

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 1187
Committee Substitute Favorable 4/24/01
Third Edition Engrossed 4/26/01
Senate Finance Committee Substitute Adopted 9/25/02**

Short Title: Clarification of Court Fees. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO
MAKE VARIOUS COURT FEES UNIFORM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-306(a)(2) reads as rewritten:

"(a) In every special proceeding in the superior court, the following costs shall be assessed:

...

(2) For support of the General Court of Justice the sum of thirty dollars (\$30.00). In addition, in proceedings involving land, except boundary disputes, if the fair market value of the land involved is over one hundred dollars (\$100.00), there shall be an additional sum of thirty cents (30¢) per one hundred dollars (\$100.00) of value, or major fraction thereof, not to exceed a maximum additional sum of two hundred dollars (\$200.00). Fair market value is determined by the sale price if there is a sale, the appraiser's valuation if there is no sale, or the appraised value from the property tax records if there is neither a sale nor an appraiser's valuation. Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar and five cents (\$1.05) of each thirty-dollar (\$30.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4."

SECTION 2. G.S. 7A-307(a)(2) 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, in trust

proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit, the following costs shall be assessed:

- ...
- (2) For support of the General Court of Justice, the sum of thirty dollars (\$30.00), 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. If additional gross estate, including income, comes into the hands of the fiduciary after the filing of the inventory, the fee for such additional value shall be assessed and paid upon the filing of any account or report disclosing such additional value. For each filing the minimum fee shall be fifteen dollars (\$15.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar and five cents (\$1.05) of each thirty-dollar (\$30.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4."

SECTION 3. G.S. 7A-307(b1) reads as rewritten:

"(b1) The clerk shall assess the following miscellaneous fees:

- (1) Filing and indexing a will with no probate
 - first page \$ 1.00
 - each additional page or fraction thereof25
- (2) Issuing letters to fiduciaries, per letter over five letters issued 1.00
- (3) Inventory of safe deposits of a decedent, per box, per day 15.00
- (4) Taking a deposition ~~5.00~~10.00
- (5) Docketing and indexing a will probated in another county in the State.....
 - first page ~~1.00~~6.00
 - each additional page or fraction thereof25
- (6) Hearing petition for year's allowance to surviving spouse or child, in cases not assigned to a magistrate, and allotting the same ~~4.00~~8.00".

SECTION 4. If Senate Bill 1115, 2002 Regular Session, becomes law, then G.S. 7A-308(a)(4), as rewritten by Section 29A.13.1(a) of that act, reads as rewritten:

1 "(a) The following miscellaneous fees and commissions shall be collected by the
2 clerk of superior court and remitted to the State for the support of the General Court of
3 Justice:

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...

5 (4) Taking a deposition ~~7.50~~10.00".

6 **SECTION 5.** This act becomes effective October 1, 2002, and applies to all
7 acts done on or after that date.