§ 2402. Fees. Amount of

1. Probate. Upon filing a petition to commence a proceeding for probate of a will the fee shall be as shown by the following schedule computed initially upon the gross estate passing by will as stated in the petition; provided however that in a proceeding for ancillary probate of a will the fee shall be computed only upon the property within the state passing under such will and provided that in all cases if the value of the estate so passing as subsequently shown by a tax return filed under article twenty six of the tax law, by a proceeding under such article, by any proceeding in surrogate's court involving such estate, or by such papers or documents in connection with such estate as court rules may require to be filed with the court, exceeds the value originally stated and upon which the fee was paid, then an additional probate fee shall be immediately payable. Such additional fee shall be the difference between the fee based on the value subsequently shown and the fee which was initially paid. In the event that the value of the estate so passing as subsequently shown is less than the value originally stated and upon which the fee was paid, then a refund shall be made which shall be the difference between the fee initially paid and the fee based on the actual value subsequently shown.

The fee paid in a probate or ancillary probate proceeding includes all charges except if probate be contested, fees as required for filing objections, demand for jury trial or for filing note of issue shall be payable.

2. Administration. Upon filing a petition to commence a proceeding for administration in intestacy the fee shall be as shown by the following schedule based initially upon the gross estate passing by intestacy as stated in the petition; provided however that if the value of the estate so passing as subsequently shown by a tax return filed under article twenty-six of the tax law, by a proceeding under such article, by any proceeding in surrogate's court involving such estate, or by such papers or documents in connection with such estate as court rules may require to be filed with the court, exceeds the value originally stated and upon which the fee was paid, then an additional fee shall be immediately

payable. Such additional fee shall be the difference between the fee based on the value subsequently shown and the fee which was initially paid. In the event that the value of the estate so passing as subsequently shown is less than the value originally stated and upon which the fee was paid, then a refund shall be made which shall be the difference between the fee initially paid and the fee based on the actual value subsequently shown.

3. Accounting. (a) Upon filing a petition to commence a proceeding for an accounting the fee shall be as shown by the following schedule based on the gross value of assets accounted for including principal and income. Where more than one account is filed under a single petition the fee shall be based separately on the gross value of each separate fund or trust accounted for.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, upon filing a petition to commence an accounting proceeding for a lifetime trust or upon filing a petition for an accounting in a conservatorship proceeding, the fee shall be the same as that which is payable in the supreme court pursuant to section eight thousand eighteen of the civil practice law and rules.

4. Instruments settling accounts. For filing an instrument which releases and discharges a fiduciary but does not contain any statement of account, no fee shall be charged. For recording any such instrument, the fee shall be six dollars per page or part thereof. Upon filing or recording an instrument pursuant to section 2202, the fee shall be as shown by the following schedule based on the gross value of assets accounted for including principal and income, and such fee shall include the filing or recording of such instrument. If separate instruments executed by several beneficiaries release and discharge the same fiduciary or fiduciaries and settle in whole or in the part one and the same account, only a single fee shall be charged for the filing or recording of all such instruments.

5. Decree approving accounts. Upon filing a petition pursuant to section 2203, the fee shall be as shown by the following schedule based on the gross value of assets accounted for including principal and

income. In the event no values are shown in the petition and related instruments the fee shall be as shown by the following schedule based on the estate of the decedent as shown in the estate tax return filed under article 26 of the tax law or a proceeding under such article.

6. Other proceedings. In proceedings not otherwise provided in this act the fee shall be according to the following schedule based on the value of the subject matter.

7. The fee schedule for subdivision 1 through 7 inclusive is as follows:

Value of Estate or Subject Matter	Fee Rate
Less than $10,000	$ 45.00
10,000 but under 20,000	75.00
20,000 but under 50,000	215.00
50,000 but under 100,000	280.00
100,000 but under 250,000	420.00
250,000 but under 500,000	625.00
500,000 and over	1,250.00

8. (a) For filing a petition to commence the following proceedings, the fee shall be as indicated:

SCPA		Fee Rate
607	To punish respondent for contempt	$30.00
711	Suspend, modify, revoke letters or remove a fiduciary other than a custodian or guardian	75.00
711	Suspend, modify, revoke letters or remove a custodian or guardian	30.00
715	Application of fiduciary to resign	30.00
717	Suspend powers-fiduciary in war	30.00
1401	Compel production of will	20.00
1420	Construction of will	75.00
1421	Determination of right of election	75.00
1502	Appointment of trustee	45.00
1508	Release against state	50.00
1703	Appointment of guardian	20.00
2003	Open safe deposit box	20.00

2102 Proceedings against a fiduciary 20.00
2103 Proceedings by fiduciary to discover property 75.00
2107 Advice and directions 75.00
2108 Continue business 45.00
2114 Review corporate trustee compensation 10.00
2205 Petition to compel fiduciary to account 30.00
EPTL
7-4.6 Appointment of successor custodian 20.00

(b) 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 section eight thousand eighteen of the civil practice law and rules.

9. For filing:

		Fee Rate
(i)	a demand for trial by jury in any proceeding, SCPA 502	$150.00
(ii)	objections to the probate of a will SCPA 1410	150.00
(iii)	a note of issue in any proceeding	45.00
(iv)	objection or answer in any action or proceeding other than probate	75.00
(v)	a will for safekeeping pursuant to section 2507 of this act except that the court in any county may reduce or dispense with such fee	45.00
(vi)	a bond, including any additional bond:	
	less than $10,000	20.00
	$10,000 and over	30.00

10. For furnishing a transcript of a decree $20.00

11. For a certificate of letters evidencing that the appointment of a fiduciary is still in full force and effect $6.00

12. (a) For making and certifying or comparing and certifying a copy of a will or any paper on file or recorded in his office: .... $6.00 pg.
(b) Authenticating the same, additional: $20.00

13. For searching and certifying to any record for which search is made: $30.00 for under 25 years
$90.00 for over 25 years

14. (a) For producing papers, documents, books of record on file in his office under a subpoena duces tecum, for use within the county where the office of the court is situated: $30.00

(b) 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: ..... $.30

15. For recording:

(a) any instrument, decree or other paper which is required by law to be recorded: $8.00 per pg.
or part $16.00 minimum

(b) for filing an authenticated copy of a foreign will: $8.00 per pg.
$64.00 minimum

(c) for taxing bill of costs: $15.00

16. No fee shall be charged:

(a) for filing objections of a guardian ad litem, or of a respondent in a proceeding brought pursuant to section three hundred eighty-four-b of the social services law

(b) for filing the annual account of a guardian

(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 of the United States 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 or 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.

(g) or received for the filing of a petition for an order granting funds for the maintenance or other proper needs of any infant nor for any certificate or any certified copy of the order on such an application.

17. The fee charged herein 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.