

HAMILTON COUNTY SURROGATE'S COURT
139 White Birch Lane, PO Box 780
Indian Lake, NY 12842
518-648-5411
518-453-8687 (Fax)

Variable Fee Schedule

The variable fee schedule applicable to proceedings listed in SCPA §2402(1) through (6) is provided in SCPA §2402(7) and reads as follows:

Value of Estate or Subject Matter Fee	Fee Rate
Less than \$10,000	\$45.00
\$10,000 - \$20,000	\$75.00
\$20,000 - \$50,000	\$215.00
\$50,000 - \$100,00	\$280.00
\$100,000 - \$250,000	\$420.00
\$250,000 - \$500,000	\$625.00
\$500,000+	\$1,250.00

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Fixed Fee Proceedings

SCPA §2402(8)(a) provides a fixed fee for filing a petition to commence certain proceedings, as follows:

SCPA	Fee Rate
<i>607 - to punish respondent for contempt</i>	\$30.00
<i>711 - suspend, modify, revoke letters or remove a fiduciary other than a custodian or guardian</i>	\$75.00
<i>711 - suspend, modify, revoke letters or remove a custodian or guardian</i>	\$30.00
<i>715 - application of fiduciary to resign</i>	\$30.00
<i>717 - suspend powers—fiduciary in war</i>	\$30.00
<i>1401 - compel production of will</i>	\$20.00
<i>1420 - construction of will</i>	\$75.00
<i>1421 - determination of right of election</i>	\$75.00
<i>1502 - appointment of trustee</i>	\$45.00
<i>1508 - release against state</i>	\$50.00
<i>1703 - appointment of guardian</i>	\$20.00
<i>2003 - open safe deposit box</i>	\$20.00
<i>2102 - proceedings against a fiduciary</i>	\$20.00
<i>2103 - proceedings by fiduciary to discover property</i>	\$75.00
<i>2107 - advice and directions</i>	\$75.00
<i>2108 - continue business</i>	\$45.00
<i>2114 - review corporate trustee compensation</i>	\$10.00
<i>2205 - petition to compel fiduciary to account</i>	\$30.00
<i>(EPTL) 7-4.6 - appointment of successor custodian</i>	\$20.00

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SCPA §2402(8)(b) provides that for filing a petition to commence a proceeding for the appointment of a trustee of a lifetime trust or for the appointment of a conservator, the fee shall be the same as that which is payable in the Supreme Court pursuant to CPLR 8018.

Fixed Fees for Filing Papers

Fees for filing certain papers are provided in SCPA §2402(9), as follows:

SCPA	Fee Rate
<i>502 - a demand for trial by jury in any proceeding</i>	\$150.00
<i>1410 - objections to the probate of a will</i>	\$150.00
<i>A note of issue with any proceeding</i>	\$45.00
<i>Objection or answer in any action or proceeding other than probate</i>	\$75.00
<i>2507 - a will for safekeeping except that the court in any county may reduce or dispense with such a fee</i>	\$45.00
<i>A bond, including any additional bond: less than \$10,000</i>	\$20.00
<i>A bond, including any additional bond: \$10,000 and over</i>	\$30.00

Fees for certain services are provided in SCPA §2402(10) through (15), as follows:

SCPA	Fee Rate
(10) <i>for furnishing a transcript of a decree</i>	\$20.00
(11) <i>for a certificate of letters evidencing that the appointment of a fiduciary is still in full force and effect</i>	\$6.00
(12a) <i>for making and certifying or comparing and certifying a copy of a will or any paper on file or recorded in this office</i>	\$6.00/page
(12b) <i>authenticating the same, additional</i>	\$20.00
(13) <i>for searching and certifying to any record for which search is made (under 25 years)</i>	\$30.00
<i>for searching and certifying to any record for which search is made (over 25 years)</i>	\$90.00
(14a) <i>for producing papers, documents, books of record on file in this office under a subpoena duces tecum, for use within the county where the office of the court is situated</i>	\$30.00
(14b) <i>for use in any other county, such fee to be paid for each day or part thereof that the messenger is detailed from the office and to be in addition to mileage fee and the necessary expenses of the messenger. The clerk of the court shall not be required to make any collection or return of the money so paid for expenses</i>	\$0.30
(15a) <i>for recording any instrument, decree, or other paper which is required by law to be recorded (or part)</i>	\$8.00/page
<i>(minimum)</i>	\$16.00
(15b) <i>for filing an authenticated copy of a foreign will (or part)</i>	\$8.00/page
<i>(minimum)</i>	\$64.00
(15c) <i>for taxing bill of costs</i>	\$15.00

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Proceedings and services for which no fee shall be charged

SCPA §2402(16) provides that no fee shall be charged in the following instances:

- (a) for filing objections of a guardian ad litem, or of a respondent in a proceeding brought pursuant to SSL §384(b);
- (b) for filing a guardian's annual account;
- (c) for any certificate or certified copy of a paper required to be filed with the United States Veterans Administration;
- (d) for filing a petition in a proceeding for filing an additional bond, to reduce the penalty of a bond or substitute a new bond or discharge any bond when no accounting is required;
- (e) in respect to the proceedings for the appointment of a fiduciary when the appointment is made solely for the purpose of collecting bounty, arrears of pay, prize money, pension dues or other dues or gratuities due from the federal or state government for services of an infant or of a decedent formerly or now in the military or naval services or to collect the proceeds of a war risk insurance policy;
- (f) to or received from the state of New York or any public agency of the state or any civil subdivision or agency thereof with respect to a social services official when taking any proceeding with respect to the estate of a person who was a recipient of benefits from social services; and
- (g) for the filing of a petition for an order granting funds for the maintenance or other proper needs of any infant or for any certificate or any certified copy of the order on such an application.

SCPA §2402(17) provides that the fee charged for the filing of a petition shall include the recording of any decree made in that proceeding which is required by law to be recorded and shall include the recording of any letters required by law to be recorded.