

At a Term of the Appellate Division of the Supreme Court in and for the Third Judicial Department, held in the City of Albany, State of New York, commencing on the 11th day of October, 2016.

PRESENT:

HON. KAREN K. PETERS,  
Presiding Justice,  
HON. WILLIAM E. McCARTHY,  
HON. ELIZABETH A. GARRY,  
HON. JOHN C. EGAN JR.,  
HON. MICHAEL C. LYNCH,  
HON. ROBERT S. ROSE,  
HON. EUGENE P. DEVINE,  
HON. CHRISTINE M. CLARK,  
HON. ROBERT C. MULVEY,  
HON. SHARON A.M. AARONS,  
Associate Justices.

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**In the Matter of the Amendment of Section 806.30 of the Rules of the Supreme Court, Appellate Division, Third Judicial Department.**

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**ORDER**

Pursuant to the authority conferred upon this Court by law, it is

ORDERED that, effective October 31, 2016, Rules of the Appellate Division, Third Department (22 NYCRR) § 806.30 (c) is hereby amended to read as follows:

**(c) Compensation.**

(1) For examination of an initial report, an examiner shall be entitled to a fee of \$100 for estates having a net value of \$5000 or less, and of \$150 for all other estates, and to reimbursement for necessary and reasonable disbursements.

(2) For examination of an annual report, an examiner shall be entitled to reimbursement for necessary and reasonable disbursements and to a fee fixed in accordance with the following schedule:

Closing balance of estate examined:	Fee:
<del>Under</del> <u>Up to \$5,000</u>	\$150
5,001 - 25,000	<del>200</del> <u>250</u>
25,001 - 50,000	<del>250</del> <u>300</u>
50,001 - 100,000	<del>300</del> <u>500</u>
100,001 - 150,000	<del>400</del> <u>650</u>
150,001 - 225,000	<del>500</del> <u>800</u>
225,001 - 350,000	<del>600</del> <u>950</u>
350,001 - 500,000	<del>700</del> <u>1,100</u>
500,001 - 750,000	<del>800</del> <u>1,250</u>
750,001 - 1,000,000	<del>900</del> <u>1,400</u>
Over 1,000,000	<del>1,000</del> <u>Additional fee of \$30 for each \$25,000 in net value over \$1,000,000, with a maximum fee of \$5,000</u>

The fee shall be computed on the net value of the estate at the end of the calendar year for which the guardian's report has been submitted. A fee in excess of the amount set forth in the above schedule may be awarded upon a showing of extraordinary circumstances.

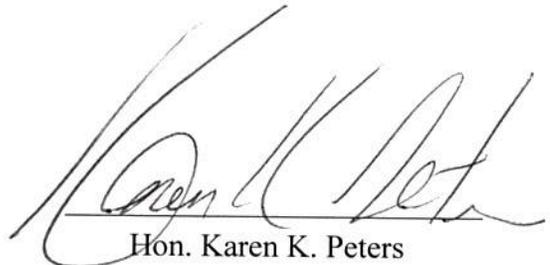
(3) The fee for examination of annual reports filed for previous years shall be fixed on a quantum ~~merit~~ meruit basis.

(4) The examiner's claim for a fee and disbursements in estates of ~~less than~~ up to \$5,000 shall be made by standard state voucher and shall be approved by the Presiding Justice or his or

her designee. In estates of more than \$5,000 ~~or more~~, the examiner's claim for a fee and disbursements shall be set forth in the examiner's report and shall be approved by order of the Presiding Justice for payment by the estate.

(5) Within 15 days after receipt of an order directing payment by the estate of the examiner's fee and disbursements, the guardian, committee or conservator may, by written request, upon notice to the examiner, apply to the Presiding Justice for review and reconsideration of any allowance deemed excessive.

DATED AND ENTERED: October 18, 2016



Hon. Karen K. Peters  
Presiding Justice