



Office of the Upshur County Clerk

Probate Filing Fees

Letters Testamentary	Texas Probate Code, Section 81
Muniment of Title	Texas Probate Code, Section 89A
Letters Of Administration	Texas Probate Code, Section 82
Temporary Administration	Texas Probate Code, Section 131A
Administration With Will Annexed	Texas Probate Code, Section 154
Application For No Administration	Texas Probate Code, Section 139
Foreign Will For Letters	Texas Probate Code, Section 95
Heirship	Texas Probate Code, Section 49
Receivership	Texas Probate Code, Section 885
Community Administration	Texas Probate Code, Section 155
Guardianship	Texas Probate Code, Section 682
Temporary Guardianship	Texas Probate Code, Section 875

FEE	CODE	REFERENCE	AMOUNT
County Clerk Fee	CCFEE	L.G.C. § 118.052(2)(A)(i)(ii)(iv)	\$40.00
County Judge Fee	CJF	L.G.C. § 118.101	\$2.00
Citation Issuance Fee	CIT	L.G.C. § 118.052(3)(A)	\$4.00
Sheriff Posting Fee	POST	L.G.C. § 118.131(a)	\$15.00
Judicial Education	JED	L.G.C. § 118.052(2)(A)(vi) & 118.064(a)	\$5.00
Judicial Fund	JUD	G.C. § 51.703(a)	\$40.00
Judicial Support Fee	JSF	L.G.C. § 133.154(a)	\$42.00
Records Management Fee	RMP	L.G.C. § 118.052(3)(G) & 118.0645(a)	\$5.00
Law Library Fee	LIBR	L.G.C. § 323.023(a)	\$35.00
Courthouse Security Fee	CSF	L.G.C. § 291.008(a)	\$5.00
Indigency Fee	BCLSFI	L.G.C. § 133.153(a)(1)	\$5.00
Court Reporter Fee	CRF	G.C. § 51.601(a)	\$15.00
Court-Initiated Guardianship	GRD	L.G.C. § 118.052(2)(E) & 118.067(a)	\$20.00

TOTAL: \$233.00

Each additional citation issued: + \$4.00
 Each additional in-county service: + \$55.00

Probate Filing Fees - continued

Small Estates

Texas Probate Code, Section 137

Foreign Will For Filing Only (no judicial action)

Texas Probate Code, Section 95

Sale Of Minor's Property w/o Guardianship

Texas Probate Code, Section 889A

FEE	CODE	REFERENCE	AMOUNT
County Clerk Fee	CCFEE	L.G.C. § 118.052(2)(A)(iii)	\$40.00
County Judge Fee	CJF	L.G.C. § 118.101	\$2.00
Judicial Education	JED	L.G.C. § 118.052(2)(A)(vi) & 118.064(a)	\$5.00
Judicial Fund	JUD	G.C. § 51.703(a)	\$40.00
Judicial Support Fee	JSF	L.G.C. § 133.154(a)	\$42.00
Records Management Fee	RMP	L.G.C. § 118.052(3)(G) & 118.0645(a)	\$5.00
Law Library Fee	LIBR	L.G.C. § 323.023(a)	\$35.00
Courthouse Security Fee	CSF	L.G.C. § 291.008(a)	\$5.00
Indigency Fee	BCLSFI	L.G.C. § 133.153(a)(1)	\$5.00
Court Reporter Fee	CRF	G.C. § 51.601(a)	\$15.00
Court-Initiated Guardianship	GRD	L.G.C. § 118.052(2)(E) & 118.067(a)	\$20.00
TOTAL:			\$214.00
Each citation issued:			+ \$4.00
Each citation posted:			+ \$15.00
Each in-county service:			+ \$55.00

Probate Filing Fees - continued

Mental Illness Commitments

Chemical Dependency Commitments

FEE	CODE	REFERENCE	AMOUNT
County Clerk Fee	CCFEE	L.G.C. § 118.052(2)(A)(v)	\$40.00
County Judge Fee	CJF	L.G.C. § 118.101	\$2.00
Citation Issuance Fee	CIT	L.G.C. § 118.052(3)(A)	\$4.00
Sheriff Service Fee	SHERIFF	L.G.C. § 118.131(a)	\$55.00
Judicial Education	JED	L.G.C. § 118.052(2)(A)(vi) & 118.064(a)	\$5.00
Judicial Fund	JUD	G.C. § 51.703(a)	\$40.00
Judicial Support Fee	JSF	L.G.C. § 133.154(a)	\$42.00
Records Management Fee	RMP	L.G.C. § 118.052(3)(G) & 118.0645(a)	\$5.00
Law Library Fee	LIBR	L.G.C. § 323.023(a)	\$35.00
Courthouse Security Fee	CSF	L.G.C. § 291.008(a)	\$5.00
Indigency Fee	BCLSFI	L.G.C. § 133.153(a)(1)	\$5.00
Court Reporter Fee	CRF	G.C. § 51.601(a)	\$15.00
Court-Initiated Guardianship	GRD	L.G.C. § 118.052(2)(E) & 118.067(a)	\$20.00
TOTAL:			\$273.00
Sheriff mileage to and from hospital:			+ actual cost

Adverse Action

FEE	CODE	REFERENCE	AMOUNT
County Clerk Fee	CCFEE	L.G.C. § 118.052(2)(C)	\$40.00
Judicial Fund	JUD	G.C. § 51.703(a)	\$40.00
Indigency Fee	BCLSFI	L.G.C. § 133.153(a)(1)	\$5.00
Records Management Fee	RMP	L.G.C. § 118.052(3)(G) & 118.0645(a)	\$5.00
Court-Initiated Guardianship	GRD	L.G.C. § 118.052(2)(E) & 118.067(a)	\$20.00
TOTAL:			\$110.00
Each citation issued:			+ \$4.00
Each citation posted:			+ \$15.00
Each in-county service:			+ \$55.00

Miscellaneous Fees

Application To Open Safe Deposit Box
 Emergency Application For Funeral Expense
 Emergency Application For Access To Personal Property
 New Application Filed In An Existing Estate
 Payment Of Claims Without Guardianship

FEE	CODE	REFERENCE	AMOUNT
County Clerk Fee	CCFEE	L.G.C. § 118.052(2)	\$40.00
County Judge Fee	CJF	L.G.C. § 118.101	\$2.00
TOTAL:			\$42.00
Each citation issued:			+ \$4.00
Each citation posted:			+ \$15.00
Each in-county service:			+ \$55.00

Additional Service Fees (pending cases)

Probate Services

FEE	REFERENCE	AMOUNT
Filing inventory after 90 days	L.G.C. § 118.052(2)(B)(i)	+ \$25.00
Amended inventory	L.G.C. § 118.052(2)(B)(vii)	+ \$25.00
Filing annual or final account	L.G.C. § 118.052(2)(B)(iv)	+ \$25.00
Amended annual or final account	L.G.C. § 118.052(2)(B)(vii)	+ \$25.00
Each claim in the estate	L.G.C. § 118.052(2)(D)	+ \$2.00
Application to sell real or personal property	L.G.C. § 118.052(2)(B)(v)	+ \$25.00
Decree confirming sale	L.G.C. § 118.054(3)	+ \$2.00
Application to close estate		+ \$10.00

Guardianship Services

FEE	REFERENCE	AMOUNT
Approving and recording bond	L.G.C. § 118.052(2)(B)(ii)	+ \$3.00
Filing annual or final account	L.G.C. § 118.052(2)(B)(vi)	+ \$10.00
Amended annual or final account	L.G.C. § 118.052(2)(B)(vii)	+ \$25.00
Report of sale (real or personal property)		+ \$10.00

Other Fees

Miscellaneous

FEE	AMOUNT
Oath	+ \$2.00
Issuance	+ \$4.00
Order	+ \$2.00
Will safekeeping	+ \$5.00
Searches (per name)	+ \$5.00
Claims	+ \$2.00
Letters	+ \$2.00
Copies (per page)	+ \$1.00
Certification	+ \$5.00
Jury Fee	+ \$22.00
Returned Check	+ \$30.00

Court Registry Funds

Interest Bearing

Local Government Code, Section 177.054

Custodial Account Fee - At the time of withdrawal, a fee in an amount equal to 10% of the interest earned.

Non-Interest Bearing

Local Government Code, Section 177.055

Custodial Account Fee - At the time of withdrawal, a fee in an amount equal to 5% of the withdrawal, not to exceed \$50.00.

§ GOVERNMENT CODE**Section 51.601 COURT REPORTER SERVICE FEE.**

- (a) The clerk of each court that has an official court reporter shall collect a court reporter service fee of \$15 as a court cost in each civil case filed with the clerk to maintain a court reporter who is available for assignment in the court.

Section 51.703 ADDITIONAL FEES AND COSTS IN CERTAIN COUNTY COURTS.

- (a) In addition to all other fees authorized or required by other law, the clerk of a county court with a judge who is entitled to an annual salary supplement from the state under Section 26.006 shall collect a \$40 filing fee in each civil case filed in the court to be used for court-related purposes for the support of the judiciary.

§ LOCAL GOVERNMENT CODE**Section 118.052 FEE SCHEDULE. (Clerk of Court)**

Each clerk of a county court shall collect the following fees for services rendered to any person:

(2) PROBATE COURT ACTIONS**(A) Probate Original Action (§ 118.055):**

- (i) Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . \$40.00
- (ii) Community survivors . . . \$40.00
- (iii) Small estates . . . \$40.00
- (iv) Declarations of heirship . . . \$40.00
- (v) Mental health or chemical dependency services . . . \$40.00
- (vi) Additional, special fee (§ 118.064) . . . \$ 5.00

(B) Services in Pending Probate Action (§ 118.056):

- (i) Filing an inventory and appraisal as provided by Section 118.056(d) . . . \$25.00
- (ii) Approving and recording bond . . . \$ 3.00
- (iii) Administering oath . . . \$ 2.00
- (iv) Filing annual or final account of estate . . . \$25.00
- (v) Filing application for sale of real or personal property . . . \$25.00
- (vi) Filing annual or final report of guardian of a person . . . \$10.00
- (vii) Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than 25 pages . . . \$25.00

(C) Adverse Probate Action (§ 118.057) . . . \$40.00**(D) Claim Against Estate (§ 118.058) . . . \$ 2.00****(E) Supplemental Court-Initiated Guardianship Fee in Probate Original Actions and Adverse Probate Actions (§ 118.067) . . . \$20.00****(3) OTHER FEES****(A) Issuing Document (§ 118.059):**

- original document and one copy . . . \$ 4.00
- each additional set of an original and one copy . . . \$ 4.00

(G) Records Management and Preservation Fee . . . \$ 5.00**Section 118.064 ADDITIONAL FEE IN ORIGINAL PROBATE ACTION.**

- (a) The fee "Additional, special fee" under Section 118.052(2)(A)(vi) is to be paid for each original action filed in a probate court and is in addition to all other fees.

Section 118.0645 RECORDS MANAGEMENT AND PRESERVATION FEE--PROBATE CASES.

- (a) The fee for "Records Management and Preservation" under Section 118.052 is for the records management and preservation services performed by the county as required by Chapter 203.

Section 118.067 SUPPLEMENTAL COURT-INITIATED GUARDIANSHIP FEE.

- (a) The "supplemental court-initiated guardianship fee" under Section 118.052(2)(E) is for the support of the judiciary in guardianships initiated under Section 683, Texas Probate Code.

Section 118.101 FEE SCHEDULE. (County Judge)

The county judge shall collect the following fees in probate matters:

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|------|---|--------|
| (1) | Probate of a will | \$2.00 |
| (2) | Granting letters testamentary, letter of guardianship, or letter of administration | \$2.00 |
| (3) | Order of sale | \$2.00 |
| (4) | Approval and confirmation of sale | \$2.00 |
| (5) | Decree refusing order of sale or confirmation of sale | \$2.00 |
| (6) | Decree of partition and distribution | \$2.00 |
| (7) | Decree approving or setting aside the report of a commissioner of partition and distribution | \$2.00 |
| (8) | Decree removing an executor, administrator or guardian (with the fee to be paid by that executor, administrator, or guardian) | \$1.00 |
| (9) | Fiat or certificate | \$2.00 |
| (10) | Continuance | \$0.10 |
| (11) | Orders for which another fee is not prescribed | \$2.00 |
| (12) | Administering oath or affirmation with certificate and seal | \$2.00 |
| (13) | Administering oath or affirmation without certificate and seal | \$0.25 |

Section 118.131 FEES SET BY COMMISSIONERS COURT.

- (a) The commissioners court of a county may set reasonable fees to be charged for services by the offices of the sheriff and constables.

Section 133.153 ADDITIONAL FILING FEES FOR CERTAIN ACTIONS AND PROCEEDINGS IN COURTS OTHER THAN DISTRICT COURT FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS.

- (a) In addition to other fees authorized or required by law, the clerk of a court other than a district court, the courts of appeals, or the supreme court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

- (1) \$5 for statutory and constitutional county courts;

Section 133.154 ADDITIONAL FILING FEE IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY COURT FOR SUPPORT OF JUDICIARY.

- (a) In addition to other fees authorized or required by law, the clerk of a district court, statutory county court, or county court shall collect a fee of \$42 on the filing of any civil suit to be used for court-related purposes for the support of the judiciary.

Section 291.008 FEE FOR SECURITY.

- (a) The commissioners court may set a fee not to exceed \$5 to be collected at the time of filing in each civil case filed in a county court, county court at law, or district court which shall be taxed as other costs. The county is not liable for the costs.

Section 323.023 LAW LIBRARY FUND.

- (a) A sum set by the commissioners court not to exceed \$35 shall be taxed, collected, and paid as other costs in each civil case filed in a county or district court, except suits for delinquent taxes. The county is not liable for the costs.