

**TITLE 18-C  
PROBATE CODE**

**ARTICLE 1  
GENERAL PROVISIONS, DEFINITIONS AND JURISDICTION**

**PART 6  
COSTS AND FEES**

**§1-601. Costs in contested cases**

In contested probate cases and appeals, costs may be allowed to either party, including reasonable witness fees, costs of depositions, hospital records or medical reports and attorney's fees, to be paid to either or both parties out of the estate in controversy, as justice requires. In cases in which a will is contested on the grounds of undue influence or mental capacity, attorney's fees and costs may not be allowed to a party who unsuccessfully contests the will.

**§1-602. Filing and certification fees**

The person making the request shall pay the register the following fees for filing or certifying documents.

**1. Certification.** For making and certifying to the register of deeds copies of devises of real estate, abstracts of petitions for appointment of a personal representative or for an elective share and any other document for which certification is required, the fee is \$15 plus the fee for recording as provided by Title 33, section 751, except as otherwise expressly provided by law. The fee must be paid by the personal representative, petitioner or other person filing the document to be certified when the copy of the devise, abstract, petition for elective share or other document for which certification is required is requested. The register of probate shall deliver the certified document to the register of deeds together with the fee for recording as provided by Title 33, section 751.

**2. Filing.** For receiving and entering each petition or application for all estates, testate and intestate, including foreign estates, and the filing of a notice by a domiciliary foreign personal representative, except for the filing of a successor personal representative, when the value of the estate is:

- A. \$10,000 and under, the fee is \$20;
- B. \$10,001 to \$20,000, the fee is \$40;
- C. \$20,001 to \$30,000, the fee is \$60;
- D. \$30,001 to \$40,000, the fee is \$75;
- E. \$40,001 to \$50,000, the fee is \$95;
- F. \$50,001 to \$75,000, the fee is \$125;
- G. \$75,001 to \$100,000, the fee is \$190;
- H. \$100,001 to \$150,000, the fee is \$250;
- I. \$150,001 to \$200,000, the fee is \$325;
- J. \$200,001 to \$250,000, the fee is \$375;
- K. \$250,001 to \$300,000, the fee is \$450;

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- L. \$300,001 to \$400,000, the fee is \$500;
- M. \$400,001 to \$500,000, the fee is \$575;
- N. \$500,001 to \$750,000, the fee is \$625;
- O. \$750,001 to \$1,000,000, the fee is \$700;
- P. \$1,000,001 to \$1,500,000, the fee is \$750;
- Q. \$1,500,001 to \$2,000,000, the fee is \$875; or
- R. More than \$2,000,000, the fee is \$950, and continuing in steps of \$100 for every increase in value of \$500,000 or part thereof above \$2,500,000.

For filing a will for no probate, there is no charge.

For filing a will to be probated and without an appointment, the fee is \$15.

**3. Copies of court records.** For making copies from the records of the court, the fee is \$1 for each page.

Sec. 1 amends the filing fees in sub-§4 and sub-§5

**4. Certificate of appointment.** For each certificate, under seal of the court, of the appointment and qualification of a personal representative, guardian, conservator or trustee, the fee is \$5, and for each double certificate, the fee is \$10.

**5. Petition for appointment as guardian.** For filing a petition for appointment as guardian, the fee is \$50.

**6. Application for involuntary hospitalization.** For filing an application for involuntary hospitalization, the fee is \$10.

Sec. 1 amends the filing fees in sub-§7 and sub-§8

**7. Petition for guardian and conservator.** For filing a joined petition for guardian and conservator, the fee is \$75.

**8. Petition for appointment of conservator.** For filing a petition for appointment of conservator, the fee is \$50.

**9. Petition for elective share.** For filing a petition for elective share, the fee is \$120.

Sec. 1 amends the filing fees in sub-§10, sub-§11 and sub-§12, and amends the scope of sub-§12

**10. Subsequent informal appointments.** For all other subsequent informal appointments, the fee is \$25.

**11. Other formal proceeding.** For filing any other formal proceeding, the fee is \$25.

**12. Registration of guardianship order from another state.** For registering a guardianship order from another state, the fee is \$25.

**§1-603. Registers to account monthly for fees**

A register shall account for each calendar month under oath to the county treasurer for all fees received by the register or payable to the register by virtue of the office, specifying the items, and shall pay the whole amount for each calendar month to the treasurer of the county not later than the 15th day of the following month.

**§1-607. Surcharge for restoration, storage and preservation of records**

**1. Surcharge.** In addition to any other fees required by law, a register shall collect a surcharge of \$10 per petition, application or complaint, except for name changes, filed in the court.

**2. Nonlapsing account.** The surcharge imposed in subsection 1 must be transferred to the county treasurer, who shall deposit it in a separate, nonlapsing account within 30 days of receipt. Money in the account is not available for use as general revenue of the county. Interest earned on the account must be credited to the account.

**3. Use of account funds.** The money in the account established in subsection 2 must be used for the restoration, storage and preservation of the records filed in the office of the register and in the court. No withdrawals from this account may be made without the express written request or approval of the register.

**4. Waiver of surcharge.** The judge may waive the surcharge in subsection 1 if the judge believes that it will prove a hardship for the individual filing the petition, application or complaint.

#### **§1-608. Fees not established in statute**

Unless otherwise specifically stated in statute or in the Rules of Probate Procedure published by the Supreme Judicial Court, the Probate Court shall charge the same fee charged by the District Court or the Superior Court for similar procedures.

### **PART 7 CHANGE OF NAME**

#### **§1-701. Petition to change name**

**1. Petition; where filed.** If a person desires to have that person's name changed, the person may petition the judge in the county where the person resides. If the person is a minor, the person's legal custodian may petition on the person's behalf. If there is a proceeding involving custody or other parental rights with respect to the minor pending in the District Court, the petition must be filed in the District Court.

**2. Notice and name change.** Upon receipt of a petition filed under subsection 1, the judge, after due notice, may change the name of the person. To protect the person's safety, the judge may limit the notice required if the person shows by a preponderance of the evidence that:

A.

B. The person is currently in reasonable fear of the person's safety.

**3. Record.** The judge shall make and preserve a record of a name change. If the judge limited the notice required under subsection 2, the judge may seal the record of the name change.

**4. Filing fee.** The fee for filing a name change petition is \$40.

**5. Background checks.** The judge may require a person seeking a name change to undergo one or more of the following background checks: a criminal history record check; a motor vehicle record check; or a credit check. The judge may require the person to pay the cost of each background check required.

**6. Denial of petition brought for improper purpose.** The judge may not change the name of a person if the judge has reason to believe that the person is seeking the name change for purposes of defrauding another person or entity or for purposes otherwise contrary to the public interest.

**Sec. 2** amends the filing fees in §1-701, sub-§4