

1 **Rule 7.151. Reimbursement of graduated filing fee by successful subsequent**
2 **petitioner**

3
4 **(a) Duty to reimburse**
5

6 In decedents' estates commenced on or after August 18, 2003, and before
7 January 1, 2008, a general personal representative appointed on a *Petition for*
8 *Probate* (form DE-111) that was not the first-filed petition for appointment
9 of a general personal representative in the proceeding must reimburse the
10 unsuccessful petitioner on the first-filed petition for a portion of the filing fee
11 paid by the unsuccessful petitioner.
12

13 *(Subd (a) amended effective March 1, 2008; previously amended effective January 1,*
14 *2007.)*
15

16 **(b) Amount of reimbursement**
17

18 The reimbursement required under this rule is in the amount of:

19
20 (1) The filing fee paid by the unsuccessful petitioner in excess of the filing
21 fee that would have been payable on that date for a *Petition for Probate*
22 filed to commence administration of an estate valued at less than
23 \$250,000, less
24

25 (2) ***
26

27 *(Subd (b) amended effective March 1, 2008; previously amended effective January 1,*
28 *2007.)*
29

30 **(c) When reimbursement payable**
31

32 The personal representative must make the reimbursement payment required
33 under this rule in cash and in full no later than the date the *Inventory and*
34 *Appraisal* (form DE-160/GC-040) is due under Probate Code section
35 8800(b), including additional time allowed by the court under that provision.
36

37 *(Subd (c) amended effective March 1, 2008.)*
38

39 **(d) *****
40

41 **(e) Receipt from unsuccessful petitioner**
42

43 The unsuccessful petitioner must give ~~it's~~ a signed receipt for the
44 reimbursement payment made under this rule.

1
2 (Subd (e) amended effective March 1, 2008.)
3

4 (f) ***
5

6 (g) **Petitioner on dismissed Petition for Probate**
7

8 A petitioner that is eligible to receive a refund of filing fee for a dismissed
9 *Petition for Probate* under rule 7.552(d) is not an unsuccessful petitioner
10 within the meaning of this rule.
11

12 (Subd (g) amended effective March 1, 2008; previously amended effective January 1,
13 2007.)
14

15 *Rule 7.151 amended effective March 1, 2008; adopted effective January 1, 2004; previously*
16 *amended effective January 1, 2007.*
17

18
19 **Rule 7.552. Graduated filing fee adjustments for estates commenced on or**
20 **after August 18, 2003, and before January 1, 2008**
21

22 This rule applies to decedents' estate proceedings commenced on or after August
23 18, 2003, and before January 1, 2008. Rule 7.553 applies to decedents' estate
24 proceedings commenced on or after January 1, 2008.
25

26 (a) **Separate schedule for graduated fee information**
27

28 The final account or report filed in every decedent's estate proceeding
29 commenced on or after August 18, 2003, and before January 1, 2008, must
30 include a separate schedule showing the following information:
31

- 32 (1) The name of each petitioner on the first-filed *Petition for Probate* (form
33 DE-111) in the proceeding;
34
35 (2) The date the first-filed *Petition for Probate* was filed in the proceeding;
36
37 (3) The estimated value of the estate shown in item 3, "estimated value of
38 the estate for filing fee purposes," of the first-filed *Petition for Probate*
39 in the proceeding;
40
41 (4) The filing fee paid by or for the petitioner on the first-filed *Petition for*
42 *Probate* in the proceeding; and
43

1 (5) The following information from the ~~Inventories and Appraisals~~ filed in
2 the proceeding:

3
4 (A) The date each partial, supplemental, final, or corrected *Inventory*
5 *and Appraisal* (form DE-160/GC-040) was filed;

6
7 (B) The total appraised value of the assets of the estate shown in each
8 filed partial, supplemental, or final *Inventory and Appraisal*;

9
10 (C) Changes in the appraised value of the assets of the estate shown in
11 each filed corrected *Inventory and Appraisal*; and

12
13 (D) The combined total appraised value of the estate shown in all filed
14 partial, supplemental, final, and corrected ~~Inventories and~~
15 ~~Appraisals~~;

16
17 (6) A statement of the amount of filing fee that would have been payable
18 under Government Code section ~~26827~~ 70650, as amended effective on
19 the date the first-filed *Petition for Probate* was filed in the proceeding,
20 if the total actual appraised value of the estate had been used as the
21 estimated value for filing fee purposes (the “corrected filing fee”);

22
23 (7) Calculation of the difference between the estimated filing fee paid
24 under Government Code section ~~26827~~ 70650 on filing the first
25 *Petition for Probate* in the proceeding (the “estimated filing fee”) and
26 the “corrected filing fee,” as determined under (6) and subdivision (e)
27 of this rule; and

28
29 (8) ***

30
31 (*Subd (a) amended effective March 1, 2008; previously amended effective January 1,*
32 *2007.*)

33
34 **(b)–(c) *****

35
36 **(d) Refund on voluntarily dismissed *Petition for Probate***

37
38 (1) A petitioner that files a *Petition for Probate* on or after August 18,
39 2003, and voluntarily dismisses the petition at any time within 90 days
40 after it is filed and before an order granting or denying the petition is
41 filed, is eligible under this subdivision to receive a refund, without
42 interest, of all filing fees paid in excess of the filing fees that would

1 have been payable on the original filing date for a *Petition for Probate*
2 of an estate valued at less than \$250,000.

- 3
4 (2) The petitioner on a dismissed *Petition for Probate* under (1) must apply
5 to the court for the refund, in accordance with the court's local rules
6 and practices for such payments.

7
8 (*Subd (d) amended effective March 1, 2008.*)
9

10 **(e) Additional adjustment in corrected filing fee in insolvent estates**

11
12 ~~If the expenses of administration must be proportionately reduced under~~
13 ~~Probate Code section 11420 because the property in the estate is insufficient~~
14 ~~to pay them in full, the court may approve a determination of the corrected~~
15 ~~filing fee under this rule that reflects the proportionate reduction of those~~
16 ~~expenses, provided that the corrected filing fee may not be reduced below~~
17 ~~the minimum fee required by Government Code section 26827 on the date~~
18 ~~the estimated fee was paid.~~

19
20 If the property of the estate is insufficient to pay the expenses of
21 administration in full, the court may approve a determination of the corrected
22 filing fee that reflects the proportionate reduction of those expenses under
23 Probate Code section 11420. The corrected filing fee may not be reduced
24 below the minimum fee required by Government Code section 70650 on the
25 date the estimated fee was paid.

26
27 (*Subd (e) amended effective March 1, 2008.*)
28

29 **(f) Sample schedule of graduated fee information**

30
31 The schedule of graduated fee information required under (a) may be
32 substantially as follows:

33 SCHEDULE __

34
35 Graduated Filing Fee Information

36
37 1. The first-filed *Petition for Probate* in this proceeding was filed on [Date]
38 by [name of each petitioner].

39
40 2. The estimated value of the estate for filing fee purposes shown on the
41 first-filed *Petition for Probate* in this proceeding is \$_____.

42

1 3. The filing fee paid by or for the petitioners on the first-filed *Petition for*
2 *Probate* in this proceeding was \$_____.

3
4 4. The following ~~Inventories and Appraisals~~ have been filed in this
5 proceeding:
6

Type	Date Filed	Appraised Value
[Partial no. ____]	[09/30/09]	\$
[Partial no. ____]		\$
Final		\$
[Supplemental]		\$
[Correcting]		\$ (or \$) _____
Total appraised value of estate:		\$ _____

7
8
9
10
11
12
13
14 5. Corrected Filing Fee:

15
16
17 Total appraised value of estate: \$

18
19 Filing fee as of the date in 1 above, based on
20 total appraised value of estate: \$

21
22 Adjustment to reflect proportional reduction of
23 expenses of administration for insolvent estate
24 under Cal. Rules of Court, rule 7.552(e): (\$ _____)

25
26 Corrected Filing Fee: \$ _____

27
28 6. Difference between estimated and corrected filing fee:

29
30 Estimated filing fee from 3 above: \$

31
32 Corrected filing fee from 5 above: (\$ _____)

33 Difference: \$ (or \$) _____

34
35 7. Filing fee reimbursements under rule 7.151:

Payee(s)	Date Paid	Amount
[Name, address, and telephone number of each payee and attorney of record in the proceeding]	[10/25/09]	\$

36
37
38
39
40
41
42 *(Subd (f) amended effective March 1, 2008; previously amended effective January 1,*
43 *2007.)*

1
2 *Rule 7.552 amended effective March 1, 2008; adopted effective January 1, 2004; previously*
3 *amended effective January 1, 2007.*
4
5

6 **Rule 7.553. Graduated filing fee statements for decedents' estates**
7 **commenced on or after January 1, 2008**
8

9 This rule applies to decedents' estates commenced on or after January 1, 2008.
10

11 **(a) Separate schedule for graduated fee information**
12

13 The final account or report or petition for final distribution filed in every
14 decedent's estate proceeding commenced on or after January 1, 2008, must
15 include a separate schedule showing the following information:
16

17 (1) The date the first-filed *Petition for Probate* (form DE-111) was filed in
18 the proceeding; and
19

20 (2) The following information from the inventories filed in the proceeding:
21

22 (A) The date each partial, supplemental, final, or corrected *Inventory*
23 and *Appraisal* (form DE-160/GC-040) was filed;
24

25 (B) The total appraised value of the assets of the estate shown in each
26 filed partial, supplemental, or final *Inventory and Appraisal*;
27

28 (C) Changes in the appraised value of the assets of the estate shown in
29 each filed corrected *Inventory and Appraisal*; and
30

31 (D) The combined total appraised value of the estate shown in all filed
32 partial, supplemental, final, and corrected inventories.
33

34 **(b) Adjustment in corrected filing fee in insolvent estates**
35

36 If the property of the estate is insufficient to pay expenses of administration
37 in full, the court may approve a determination of the corrected filing fee
38 under this rule that reflects the proportionate reduction of those expenses
39 under Probate Code section 11420. The corrected filing fee may not be
40 reduced below the minimum fee required by Government Code section
41 70650 on the date the estate was commenced.
42

1 **(c) Sample schedule of filing fee information**

2
3 The schedule of graduated fee information required under (a) may be
4 substantially as follows:

5
6 SCHEDULE

7
8 Graduated Filing Fee Information

9
10 1. The first-filed *Petition for Probate* in this proceeding was filed on [Date]
11 by [name of each petitioner].

12
13 2. The following inventories have been filed in this proceeding:

14

<u>Type</u>	<u>Date Filed</u>	<u>Appraised Value</u>
[Partial no. ___]	[09/30/09]	\$
[Partial no. ___]		\$
Final		\$
[Supplemental]		\$
[Correcting]		\$ (or \$)
Total appraised value of estate:		\$

15
16
17
18
19
20
21
22

23 3. Graduated Filing Fee:

24
25 Total appraised value of estate: \$

26
27 Filing fee as of the date in 1 above, based on
28 total appraised value of estate: \$

29
30 Adjustment to reflect proportional reduction of
31 expenses of administration for insolvent estate
32 under Cal. Rules of Court, rule 7.553(b): (\$)

33
34 Corrected Filing Fee: \$

35
36 *Rule 7.553 adopted effective March 1, 2008.*

37
38