



# Judicial Council of California

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## Subject Details (With Text)

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**File #:** 19-197      **Version:** 1

**Type:** Rule/Form Proposal      **Status:** Passed

**File created:** 8/9/2019      **In control:** Judicial Council

**On agenda:** 9/24/2019      **Final action:** 9/24/2019

**Title:** Rules and Forms | Graduated Filing Fee in Estate Administration Proceedings (Action Required)

**Sponsors:**

**Indexes:**

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**Attachments:** 1. 20190924-19-197

Date	Ver.	Action By	Action	Result
9/24/2019	1	Judicial Council	approved	Pass

### Title

### Rules and Forms | Graduated Filing Fee in Estate Administration Proceedings (Action Required)

### Summary

The Probate and Mental Health Advisory Committee recommends that the Judicial Council amend one rule and repeal one rule of the California Rules of Court to remove references to a graduated filing fee in estate administration proceedings. The statute that imposed a graduated filing fee in estate administration proceedings based on the value of the estate was held unconstitutional in 2008. The council repealed two other rules implementing the graduated filing fee scheme, effective January 1, 2015, but did not repeal or amend the rules addressed in this proposal.

### Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend California Rules of Court, rule 7.550 to repeal subdivision (b)(10), which requires the report mandated by Probate Code section 10954(c)(1) when an account is waived to include the information required by former rule 7.552(a) and (b); and
2. Repeal rule 7.151.