the fee for such additional
9 value shall be assessed and paid upon the filing of any account or report
10 disclosing such additional value. For each filing the minimum fee shall
11 be ten dollars (\$10.00). Sums collected under this subsection shall be
12 remitted to the State Treasurer.

13 (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty cents
14 (40¢) per one hundred dollars (\$100.00), or major fraction, of the gross
15 estate, not to exceed three thousand dollars (\$3,000), shall not be
16 assessed on personalty received by a trust under a will when the estate
17 of the decedent was administered under Chapters 28 or 28A of the
18 General Statutes. Instead, a fee of fifteen dollars (\$15.00) shall be
19 assessed on the filing of each annual and final account.

20 (2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs
21 shall be assessed when the estate is administered or settled pursuant to
22 G.S. 28A-25-6.

23 (2c) Notwithstanding subdivision (2) of this subsection, the fee of forty cents
24 (40¢) per one hundred dollars (\$100.00), or major fraction thereof, of the
25 gross estate, not to exceed three thousand dollars (\$3,000), shall not be
26 assessed when the estate is administered pursuant to Article 28 of
27 Chapter 28A of the General Statutes.

28 (3) For probate of a will without qualification of a personal representative,
29 the clerk shall assess a facilities fee as provided in subdivision (1) of
30 this subsection and shall assess for support of the General Court of
31 Justice, the sum of seventeen dollars (\$17.00)."

32 Section 2. This act becomes effective October 1, 1997, and applies to estates
33 of decedents dying on or after that date.