**South Carolina General Assembly**

118th Session, 2009-2010

**S. 1272**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Mulvaney

Document Path: l:\council\bills\ms\7709ahb10.docx

Introduced in the Senate on March 11, 2010

Currently residing in the Senate Committee on **Judiciary**

Summary: Probate court fees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/11/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\03-11-10.docx)‑3

3/11/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\03-11-10.docx)‑3

3/23/2010 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin, Mulvaney

**VERSIONS OF THIS BILL**

[3/11/2010](file:///p:\pprever\2009-10\1272_20100311.docx)

**A** **BILL**

TO AMEND SECTION 8‑21‑770, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROBATE COURT FEES AND COSTS, SO AS TO PROVIDE THAT A FILING FEE MAY NOT BE CHARGED IN EMERGENCY ADMISSION PROCEDURES AND PETITIONS FOR JUDICIAL ADMISSION OF A PERSON FOR CARE AND TREATMENT FOR MENTAL ILLNESS, CHEMICAL DEPENDENCY, OR MENTAL RETARDATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 8‑21‑770 of the 1976 Code, as last amended by Act 15 of 1995, is further amended to read:

“Section 8‑21‑770. (A) Fees and costs are payable upon the filing of an application or petition. Payment ~~may~~, in the discretion of the probate judge, may be deferred for a period no greater than the time provided by law for filing the inventory and appraisement. ~~Any~~ Adjustment of fees and costs collected at the opening of the estate must be effected before or at the time of final settlement.

(B) In estate and conservatorship proceedings, the fee ~~shall~~ must be based upon the gross value of the decedent’s probate estate or the protected person’s estate as shown on the inventory and appraisement as follows:

(1) Property valuation less than $5,000.00 $25.00

(2) Property valuation of $5,000.00 but less than

$20,000.00 $45.00

(3) Property valuation of $20,000.00 but

less than $60,000.00 $67.50

(4) Property valuation of $60,000.00 but

less than $100,000.00 $95.00

(5) Property valuation of $100,000.00 but

less than $600,000.00 $95.00

plus .15 percent of the property valuation between

$100,000.00 and $600,000.00

(6) Property valuation of $600,000.00 or higher amount set forth in item (5) ~~above~~ plus one‑fourth of one percent of the property valuation above $600,000.00.

For purposes of this subsection, ‘decedent’s probate estate’ means the decedent’s property passing under the decedent’s will plus the decedent’s property passing by intestacy and ‘protected person’s estate’ means the protected person’s property that vests in a conservator as trustee pursuant to Section 62‑5‑420.

(C) Other fees of the Probate Court are as follows:

(1) Issuing certified copy $ 5.00

(2) Issuing exemplified/authenticated copy $20.00

(3) Reforming or correcting marriage record $ 6.75

(4) Filing demands for notice $ 5.00

(5) Filing conservatorship accountings $10.00

(6) Recording authenticated or certified record $20.00

(7) Reopening closed estates $22.50

(8) Appointment of special or temporary fiduciary $22.50

(9) Filing and indexing will under Section 62‑2‑90 $10.00

(10) Certifying appeal record $10.00

(11) Filing the initial petition in ~~any~~ an action or proceeding other than subsections (B) ~~above~~ and (E), same fee as ~~charged~~ for filing civil actions in circuit court.

(12) Filing affidavit for collection of personal property ~~under~~ pursuant to Section 62‑3‑1201, the fee pursuant to ~~item~~ subsection (B) ~~above~~ based upon property valuation shown, provided that ~~where~~ when the property valuation is less than $100.00, the fee ~~shall~~ must be one‑half the amount otherwise provided.

(D) The costs of the notice to creditors or other legal advertisement are in addition to prescribed court costs and are due and payable prior to publication of advertisement.

(E) In emergency admission proceedings and petitions for judicial admission pursuant to Chapters 17, 20, 24, or 52 of Title 44, a fee may not be collected by the probate court.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑