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

(a) Duty to reimburse

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

(Subd (a) amended effective March 1, 2008; previously amended effective January 1, 2007.)

(b) Amount of reimbursement

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

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

(2) ***

(Subd (b) amended effective March 1, 2008; previously amended effective January 1, 2007.)

(c) When reimbursement payable

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

(Subd (c) amended effective March 1, 2008.)

(d) *

(e) Receipt from unsuccessful petitioner

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

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

(f) ***

(g) Petitioner on dismissed *Petition for Probate*

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

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

Rule 7.151 amended effective March 1, 2008; adopted effective January 1, 2004; previously amended effective January 1, 2007.

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

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

(a) Separate schedule for graduated fee information

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

(1) The name of each petitioner on the first-filed *Petition for Probate* (form DE-111) in the proceeding;

(2) The date the first-filed *Petition for Probate* was filed in the proceeding;

(3) The estimated value of the estate shown in item 3, "estimated value of the estate for filing fee purposes," of the first-filed *Petition for Probate* in the proceeding;

(4) The filing fee paid by or for the petitioner on the first-filed *Petition for Probate* in the proceeding; and

(5) The following information from the ~~I~~inventories ~~and Appraisals~~ filed in the proceeding:

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

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

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

(D) The combined total appraised value of the estate shown in all filed partial, supplemental, final, and corrected ~~I~~inventories ~~and Appraisals;~~.

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

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

(8) ***

(Subd (a) amended effective March 1, 2008; previously amended effective January 1, 2007.)

(b)–(c) ***

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

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

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

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

(Subd (d) amended effective March 1, 2008.)

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

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

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

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

(f) Sample schedule of graduated fee information

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

SCHEDULE __

Graduated Filing Fee Information

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

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

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

4. The following ~~I~~inventories ~~and Appraisals~~ have been filed in this proceeding:

Type	**Date Filed**	**Appraised Value**
[Partial no. __]	[09/30/09]	$
[Partial no. __]		$
Final		$
[Supplemental]		$
[Correcting]		$ (or $)_____
Total appraised value of e**state:**		$ _____

5. Corrected Filing Fee:

Total appraised value of estate:	$
Filing fee as of the date in 1 above, based on **total appraised value of estate:**	$
Adjustment to reflect proportional reduction of expenses of administration for insolvent estate under Cal. Rules of Court, rule 7.552(e):	($ _____)
Corrected Filing Fee:	$ _____

6. Difference between estimated and corrected filing fee:

Estimated filing fee from 3 above:	$
Corrected filing fee from 5 abov**e:**	($ _____)
Difference:	$ (or $) _____

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]	$

(Subd (f) amended effective March 1, 2008; previously amended effective January 1, 2007.)

Rule 7.552 amended effective March 1, 2008; adopted effective January 1, 2004; previously amended effective January 1, 2007.

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

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

(a) Separate schedule for graduated fee information

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

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

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

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

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

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

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

(b) Adjustment in corrected filing fee in insolvent estates

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

(c) Sample schedule of filing fee information

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

SCHEDULE __

Graduated Filing Fee Information

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

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

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

3. Graduated Filing Fee:

Total appraised value of estate:	$
Filing fee as of the date in 1 above, based on **total appraised value of estate:**	$
Adjustment to reflect proportional reduction of expenses of administration for insolvent estate under Cal. Rules of Court, rule 7.553(b):	($ _____)
Corrected Filing Fee:	$ _____

Rule 7.553 adopted effective March 1, 2008.