

## PROBATE COURT FEE AND DISTRIBUTION SCHEDULE

This schedule outlines the fees to be charged, and the distribution of fees collected, in Michigan probate courts. The schedule has the following organization:

- (1) General Conditions Where No Fee is to be Charged;
- (2) Case Processing Fees;
- (3) Copy & Service Fees.

In determining the appropriate fee and distribution in a particular instance one should consult the section on *General Conditions Where No Fee is to be Charged* before looking for the description of the particular instance in either the *Case Processing Fees* section or the *Copy & Service Fees* section.

### GENERAL CONDITIONS WHERE NO FEE IS TO BE CHARGED

There are no fees where the petitioner or moving party is indigent or has an inability to pay and the court has waived fees based on the petitioner's affidavit. [MCL 600.880d; MCR 2.002]

The Attorney General, Department of Treasury, Department of Human Services, State Public Administrator, Administrator of Veterans Affairs, and county government agencies pay no filing fees. [MCL 600.880(4);880a(2);880b(4)]

There are no fees where a petition to commence a proceeding is brought under the Mental Health Code, MCL 330.1001 to 330.2106.

There may be other instances where the court might exercise discretion to waive fees.

There are no fees for filing an answer, response, or brief.

MCR 2.119(G)(2) requires only one motion fee for all motions filed at the same time in an action regardless of the caption. MCR 2.119(G)(3)(d) prohibits a motion fee "if the motion is filed at the same time as another document in the same action as to which a fee is required." Therefore, if more than one document is filed in the same action, only one fee is due. However, the filing fee is always collected on an account, regardless of the number of accounts filed at the same time, because an account is not considered a motion. Any other document filed at the same time as an account, in the same action, would not be charged a filing fee.

**PROBATE COURT FILING FEES**

**FEES APPLICABLE TO MULTIPLE TYPES OF CASES**

Demand for Jury Trial.....	\$30.00
Motion.....	\$20.00
Objection.....	\$20.00
Answer, Brief, Response.....	No Fee
Amended Petition .....	\$20.00
Petition for Instruction.....	\$20.00
Petition to Withdraw a Petition.....	\$20.00
Petition to Withdraw as Attorney.....	\$20.00
Appeal from Probate Court to Circuit Court or to Court of Appeals.....	\$25.00
Petition and Order.....	\$20.00
Issuance of a Commission to Take Testimony.....	\$7.00
Petition for Appointment of Guardian ad Litem.....	\$20.00
Petition to Allow Fees of Guardian ad Litem.....	\$20.00
Petition for Settlement of Personal Injury Claim.....	\$20.00
Writ of Garnishment, Attachment, or Execution.....	\$15.00
Petition for Temporary Restraining Order.....	\$20.00

**FEES APPLICABLE TO DECEDENTS – ESTATE CASES**

Demand for Notice – No Estate Pending.....	\$150.00
Demand for Notice – Estate Pending.....	\$20.00
Petition for Assignment of Estate under \$15,000.00.....	\$25.00
Petition to Determine Heirs – No Estate Pending.....	\$150.00

Petition to Determine Heirs – Estate Pending.....	\$20.00
Petition/Application for Probate and/or Appointment of Personal Representative – Which Commences an Estate.....	\$150.00
Petition/Application for Probate and/or Appointment of Personal Representative – Filed After an Estate is Open.....	\$20.00
Petition to Reopen a Closed File.....	\$150.00
Account – for each account filed.....	\$20.00
Petition for Allowance of Account – Filed Separately from Account.....	\$20.00
Petition for Allowance of Account – Filed with Account.....	No Fee
Petition for Attorney Fees – Filed Separately from Account.....	\$20.00
Petition for Attorney Fees – Filed with Account.....	No Fee
Statement and Proof of Claim.....	\$20.00
Disallowance of Claim.....	No Fee
Filing of Inventory.....	No Fee
(fee determined by MCL 600.871 based on the value of estate – there is no fee just for filing)	
Notice of Continued Administration.....	No Fee
Filing of Letters by Foreign Personal Representative.....	\$20.00
Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending.....	\$20.00

**FEES APPLICABLE TO TRUSTS**

Initiating a Proceeding Involving a Testamentary Trust – Processed Separately from a Decedents Estate.....	\$150.00
Initiating a Proceeding Involving a Testamentary Trust – Processed as Part of a Decedents Estate.....	\$20.00
Petition to Commence a Proceeding Relating to an Inter Vivos Trust.....	\$150.00
Registration of Trust.....	\$25.00

Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending.....\$20.00

**FEES APPLICABLE TO GUARDIANSHIP CASES UNDER EPIC**

Request for Notice of Guardianship Orders – No Proceeding Pending.....\$150.00

Request for Notice of Guardianship Orders – Proceeding Pending.....\$20.00

Petition for Full or Limited Guardianship, including request for Temporary Guardianship on same petition.....\$150.00

Annual Report on Condition of Ward.....No Fee

Account – For each account filed if ordered by the court.....\$20.00

Petition by Court-Appointed Attorney in Response to Guardianship Review.....No Fee

Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending.....\$20.00

**FEES APPLICABLE TO CONSERVATORSHIP CASES**

Request for Notice of Orders in Protective Proceedings – No Proceeding Pending  
.....\$150.00

Request for Notice of Orders in Protective Proceedings – Proceeding Pending.....\$20.00

Petition for Conservator or Protective Order including request for Temporary Conservator on same petition.....\$150.00

Account – For each account filed.....\$20.00

Petition for Allowance of Account – Filed with Account.....No Fee

Petition for Allowance of Account – Filed Separately from Account.....\$20.00

Petition for Attorney Fees – Filed with Account.....No Fee

Petition for Attorney Fees – Filed Separately from Account.....\$20.00

Statement and Proof of Claim.....\$20.00

Disallowance of Claim.....No Fee

Petition for Settlement of Personal Injury Claim.....\$20.00

Motion to Release Restricted Funds of a Minor.....No Fee

Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending.....\$20.00

**FEES APPLICABLE TO MENTAL HEALTH CODES**

Petition to commence a proceeding under the Mental Health Code.....No Fee

Motions and subsequent petitions – Involving an estate derived, in whole or in part, from nonpublic sources.....\$20.00

Motions and subsequent petitions – Any other motion or subsequent petition involving an estate derived entirely from public sources.....No Fee

**FEES APPLICABLE TO CIVIL ACTIONS**

Summons and Complaint.....\$150.00

Motion.....\$20.00

**FEES APPLICABLE TO OTHER CASES**

Petition to Open Safe Deposit Box.....\$10.00

Will Filed for Safekeeping.....\$25.00

Performing a Marriage.....\$10.00

Secret Marriage License.....\$3.00

Motion and Order for Delayed Registration of Foreign Birth.....\$150.00

Petition to Establish Death of Victim of Accident or Disaster.....\$150.00

Petition Under Uniform Transfers to Minors Act.....\$150.00

Drain Appeal.....\$150.00

Application for Order to Compel Support of Poor Person.....No Fee

Advanced Directive Proceeding.....\$150.00

Petition for Order to Donate Kidney by Minor.....\$150.00

COPY & SERVICE FEES

Certified Copy of Letters of Authority – Certification Fee.....\$10.00

Certified Copy of Letters of Authority – Each page.....\$1.00

Certified Copy of Deposition.....\$0.03 per folio

Taking, Certifying, Sealing, and Forwarding Deposition to Appellate Court.....\$5.00 plus  
.....\$0.10 per folio

Certified Copy in relation to either proceedings for the admission or commitment of a person or the determination of inheritance tax.....No Fee

Any Other Certified Copy of any other Paper – Certification Fee.....\$10.00

Any Other Certified Copy of any other Paper – Each page.....\$1.00

1. Motions applicable to multiple types of cases include, but are not necessarily limited to, the following:
  - Motion to Change Venue
  - Motion to Show Cause
  - Motion to Recuse
  - Motion for Rehearing
2. This includes, but is not necessarily limited to, an objection to an inventory, to an account, to a will, and to an appointment.
3. The filing fee for this petition does not include the inventory fee for the estate. Note: Beginning in 2001, the \$15,000 threshold amount will be subject to a cost-of-living adjustment factor. The current amount can be found at:  
[http://www.michigan.gov/documents/treasury/CostOfLivingAdjustmentsToEstatesAndProtectedIndividuals\\_345035\\_7.pdf](http://www.michigan.gov/documents/treasury/CostOfLivingAdjustmentsToEstatesAndProtectedIndividuals_345035_7.pdf)
4. The fees listed here for the filing of a petition to determine heirs do not apply to the request for the determination of heirs required in every petition for a testacy proceeding.
5. This refers to an account of any type, including, but not necessarily limited to, an annual account, an amended account, a final account, an interim account, a supplemental account, and an account with zero receipts and disbursements. The filing fee is to be applied to each account filed, regardless of the number of separate accounts. The account is not subject to MCR 2.119(G)(2) because it is not a motion.

6. MCL 600.871(1) provides, "In all decedents' estates in which proceedings are instituted for probate, the probate court shall charge and collect the following fees as an expense of administration on the value of all assets, as of the date of death of the decedent, as follows:

(a) In an estate of value of less than \$1,000.00, \$5.00 plus 1% of the amount over \$500.00.

(b) In an estate of value of \$1,000.00 or more, but less than \$3,000.00, \$25.00.

(c) In an estate of value of \$3,000.00 or more, but less than \$10,000.00, \$25.00 plus e of 1% of the amount over \$3,000.00.

(d) In an estate of value of \$10,000.00 or more, but less than \$25,000.00, \$68.75 plus 2 of 1% of the amount over \$10,000.00.

(e) In an estate of value of \$25,000.00 or more, but less than \$50,000.00, 12 \$143.75 plus d of 1% of the amount over \$25,000.00.

(f) In an estate of value of \$50,000.00 or more, but less than \$100,000.00, \$237.50 plus 3 of 1% of the amount over \$50,000.00.

(g) In an estate of value of \$100,000.00 or more, but less than \$500,000.00, \$362.50 plus c of 1% of the amount over \$100,000.00.

(h) For each additional \$100,000.00 value, or larger fraction thereof, over \$500,000.00, \$62.50.

For each additional \$100,000.00 value, or larger fraction thereof, over \$1,000,000.00, \$31.25."

\*NOTE: Effective December 27, 2005, all inventory fees are to be rounded to the nearest whole dollar. Round down if the fee calculates to a number ending in 1 to 49 cents and round up if the number ends in 50 to 99 cents.

7. The petitions covered by this fee include, but are not necessarily limited to, the following:

- Petition for Partial Distribution of Assets
- Petition for approval of sale of real estate
- Petition for Authority to Settle Wrongful Death Claim
- Petition for Supervised Administration
- Application/Petition for Removal/Termination of Personal Representative and Appointment of Successor
- Petition for Reinstatement of Personal Representative after Suspension
- Petition for Surcharge of Fiduciary

8. The petitions covered by this fee include, but are not necessarily limited to, the following:

- Petition to Remove a Trustee and Appoint a Successor
- Petition to Review the Fees of a Trustee
- Petition to Require, Hear, and Settle Interim or Final Accounts
- Petition to Ascertain Beneficiaries
- Petition for Construction

Additionally, if an account is ordered in a trust, the filing fee for the account would be the same as in other types of probate proceedings.

9. Some of the papers covered by this fee include:

Petition for Authority

Petition to Terminate or Modify Guardianship

10. Some of the papers covered by this fee include: 13

Petition for Authority

Petition to Terminate or Modify Conservatorship

Petition for Approval of Sale of Real Estate

Petition for Surcharge of Fiduciary

11. In a proceeding for an estate under \$15,000, if the value of the estate is less than \$500.00, the court might consider waiving this fee.