PROBATE COURT FEE AND DISTRIBUTION SCHEDULE

March 28, 2013

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.

CASE PROCESSING FEES

FEES APPLICABLE TO MULTIPLE TYPES OF CASES					
Type of Filing or Request Where There is a Case Pending	Fee	Distribution			
		Civil Filing Fee Fund	State Court Fund	County General Fund	State General Fund
Demand for Jury Trial [MCL 600.857(3)]	$30.00	$0	$0	$30.00	$0
Motion[1] [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Objection[2] [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Answer, Brief, Response	No Fee				
Amended Petition [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition for Instruction [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition to Withdraw a Petition [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition to Withdraw as Attorney [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Appeal from Probate Court to Circuit Court or to Court of Appeals [MCL 600.880c(1)]	$25.00	$0	$0	$25.00	$0
Petition and Order [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Issuance of a Commission to Take Testimony [MCL 600.874(b); 600.877]	$7.00	$0	$0	$2.80	$4.20
Petition for Appointment of Guardian ad Litem [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition to Allow Fees of Guardian ad Litem [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition for Settlement of Personal Injury Claim [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Writ of Garnishment, Attachment, or Execution [MCL 600.880b(2)]	$15.00	$0	$7.50	$7.50	$0
Petition for Temporary Restraining Order [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0

FEES APPLICABLE TO DECEDENT ESTATE CASES					
Type of Filing or Request	**Fee**	**Distribution**			
		Civil Filing Fee Fund	**State Court Fund**	**County General Fund**	**State General Fund**
Demand for Notice - No Estate Pending [MCL 700.3205] - Estate Pending [MCL 600.880b(1)]	$150.00 $20.00	$150.00 $0	$0 $10.00	$0 $10.00	$0 $0
Petition for Assignment of Estate under $15,000[3] [MCL 600.880(2)]	$25.00	$0	$25.00	$0	$0
Petition to Determine Heirs[4] - No Estate Pending [MCL 600.880(1)] - Estate Pending [MCL 600.880b(1)]	$150.00 $20.00	$150.00 $0	$0 $10.00	$0 $10.00	$0 $0
Petition/Application for Probate and/or Appointment of Personal Representative - Which Commences an Estate [MCL 600.880(1)] - Filed After an Estate is Open [MCL 600.880b(1)]	$150.00 $20.00	$150.00 $0	$0 $10.00	$0 $10.00	$0 $0
Petition to Reopen a Closed File [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0
Account[5] - for each account filed [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition for Allowance of Account - Filed Separately from Account [MCL 600.880b(1)] - Filed with Account [MCR 2.119G(3)(d)]	$20.00 No Fee	$0	$10.00	$10.00	$0
Petition for Attorney Fees - Filed Separately from Account [MCL 600.880b(1)] - Filed with Account [MCR 2.119G(3)(d)]	$20.00 No Fee	$0	$10.00	$10.00	$0
Statement and Proof of Claim [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Disallowance of Claim	No Fee				

Type of Filing or Request	Fee	Distribution			
		Civil Filing Fee Fund	State Court Fund	County General Fund	State General Fund
Filing of Inventory (fee determined by MCL 600.871 based on the value of estate – there is no fee just for filing	No Fee				
Value of Estate as Reflected in Inventory [MCL 600.871(1); 600.877][6]					
- Estate Valued less than $1000	$5.00-$10.00				
- Estate Valued from $1000 to $2999.99	$25.00				
- Estate Valued from $3000 to $9999.99	$25.00-$68.75				
- Estate Valued from $10,000 to $24,999.99	$68.75-$143.75				
- Estate Valued from $25,000 to $49,999.99	$143.75-$237.50				
- Estate Valued from $50,000 to $99,999.99	$237.50-$362.50				
- Estate Valued from $100,000 to $500,000	$362.50-$862.50				
- Estate Valued from $500,000.01 to $1,000,000	$862.50-$1175.00				
- Estate Valued above $1,000,000	$1175.00 and above	0%	0%	40%	60%
Notice of Continued Administration [MCL 700.3951]	No Fee				
Filing of Letters by Foreign Personal Representative [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending[7] [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0

FEES APPLICABLE TO TRUSTS					
Type of Filing or Request	**Fee**	**Distribution**			
		Civil Filing Fee Fund	**State Court Fund**	**County General Fund**	**State General Fund**
Initiating a Proceeding Involving a Testamentary Trust - Processed Separately from a Decedent's Estate [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0
- Processed as Part of a Decedent's Estate [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition to Commence a Proceeding Relating to an Inter Vivos Trust [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0
Registration of Trust [MCL 600.880c(2)]	$25.00	$0	$0	$25.00	$0
Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending [8] [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0

FEES APPLICABLE TO GUARDIANSHIP CASES UNDER EPIC					
Type of Filing or Request	**Fee**	**Distribution**			
		Civil Filing Fee Fund	**State Court Fund**	**County General Fund**	**State General Fund**
Request for Notice of Guardianship Orders - No Proceeding Pending [MCL 700.5104][MCL 600.880a(1)]	$150.00	$150.00	$0	$0	$0
- Proceeding Pending [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition for Full or Limited Guardianship, including request for Temporary Guardianship on same petition [MCL 600.880a(1); MCR 2.119(G)(2)]	$150.00	$150.00	$0	$0	$0
Annual Report on Condition of Ward	No Fee				
Account[5] - For each account filed if ordered by the court pursuant to MCR 5.409(C)(1) [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
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 proceeding pending[9] - Filed by the ward [MCL 600.880b(2)]	No Fee				
- Filed by anyone else [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0

FEES APPLICABLE TO CONSERVATORSHIP CASES					
Type of Filing or Request	**Fee**	**Distribution**			
		Civil Filing Fee Fund	**State Court Fund**	**County General Fund**	**State General Fund**
Request for Notice of Orders in Protective Proceedings - No Proceeding Pending [MCL 700.5104] [MCL 600.880(1)] - Proceeding Pending [MCL 600.880b(1)]	$150.00 $20.00	$150.00 $0	$0 $10.00	$0 $10.00	$0 $0
Petition for Conservator or Protective Order including request for Temporary Conservator on same petition [MCL 600.880(1); MCR 2.119(G)(2)]	$150.00	$150.00	$0	$0	$0
Account[5] - For each account filed [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Petition for Allowance of Account - Filed with Account [MCR 2.119G(3)(d)] - Filed Separately from Account [MCL 600.880b(1)]	No Fee $20.00	$0	$10.00	$10.00	$0
Petition for Attorney Fees - Filed with Account [MCR 2.119G(3)(d)] - Filed Separately from Account [MCL 600.880b(1)]	No Fee $20.00	$0	$10.00	$10.00	$0
Statement and Proof of Claim [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Disallowance of Claim	No Fee				
Petition for Settlement of Personal Injury Claim [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0
Motion to Release Restricted Funds of a Minor [MCL 600.880b(4)]	No Fee				
Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when proceeding pending[10] - Filed by the protected individual [MCL 600.880b(3)] - Filed by anyone else [MCL 600.880b(1)]	No Fee $20.00	$0	$10.00	$10.00	$0

FEES APPLICABLE TO MENTAL HEALTH CODE CASES					
Type of Filing or Request	**Fee**	**Distribution**			
		Civil Filing Fee Fund	**State Court Fund**	**County General Fund**	**State General Fund**
Petition to commence a proceeding under the Mental Health Code, MCL 330.1001 to 330.2106 [MCL 600.880(3)]	No Fee				
Motions and subsequent petitions - Involving an estate derived, in whole or in part, from nonpublic sources - Any other motion or subsequent petition involving an estate derived entirely from public sources	$20.00 No Fee	$0	$10.00	$10.00	$0

FEES APPLICABLE TO CIVIL ACTIONS					
Type of Filing or Request	**Fee**	**Distribution**			
		Civil Filing Fee Fund	**State Court Fund**	**County General Fund**	**State General Fund**
Summons and Complaint [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0
Motion [MCL 600.880b(1)]	$20.00	$0	$10.00	$10.00	$0

FEES APPLICABLE TO OTHER CASES					
Type of Filing or Request	Fee	Distribution			
		Civil Filing Fee Fund	State Court Fund	County General Fund	State General Fund
Petition to Open Safe Deposit Box [MCL 700.2517(2)(a)]	$10.00	$0	$0	$10.00	$0
Will Filed for Safekeeping [MCL 600.880c(2)]	$25.00	$0	$0	$25.00	$0
Performing a Marriage [MCL 600.874(1)(a); 600.877]	$10.00	$0	$0	$4.00	$6.00
Secret Marriage License [MCL 551.202]	$3.00	$0	$0	$2.00	$1.00
Motion and Order for Delayed Registration of Foreign Birth [MCL 600.880(1); 333.2830]	$150.00	$150.00	$0	$0	$0
Petition to Establish Death of Victim of Accident or Disaster [MCL 600.880(1); 700.1208]	$150.00	$150.00	$0	$0	$0
Petition Under Uniform Transfers to Minors Act [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0
Drain Appeal [MCL 280.72(3)] [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0
Application for Order to Compel Support of Poor Person [MCL 401.3] [MCL 600.880(1)]	No Fee				
Advanced Directive Proceeding [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0
Petition for Order to Donate Kidney by Minor [MCL 700.5105] [MCL 600.880(1)]	$150.00	$150.00	$0	$0	$0

COPY & SERVICE FEES

Type of Filing or Request	Fee	Distribution			
		Civil Filing Fee Fund	State Court Fund	County General Fund	State General Fund
Certified Copy of Letters of Authority [MCL 600.2546] - Certification fee - Each page	 $10.00 $1.00	 $0 $0	 $0 $0	 $10.00 $1.00	 $0 $0
Certified Copy of Deposition [MCL 600.874(1)(c); 600.877]	$0.03 per folio	0%	0%	40%	60%
Taking, Certifying, Sealing, and Forwarding Deposition to Appellate Court [MCL 600.874(1)(c); 600.877]	$5.00 plus $0.10 per folio	0%	0%	40%	60%
Certified Copy in relation to either proceedings for the admission or commitment of a person or the determination of inheritance tax [MCL 600.876]	No Fee				
Any Other Certified Copy of any other Paper[11] [MCL 600.2546] - Certification fee - Each page	 $10.00 $1.00	 $0 $0	 $0 $0	 $10.00 $1.00	 $0 $0

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.

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 5/8 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 1/2 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, $143.75 plus 3/8 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 1/4 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 1/8 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.
(i) For each additional $100,000.00 value, or larger fraction thereof, over $1,000,000.00, $31.25."

*NOTES: 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.

Effective March 28, 2013, the lien on real property is deducted from the value of that real property (but not below zero) when calculating the inventory filing fee.

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:
    - 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 $15,000.00, if the value of the estate is less than $500.00, the court might consider waiving this fee.