



## **SMITH COUNTY PROBATE COURT FEE SCHEDULE DETAILS**

**Effective January 1, 2022**

**KAREN PHILLIPS, COUNTY CLERK**

### **PROBATE OF WILL & ISSUANCE OF LETTERS TESTAMENTARY (§256, Estates Code)**

### **LETTERS OF INDEPENDENT ADMINISTRATION (§301, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC	15.00
County Judge Fee (Orders)	Local Government Code §118.101	2.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6),	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
Oath Fee	Local Government Code §118.056	2.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
<b>TOTAL</b>		<b>\$404.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

### **TEMPORARY ADMINISTRATION (§452, Estates Code)**

### **DEPENDENT ADMINISTRATION (§301, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC 135.157	15.00
County Judge Fee (Orders)	Local Government Code §118.101	4.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6), 323.023(a)(b)	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
Oath Fee	Local Government Code §118.056	2.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
<b>TOTAL</b>		<b>\$406.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

**PROBATE OF WILL AS MUNIMENT OF TITLE (§257, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC	15.00
County Judge Fee (Orders)	Local Government Code §118.101	2.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6),	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
<b>TOTAL</b>		<b>\$402.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

**DETERMINATION OF HEIRSHIP/NO ADMINISTRATION (§202, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC	15.00
County Judge Fee (Orders)	Local Government Code §118.101	4.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6),	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
Citation by Publication Posting	Texas Rules of Civil Procedure Rule 116	40.00
Citation by Publication Issued - Heirship	Local Government Code §118.059	80.00
<b>TOTAL</b>		<b>\$524.00</b>

Fee includes one published citation with service on newspaper (required). Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

*Per Smith County Local Order signed March 17, 2011 "All Applications to Determine Heirship shall contain the date of birth of each heir listed in the application".*

**DETERMINATION OF HEIRSHIP & FOR LETTERS OF ADMINISTRATION (§202 & §301, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC	15.00
County Judge Fee (Orders)	Local Government Code §118.101	6.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6),	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
Oath Fee	Local Government Code §118.056	2.00
Sheriff Posting Fee - Administration	Local Government Code §118.131	40.00
Sheriff Posting Fee - Heirship	Local Government Code §118.131	40.00
Citation by Publication Issued - Heirship	Local Government Code §118.059	80.00
Citation by Publication Posting	Texas Rules of Civil Procedure Rule 116	40.00
<b>TOTAL</b>		<b>\$568.00</b>

Fee includes posted citations (Administration & Heirship) and one published citation with service on newspaper (Heirship - required). Each additional citation issued is \$8.00. Each in county service is \$80.00. Each service by certified mail is \$80.00.

*Per Smith County Local Order signed March 17, 2011 "All Applications to Determine Heirship shall contain the date of birth of each heir listed in the application".*

**PERMANENT GUARDIANSHIP (§1101, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC	15.00
County Judge Fee (Orders)	Local Government Code §118.101	4.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6),	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
Oath Fee	Local Government Code §118.056	2.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
<b>TOTAL</b>		<b>\$406.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

**NOTE: A proposed ward who is 12 years of age or older MUST BE SERVED CITATION by personal service (sheriff/constable only), And additional fees will apply – contact County Clerk for addition information. (Estates Code, §1051.103)**

**TEMPORARY GUARDIANSHIP (§1251, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC	15.00
County Judge Fee (Orders)	Local Government Code §118.101	6.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6),	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
Oath Fee	Local Government Code §118.056	2.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
<b>TOTAL</b>		<b>\$408.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

**NOTE: A proposed ward who is 12 years of age or older MUST BE SERVED CITATION by personal service (sheriff/constable only), And additional fees will apply – contact County Clerk for addition information. (Estates Code, §1051.103)**

**PETITION FOR DECLARATORY JUDGMENT AFTER PROBATE (§405.003, Estates Code)****RECEIVERSHIP (§1354, Estates Code)****COMMUNITY PROPERTY SURVIVORSHIP AGREEMENT (§112, Estates Code)****SALE OF PROPERTY OF MINOR WITHOUT GUARDIANSHIP (§1351, Estates Code)****PAYMENT OF EMERGENCY EXPENSES (§152, Estates Code)****PAYMENT OF CLAIMS W/OUT GUARDIANSHIP (§1355, Estates Code)****ANCILLARY PROCEEDINGS – FOREIGN WILL (§501, Estates Code)****EXAMINATION OF SAFETY DEPOSIT BOX (§151, Estates Code)****SMALL ESTATE AFFIDAVIT (§205, Estates Code)****CREATION OF MANAGEMENT TRUST (§1301, Estates Code)****BILL OF REVIEW (§55.251, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Dispute Resolution Fund	Local Government Code §135.102(b)(10),LGC	15.00
County Judge Fee (Orders)	Local Government Code §118.101	2.00
County Jury Fund	Local Government Code §135.102(b)(9), 135.156	10.00
County Law Library Fund	Local Government Code §135.102(b)(6),	35.00
Court Reporter Service Fund	Local Government Code §135.102(b)(5)	25.00
Courthouse Security Fund	Local Government Code §135.102(b)(7)	20.00
Court Facility Fee Fund	Local Government Code §135.102(b)(2), 135.152	20.00
Court Initiated Guardianship Fund	Local Government Code §135.102(b)(11,13),135.158	30.00
Judicial Education and Support Fund	Local Government Code §135.102(b)(12),135.159	5.00
Language Access Fund	Local Government Code §135.102(b)(8), 135.155	3.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	15.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	137.00
<b>TOTAL</b>		<b>\$362.00</b>

Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

**ADVERSE ACTION, CONTEST, COUNTERCLAIM, INTERPLEADER, MOTION FOR NEW TRIAL****(Chap. 55, Estates Code)**

Clerk of the Court Account	Local Government Code §135.153	40.00
Court Initiated Guardianship Fund	Local Government Code	30.00
Records Management & Preservation Fund	Local Government Code §135.102(b)(4), 135.154	5.00
State Consolidated Fee	Local Government Code §133.151(a)(1)	45.00
<b>TOTAL</b>		<b>\$120.00</b>

Fees for citations are not included. Each citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

**APPLICATION TO DETERMINE HEIRSHIP AS 2<sup>ND</sup> ACTION (AFTER ADMINISTRATION FILED)****(§401.003(b), Estates Code)**

Citation Issued (Publication - Heirship)	Local Government Code §118.059	80.00
County Judge Fee (Orders)	Local Government Code §118.101	4.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
Citation by Publication Posting	Texas Rules of Civil Procedure Rule 116	40.00
<b>TOTAL</b>		<b>\$164.00</b>

Citation By Publication DOES NOT include fee for newspaper to publish. Each additional citation issued is \$8.00. Each personal Service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

**APPLICATION TO CONVERT TEMPORARY ADMINISTRATION TO PERMANENT****(§256 & §301, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Citation Issued	Local Government Code §118.059	8.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Judge Fee (Orders)	Local Government Code §118.101	2.00
Oath Fee	Local Government Code §118.055	2.00
Records Management & Preservation Fund	Local Government Code	15.00
Sheriff Posting Fee	Local Government Code §118.131	40.00
<b>TOTAL</b>		<b>\$112.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable Is \$80.00. Each personal service of citation by certified mail is \$80.00.

**APPLICATION TO CONVERT TEMPORARY GUARDIANSHIP TO PERMANENT (§1101, Estates Code)**

Appellate Judicial System Fund	Local Government Code §135.102(b)(1)	5.00
Citation Issued	Local Government Code §118.059	8.00
Clerk of the Court Account	Local Government Code §135.153	40.00
County Judge Fee (Orders)	Local Government Code §118.101	4.00
Oath Fee	Local Government Code §118.055	2.00
Records Management & Preservation Fund	Local Government Code	15.00
Sheriff Posting Fee	Local Government Fee §118.131	40.00
<b>TOTAL</b>		<b>\$114.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable Is \$80.00. Each personal service of citation by certified mail is \$80.00.

**APPLICATION FOR SALE OF PROPERTY (§356 & 1158, Estates Code)**

Clerk of the Court Account	Local Government Code §118.052(2)(B)(v)	\$25.00
County Judge Fee	Local Government Code §118.101	2.00
Sheriff Posting Fee	Local Government Fee §118.131	40.00
<b>TOTAL</b>		<b>\$67.00</b>

Fee includes one posted citation. Each additional citation issued is \$8.00. Each personal service of citation by sheriff or constable is \$80.00. Each personal service of citation by certified mail is \$80.00.

## **ADDITIONAL PROBATE COSTS – ASSESSED AS APPLICABLE**

### **CITATION BY PUBLICATION POSTING**

Posting Fee	Texas Rules of Civil Procedure Rule 116	<b>\$40.00</b>
-------------	---	----------------

### **COUNTY JUDGE FEE (ORDERS)**

County Judge Signature	Local Government Code §118.101	<b>\$2.00</b>
------------------------	--------------------------------	---------------

### **LATE INVENTORY - Filed after 90 days from date of qualification or after extended deadline (§309 & §1154, Estates Code)**

Clerk of the Court Account	Local Government Code §118.052	\$25.00
County Judge Fee	Local Government Code §118.101	<u>2.00</u>
		<b>\$27.00</b>

### **ANNUAL ACCOUNTING (Chaps. 359 & 1163, Estates Code)**

Clerk of the Court Account	Local Government Code §118.052	\$25.00
County Judge Fee	Local Government Code §118.101	<u>2.00</u>
		<b>\$27.00</b>

### **FINAL ACCOUNTING (§362.003 & Chap. 1204, Estates Code)**

Clerk of the Court Account	Local Government Code §118.052	\$25.00
County Judge Fee	Local Government Code §118.101	<u>2.00</u>
		<b>\$27.00</b>

### **ANNUAL REPORT OF THE PERSON (Guardianship) (§1163.101, Estates Code)**

Clerk of the Court Account	Local Government Code §118.056	\$10.00
County Judge Fee	Local Government Code §118.101	<u>2.00</u>
		<b>\$12.00</b>

### **PERSONAL REPRESENTATIVE'S BOND (Chaps. 305 & 1105, Estates Code)**

Clerk of the Court Account	Local Government Code §118.052(2)(b)(II)	<b>\$5.00</b>
----------------------------	--	---------------

### **CREDITOR'S CLAIM (Chaps. 355 & 1157, Estates Code)**

Clerk of the Court Account	Local Government Code §118.058	<b>\$10.00</b>
----------------------------	--------------------------------	----------------

### **ISSUANCE OF CITATION (Chaps. 51 & 1051, Estates Code)**

Citation Issued	Local Government Code §118.052(3)(A)	<b>\$8.00</b>
-----------------	--------------------------------------	---------------

### **SERVICE BY SHERIFF/CONSTABLE (§51.051 & §1051.051, Estates Code)**

Citation, Subpoena or Summons	Local Government Code §118.131	<b>\$80.00</b>
-------------------------------	--------------------------------	----------------

### **SERVICE BY CERTIFIED MAIL – CLERK (§51.052 & §1051.052, Estates Code)**

Clerk Service Fee (Add current postage and certified mail fees)	Local Government Code §118.063	<b>\$80.00</b>
--	--------------------------------	----------------

### **LETTERS OF APPOINTMENT (§306.004 & §1106.001, Estates Code)**

Clerk of the Court Account	Local Government Code §118.061	<b>\$2.00</b>
----------------------------	--------------------------------	---------------

### **DEPOSIT OF WILL FOR SAFEKEEPING (§252.001, Estates Code)**

Wills For Safekeeping Fee	Local Government Code §118.062	<b>\$5.00</b>
---------------------------	--------------------------------	---------------

### **PRIVATE PROFESSIONAL GUARDIAN REGISTRATION (§1104.301, Estates Code)**

Clerk of the Court Account	Estates Code §1104.303(b)(2)	<b>\$40.00</b>
----------------------------	------------------------------	----------------

Updated 12/15/2021