

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE: UNIFORM FEE SCHEDULE GUIDELINE FOR
COMMISSIONERS OF ACCOUNTS APPROVED
BY THE SUPREME COURT OF VIRGINIA

ORDER

IT APPEARING TO THE JUDGES OF THE NINETEENTH JUDICIAL CIRCUIT that it is appropriate to adopt the Uniform Fee Schedule Guideline for Commissioners of Accounts Approved by the Supreme Court of Virginia effective July 1, 2008 as the official fee guideline for this Circuit, effective October 1, 2008.

IT IS THEREFORE ORDERED that the Court hereby adopts and approves the Uniform Fee Schedule Guideline for Commissioners of Accounts Approved by the Supreme Court of Virginia effective July 1, 2008, a copy of which is attached hereto, in the Nineteenth Judicial Circuit for the various services and duties that the Commissioner of Accounts, the Deputy Commissioner of Accounts and the Assistant Commissioner of Accounts perform. The said Uniform Fee Schedule Guideline shall apply to all matters in this Circuit on or after October 1, 2008, nunc pro tunc.

ENTER this 25th day Sept, 2008.



Dennis J. Smith, Chief Judge

UNIFORM FEE SCHEDULE GUIDELINE
 FOR COMMISSIONERS OF ACCOUNTS
 APPROVED BY THE SUPREME COURT OF VIRGINIA
 Effective July 1, 2008

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). This Uniform Fee Schedule Guideline is 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.

<u>Inventories</u>	<u>Assets</u>	<u>Fee</u>
Guardian for Minor	Any amount	\$ 50.00
All others	0 - \$ 50,000	100.00
	50,001 - 200,000	150.00
	200,001 - 500,000	200.00
	Above 500,000	250.00

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	\$ 200.00
50,001 -	100,000	400.00
100,001 -	200,000	500.00
200,001 -	300,000	600.00
300,001 -	500,000	750.00
500,001 -	700,000	900.00
700,001 -	1,000,000	1,200.00
Above	1,000,000	1,200.00
		plus .00075 in excess of \$1,000,000, not to exceed a total fee of \$10,000.00 (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 Account

	<u>Fee</u>
Statement in Lieu	\$ 75.00
Notice of Intent to File	75.00

NOTE: These fees are statutory (Va. Code Section 26-20.1).

First Account of a Trust or a Conservatorship

<u>Assets from Inventory plus Additions</u>		<u>Fee</u>
0 -	\$ 50,000	\$ 200.00
50,001 -	100,000	300.00
100,001 -	200,000	400.00
200,001 -	300,000	500.00
300,001 -	500,000	600.00
500,001 -	700,000	700.00
700,001 -	1,000,000	800.00
Above	1,000,000	800.00 plus .0005 in excess of \$1,000,000, not to exceed a total fee of \$10,000 (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 \$7,500.00.

NOTE: If the ward is a Medicaid recipient, the maximum account filing fee is \$25.00 (Virginia Code Section 26-17.4.C).

First Account of a Minor

<u>Assets from Inventory plus Additions</u>		<u>Fee</u>
0 -	\$ 50,000	\$ 100.00
50,001 -	100,000	150.00
100,001 -	200,000	200.00
200,001 -	300,000	250.00
300,001 -	500,000	300.00
500,001 -	700,000	350.00
700,001 -	1,000,000	400.00
Above	1,000,000	400.00

plus .0005 in excess of \$1,000,000, not to exceed a total fee of \$5,000 (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 \$5,000.00.

Foreclosure Accounts (Interim and Final)

	<u>Sale Price</u>	<u>Fee</u>
0 -	\$ 100,000	\$ 250.00
100,001 -	300,000	300.00
300,001 -	450,000	450.00
450,001 -	600,000	600.00
600,001 -	750,000	750.00
750,001 -	900,000	900.00
Above	900,000	1,000.00

Note: The Commissioner may charge an additional fee of \$150.00 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 \$250.00 plus costs of advertisement, subject to the provisions below regarding fees for contested hearings.

Claim Against Estate After Qualification

A fee of \$50.00 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 Inventory in a timely manner resulting in a letter from the Commissioner: \$25.00
2. Failure to file settlement of accounts in a timely manner resulting in a letter from the Commissioner: \$25.00
3. Issuance of a summons by Commissioner: \$75.00
4. Commissioner's report to the Court on failure of fiduciary to comply with summons: \$150.00
5. Commissioner's report to Court of delinquent accounts and unsettled accounts as required by Virginia Code Section 26-18: \$50.00
6. Appearance in Court to prosecute Show Cause Order issued against fiduciary: \$200.00

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 \$150.00 per hour or such greater 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 Commissioner shall not charge a fee in excess of \$100.00 (Virginia Code Section 31-8.2).

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 shall not exceed \$25.00 (Virginia Code Section 26-17.7.D).

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.

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