

By: Wentworth

S.B. No. 819

A BILL TO BE ENTITLED

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AN ACT

relating to the fees charged for filing an inventory and appraisal in probate actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 118.052, Local Government Code, is amended to read as follows:

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

(1) CIVIL COURT ACTIONS

(A) Filing of Original Action (Sec. 118.053):

- (i) Garnishment after judgment . . . \$15.00
- (ii) All others . . . \$40.00

(B) Filing of Action Other than Original (Sec. 118.054) . . . \$30.00

(C) Services Rendered After Judgment in Original Action (Sec. 118.0545):

- (i) Abstract of judgment . . . \$5.00
- (ii) Execution, order of sale, writ, or other process . . . \$5.00

(2) PROBATE COURT ACTIONS

(A) Probate Original Action (Sec. 118.055):

- (i) Probate of a will with independent executor, administration with will attached, administration of an

- 1 estate, guardianship or receivership of an estate, or muniment of  
2 title . . . \$40.00
- 3 (ii) Community survivors . . . \$40.00
- 4 (iii) Small estates . . . \$40.00
- 5 (iv) Declarations of heirship . . . \$40.00
- 6 (v) Mental health or chemical dependency  
7 services . . . \$40.00
- 8 (vi) Additional, special fee (Sec.  
9 118.064) . . . \$5.00
- 10 (B) Services in Pending Probate Action (Sec.  
11 118.056):
- 12 (i) Filing an inventory and appraisement as  
13 provided by Section 118.056(d) [~~after the 120th day after the date~~  
14 ~~of the initial filing of the action~~] . . . \$25.00
- 15 (ii) Approving and recording  
16 bond . . . \$3.00
- 17 (iii) Administering oath . . . \$2.00
- 18 (iv) Filing annual or final account of  
19 estate . . . \$25.00
- 20 (v) Filing application for sale of real or  
21 personal property . . . \$25.00
- 22 (vi) Filing annual or final report of  
23 guardian of a person . . . \$10.00
- 24 (vii) Filing a document not listed under  
25 this paragraph after the filing of an order approving the inventory  
26 and appraisement or after the 120th day after the date of the  
27 initial filing of the action, whichever occurs first, if more than

1 25 pages . . . \$25.00  
2 (C) Adverse Probate Action (Sec.  
3 118.057) . . . \$40.00  
4 (D) Claim Against Estate (Sec.  
5 118.058) . . . \$2.00  
6 (3) OTHER FEES  
7 (A) Issuing Document (Sec. 118.059):  
8 original document and one copy . . . \$4.00  
9 each additional set of an original and one  
10 copy . . . \$4.00  
11 (B) Certified Papers (Sec. 118.060):  
12 for the clerk's certificate . . . \$5.00  
13 plus a fee per page or part of a page of . . . \$1.00  
14 (C) Noncertified Papers (Sec. 118.0605):  
15 for each page or part of a page . . . \$1.00  
16 (D) Letters Testamentary, Letter of  
17 Guardianship, Letter of Administration, or Abstract of Judgment  
18 (Sec. 118.061) . . . \$2.00  
19 (E) Safekeeping of Wills (Sec.  
20 118.062) . . . \$5.00  
21 (F) Mail Service of Process (Sec.  
22 118.063) . . . same as sheriff  
23 (G) Records Management and Preservation  
24 Fee . . . \$5.00

25 SECTION 2. Section 118.056, Local Government Code, as  
26 amended by Chapter 66, Acts of the 76th Legislature, Regular  
27 Session, 1999, is amended by amending Subsection (a) and adding

1 Subsection (d) to read as follows:

2 (a) Except as provided by Subsection (d), the [~~The~~] fees for  
3 "Services in Pending Probate Action" under Section 118.052(2) are  
4 for services in an action in an open probate docket rendered after  
5 the filing of an order approving the inventory and appraisalment or  
6 after the 120th day after the date of the initial filing of the  
7 action, whichever occurs first.

8 (d) The fee for filing an inventory and appraisalment under  
9 Section 118.052(2)(B)(i) applies only if the instrument is filed  
10 after the 90th day after the date the personal representative has  
11 qualified to serve or, if the court grants an extension under  
12 Section 250, Texas Probate Code, after the date of the extended  
13 deadline specified by the court.

14 SECTION 3. Section 101.081, Government Code, is amended to  
15 read as follows:

16 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The  
17 clerk of a statutory county court shall collect fees and costs as  
18 follows:

19 (1) court cost in certain civil cases to establish and  
20 maintain an alternative dispute resolution system, if authorized by  
21 the county commissioners court (Sec. 152.004, Civil Practice and  
22 Remedies Code) . . . not to exceed \$10;

23 (2) appellate judicial system filing fees:

24 (A) First or Fourteenth Court of Appeals District  
25 (Sec. 22.2021, Government Code) . . . not more than \$5;

26 (B) Second Court of Appeals District (Sec.  
27 22.2031, Government Code) . . . not more than \$5;

1 (C) Fourth Court of Appeals District (Sec.  
2 22.2051, Government Code) . . . not more than \$5;

3 (D) Fifth Court of Appeals District (Sec.  
4 22.2061, Government Code) . . . not more than \$5; and

5 (E) Thirteenth Court of Appeals District (Sec.  
6 22.2141, Government Code) . . . not more than \$5;

7 (3) an official court reporter fee, County Court at  
8 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

9 (4) a court reporter fee when testimony is taken in a  
10 county court at law in McLennan County (Sec. 25.1572, Government  
11 Code) . . . \$3;

12 (5) a stenographer fee, if a record or part of a record  
13 is made:

14 (A) in a county court at law in Hidalgo County  
15 (Sec. 25.1102, Government Code) . . . \$20; and

16 (B) in a county court at law in Nolan County (Sec.  
17 25.1792, Government Code) . . . \$25;

18 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

19 (7) an additional filing fee:

20 (A) for each civil case filed to be used for  
21 court-related purposes for the support of the judiciary, if  
22 authorized by the county commissioners court (Sec. 51.702,  
23 Government Code) . . . \$40;

24 (B) to fund the improvement of Dallas County  
25 civil court facilities, if authorized by the county commissioners  
26 court (Sec. 51.705, Government Code) . . . not more than \$15; and

27 (C) for filing any civil action or proceeding

1 requiring a filing fee, including an appeal, and on the filing of  
2 any counterclaim, cross-action, intervention, interpleader, or  
3 third-party action requiring a filing fee, to fund civil legal  
4 services for the indigent (Sec. 133.153, Local Government  
5 Code) . . . \$5;

6 (8) for filing an application for registration of  
7 death (Sec. 193.007, Health and Safety Code) . . . \$1;

8 (9) fee for judge's services on an application for  
9 court-ordered mental health services (Sec. 574.031, Health and  
10 Safety Code) . . . not to exceed \$50;

11 (10) fee for prosecutor's services on an application  
12 for court-ordered mental health services (Sec. 574.031, Health and  
13 Safety Code) . . . not to exceed \$50;

14 (11) for filing a suit in Comal County (Sec. 152.0522,  
15 Human Resources Code) . . . \$4;

16 (12) additional filing fee to fund contingency fund  
17 for liability insurance, if authorized by the county commissioners  
18 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

19 (13) civil court actions (Sec. 118.052, Local  
20 Government Code):

21 (A) filing of original action (Secs. 118.052 and  
22 118.053, Local Government Code):

23 (i) garnishment after judgment (Sec.  
24 118.052, Local Government Code) . . . \$15; and

25 (ii) all others (Sec. 118.052, Local  
26 Government Code) . . . \$40;

27 (B) filing of action other than original (Secs.

1 118.052 and 118.054, Local Government Code) . . . \$30; and

2 (C) services rendered after judgment in original  
3 action (Secs. 118.052 and 118.0545, Local Government Code):

4 (i) abstract of judgment (Sec. 118.052,  
5 Local Government Code) . . . \$5; and

6 (ii) execution, order of sale, writ, or  
7 other process (Sec. 118.052, Local Government Code) . . . \$5;

8 (14) probate court actions (Sec. 118.052, Local  
9 Government Code):

10 (A) probate original action (Secs. 118.052 and  
11 118.055, Local Government Code):

12 (i) probate of a will with independent  
13 executor, administration with will attached, administration of an  
14 estate, guardianship or receivership of an estate, or muniment of  
15 title (Sec. 118.052, Local Government Code) . . . \$40;

16 (ii) community survivors (Sec. 118.052,  
17 Local Government Code) . . . \$40;

18 (iii) small estates (Sec. 118.052, Local  
19 Government Code) . . . \$40;

20 (iv) declarations of heirship (Sec.  
21 118.052, Local Government Code) . . . \$40;

22 (v) mental health or chemical dependency  
23 services (Sec. 118.052, Local Government Code) . . . \$40; and

24 (vi) additional, special fee (Secs. 118.052  
25 and 118.064, Local Government Code) . . . \$5;

26 (B) services in pending probate action (Secs.  
27 118.052 and 118.056, Local Government Code):

1 (i) filing an inventory and appraisement  
2 [~~after the 120th day after the date of the initial filing of the~~  
3 ~~action~~] (Secs. [~~Sec.~~] 118.052 and 118.056(d), Local Government  
4 Code) . . . \$25;

5 (ii) approving and recording bond (Sec.  
6 118.052, Local Government Code) . . . \$3;

7 (iii) administering oath (Sec. 118.052,  
8 Local Government Code) . . . \$2;

9 (iv) filing annual or final account of  
10 estate (Sec. 118.052, Local Government Code) . . . \$25;

11 (v) filing application for sale of real or  
12 personal property (Sec. 118.052, Local Government Code) . . . \$25;

13 (vi) filing annual or final report of  
14 guardian of a person (Sec. 118.052, Local Government  
15 Code) . . . \$10; and

16 (vii) filing a document not listed under  
17 this paragraph after the filing of an order approving the inventory  
18 and appraisement or after the 120th day after the date of the  
19 initial filing of the action, whichever occurs first (Secs. 118.052  
20 and 191.007, Local Government Code), if more than 25  
21 pages . . . \$25;

22 (C) adverse probate action (Secs. 118.052 and  
23 118.057, Local Government Code) . . . \$40; and

24 (D) claim against estate (Secs. 118.052 and  
25 118.058, Local Government Code) . . . \$2;

26 (15) other fees (Sec. 118.052, Local Government Code):

27 (A) issuing document (Secs. 118.052 and 118.059,



1 Local Government Code):

2 (i) original document and one copy (Sec.  
3 118.052, Local Government Code) . . . \$4; and

4 (ii) each additional set of an original and  
5 one copy (Sec. 118.052, Local Government Code) . . . \$4;

6 (B) certified papers (Secs. 118.052 and 118.060,  
7 Local Government Code):

8 (i) for the clerk's certificate (Sec.  
9 118.052, Local Government Code) . . . \$5; and

10 (ii) a fee per page or part of a page (Sec.  
11 118.052, Local Government Code) . . . \$1;

12 (C) noncertified papers, for each page or part of  
13 a page (Secs. 118.052 and 118.0605, Local Government  
14 Code) . . . \$1;

15 (D) letters testamentary, letter of  
16 guardianship, letter of administration, or abstract of judgment  
17 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

18 (E) safekeeping of wills (Secs. 118.052 and  
19 118.062, Local Government Code) . . . \$5;

20 (F) mail service of process (Secs. 118.052 and  
21 118.063, Local Government Code) . . . same as sheriff; and

22 (G) records management and preservation fee  
23 (Secs. 118.052, 118.0546, and 118.0645, Local Government  
24 Code) . . . \$5;

25 (16) additional filing fee to fund the courthouse  
26 security fund, if authorized by the county commissioners court  
27 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

1           (17) additional filing fee for filing documents not  
2 subject to certain filing fees to fund the courthouse security  
3 fund, if authorized by the county commissioners court (Sec.  
4 291.008, Local Government Code) . . . \$1;

5           (18) additional filing fee to fund the courthouse  
6 security fund in Webb County, if authorized by the county  
7 commissioners court (Sec. 291.009, Local Government Code) . . . not  
8 to exceed \$20;

9           (19) court cost in civil cases other than suits for  
10 delinquent taxes to fund the county law library fund, if authorized  
11 by the county commissioners court (Sec. 323.023, Local Government  
12 Code) . . . not to exceed \$35;

13           (20) fee for deposit of a will with the county clerk  
14 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

15           (21) court cost for each special commissioner in an  
16 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
17 taxed by the court, \$10 or more;

18           (22) fee for county attorney in a suit regarding a  
19 railroad company's failure to keep roadbed and right-of-way in  
20 proper condition (Art. 6327, Vernon's Texas Civil  
21 Statutes) . . . \$10;

22           (23) court fees and costs, if ordered by the court, for  
23 a suit filed by an inmate in which an affidavit or unsworn  
24 declaration of inability to pay costs is filed by the inmate (Sec.  
25 14.006, Civil Practice and Remedies Code) . . . the lesser of:

26           (A) 20 percent of the preceding six months'  
27 deposits to the inmate's trust account administered by the Texas

1 Department of Criminal Justice under Section 501.014, Government  
2 Code; or

3 (B) the total amount of court fees and costs;

4 (24) monthly payment for remaining court fees and  
5 costs after the initial payment for a suit in which an affidavit or  
6 unsworn declaration of inability to pay costs is filed by the inmate  
7 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser  
8 of:

9 (A) 10 percent of that month's deposit to the  
10 inmate's trust account administered by the Texas Department of  
11 Criminal Justice under Section 501.014, Government Code; or

12 (B) the total amount of court fees and costs that  
13 remain unpaid;

14 (25) the following costs not otherwise charged to the  
15 inmate under Section 14.006, Civil Practice and Remedies Code, if  
16 the inmate has previously filed an action dismissed as malicious or  
17 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

18 (A) expenses of service of process;

19 (B) postage; and

20 (C) transportation, housing, or medical care  
21 incurred in connection with the appearance of the inmate in the  
22 court for any proceeding;

23 (26) the official court reporter's fee taxed as costs  
24 in civil actions in a statutory county court:

25 (A) in Bexar County Courts at Law:

26 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12  
27 (Sec. 25.0172, Government Code) . . . taxed in the same manner as

1 the fee is taxed in district court; and

2 (ii) No. 2 (Sec. 25.0172, Government  
3 Code) . . . \$3;

4 (B) in Galveston County (Sec. 25.0862,  
5 Government Code) . . . taxed in the same manner as the fee is taxed  
6 in civil cases in the district courts; and

7 (C) in Parker County (Sec. 25.1862, Government  
8 Code) . . . taxed in the same manner as the fee is taxed in civil  
9 cases in the district courts;

10 (27) a stenographer's fee as costs in each civil,  
11 criminal, and probate case in which a record is made by the official  
12 court reporter in a statutory county court in Nolan County (Sec.  
13 25.1792, Government Code) . . . \$25;

14 (28) in Brazoria County, in matters of concurrent  
15 jurisdiction with the district court, fees (Sec. 25.0222,  
16 Government Code) . . . as prescribed by law for district judges  
17 according to the nature of the matter;

18 (29) in Nueces County, in matters of concurrent  
19 jurisdiction with the district court, with certain exceptions, fees  
20 (Sec. 25.1802, Government Code) . . . equal to those in district  
21 court cases;

22 (30) security deposit on filing, by any person other  
23 than the personal representative of an estate, an application,  
24 complaint, or opposition in relation to the estate, if required by  
25 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
26 proceeding;

27 (31) security deposit on filing, by any person other

1 than the guardian, attorney ad litem, or guardian ad litem, an  
2 application, complaint, or opposition in relation to a guardianship  
3 matter, if required by the clerk (Sec. 622, Texas Probate  
4 Code) . . . probable cost of the guardianship proceeding;

5 (32) for a hearing or proceeding under the Texas  
6 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
7 costs (Secs. 571.017 and 571.018, Health and Safety  
8 Code) . . . reasonable compensation to the following persons  
9 appointed under the Texas Mental Health Code:

- 10 (A) attorneys;
- 11 (B) physicians;
- 12 (C) language interpreters;
- 13 (D) sign interpreters; and
- 14 (E) masters;

15 (33) for a hearing or proceeding under the Texas  
16 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
17 costs (Sec. 571.018, Health and Safety Code):

- 18 (A) attorney's fees;
- 19 (B) physician examination fees;
- 20 (C) expense of transportation to a mental health  
21 facility or to a federal agency not to exceed \$50 if transporting  
22 within the same county and not to exceed the reasonable cost of  
23 transportation if transporting between counties;
- 24 (D) costs and salary supplements authorized  
25 under Section 574.031, Health and Safety Code; and
- 26 (E) prosecutors' fees authorized under Section  
27 574.031, Health and Safety Code;

1           (34) expenses of transporting certain patients from  
2 the county of treatment to a hearing in the county in which the  
3 proceedings originated (Sec. 574.008, Health and Safety  
4 Code) . . . actual expenses unless certain arrangements are made  
5 to hold the hearing in the county in which the patient is receiving  
6 services;

7           (35) expenses for expert witness testimony for an  
8 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
9 authorized by the court as reimbursement to the attorney ad litem,  
10 court-approved expenses;

11           (36) fee for judge's services for holding a hearing on  
12 an application for court-ordered mental health services (Sec.  
13 574.031, Health and Safety Code) . . . as assessed by the judge, not  
14 to exceed \$50;

15           (37) expenses to reimburse judge for holding a hearing  
16 in a hospital or location other than the county courthouse (Sec.  
17 574.031, Health and Safety Code) . . . reasonable and necessary  
18 expenses as certified;

19           (38) fee for services of a prosecuting attorney,  
20 including costs incurred for preparation of documents related to a  
21 hearing on an application for court-ordered mental health services  
22 (Sec. 574.031, Health and Safety Code) . . . as assessed by the  
23 judge, not to exceed \$50; and

24           (39) a fee not otherwise listed in this section that is  
25 required to be collected under Section 25.0008, Government Code  
26 (Sec. 25.0008, Government Code), in a county other than Brazos,  
27 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,

1 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as  
2 prescribed by law relating to county judges' fees.

3 SECTION 4. Section 101.101, Government Code, is amended to  
4 read as follows:

5 Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. The  
6 clerk of a statutory probate court shall collect fees and costs as  
7 follows:

8 (1) court cost in certain civil cases to establish and  
9 maintain an alternative dispute resolution system, if authorized by  
10 the county commissioners court (Sec. 152.004, Civil Practice and  
11 Remedies Code) . . . not to exceed \$10;

12 (2) appellate judicial system filing fees:

13 (A) First or Fourteenth Court of Appeals District  
14 (Sec. 22.2021, Government Code) . . . not more than \$5;

15 (B) Second Court of Appeals District (Sec.  
16 22.2031, Government Code) . . . not more than \$5;

17 (C) Fourth Court of Appeals District (Sec.  
18 22.2051, Government Code) . . . not more than \$5;

19 (D) Fifth Court of Appeals District (Sec.  
20 22.2061, Government Code) . . . not more than \$5; and

21 (E) Thirteenth Court of Appeals District (Sec.  
22 22.2141, Government Code) . . . not more than \$5;

23 (3) additional filing fees as follows:

24 (A) for certain cases to be used for  
25 court-related purposes for support of the judiciary, if authorized  
26 by the county commissioners court (Sec. 51.704, Government  
27 Code) . . . \$40;

1 (B) to fund the improvement of Dallas County  
2 civil court facilities, if authorized by the county commissioners  
3 court (Sec. 51.705, Government Code) . . . not more than \$15; and

4 (C) for filing any civil action or proceeding  
5 requiring a filing fee, including an appeal, and on the filing of  
6 any counterclaim, cross-action, intervention, interpleader, or  
7 third-party action requiring a filing fee to fund civil legal  
8 services for the indigent (Sec. 133.153, Local Government  
9 Code) . . . \$5;

10 (4) for filing an application for registration of  
11 death (Sec. 193.007, Health and Safety Code) . . . \$1;

12 (5) fee for judge's services on an application for  
13 court-ordered mental health services (Sec. 574.031, Health and  
14 Safety Code) . . . not to exceed \$50;

15 (6) fee for prosecutor's services on an application  
16 for court-ordered mental health services (Sec. 574.031, Health and  
17 Safety Code) . . . not to exceed \$50;

18 (7) additional filing fee to fund contingency fund for  
19 liability insurance, if authorized by the county commissioners  
20 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

21 (8) probate court actions (Sec. 118.052, Local  
22 Government Code):

23 (A) probate original action (Secs. 118.052 and  
24 118.055, Local Government Code):

25 (i) probate of a will with independent  
26 executor, administration with will attached, administration of an  
27 estate, guardianship or receivership of an estate, or muniment of



- 1 title (Sec. 118.052, Local Government Code) . . . \$40;
- 2 (ii) community survivors (Sec. 118.052,  
3 Local Government Code) . . . \$40;
- 4 (iii) small estates (Sec. 118.052, Local  
5 Government Code) . . . \$40;
- 6 (iv) declarations of heirship (Sec.  
7 118.052, Local Government Code) . . . \$40;
- 8 (v) mental health or chemical dependency  
9 services (Sec. 118.052, Local Government Code) . . . \$40; and
- 10 (vi) additional, special fee (Secs. 118.052  
11 and 118.064, Local Government Code) . . . \$5;
- 12 (B) services in pending probate action (Secs.  
13 118.052 and 118.056, Local Government Code):
- 14 (i) filing an inventory and appraisement  
15 [~~after the 120th day after the date of the initial filing of the~~  
16 ~~action~~] (Secs. [~~Sec.~~] 118.052 and 118.056(d), Local Government  
17 Code) . . . \$25;
- 18 (ii) approving and recording bond (Sec.  
19 118.052, Local Government Code) . . . \$3;
- 20 (iii) administering oath (Sec. 118.052,  
21 Local Government Code) . . . \$2;
- 22 (iv) filing annual or final account of  
23 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 24 (v) filing application for sale of real or  
25 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 26 (vi) filing annual or final report of  
27 guardian of a person (Sec. 118.052, Local Government

1 Code) . . . \$10; and

2 (vii) filing a document not listed under  
3 this paragraph after the filing of an order approving the inventory  
4 and appraisement or after the 120th day after the date of the  
5 initial filing of the action, whichever occurs first (Secs. 118.052  
6 and 191.007, Local Government Code), if more than 25  
7 pages . . . \$25;

8 (C) adverse probate action (Secs. 118.052 and  
9 118.057, Local Government Code) . . . \$40; and

10 (D) claim against estate (Secs. 118.052 and  
11 118.058, Local Government Code) . . . \$2;

12 (9) other fees (Sec. 118.052, Local Government Code):

13 (A) issuing document (Secs. 118.052 and 118.059,  
14 Local Government Code):

15 (i) original document and one copy (Sec.  
16 118.052, Local Government Code) . . . \$4; and

17 (ii) each additional set of an original and  
18 one copy (Sec. 118.052, Local Government Code) . . . \$4;

19 (B) certified papers (Secs. 118.052 and 118.060,  
20 Local Government Code):

21 (i) for the clerk's certificate (Sec.  
22 118.052, Local Government Code) . . . \$5; and

23 (ii) a fee per page or part of a page (Sec.  
24 118.052, Local Government Code) . . . \$1;

25 (C) noncertified papers, for each page or part of  
26 a page (Secs. 118.052 and 118.0605, Local Government  
27 Code) . . . \$1;

1 (D) letters testamentary, letter of  
2 guardianship, letter of administration, or abstract of judgment  
3 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

4 (E) safekeeping of wills (Secs. 118.052 and  
5 118.062, Local Government Code) . . . \$5;

6 (F) mail service of process (Secs. 118.052 and  
7 118.063, Local Government Code) . . . same as sheriff; and

8 (G) records management and preservation fee  
9 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5;

10 (10) fee for deposit of a will with the county clerk  
11 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

12 (11) court costs for each special commissioner in an  
13 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
14 taxed by the court, \$10 or more;

15 (12) jury fee for civil case (Sec. 51.604, Government  
16 Code) . . . \$22;

17 (13) court cost in civil cases other than suits for  
18 delinquent taxes to fund the county law library fund, if authorized  
19 by the county commissioners court (Sec. 323.023, Local Government  
20 Code) . . . not to exceed \$35;

21 (14) the expense of preserving the record as a court  
22 cost, if imposed on a party by the referring court or associate  
23 judge (Sec. 54.612, Government Code) . . . actual cost;

24 (15) security deposit on filing, by any person other  
25 than the personal representative of an estate, an application,  
26 complaint, or opposition in relation to the estate, if required by  
27 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the

1 proceeding;

2 (16) security deposit on filing, by any person other  
3 than the guardian, attorney ad litem, or guardian ad litem, an  
4 application, complaint, or opposition in relation to a guardianship  
5 matter, if required by the clerk (Sec. 622, Texas Probate  
6 Code) . . . probable cost of the guardianship proceeding;

7 (17) for a hearing or proceeding under the Texas  
8 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
9 costs (Secs. 571.017 and 571.018, Health and Safety  
10 Code) . . . reasonable compensation to the following persons  
11 appointed under the Texas Mental Health Code:

- 12 (A) attorneys;
- 13 (B) physicians;
- 14 (C) language interpreters;
- 15 (D) sign interpreters; and
- 16 (E) masters;

17 (18) for a hearing or proceeding under the Texas  
18 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
19 costs (Sec. 571.018, Health and Safety Code):

- 20 (A) attorney's fees;
- 21 (B) physician examination fees;
- 22 (C) expense of transportation to a mental health  
23 facility or to a federal agency not to exceed \$50 if transporting  
24 within the same county and not to exceed the reasonable cost of  
25 transportation if transporting between counties;
- 26 (D) costs and salary supplements authorized  
27 under Section 574.031, Health and Safety Code; and

1                   (E) prosecutors' fees authorized under Section  
2 574.031, Health and Safety Code;

3                   (19) expenses of transporting certain patients from  
4 the county of treatment to a hearing in the county in which the  
5 proceedings originated (Sec. 574.008, Health and Safety  
6 Code) . . . actual expenses unless certain arrangements are made  
7 to hold the hearing in the county in which the patient is receiving  
8 services;

9                   (20) expenses for expert witness testimony for an  
10 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
11 authorized by the court as reimbursement to the attorney ad litem,  
12 court-approved expenses;

13                   (21) fee for judge's services for holding a hearing on  
14 an application for court-ordered mental health services (Sec.  
15 574.031, Health and Safety Code) . . . as assessed by the judge, not  
16 to exceed \$50;

17                   (22) expenses to reimburse judge for holding a hearing  
18 in a hospital or location other than the county courthouse (Sec.  
19 574.031, Health and Safety Code) . . . reasonable and necessary  
20 expenses as certified;

21                   (23) fee for services of a prosecuting attorney,  
22 including costs incurred for preparation of documents related to a  
23 hearing on an application for court-ordered mental health services  
24 (Sec. 574.031, Health and Safety Code) . . . as assessed by the  
25 judge, not to exceed \$50; and

26                   (24) a fee not otherwise listed in this section that is  
27 required to be collected under Section 25.0029, Government Code

1 (Sec. 25.0029, Government Code) . . . as prescribed by law relating  
2 to county judges' fees.

3 SECTION 5. Section 101.121, Government Code, is amended to  
4 read as follows:

5 Sec. 101.121. COUNTY COURT FEES AND COSTS. The clerk of a  
6 county court shall collect:

7 (1) fee for hearing on application for a license to  
8 manufacture, distribute, store, or sell beer (Sec. 61.31, Alcoholic  
9 Beverage Code) . . . \$5;

10 (2) court cost in certain civil cases to establish and  
11 maintain an alternative dispute resolution system, if authorized by  
12 the county commissioners court (Sec. 152.004, Civil Practice and  
13 Remedies Code) . . . not to exceed \$10;

14 (3) appellate judicial system filing fees:

15 (A) First or Fourteenth Court of Appeals District  
16 (Sec. 22.2021, Government Code) . . . not more than \$5;

17 (B) Second Court of Appeals District (Sec.  
18 22.2031, Government Code) . . . not more than \$5;

19 (C) Fourth Court of Appeals District (Sec.  
20 22.2051, Government Code) . . . not more than \$5;

21 (D) Fifth Court of Appeals District (Sec.  
22 22.2061, Government Code) . . . not more than \$5; and

23 (E) Thirteenth Court of Appeals District (Sec.  
24 22.2141, Government Code) . . . not more than \$5;

25 (4) a jury fee (Sec. 51.604, Government  
26 Code) . . . \$22;

27 (5) a filing fee in each civil case filed to be used

1 for court-related purposes for the support of the judiciary (Sec.  
2 51.703, Government Code) . . . \$40;

3 (6) for filing an application for registration of  
4 death (Sec. 193.007, Health and Safety Code) . . . \$1;

5 (7) fee for judge's services on an application for  
6 court-ordered mental health services (Sec. 574.031, Health and  
7 Safety Code) . . . not to exceed \$50;

8 (8) fee for prosecutor's services on an application  
9 for court-ordered mental health services (Sec. 574.031, Health and  
10 Safety Code) . . . not to exceed \$50;

11 (9) additional filing fee to fund contingency fund for  
12 liability insurance, if authorized by the county commissioners  
13 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

14 (10) civil court actions (Sec. 118.052, Local  
15 Government Code):

16 (A) filing of original action (Secs. 118.052 and  
17 118.053, Local Government Code):

18 (i) garnishment after judgment (Sec.  
19 118.052, Local Government Code) . . . \$15; and

20 (ii) all others (Sec. 118.052, Local  
21 Government Code) . . . \$40;

22 (B) filing of action other than original (Secs.  
23 118.052 and 118.054, Local Government Code) . . . \$30; and

24 (C) services rendered after judgment in original  
25 action (Secs. 118.052 and 118.0545, Local Government Code):

26 (i) abstract of judgment (Sec. 118.052,  
27 Local Government Code) . . . \$5; and

1 (ii) execution, order of sale, writ, or  
2 other process (Sec. 118.052, Local Government Code) . . . \$5;

3 (11) probate court actions (Sec. 118.052, Local  
4 Government Code):

5 (A) probate original action (Secs. 118.052 and  
6 118.055, Local Government Code):

7 (i) probate of a will with independent  
8 executor, administration with will attached, administration of an  
9 estate, guardianship or receivership of an estate, or muniment of  
10 title (Sec. 118.052, Local Government Code) . . . \$40;

11 (ii) community survivors (Sec. 118.052,  
12 Local Government Code) . . . \$40;

13 (iii) small estates (Sec. 118.052, Local  
14 Government Code) . . . \$40;

15 (iv) declarations of heirship (Sec.  
16 118.052, Local Government Code) . . . \$40;

17 (v) mental health or chemical dependency  
18 services (Sec. 118.052, Local Government Code) . . . \$40; and

19 (vi) additional, special fee (Secs. 118.052  
20 and 118.064, Local Government Code) . . . \$5;

21 (B) services in pending probate action (Secs.  
22 118.052 and 118.056, Local Government Code):

23 (i) filing an inventory and appraisalment  
24 [~~after the 120th day after the date of the initial filing of the~~  
25 ~~action~~] (Secs. [Sec.] 118.052 and 118.056(d), Local Government  
26 Code) . . . \$25;

27 (ii) approving and recording bond (Sec.



- 1 118.052, Local Government Code) . . . \$3;
- 2 (iii) administering oath (Sec. 118.052,  
3 Local Government Code) . . . \$2;
- 4 (iv) filing annual or final account of  
5 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 6 (v) filing application for sale of real or  
7 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 8 (vi) filing annual or final report of  
9 guardian of a person (Sec. 118.052, Local Government  
10 Code) . . . \$10; and
- 11 (vii) filing a document not listed under  
12 this paragraph after the filing of an order approving the inventory  
13 and appraisal or after the 120th day after the date of the  
14 initial filing of the action, whichever occurs first (Secs. 118.052  
15 and 191.007, Local Government Code), if more than 25  
16 pages . . . \$25;
- 17 (C) adverse probate action (Secs. 118.052 and  
18 118.057, Local Government Code) . . . \$40; and
- 19 (D) claim against estate (Secs. 118.052 and  
20 118.058, Local Government Code) . . . \$2;
- 21 (12) other fees (Sec. 118.052, Local Government Code):
- 22 (A) issuing document (Secs. 118.052 and 118.059,  
23 Local Government Code):
- 24 (i) original document and one copy (Sec.  
25 118.052, Local Government Code) . . . \$4; and
- 26 (ii) each additional set of an original and  
27 one copy (Sec. 118.052, Local Government Code) . . . \$4;

1 (B) certified papers (Secs. 118.052 and 118.060,  
2 Local Government Code):

3 (i) for the clerk's certificate (Sec.  
4 118.052, Local Government Code) . . . \$5; and

5 (ii) a fee per page or part of a page (Sec.  
6 118.052, Local Government Code) . . . \$1;

7 (C) noncertified papers, for each page or part of  
8 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
9 \$1;

10 (D) letters testamentary, letter of  
11 guardianship, letter of administration, or abstract of judgment  
12 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

13 (E) safekeeping of wills (Secs. 118.052 and  
14 118.062, Local Government Code) . . . \$5;

15 (F) mail service of process (Secs. 118.052 and  
16 118.063, Local Government Code) . . . same as sheriff; and

17 (G) records management and preservation fee  
18 (Secs. 118.052, 118.0546, and 118.0645, Local Government  
19 Code) . . . \$5;

20 (13) deposit on filing petition requesting permission  
21 to create a municipal civic center authority (Sec. 281.013, Local  
22 Government Code) . . . \$200;

23 (14) additional filing fee to fund the courthouse  
24 security fund, if authorized by the county commissioners court  
25 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

26 (15) additional filing fee for filing documents not  
27 subject to certain filing fees to fund the courthouse security

1 fund, if authorized by the county commissioners court (Sec.  
2 291.008, Local Government Code) . . . \$1;

3 (16) additional filing fee to fund the courthouse  
4 security fund in Webb County, if authorized by the county  
5 commissioners court (Sec. 291.009, Local Government Code) . . . not  
6 to exceed \$20;

7 (17) court cost in civil cases other than suits for  
8 delinquent taxes to fund the county law library fund, if authorized  
9 by the county commissioners court (Sec. 323.023, Local Government  
10 Code) . . . not to exceed \$35;

11 (18) fee for deposit of a will with the county clerk  
12 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

13 (19) fee for county attorney in a suit regarding a  
14 railroad company's failure to keep roadbed and right-of-way in  
15 proper condition (Art. 6327, Vernon's Texas Civil  
16 Statutes) . . . \$10;

17 (20) appeal bond from a petitioner or taxpayer in a  
18 water control and preservation district (Art. 7818, Vernon's Texas  
19 Civil Statutes) . . . \$100;

20 (21) additional filing fee for filing any civil action  
21 or proceeding requiring a filing fee, including an appeal, and on  
22 the filing of any counterclaim, cross-action, intervention,  
23 interpleader, or third-party action requiring a filing fee, to fund  
24 civil legal services for the indigent (Sec. 133.153, Local  
25 Government Code) . . . \$5;

26 (22) court fees and costs, if ordered by the court, for  
27 a suit filed by an inmate in which an affidavit or unsworn

1 declaration of inability to pay costs is filed by the inmate (Sec.  
2 14.006, Civil Practice and Remedies Code) . . . the lesser of:

3 (A) 20 percent of the preceding six months'  
4 deposits to the inmate's trust account administered by the Texas  
5 Department of Criminal Justice under Section 501.014, Government  
6 Code; or

7 (B) the total amount of court fees and costs;

8 (23) monthly payment for remaining court fees and  
9 costs after the initial payment for a suit in which an affidavit or  
10 unsworn declaration of inability to pay costs is filed by the inmate  
11 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser  
12 of:

13 (A) 10 percent of that month's deposit to the  
14 inmate's trust account administered by the Texas Department of  
15 Criminal Justice under Section 501.014, Government Code; or

16 (B) the total amount of court fees and costs that  
17 remain unpaid;

18 (24) the following costs not otherwise charged to the  
19 inmate under Section 14.006, Civil Practice and Remedies Code, if  
20 the inmate has previously filed an action dismissed as malicious or  
21 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

22 (A) expenses of service of process;

23 (B) postage; and

24 (C) transportation, housing, or medical care  
25 incurred in connection with the appearance of the inmate in the  
26 court for any proceeding;

27 (25) security deposit on filing, by any person other

1 than the personal representative of an estate, an application,  
2 complaint, or opposition in relation to the estate, if required by  
3 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
4 proceeding;

5 (26) security deposit on filing, by any person other  
6 than the guardian, attorney ad litem, or guardian ad litem, an  
7 application, complaint, or opposition in relation to a guardianship  
8 matter, if required by the clerk (Sec. 622, Texas Probate Code)  
9 . . . probable cost of the guardianship proceeding;

10 (27) for a hearing or proceeding under the Texas  
11 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
12 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .  
13 reasonable compensation to the following persons appointed under  
14 the Texas Mental Health Code:

- 15 (A) attorneys;
- 16 (B) physicians;
- 17 (C) language interpreters;
- 18 (D) sign interpreters; and
- 19 (E) masters;

20 (28) for a hearing or proceeding under the Texas  
21 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
22 costs (Sec. 571.018, Health and Safety Code):

- 23 (A) attorney's fees;
- 24 (B) physician examination fees;
- 25 (C) expense of transportation to a mental health  
26 facility or to a federal agency not to exceed \$50 if transporting  
27 within the same county and not to exceed the reasonable cost of

1 transportation if transporting between counties;

2 (D) costs and salary supplements authorized  
3 under Section 574.031, Health and Safety Code; and

4 (E) prosecutors' fees authorized under Section  
5 574.031, Health and Safety Code;

6 (29) expenses of transporting certain patients from  
7 the county of treatment to a hearing in the county in which the  
8 proceedings originated (Sec. 574.008, Health and Safety  
9 Code) . . . actual expenses unless certain arrangements are made  
10 to hold the hearing in the county in which the patient is receiving  
11 services;

12 (30) expenses for expert witness testimony for an  
13 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
14 authorized by the court as reimbursement to the attorney ad litem,  
15 court-approved expenses;

16 (31) fee for judge's services for holding a hearing on  
17 an application for court-ordered mental health services (Sec.  
18 574.031, Health and Safety Code) . . . as assessed by the judge, not  
19 to exceed \$50;

20 (32) expenses to reimburse judge for holding a hearing  
21 in a hospital or location other than the county courthouse (Sec.  
22 574.031, Health and Safety Code) . . . reasonable and necessary  
23 expenses as certified; and

24 (33) fee for services of a prosecuting attorney,  
25 including costs incurred for preparation of documents related to a  
26 hearing on an application for court-ordered mental health services  
27 (Sec. 574.031, Health and Safety Code) . . . as assessed by the

1 judge, not to exceed \$50.

2 SECTION 6. The changes in law made by this Act apply only to  
3 a document filed on or after the effective date of this Act. A  
4 document filed before the effective date of this Act is governed by  
5 the law in effect on the date the document was filed, and the former  
6 law is continued in effect for that purpose.

7 SECTION 7. This Act takes effect September 1, 2007.