

VIRGINIA: IN THE TWENTY-SIX JUDICIAL CIRCUIT

IN THE MATTER OF:

**UNIFORM FEE SCHEDULE GUIDELINE FOR COMMISSIONERS OF ACCOUNTS
APPROVED BY THE SUPREME COURT OF VIRGINIA**

It appearing to the Judges of the Twenty-Six Judicial Circuit, that it is appropriate to adopt the Uniform Fee Schedule Guideline For Commissioners of Accounts Approved by the Judicial Council of Virginia, Supreme Court of Virginia, on April 27, 2017, as the Fee Schedule for Commissioners of Accounts for the Twenty-Six Judicial Circuit, effective July 1, 2017 and it further appearing that the only changes to the Fee Schedule from that adopted effective October 1, 2016 and approved by the Twenty-Six Judicial Circuit by Order entered on September 26, 2016 are the following:


Statements In Lieu of Settlement of Account - Fee(Effective July 1, 2017)

Statement in Lieu	\$150.00
Notice of Intent to File	75.00

This Order shall supercede the previous Order of the Twenty-Six Judicial Circuit as the same related to Statements In Lieu of Settlement of Account but in all other respects, the Order heretofore entered on September 26, 2016 shall remain in full force and effect, which is in keeping with the Uniform Fee Schedule Guidelines For Commissioners of Accounts Approved By the Judicial Council of Virginia on April 27, 2017.

It is further ORDERED that the Clerks of the Twenty-six Judicial Circuit are directed to enter this Order in the current Law Order Book of each of their respective Courts and that each Clerk shall disseminate a copy of this Order to members of the Bar of each locality and upon request, to the General Public. The said approval fees as set forth in the Uniform Fee Schedule Guideline For Commissioners of Accounts Approved By the Supreme Court of Virginia dated April 27, 2017 which is attached hereto is made a part of the Order, by reference.

ENTERED this 1ST day of JULY, 2017.



Clifford L. Athey Jr., Chief Judge,
Twenty-Six Judicial Circuit

**UNIFORM FEE SCHEDULE GUIDELINES
FOR COMMISSIONERS OF ACCOUNTS
APPROVED BY THE JUDICIAL COUNCIL OF VIRGINIA
APRIL 27, 2017**

Fees of Commissioners of Accounts

By statute, each Circuit Court sets the fees for its Commissioner(s) of Accounts (including Assistant Commissioners of Accounts and any Deputy Commissioners of Accounts). These Uniform Fee Schedule Guidelines are an attempt to provide uniformity among the various Circuit Courts.

The Commissioner of Accounts receives no funds from either the State or local government. His or her revenue is derived entirely from filing fees paid by the users of the system. The Commissioner pays the expenses of operating his or her office out of the filing fees. These filing fees compensate the Commissioner of Accounts for his or her work and the work of his or her staff in auditing accounts, answering questions of fiduciaries, resolving disputes between beneficiaries and fiduciaries, and enforcing the requirement that fiduciaries file timely and proper accounts.

Inventories

	<u>Assets</u>	<u>Fee</u>
Guardian for Minor	any amount	\$ 55.00
All others	0 - \$50,000	110.00
	50,001 - 200,000	165.00
	200,001 - 500,000	220.00
	Above - 500,000	275.00

NOTE: Based upon assets under the control of the fiduciary, including real estate over which the fiduciary has the power of sale, but not including projected income.

First Account of a Decedent's Estate

<u>Assets from Inventory plus Additions</u>	<u>Fee</u>
0 - \$ 50,000	\$ 220.00
50,001 - 100,000	440.00
100,001 - 200,000	550.00
200,001 - 300,000	660.00
300,001 - 500,000	825.00
500,001 - 700,000	990.00
700,001 - 1,000,000	1,320.00
Above - 1,000,000	1,320.00
	plus .00075 in excess of \$1,000,000, not to exceed a total fee of \$ 11,000.00 (except as may be approved by the Court)

NOTE: "Assets from Inventory" for a decedent's estate means the probate assets, including real estate over which the fiduciary has the power of sale (Parts 1 and 3 of the Inventory). "Additions" are receipts, capital gains, and adjustments (Lines 2, 3, and 4 of the Account Summary).

Second and Subsequent Accounts of a Decedent's Estate

The fee shall be determined by applying the fee schedule for a First Account to the assets brought forward (at market value) plus additions during the accounting period.

Statements In Lieu of Settlement of Account

	<u>Fee (Effective July 1, 2017)</u>
Statement in Lieu	\$ 150.00
Notice of Intent to File	75.00

First Account of a Trust or a Conservatorship

<u>Assets from Inventory plus Additions</u>	<u>Fee</u>
0 - \$ 50,000	\$ 220.00
50,001 - 100,000	330.00
100,001 - 200,000	440.00
200,001 - 300,000	550.00
300,001 - 500,000	660.00
500,001 - 700,000	770.00
700,001 - 1,000,000	880.00
Above - 1,000,000	880.00
	plus .0005 in excess of \$1,000,000, not to exceed a total fee of \$ 11,000.00 (except as may be approved by the Court)

NOTE: "Assets from Inventory" for a Trust means the Trust Assets, including real estate over which the Trustee has the power of sale (Parts 1 and 2 of the Inventory) and "Assets from Inventory" for a Conservatorship means the Conservator Assets, including real estate over which the Conservator has the power of sale and the incapacitated person's interest in any real or personal property that will pass to another at the incapacitated person's death (Parts 1, 2, and 5 of the Inventory). "Additions" are receipts, capital gains, and adjustments (Lines 2, 3, 4, and 5 for the Trust and Lines 2b, 3 and 4 for the Conservatorship).

Second and Subsequent Accounts of a Trust or a Conservatorship

The fee shall be determined by applying the fee schedule for a First Account to the assets brought forward (at market value) plus additions during the accounting period. The maximum fee shall not exceed \$ 8,250.00.

NOTE: If the ward is a Medicaid recipient, the maximum account filing fee is set by statute at \$25.00 (Virginia Code § 64.2-1305).

First Account of a Minor

<u>Assets from Inventory plus Additions</u>	<u>Fee</u>
0 - \$ 50,000	\$ 110.00
50,001 - 100,000	165.00
100,001 - 200,000	220.00
200,001 - 300,000	275.00
300,001 - 500,000	330.00
500,001 - 700,000	385.00
700,001 - 1,000,000	440.00
Above - 1,000,000	440.00
	plus .0005 in excess of \$1,000,000, not to exceed a total fee of \$5,500.00 (except as may be approved by the Court)

NOTE: "Assets from Inventory" means the Guardianship assets, including real estate over which the Guardian has power of sale (Parts 1 and 2 of the Inventory). "Additions" are receipts, capital gains, and adjustments (Lines 2b, 3 and 4).

Second and Subsequent Accounts of a Minor

The fee shall be determined by applying the fee schedule for a First Account to the assets brought forward (at market value) plus additions during the accounting period. The maximum fee shall not exceed \$ 5,500.00.

Foreclosure Accounts (Interim and Final)

<u>Sale Price</u>	<u>Fee</u>
0 - \$ 100,000	\$ 275.00
100,001 - 300,000	330.00
300,001 - 450,000	495.00
450,001 - 600,000	660.00
600,001 - 750,000	825.00
750,001 - 900,000	990.00
Above - 900,000	1,100.00

Note: The Commissioner may charge an additional fee of \$165.00 when the Trustee is unable to produce the original note, which fee shall be shown on the Account as a charge to

the noteholder.

Taking and Reporting of Debts and Demands

A fee of \$ 275.00 plus the costs of advertisement, subject to the provisions below regarding fees for contested hearings.

Receiving Claims Against the Estate After Qualification

A fee of \$ 55.00 for each creditor's claim filed with the Commissioner after qualification, other than claims filed in response to a notice of Debts and Demands hearing. This fee shall be charged to the creditor.

Delinquency Fees (To be collected against the fiduciary personally)

1. Failure to file an inventory in a timely manner resulting in a letter from the Commissioner: \$ 30.00.
2. Failure to file settlement of accounts in a timely manner resulting in a letter from the Commissioner: \$ 30.00.
3. Issuance of a summons by Commissioner: \$ 85.00.
4. Commissioner's report to the Court on failure of a fiduciary to comply with a summons: \$ 165.00.
5. Commissioner's report to the Court of delinquent accounts and unsettled accounts as required by Virginia Code § 64.2-1216: \$ 55.00.
6. Appearance in Court to prosecute a Show Cause Order issued against a fiduciary: \$ 220.00.

Increased Fees for Review of Accounts

When a Commissioner's review of an account requires exceptional time, the Commissioner may seek Court approval to increase his or her fees. The Commissioner's request for approval of an increased fee must be made in writing, and include his or her justification for requesting the increased fee. The Commissioner shall give notice of his request for Court approval to the fiduciary so that the fiduciary has an opportunity to be heard. When formulating a request for an increase of the fee, the Commissioner may take into consideration the following factors:

1. The amount of time spent by the Commissioner and his or her staff in reviewing the account and the vouchers, as affected by the number of vouchers and the quality, completeness and accuracy of preparation of the account.
2. The dollar value, number and nature of the assets in the estate, and the assets outside of the estate which impact on the distribution of the probate estate.
3. The amount of time spent by the Commissioner and his or her staff on research and rendering decisions on questions of law.

4. The complexity of the estate distribution scheme, including apportionment of taxes, funding bypass trusts and marital shares or trusts and computations of beneficiary shares, including elective shares, allowances and exemptions.

5. The necessity for the Commissioner to review tax returns or other documents.

6. The amount of time spent by the Commissioner and his or her staff addressing complaints of beneficiaries concerning the account.

7. Any other matters deemed relevant by the Commissioner.

Fees for Services Other Than Inventory/Account Reviews and Uncontested Debts and Demands Hearing

When the Commissioner of Accounts conducts contested hearings; or confers or corresponds with fiduciaries, beneficiaries, and/or creditors on matters not normally required to be addressed during the audit and approval of fiduciary inventories and accounts, the Commissioner may charge a fee based upon hours expended at a rate of \$ 250.00 per hour or such other hourly rate set by the Circuit Court for the Commissioner of Accounts.

When the Commissioner of Accounts conducts a hearing to authorize a disbursement by the Guardian of a minor, the fee of the Commissioner by statute shall not be in excess of \$ 100.00. (**Virginia Code § 64.2-1802**).

For receiving and filing a written consent to the waiver of filing a Trust Inventory and/or Trust Account, the fee of the Commissioner of Accounts is set by statute and shall not exceed \$ 25.00. (**Virginia Code § 64.2-1307**).

Reduction of Fees

In exceptional circumstances, the Commissioner may reduce any of the forgoing fees.

Clerk's Recordation Fee (to be sent to the Commissioner)

Inventories: As set by the local Clerk pursuant to statute.

Accounts: As set by the local Clerk pursuant to statute.