

LEGISLATIVE BILL 2

Approved by the Governor February 9, 1983

Introduced by Lamb, 43

AN ACT to amend section 33-125, Revised Statutes Supplement, 1982; to change a fee; to repeal the original section; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 33-125, Revised Statutes Supplement, 1982, 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, ~~two~~ 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 dollars shall be allowed for making such appointment. In all cases where a petition for probate of will, 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 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 original section 33-125, Revised Statutes Supplement, 1982, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.