

LEGISLATIVE BILL 492

Approved by the Governor April 5, 1984

Introduced by V. Johnson, 8

AN ACT relating to fees; to amend sections 33-126.02, 33-126.04, and 33-126.05, Revised Statutes Supplement, 1982, and section 33-125, Revised Statutes Supplement, 1983; to change the fees in county court as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 33-125, Revised Statutes Supplement, 1983, be amended to read as follows:

33-125. In probate matters the county court shall be entitled to receive the following fees: (1) For (a) the informal probate of a will or informal appointment of a personal representative, or both, or (b) the determination of intestacy and heirs without requesting the appointment of an administrator, or (c) summary proceedings in small estates under sections 30-24,127 and 30-24,128, or (d) adjudication of a contested claim, or (e) any other proceeding under the Nebraska Probate Code for which no court fee is established by statute, twenty dollars; and (2) for all proceedings relating to the formal settlement of the estate of a deceased person where the value does not exceed one thousand dollars, twenty dollars; where the value exceeds one thousand dollars and is not more than two thousand dollars, thirty dollars; where the value exceeds two thousand dollars and is not more than five thousand dollars, fifty dollars; where the value exceeds five thousand dollars and is not more than ten thousand dollars, seventy dollars; where the value exceeds ten thousand dollars and is not more than twenty-five thousand dollars, eighty dollars; where the value exceeds twenty-five thousand dollars and is not more than fifty thousand dollars, one hundred dollars; where the value exceeds fifty thousand dollars and is not more than seventy-five thousand dollars, one hundred twenty dollars; where the value exceeds seventy-five thousand dollars and is not more than one hundred thousand dollars, one hundred sixty dollars; where the value exceeds one hundred thousand dollars and is not more than one hundred and twenty-five thousand dollars, two hundred and twenty dollars; where the value exceeds one hundred and twenty-five thousand dollars and is not more than one hundred and fifty thousand dollars, two hundred and fifty dollars; where the value exceeds one hundred and fifty thousand dollars and is not more than one hundred and

seventy-five thousand dollars, two hundred and seventy dollars; where the value exceeds one hundred and seventy-five thousand dollars and is not more than two hundred thousand dollars, three hundred dollars; where the value exceeds two hundred thousand dollars and is not more than three hundred thousand dollars, three hundred and fifty dollars; where the value exceeds three hundred thousand dollars and is not more than four hundred thousand dollars, four hundred dollars; where the value exceeds four hundred thousand dollars and is not more than five hundred thousand dollars, five hundred dollars; where the value exceeds five hundred thousand dollars and is not more than seven hundred and fifty thousand dollars, six hundred dollars; where the value exceeds seven hundred and fifty thousand dollars and is not more than one million dollars, seven hundred dollars; where the value exceeds one million dollars and is not more than two million five hundred thousand dollars, eight hundred dollars; where the value exceeds two million five hundred thousand dollars and is not more than five million dollars, one thousand dollars; and on all estates where the value exceeds five million dollars, one thousand five hundred dollars.

The above fees shall be based on the gross value of the estate, including both real and personal property. The gross value shall mean the actual value of the estate less liens, and shall be determined as of the time of the death. Such fees shall be in full for any and all services to be performed by the court in the settlement of an estate wherein no contest arises, and no additional fees shall be charged for services performed in connection with petitions, hearing, and orders in the course of such administration. The same shall include one certified copy of each order or instrument made for record in the office of the county clerk or register of deeds. In other cases where it shall be necessary to copy instruments, the county court shall be allowed the fees provided in section 33-126.05. There shall be credited against the fees specified in subdivision (2) of this section any fees previously paid for probate matters relating to the estate of such deceased person. In all estates in which it becomes necessary to reappoint an executor, administrator, or personal representative after his or her authority to act terminates or appoint a special administrator, ~~thirty~~ twenty dollars shall be allowed for making such appointment. In all cases where a petition for probate of will, or appointment of an administrator, special administrator, personal representative, guardian, or trustee, or any other petition for an order in probate matters is filed and no appointment is made or order entered and ~~said~~ the cause is dismissed, the fee shall be ten dollars. In formal proceedings pursuant to the provisions of Chapter 30, article 25, the fees provided under this section shall be based upon the value of all

property present in Nebraska at the time of death. No fee shall be charged for filings in probate matters in the absence of a request for a court order or other court proceedings thereon. All proceedings which are commenced as formal proceedings or which are determined by the court to be formal proceedings shall be subject to the fees prescribed in subdivision (2) of this section.

Sec. 2. That section 33-126.02, Revised Statutes Supplement, 1982, be amended to read as follows:

33-126.02. In matters of guardianship and conservatorship, the county court shall be entitled to receive the following fees: Upon the filing of a petition for the appointment of a guardian, fifteen dollars; upon the filing of a petition for the appointment of a conservator where the gross value of the conservatorship estate does not exceed twenty thousand dollars, fifteen dollars; where the gross value thereof exceeds twenty thousand dollars, seventy-five dollars; for the appointment of a successor guardian or conservator, fifteen dollars; for the appointment of a temporary guardian, fifteen dollars; for proceedings for a protective order in the absence of a guardianship or conservatorship, fifteen dollars; for closing guardianship or conservatorship estate as provided in sections 30-2614 and 30-2659, fifteen dollars. The above fees relating to conservatorships shall be based on the gross value of the conservatorship estate, including both real and personal property. The gross value shall mean the actual value of the estate less liens, and shall be determined as of the time of applying for a conservator. If the gross value of such estate, originally being twenty thousand dollars or less, should thereafter exceed the value of twenty thousand dollars while the conservatorship is pending, the county court shall be entitled to an additional fee of ~~fifteen~~ sixty dollars. While such guardianship or conservatorship is pending in said court and reports are filed, or other matters relating thereto come before the court therein, the court shall receive for filing and recording each report, five dollars. Where the appointment of a custodian as provided for in sections 38-1001 to 38-1010 is made, the county court shall be entitled to receive a fee of thirty dollars where the assets of the custodian do not exceed twenty thousand dollars, and a fee of seventy-five dollars where the assets of the custodian exceed twenty thousand dollars.

Sec. 3. That section 33-126.04, Revised Statutes Supplement, 1982, be amended to read as follows:

33-126.04. In all estate, trust, ~~and~~ guardianship, ~~and~~ conservatorship matters, in case of contest, the county court shall be allowed for each day or fraction thereof consumed in such contest, the sum of ~~fifteen~~ twenty dollars; for taking dedimus to prove will, fifteen dollars. In all matters of adoption, for each

child adopted five dollars shall be allowed the court for the entire proceeding.

Sec. 4. That section 33-126.05, Revised Statutes Supplement, 1982, be amended to read as follows:

33-126.05. The county court shall be allowed the following miscellaneous fees: For delayed birth registration, for the entire proceedings, ten dollars; for adoptive birth registration, for the entire proceedings, five dollars; ~~for actions to commit alleged mentally retarded persons; for any and all services up to and including the judgment or dismissal of the action; ten dollars;~~ for taking and approving any recognizance or bond for each of the same, ~~one dollar~~ five dollars; for issuing marriage license, administering oath therein, and recording certificate, ten dollars; ~~for marriage ceremony; twenty dollars;~~ for filing, approving, and recording official bonds or bonds of abstracters, five dollars; for depositing will for safekeeping and indexing same, ~~twenty two~~ two dollars. The legal fees for printing notices required by law to be printed in some newspaper shall be allowed in addition to the fees herein allowed. For the following services performed by the county court, it shall be entitled to receive the following fees: For temporary restraining order in injunction, in the absence of the district judge, five dollars; appointment of appraisers in condemnation proceedings, fifteen dollars, plus one dollar for each additional parcel of land included in the petition, where more than one; certifying report of appraisers to county clerk or register of deeds, and making transcript of same to the district court, one dollar per page. In addition to the fees provided in sections 33-123 to 33-125, the county court shall be entitled to the following fees: For transcripts, copies, certified copies, taking depositions, one dollar per page; for executing certificate and affixing the seal, one dollar; for comparing copies presented for certification, which copies are not prepared by the county court or its employees, a fee at a rate of one dollar per page; and in any other matter, in which there is not a fee specifically provided for herein, the fees of the clerk of the district court, as authorized by law for similar services, shall be collected.

Sec. 5. That original sections 33-126.02, 33-126.04, and 33-126.05, Revised Statutes Supplement, 1982, and section 33-125, Revised Statutes Supplement, 1983, are repealed.