

**PROBATE COURT OF FAIRFIELD COUNTY, OHIO**

**Terre L. Vandervoort, Judge**

IN THE MATTER OF THE

ADOPTION OF APPENDIX A – F OF THE FAIRFIELD COUNTY LOCAL RULES

DATE: April 27, 2016

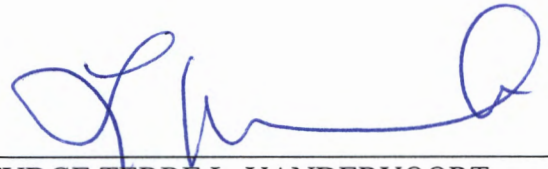
**FILED**

APR 27 2016

**ORDER OF REFERENCE**

TERRE L. VANDERVOORT  
PROBATE & JUVENILE JUDGE  
FAIRFIELD COUNTY

This Court hereby amends the Rules of Court of the Probate Division by adopting the attached Appendixes A – F to go into effect on May 1, 2016.



JUDGE TERRE L. VANDERVOORT

**APPENDIX A  
SCHEDULE OF COMMON COURT DEPOSITS & FEES**

STANDARD COURT COSTS (Fund Designation)	GUARDIANSHIP	EMERGENCY GUARDIANSHIP	SHORT FORM RELEASE	FULL ADMINISTRATION (NO WILL)	FULL ADMINISTRATION (WILL)	RELEASE FROM ADMINISTRATION (NO WILL)	RELEASE FROM ADMINISTRATION (WILL)
General Fund	\$30.26	\$30.26	\$55.26	\$30.26	\$45.26	\$55.26	\$70.26
Legal Aid Fund R.C. 2303.201(C)(1)	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74
Computer Fund R.C. 2101.162 (A)(1)	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Special Projects Fund R.C. 2303.201(E)(1)	\$35.00	\$0.00	\$25.00	\$35.00	\$35.00	\$35.00	\$35.00
Computer Research R.C. 2101.162 (A)(1)	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00
Indigent Guardian Fund R.C. 2101.16 (C)	\$30.00	\$30.00	\$20.00	\$30.00	\$30.00	\$20.00	\$20.00
Investigator Fee R.C. 2101.16 (B)(1)	\$60.00	\$60.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Administrative Deposit	\$35.00	\$0.00	\$0.00	\$65.00	\$80.00	\$20.00	\$25.00
	<b>\$229.00</b>	<b>\$159.00</b>	<b>\$139.00</b>	<b>\$199.00</b>	<b>\$229.00</b>	<b>\$169.00</b>	<b>\$189.00</b>
STANDARD COURT COSTS (Fund Designation)	SUMMARY RELEASE	WILL FOR RECORD ONLY/ AUTHENTICATED WORK	DISINTERMENT	STEP PARENT ADOPTION *	AGENCY ADOPTION	PRIVATE ADOPTION *	FOREIGN ADOPTION OR ADULT ADOPTION
General Fund	\$55.26	\$0.26	\$25.26	\$45.26	\$45.26	\$45.26	\$25.26
Legal Aid Fund R.C. 2303.201(C)(1)	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74
Computer Fund R.C. 2101.162 (A)(1)	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Special Projects Fund R.C. 2303.201(E)(1)	\$25.00	\$25.00	\$35.00	\$35.00	\$35.00	\$35.00	\$25.00
Computer Research R.C. 2101.162 (A)(1)	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00
Indigent Guardian Fund R.C. 2101.16 (C)	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investigator Fee R.C. 2101.16 (B)(1)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Administrative Deposit	\$0.00	\$15.00	\$0.00	\$126.00	\$126.00	\$226.00	\$21.50
Putative Father Registry Fund R.C. 2101.16(F)(1)	\$0.00	\$0.00	\$0.00	\$30.00	\$30.00	\$30.00	\$30.00
	<b>\$139.00</b>	<b>\$79.00</b>	<b>\$99.00</b>	<b>\$275.00</b>	<b>\$275.00</b>	<b>\$375.00</b>	<b>\$140.50</b>
STANDARD COURT COSTS (Fund Designation)	FIDUCIARY'S CLAIM	LAND SALE COMPLAINT	ALL OTHER CIVIL COMPLAINTS	MINOR'S SETTLEMENT	CORRECTION OR REGISTRATION OF BIRTH RECORD	TRUST	NAME CHANGE
General Fund	\$25.26	\$25.26	\$25.26	\$25.26	\$0.26	\$30.26	\$45.26
Legal Aid Fund R.C. 2303.201(C)(1)	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74	\$25.74
Computer Fund R.C. 2101.162 (A)(1)	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Special Projects Fund R.C. 2303.201(E)(1)	\$25.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00
Computer Research R.C. 2101.162 (A)(1)	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00
Indigent Guardian Fund R.C. 2101.16 (C)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30.00	\$0.00
Investigator Fee R.C. 2101.16 (B)(1)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Administrative Deposit	\$20.00	\$70.00	\$50.00	\$20.00	\$21.50	\$15.00	\$150.50
Domestic Violence Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$1.50	\$0.00	\$0.00
	<b>\$109.00</b>	<b>\$169.00</b>	<b>\$149.00</b>	<b>\$119.00</b>	<b>\$97.00</b>	<b>\$149.00</b>	<b>\$269.50</b>

Please call the Probate Court for deposits not listed on this sheet

**Common Ongoing Probate Court Charges  
(R.C. 2101.16)**

GENERAL ONGOING FILINGS	GENERAL ONGOING FILING FEES	GUARDIANSHIP ONGOING FILINGS	GUARDIANSHIP ONGOING FILING FEES	ESTATE ONGOING FILINGS	ESTATE ONGOING FILING FEES	ADDITIONAL CHARGES AND FEES	FEES
Waivers (Per Page)	\$1.00	Guardian's Report	\$5.00	Election of Surviving Spouse Under Will	\$5.00	Certified Copies (Per Page)	\$1.00
Misc. Application and Order or Motion and Entry	\$5.00	Petition to Terminate Guardianship	\$10.00	Report of Newly Discovered Assets	\$7.00	Issuing Citations	\$5.00 + Postage
Application for Fiduciary's Claim	\$10.00	Application to Expend Funds	\$10.00	Application of Surviving Spouse to Purchase Personal Property	\$10.00	Certified Abstract of Marriage Certificate	\$2.00
Application for Attorney or Fiduciary Fees	\$5.00	Application to Release Funds	\$5.00	Application for Sale of Personal Property	\$10.00	Recording Fee (Per Page for Individual Filings over 10 Pages)	\$1.00
Application for Distribution of Kind	\$5.00			Petition for Sale of Real Property	\$25.00	Notice of Past-Due Item	\$2.00 + Postage
Bonding Company Power of Attorney	\$10.00			Application, Entry, and Certificate for Transfer of Real Property	\$7.00	Citation for Past-Due Item	\$7.00 + Certified Mail Charge
Motion to Vacate Approval of Account or Order of Distribution	\$10.00			Account of Distribution	\$7.00	Certified Mail	\$6.48 + Postage
Deposit in lieu of Bond	\$5.00			Appointment of Appraiser/ Dispense with Appraisal	\$5.00	* ADOPTION HOME STUDY	HOME STUDY IS NECESSARY FOR STEP-PARENT AND PRIVATE ADOPTIONS & VARIES BASED ON VENDOR USED
Motion for Declaratory or Summary Judgment	\$20.00			Transfer of Motor Vehicle (Including 1 Certified Copy)	\$5.00	Marriage Licenses	\$65.00
Creditor's Claim	\$10.00			Transfer of Real Estate (Including 1 Certified Copy)	\$7.00	Reopen Estate	\$75.00 Deposit
Inventory	\$10.00			Consent to Sell Real Estate	\$5.00	Insolvency	\$50.00 Deposit
Accounts	\$12.00			Certificate of Termination	\$5.00	Wrongful Death Proceedings	\$75.00 Deposit

Please call the Probate Court for charges not listed on this sheet

## APPENDIX B

### COUNSEL FEE GUIDELINES: ESTATES

#### 1. **PERSONAL PROPERTY AND INCOME**

- A. 5% of first \$50,000.00
- B. 4% of next \$50,000.00
- C. 3% of next \$300,000.00
- D. 2% of balance

#### 2. **PERSONAL PROPERTY AND INCOME**

- A. Certificate of Transfer
  - i. \$500.00 x the number of separate tax parcels + number of exceptions
- B. Real Estate sold by Power of Sale
  - i. 4% of first \$50,000.00
  - ii. 3% of next \$50,000.00
  - iii. 2% of balance
- C. Real Estate sold by Land Sale Proceeding
  - i. 6% of first \$50,000.00
  - ii. 5% of next \$50,000.00
  - iii. 4% of balance

#### 3. **EXTRAORDINARY FEES**

Extraordinary fees may be granted upon application to the Court based upon the time expended and services rendered. Please see Appendix F.

## APPENDIX C

### EXECUTOR'S & ADMINISTRATOR'S FEE GUIDELINE

#### 1. FEE GUIDELINE

- A. 4% of first \$100,000.00 (personalty and income from personalty)
- B. 3% of next \$300,000.00 (personalty and income from personalty)
- C. 2% of the balance (personalty and income from personalty)
- D. 1% of real estate not sold
- E. 1% of property not subject to administration, that would have been includable for purposes of computing Ohio estate tax (except joint and survivorship)

#### 2. EXTRAORDINARY FEES

Extraordinary fees may be granted upon application to the Court based upon the time expended and services rendered. Please see Appendix F.



## APPENDIX D

### COUNSEL FEE GUIDELINES: GUARDIANSHIPS

#### **1. GUARDIAN – NON-INDIGENT**

##### **A. Guardian of Person**

- i. Annual fee of billable hours shall not exceed \$1500.00 unless the Court authorizes a higher fee

##### **B. Guardian of the Estate**

- i. 5% of all annual income
- ii. 3% of all annual expenses
- iii. 10% of all annual gross rentals from real estate actually managed by the guardian
- iv. 3% of the value of all tangible and intangible personal property remaining in the guardian's hands at the time of the annual account

##### **C. Guardian of Person and Estate**

- i. Fees should not exceed the total of the guideline of each individual category

#### **2. GUARDIAN – INDIGENT (ALL FEES SHALL BE BILLED AT \$40.00/HOUR OUT OF COURT AND \$50.00/HOUR IN COURT)**

##### **A. Establishing Guardianship**

- i. Billable hours shall not exceed \$500.00 unless the Court authorizes a higher fee

##### **B. Ongoing Service**

- i. Billable hours shall not exceed \$520.00 unless the Court authorizes a higher fee

##### **C. Appointment as Attorney for the purpose of an Objection**

- i. Billable hours shall not exceed \$400.00 unless the Court authorizes a higher fee

#### **3. ATTORNEY FOR THE GUARDIANSHIP – NON-INDIGENT**

- A. Annual fee of billable hours shall not exceed \$1,000.00 unless the Court authorizes a higher fee

#### **4. ATTORNEY FOR THE GUARDIANSHIP – INDIGENT**

- A. Annual fee of billable hours shall not exceed \$250.00 unless the Court authorizes a higher fee

## APPENDIX E

### TRUSTEE'S FEES

#### **1. FEE GUIDELINES**

- A. On income from real property
  - i. 10% of gross income on property managed by trustee.
  - ii. 1% of adjusted gross income on property managed by someone else provided that management fees and trustee's fee combined do not exceed 10% of gross income
    - 1. Adjusted gross income is gross income less operating expenses before depreciation and management fees deduction
- B. On principal
  - i. 1% of balance
- C. On distribution of principal (other than termination):
  - i. 1% of reasonable market value of principle property distributed to be paid from the distribution

#### **2. EXTRAORDINARY FEES**

- A. Extraordinary fees may be awarded upon application at discretion of the Court

## APPENDIX E

### EXAMPLES OF EXTRAORDINARY SERVICES

This list of examples of extraordinary services includes, but is not limited to, the following:

- A. In a court other than the Probate Court
- B. In a contested matter in the Probate Court
- C. In connection with the preparation or filing, audit, protest or contest of an income or gift tax return, or liability incurred by the decedent or personal representative
- D. In connection with the settlement of estate taxes with respect to insurance not payable to the estate, gifts in contemplation of death, or general testamentary powers of appointment not exercised by the decedent, and other negotiation not represented by assets included in the "gross value" of the estate
- E. With respect to problems of valuation or taxability of property for estate taxes or to the protest of such taxes
- F. Preparation and filing of federal estate tax returns.
- G. Services in connection with sale of real estate under power of will or land sale proceedings, 1% of the total sale price
- H. In connection with matters which are unusual or excessive for the size of the estate involved
- I. In the connection with the performance of duties normally performed by the personal representative, but which fall to the lawyer because of personal representative's inexperience, lack of ability or absence from the place from which assets of estate must be managed
- J. Sale of business or business assets
- K. Proceedings to determine heirship
- L. Proceedings involving partnership
- M. Completion of land contract
- N. Any other civil proceeding