

Variable Fee Schedule

The variable fee schedule applicable to proceedings listed in SCPA 2402(1) through (6) is provided in SCPA 2402(7) and reads as follows:

| <u>Value of Estate or Subject Matter Fee</u> | <u>Fee Rate</u> |
|--|-----------------|
| Less than \$ 10,000 | \$ 45.00 |
| 10,000 but under 20,000 | 75.00 |
| 20,000 but under 50,000 | 215.00 |
| 50,000 but under 100,000 | 280.00 |
| 100,000 but under 250,000 | 420.00 |
| 250,000 but under 500,000 | 625.00 |
| 500,000 and over | 1,250.00 |

Fixed Fee Proceedings

SCPA 2402(8)(a) provides a fixed fee for filing a petition to commence certain proceedings, as follows:

| <u>SCPA</u> | <u>Fee Rate</u> |
|--|-----------------|
| 607 To punish respondent for contempt | \$ 30.00 |
| 711 Suspend, modify, revoke letters or remove a fiduciary other than a custodian or guardian | 75.00 |
| 711 Suspend, modify, revoke letters or remove a custodian or guardian | 30.00 |
| 715 Application of fiduciary to resign | 30.00 |
| 717 Suspend powers—fiduciary in war | 30.00 |
| 1401 Compel production of will | 20.00 |
| 1420 Construction of will | 75.00 |
| 1421 Determination of right of election | 75.00 |
| 1502 Appointment of trustee | 45.00 |
| 1508 Release against state | 50.00 |
| 1703 Appointment of guardian | 20.00 |
| 2003 Open safe deposit box | 20.00 |
| 2102 Proceedings against a fiduciary | 20.00 |
| 2103 Proceedings by fiduciary to discover property | 75.00 |
| 2107 Advice and directions | 75.00 |
| 2108 Continue business | 45.00 |
| 2114 Review corporate trustee compensation | 10.00 |
| 2205 Petition to compel fiduciary to account | 30.00 |
| <u>EPTL</u> | |
| 7-4.6 Appointment of successor custodian | 20.00 |

SCPA 2402(8)(b) provides that for filing a petition to commence a proceeding for the appointment of a trustee of a lifetime trust or for the appointment of a conservator, the fee shall be the same as that which is payable in the supreme court pursuant to CPLR 8018.

Fixed Fees for Filing Papers

Fees for filing certain papers are provided in SCPA 2402(9), as follows:

| <u>SCPA</u> | | <u>Fee Rate</u> |
|-------------|---|-----------------|
| 502 | a demand for trial by jury in any proceeding | \$150.00 |
| 1410 | objections to the probate of a will | 150.00 |
| | a note of issue in any proceeding | 45.00 |
| | objection or answer in any action or proceeding other than probate | 75.00 |
| 2507 | a will for safekeeping except that the court in any county may reduce or dispense with such a fee | 45.00 |
| | a bond, including any additional bond: less than \$10,000 | 20.00 |
| | a bond, including any additional bond: \$10,000 and over | 30.00 |

Fees for Certain Services

Fees for certain services are provided in SCPA 2402(10) through (15), as follows:

| <u>SCPA 2402</u> | | <u>Fee Rate</u> |
|------------------|--|---|
| (10) | for furnishing a transcript of a decree | \$ 20.00 |
| (11) | for a certificate of letters evidencing that the appointment of a fiduciary is still in full force & effect | 6.00 |
| (12a) | for making and certifying or comparing and certifying a copy of a will or any paper on file or recorded in his office | 6.00 pg. |
| (12b) | Authenticating the same, additional | 20.00 |
| (13) | For searching and certifying to any record for which search is made (under 25 years) | 30.00 |
| | For searching and certifying to any record for which search is made (over 25 years) | 90.00 |
| (14a) | For producing papers, documents, books of record on file in his office under a subpoena duces tecum, for use within the county where the office of the court is situated | 30.00 |
| (14b) | For use in any other county, such fee to be paid for each day or part thereof that the messenger is detailed from the office and to be in addition to mileage fee and the necessary expenses of the messenger. The clerk of the court shall not be required to make any collection or return of the money so paid for expenses | .30 |
| (15a) | for recording any instrument, decree or other paper which is required by law to be recorded | 8.00 pg. (or part) 16.00 (minimum) |
| (15b) | for filing an authenticated copy of a foreign will | 8.00 pg. (or part) 64.00 (minimum) |
| (15c) | for taxing bill of costs | 15.00 |

Proceedings and Services for Which no Fee Shall Be Charged

SCPA 2402(16) provides that no fee shall be charged in the following instances:

- (a) for filing objections of a guardian ad litem, or of a respondent in a proceeding brought pursuant to SSL 384(b);
- (b) for filing a guardian's annual account;
- (c) for any certificate or certified copy of a paper required to be filed with the United States Veterans Administration;
- (d) for filing a petition in a proceeding for filing an additional bond, to reduce the penalty of a bond or substitute a new bond or discharge any bond when no accounting is required;
- (e) in respect to the proceedings for the appointment of a fiduciary when the appointment is made solely for the purpose of collecting bounty, arrears of pay, prize money, pension dues or other dues or gratuities due from the federal or state government for services of an infant or of a decedent formerly or now in the military or naval services or to collect the proceeds of a war risk insurance policy;
- (f) to or received from the state of New York or any public agency of the state or any civil subdivision or agency thereof with respect to a social services official when taking any proceeding with respect to the estate of a person who was a recipient of benefits from social services; and
- (g) for the filing of a petition for an order granting funds for the maintenance or other proper needs of any infant or for any certificate or any certified copy of the order on such an application.

SCPA 2402(17) provides that the fee charged for the filing of a petition shall include the recording of any decree made in that proceeding which is required by law to be recorded and shall include the recording of any letters required by law to be recorded.