ORDER

ESTABLISHING UNIFORM FEE GUIDELINES

FOR
COMMISSIONERS OF ACCOUNTS FOR
THE CIRCUIT COURT OF FAUQUIER COUNTY

AND FOR

COMMISSIONERS OF ACCOUNTS FOR
THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

Effective October 1, 2016

ORDERED, that fees approved by this Court for the Commissioners of Accounts for the Circuit Court of Fauquier County, Virginia and for the Circuit Court of Rappahannock County, Virginia shall be as set out below.

By statute, each Circuit Court sets the fees for its Commissioner(s) of Accounts (including Assistant Commissioners of Accounts and any Deputy Commissioners of Accounts). This Uniform Fee Schedule Guideline is an attempt to provide uniformity among the various Circuit Courts.

The Commissioner of Accounts receives no fees from either the State or local government. His or her fees are derived entirely from filing fees paid by the users of the system. The Commissioner pays the expenses of operating his or her office out of the filing fees. These filing fees compensate the Commissioner of Accounts for his or her work and the work of his or her staff in auditing accounts, answering questions of fiduciaries, resolving disputes between beneficiaries and fiduciaries, and enforcing the requirement that fiduciaries file timely and proper accounts.

Inventories	Assets	Fee
Guardian for Minor	Any amount	$ 55.00
All others	0 - $ 50,000	110.00
	50,001 - 200,000	165.00
	200,001 - 500,000	220.00
	Above 500,000	275.00

NOTE: Based upon assets under the control of the fiduciary, including real estate over which the fiduciary has the power of sale, but not including projected income.

First Account of a Decedent's Estate

Assets from Inventory plus Additions	Fee
0 - $ 50,000	$ 220.00
50,001 - 100,000	440.00
100,001 - 200,000	550.00
200,001 - 300,000	660.00
300,001 - 500,000	825.00
500,001 - 700,000	990.00
700,001 - 1,000,000	1,320.00
Above 1,000,000	1,320.00 plus .00075 in excess of $1,000,000, or as otherwise set by the Court.

NOTE: "Assets from Inventory" for a decedent's estate means the probate assets, including real estate over which the fiduciary has the power of sale (Parts 1 and 3 of the Inventory). "Additions" are receipts, capital gains, and adjustments (Lines 2, 3, and 4 of the Account Summary).

Second and Subsequent Accounts of a Decedent's Estate

The fee shall be determined by applying the fee schedule for a First Account to the assets brought forward (at market value) plus additions during the accounting period.

Statements In Lieu of Account	Fee
Statement in Lieu	$ 75.00
Notice of Intent to File	75.00

NOTE: These fees are statutory (Va. Code Section 64.2-1314).

First Account of a Trust or a Conservatorship

Assets from Inventory plus Additions	Fee
0 - $ 50,000	$ 220.00
50,001 - 100,000	330.00
100,001 - 200,000	440.00
200,001 - 300,000	550.00
300,001 - 500,000	660.00
500,001 - 700,000	770.00

700,001 - 1,000,000	880.00
Above 1,000,000	880.00 plus .0005 in excess of $1,000,000, or as otherwise set by the Court.

NOTE: "Assets from Inventory" for a Trust means the Trust Assets, including real estate over which the Trustee has the power of sale (Parts 1 and 2 of the Inventory) and "Assets from Inventory" for a Conservatorship means the Conservator Assets, including real estate over which the Conservator has the power of sale and the incapacitated person's interest in any real or personal property that will pass to another at the incapacitated person's death (Parts 1, 2, and 5 of the Inventory). "Additions" are receipts, capital gains, and adjustments (Lines 2, 3, 4, and 5 for the Trust and Lines 2b, 3 and 4 for the Conservatorship).

Second and Subsequent Accounts of a Trust or a Conservatorship

The fee shall be determined by applying the fee schedule for a First Account to the assets brought forward (at market value) plus additions during the accounting period. The maximum fee shall not exceed $8,250.00 unless otherwise set by the Court.

NOTE: If the ward is a Medicaid recipient, the maximum account filing fee is $25.00 (Virginia Code Section 64.2-1305).

First Account of a Minor

Assets from Inventory plus Additions	Fee
0 - $ 50,000	$ 110.00
50,001 - 100,000	165.00
100,001 - 200,000	220.00
200,001 - 300,000	275.00
300,001 - 500,000	330.00
500,001 - 700,000	385.00
700,001 - 1,000,000	440.00
Above 1,000,000	440.00 plus .0005 in excess of $1,000,000, or as otherwise set by the Court.

NOTE: "Assets from Inventory" means the Guardianship assets, including real estate over which the Guardian has power of sale (Parts 1 and 2 of the Inventory). "Additions" are receipts, capital gains, and adjustments (Lines 2b, 3 and 4).

Second and Subsequent Accounts of a Minor

The fee shall be determined by applying the fee schedule for a First Account to the assets brought forward (at market value) plus additions during the accounting period. The maximum fee shall not exceed $5,500.00 unless otherwise set by the Court.

Foreclosure Accounts (Interim and Final)

Sale Price	Fee
0 - $ 100,000	$ 275.00
100,001 - 300,000	330.00
300,001 - 450,000	495.00
450,001 - 600,000	660.00
600,001 - 750,000	825.00
750,001 - 900,000	990.00
Above 900,000	1,100.00

Note: The Commissioner may charge an additional fee of $165.00 when the Trustee is unable to produce the original note, which fee shall be shown on the Account as a charge to the noteholder.

Taking and Reporting of Debts and Demands

A fee of $275.00 plus costs of advertisement, subject to the provisions below regarding fees for contested hearings.

Claim Against Estate After Qualification

A fee of $55.00 for each creditor's claim filed with the Commissioner after qualification other than claims filed in response to a notice of Debts and Demands hearing. This fee shall be charged to the creditor.

Delinquency Fees (To be collected against the fiduciary personally)

1. Failure to file Inventory in a timely manner resulting in a letter from the Commissioner: $30.00

Definition. For this purpose, "Failure to file Inventory in a timely manner" is defined as:

a. failure to file a proper Inventory in a timely manner, or
b. failure to pay Commissioner or Clerk's fees associated with the Inventory within 30 days of the date the fees are billed.

2. Failure to file settlement of Accounts in a timely manner resulting in a letter from the Commissioner: $30.00

Definition. For this purpose, "Failure to file settlement of Accounts in a timely manner" is defined as:

a. failure to file a proper Account in a timely manner, or
b. failure to pay Commissioner or Clerk's fees associated with the Account within 30 days of the date the fees are billed.

3. Issuance of a summons by Commissioner: $85.00

4. Commissioner's report to the Court on failure of fiduciary to comply with summons: $165.00

5. Commissioner's Report to Court of delinquent accounts and unsettled accounts as required by Virginia Code Section 64.2-1216, or Commissioner's Supplemental Report or communications with the Court:
   (1) to continue the case, or
   (2) to remove the case from the docket, or
   (3) to remove exceptions, or
   (4) to deal with any other matter occasioned by fiduciary failure and not covered by some other part of these Guidelines.

   Fee: $100.00

6. Appearance in Court to prosecute Show Cause Order issued against fiduciary: $220.00

Increased Fees for Review of Accounts

In any case where the Commissioner deems it appropriate, the Commissioner may seek Court approval to increase his or her fees. The Commissioner's request for approval of an increased fee must be made in writing, and include his or her justification for requesting the increased fee. The Commissioner shall give notice of his request for Court approval to the fiduciary so that the fiduciary has an opportunity to be heard. When formulating a request for an increase of the fee, the Commissioner may take into consideration the following factors:

1. The amount of time spent by the Commissioner and his or her staff in reviewing the account and the vouchers, as affected by the number of vouchers and the quality, completeness and accuracy of preparation of the account.

2. The dollar value, number and nature of the assets in the estate, and the assets outside of the estate which impact on the distribution of the probate estate.

3. The amount of time spent by the Commissioner and his or her staff on research and rendering decisions on questions of law.

4. The complexity of the estate distribution scheme, including apportionment of taxes, funding bypass trusts and marital shares or trusts and computations of beneficiary shares, including elective shares, allowances and exemptions.

5. The necessity for the Commissioner to review tax returns or other documents.

6. The amount of time spent by the Commissioner and his or her staff addressing complaints of beneficiaries concerning the account.

7. Any other matters deemed relevant by the Commissioner.

Fees for Services not covered elsewhere in this order.

When the Commissioner of Accounts conducts contested hearings, or confers or corresponds with fiduciaries, beneficiaries, and/or creditors, or lawyers, accountants, or agents for any of such persons, or deals with any other aspect of, or matters relating to fiduciary obligations not normally required to be addressed during the audit and approval of proper fiduciary affidavits of notice, inventories, and accounts, the Commissioner may charge a fee based upon hours expended at a rate of $250.00 per hour and a reasonable hourly fee for staff time, or such other hourly rate set by the Circuit Court for the Commissioner of Accounts.

When the Commissioner of Accounts conducts a hearing to authorize a disbursement by the Guardian of a minor, the Commissioner shall not charge a fee in excess of $100.00 (Virginia Code Section 64.2-1802).

For receiving and filing a written consent to the waiver of filing a Trust Inventory and/or Trust Account, the fee of the Commissioner of Accounts shall not exceed $25.00 (Virginia Code Section 64.2-1307).

Reduction of Fees

In exceptional circumstances, the Commissioner may reduce any of the forgoing fees.

Clerk's Recordation Fee (to be sent to the Commissioner)

Inventories: As set by the local Clerk pursuant to statute.

Accounts: As set by the local Clerk pursuant to statute.

THIS ORDER setting Commissioner fees is entered this _____, 2016.

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JEFFREY W. PARKER, JUDGE