

1-1 By: Wentworth S.B. No. 819  
1-2 (In the Senate - Filed February 22, 2007; March 7, 2007,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 29, 2007, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; March 29, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the fees charged for filing an inventory and  
1-9 appraisement in probate actions.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 118.052, Local Government Code, is  
1-12 amended to read as follows:

1-13 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court  
1-14 shall collect the following fees for services rendered to any  
1-15 person:

1-16 (1) CIVIL COURT ACTIONS

1-17 (A) Filing of Original Action (Sec. 118.053):

1-18 (i) Garnishment after judgment . . . \$15.00

1-19 (ii) All others . . . \$40.00

1-20 (B) Filing of Action Other than Original (Sec.  
1-21 118.054) . . . \$30.00

1-22 (C) Services Rendered After Judgment in Original  
1-23 Action (Sec. 118.0545):

1-24 (i) Abstract of judgment . . . \$5.00

1-25 (ii) Execution, order of sale, writ, or  
1-26 other process . . . \$5.00

1-27 (2) PROBATE COURT ACTIONS

1-28 (A) Probate Original Action (Sec. 118.055):

1-29 (i) Probate of a will with independent  
1-30 executor, administration with will attached, administration of an  
1-31 estate, guardianship or receivership of an estate, or muniment of  
1-32 title . . . \$40.00

1-33 (ii) Community survivors . . . \$40.00

1-34 (iii) Small estates . . . \$40.00

1-35 (iv) Declarations of heirship . . . \$40.00

1-36 (v) Mental health or chemical dependency  
1-37 services . . . \$40.00

1-38 (vi) Additional, special fee (Sec.  
1-39 118.064) . . . \$5.00

1-40 (B) Services in Pending Probate Action (Sec.  
1-41 118.056):

1-42 (i) Filing an inventory and appraisement as  
1-43 provided by Section 118.056(d) [after the 120th day after the date  
1-44 of the initial filing of the action] . . . \$25.00

1-45 (ii) Approving and recording  
1-46 bond . . . \$3.00

1-47 (iii) Administering oath . . . \$2.00

1-48 (iv) Filing annual or final account of  
1-49 estate . . . \$25.00

1-50 (v) Filing application for sale of real or  
1-51 personal property . . . \$25.00

1-52 (vi) Filing annual or final report of  
1-53 guardian of a person . . . \$10.00

1-54 (vii) Filing a document not listed under  
1-55 this paragraph after the filing of an order approving the inventory  
1-56 and appraisement or after the 120th day after the date of the  
1-57 initial filing of the action, whichever occurs first, if more than  
1-58 25 pages . . . \$25.00

1-59 (C) Adverse Probate Action (Sec.  
1-60 118.057) . . . \$40.00

1-61 (D) Claim Against Estate (Sec.  
1-62 118.058) . . . \$2.00

1-63 (3) OTHER FEES

1-64 (A) Issuing Document (Sec. 118.059):

2-1 original document and one copy . . . \$4.00  
 2-2 each additional set of an original and one  
 2-3 copy . . . \$4.00  
 2-4 (B) Certified Papers (Sec. 118.060):  
 2-5 for the clerk's certificate . . . \$5.00  
 2-6 plus a fee per page or part of a page of . . . \$1.00  
 2-7 (C) Noncertified Papers (Sec. 118.0605):  
 2-8 for each page or part of a page . . . \$1.00  
 2-9 (D) Letters Testamentary, Letter of  
 2-10 Guardianship, Letter of Administration, or Abstract of Judgment  
 2-11 (Sec. 118.061) . . . \$2.00  
 2-12 (E) Safekeeping of Wills (Sec.  
 2-13 118.062) . . . \$5.00  
 2-14 (F) Mail Service of Process (Sec.  
 2-15 118.063) . . . same as sheriff  
 2-16 (G) Records Management and Preservation  
 2-17 Fee . . . \$5.00  
 2-18 SECTION 2. Section 118.056, Local Government Code, as  
 2-19 amended by Chapter 66, Acts of the 76th Legislature, Regular  
 2-20 Session, 1999, is amended by amending Subsection (a) and adding  
 2-21 Subsection (d) to read as follows:  
 2-22 (a) Except as provided by Subsection (d), the [The] fees for  
 2-23 "Services in Pending Probate Action" under Section 118.052(2) are  
 2-24 for services in an action in an open probate docket rendered after  
 2-25 the filing of an order approving the inventory and appraisal or  
 2-26 after the 120th day after the date of the initial filing of the  
 2-27 action, whichever occurs first.  
 2-28 (d) The fee for filing an inventory and appraisal under  
 2-29 Section 118.052(2)(B)(i) applies only if the instrument is filed  
 2-30 after the 90th day after the date the personal representative has  
 2-31 qualified to serve or, if the court grants an extension under  
 2-32 Section 250, Texas Probate Code, after the date of the extended  
 2-33 deadline specified by the court.  
 2-34 SECTION 3. Section 101.081, Government Code, is amended to  
 2-35 read as follows:  
 2-36 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The  
 2-37 clerk of a statutory county court shall collect fees and costs as  
 2-38 follows:  
 2-39 (1) court cost in certain civil cases to establish and  
 2-40 maintain an alternative dispute resolution system, if authorized by  
 2-41 the county commissioners court (Sec. 152.004, Civil Practice and  
 2-42 Remedies Code) . . . not to exceed \$10;  
 2-43 (2) appellate judicial system filing fees:  
 2-44 (A) First or Fourteenth Court of Appeals District  
 2-45 (Sec. 22.2021, Government Code) . . . not more than \$5;  
 2-46 (B) Second Court of Appeals District (Sec.  
 2-47 22.2031, Government Code) . . . not more than \$5;  
 2-48 (C) Fourth Court of Appeals District (Sec.  
 2-49 22.2051, Government Code) . . . not more than \$5;  
 2-50 (D) Fifth Court of Appeals District (Sec.  
 2-51 22.2061, Government Code) . . . not more than \$5; and  
 2-52 (E) Thirteenth Court of Appeals District (Sec.  
 2-53 22.2141, Government Code) . . . not more than \$5;  
 2-54 (3) an official court reporter fee, County Court at  
 2-55 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;  
 2-56 (4) a court reporter fee when testimony is taken in a  
 2-57 county court at law in McLennan County (Sec. 25.1572, Government  
 2-58 Code) . . . \$3;  
 2-59 (5) a stenographer fee, if a record or part of a record  
 2-60 is made:  
 2-61 (A) in a county court at law in Hidalgo County  
 2-62 (Sec. 25.1102, Government Code) . . . \$20; and  
 2-63 (B) in a county court at law in Nolan County (Sec.  
 2-64 25.1792, Government Code) . . . \$25;  
 2-65 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;  
 2-66 (7) an additional filing fee:  
 2-67 (A) for each civil case filed to be used for  
 2-68 court-related purposes for the support of the judiciary, if  
 2-69 authorized by the county commissioners court (Sec. 51.702,

3-1 Government Code) . . . \$40;

3-2 (B) to fund the improvement of Dallas County

3-3 civil court facilities, if authorized by the county commissioners

3-4 court (Sec. 51.705, Government Code) . . . not more than \$15; and

3-5 (C) for filing any civil action or proceeding

3-6 requiring a filing fee, including an appeal, and on the filing of

3-7 any counterclaim, cross-action, intervention, interpleader, or

3-8 third-party action requiring a filing fee, to fund civil legal

3-9 services for the indigent (Sec. 133.153, Local Government

3-10 Code) . . . \$5;

3-11 (8) for filing an application for registration of

3-12 death (Sec. 193.007, Health and Safety Code) . . . \$1;

3-13 (9) fee for judge's services on an application for

3-14 court-ordered mental health services (Sec. 574.031, Health and

3-15 Safety Code) . . . not to exceed \$50;

3-16 (10) fee for prosecutor's services on an application

3-17 for court-ordered mental health services (Sec. 574.031, Health and

3-18 Safety Code) . . . not to exceed \$50;

3-19 (11) for filing a suit in Comal County (Sec. 152.0522,

3-20 Human Resources Code) . . . \$4;

3-21 (12) additional filing fee to fund contingency fund

3-22 for liability insurance, if authorized by the county commissioners

3-23 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

3-24 (13) civil court actions (Sec. 118.052, Local

3-25 Government Code):

3-26 (A) filing of original action (Secs. 118.052 and

3-27 118.053, Local Government Code):

3-28 (i) garnishment after judgment (Sec.

3-29 118.052, Local Government Code) . . . \$15; and

3-30 (ii) all others (Sec. 118.052, Local

3-31 Government Code) . . . \$40;

3-32 (B) filing of action other than original (Secs.

3-33 118.052 and 118.054, Local Government Code) . . . \$30; and

3-34 (C) services rendered after judgment in original

3-35 action (Secs. 118.052 and 118.0545, Local Government Code):

3-36 (i) abstract of judgment (Sec. 118.052,

3-37 Local Government Code) . . . \$5; and

3-38 (ii) execution, order of sale, writ, or

3-39 other process (Sec. 118.052, Local Government Code) . . . \$5;

3-40 (14) probate court actions (Sec. 118.052, Local

3-41 Government Code):

3-42 (A) probate original action (Secs. 118.052 and

3-43 118.055, Local Government Code):

3-44 (i) probate of a will with independent

3-45 executor, administration with will attached, administration of an

3-46 estate, guardianship or receivership of an estate, or muniment of

3-47 title (Sec. 118.052, Local Government Code) . . . \$40;

3-48 (ii) community survivors (Sec. 118.052,

3-49 Local Government Code) . . . \$40;

3-50 (iii) small estates (Sec. 118.052, Local

3-51 Government Code) . . . \$40;

3-52 (iv) declarations of heirship (Sec.

3-53 118.052, Local Government Code) . . . \$40;

3-54 (v) mental health or chemical dependency

3-55 services (Sec. 118.052, Local Government Code) . . . \$40; and

3-56 (vi) additional, special fee (Secs. 118.052

3-57 and 118.064, Local Government Code) . . . \$5;

3-58 (B) services in pending probate action (Secs.

3-59 118.052 and 118.056, Local Government Code):

3-60 (i) filing an inventory and appraisement

3-61 [~~after the 120th day after the date of the initial filing of the~~

3-62 ~~action~~] (Secs. [~~Sec.~~] 118.052 and 118.056(d), Local Government

3-63 Code) . . . \$25;

3-64 (ii) approving and recording bond (Sec.

3-65 118.052, Local Government Code) . . . \$3;

3-66 (iii) administering oath (Sec. 118.052,

3-67 Local Government Code) . . . \$2;

3-68 (iv) filing annual or final account of

3-69 estate (Sec. 118.052, Local Government Code) . . . \$25;

4-1 (v) filing application for sale of real or  
4-2 personal property (Sec. 118.052, Local Government Code) . . . \$25;  
4-3 (vi) filing annual or final report of  
4-4 guardian of a person (Sec. 118.052, Local Government  
4-5 Code) . . . \$10; and  
4-6 (vii) filing a document not listed under  
4-7 this paragraph after the filing of an order approving the inventory  
4-8 and appraisal or after the 120th day after the date of the  
4-9 initial filing of the action, whichever occurs first (Secs. 118.052  
4-10 and 191.007, Local Government Code), if more than 25  
4-11 pages . . . \$25;  
4-12 (C) adverse probate action (Secs. 118.052 and  
4-13 118.057, Local Government Code) . . . \$40; and  
4-14 (D) claim against estate (Secs. 118.052 and  
4-15 118.058, Local Government Code) . . . \$2;  
4-16 (15) other fees (Sec. 118.052, Local Government Code):  
4-17 (A) issuing document (Secs. 118.052 and 118.059,  
4-18 Local Government Code):  
4-19 (i) original document and one copy (Sec.  
4-20 118.052, Local Government Code) . . . \$4; and  
4-21 (ii) each additional set of an original and  
4-22 one copy (Sec. 118.052, Local Government Code) . . . \$4;  
4-23 (B) certified papers (Secs. 118.052 and 118.060,  
4-24 Local Government Code):  
4-25 (i) for the clerk's certificate (Sec.  
4-26 118.052, Local Government Code) . . . \$5; and  
4-27 (ii) a fee per page or part of a page (Sec.  
4-28 118.052, Local Government Code) . . . \$1;  
4-29 (C) noncertified papers, for each page or part of  
4-30 a page (Secs. 118.052 and 118.0605, Local Government  
4-31 Code) . . . \$1;  
4-32 (D) letters testamentary, letter of  
4-33 guardianship, letter of administration, or abstract of judgment  
4-34 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;  
4-35 (E) safekeeping of wills (Secs. 118.052 and  
4-36 118.062, Local Government Code) . . . \$5;  
4-37 (F) mail service of process (Secs. 118.052 and  
4-38 118.063, Local Government Code) . . . same as sheriff; and  
4-39 (G) records management and preservation fee  
4-40 (Secs. 118.052, 118.0546, and 118.0645, Local Government  
4-41 Code) . . . \$5;  
4-42 (16) additional filing fee to fund the courthouse  
4-43 security fund, if authorized by the county commissioners court  
4-44 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;  
4-45 (17) additional filing fee for filing documents not  
4-46 subject to certain filing fees to fund the courthouse security  
4-47 fund, if authorized by the county commissioners court (Sec.  
4-48 291.008, Local Government Code) . . . \$1;  
4-49 (18) additional filing fee to fund the courthouse  
4-50 security fund in Webb County, if authorized by the county  
4-51 commissioners court (Sec. 291.009, Local Government Code) . . . not  
4-52 to exceed \$20;  
4-53 (19) court cost in civil cases other than suits for  
4-54 delinquent taxes to fund the county law library fund, if authorized  
4-55 by the county commissioners court (Sec. 323.023, Local Government  
4-56 Code) . . . not to exceed \$35;  
4-57 (20) fee for deposit of a will with the county clerk  
4-58 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;  
4-59 (21) court cost for each special commissioner in an  
4-60 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
4-61 taxed by the court, \$10 or more;  
4-62 (22) fee for county attorney in a suit regarding a  
4-63 railroad company's failure to keep roadbed and right-of-way in  
4-64 proper condition (Art. 6327, Vernon's Texas Civil  
4-65 Statutes) . . . \$10;  
4-66 (23) court fees and costs, if ordered by the court, for  
4-67 a suit filed by an inmate in which an affidavit or unsworn  
4-68 declaration of inability to pay costs is filed by the inmate (Sec.  
4-69 14.006, Civil Practice and Remedies Code) . . . the lesser of:

5-1 (A) 20 percent of the preceding six months'  
5-2 deposits to the inmate's trust account administered by the Texas  
5-3 Department of Criminal Justice under Section 501.014, Government  
5-4 Code; or  
5-5 (B) the total amount of court fees and costs;  
5-6 (24) monthly payment for remaining court fees and  
5-7 costs after the initial payment for a suit in which an affidavit or  
5-8 unsworn declaration of inability to pay costs is filed by the inmate  
5-9 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser  
5-10 of:  
5-11 (A) 10 percent of that month's deposit to the  
5-12 inmate's trust account administered by the Texas Department of  
5-13 Criminal Justice under Section 501.014, Government Code; or  
5-14 (B) the total amount of court fees and costs that  
5-15 remain unpaid;  
5-16 (25) the following costs not otherwise charged to the  
5-17 inmate under Section 14.006, Civil Practice and Remedies Code, if  
5-18 the inmate has previously filed an action dismissed as malicious or  
5-19 frivolous (Sec. 14.007, Civil Practice and Remedies Code):  
5-20 (A) expenses of service of process;  
5-21 (B) postage; and  
5-22 (C) transportation, housing, or medical care  
5-23 incurred in connection with the appearance of the inmate in the  
5-24 court for any proceeding;  
5-25 (26) the official court reporter's fee taxed as costs  
5-26 in civil actions in a statutory county court:  
5-27 (A) in Bexar County Courts at Law:  
5-28 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12  
5-29 (Sec. 25.0172, Government Code) . . . taxed in the same manner as  
5-30 the fee is taxed in district court; and  
5-31 (ii) No. 2 (Sec. 25.0172, Government  
5-32 Code) . . . \$3;  
5-33 (B) in Galveston County (Sec. 25.0862,  
5-34 Government Code) . . . taxed in the same manner as the fee is taxed  
5-35 in civil cases in the district courts; and  
5-36 (C) in Parker County (Sec. 25.1862, Government  
5-37 Code) . . . taxed in the same manner as the fee is taxed in civil  
5-38 cases in the district courts;  
5-39 (27) a stenographer's fee as costs in each civil,  
5-40 criminal, and probate case in which a record is made by the official  
5-41 court reporter in a statutory county court in Nolan County (Sec.  
5-42 25.1792, Government Code) . . . \$25;  
5-43 (28) in Brazoria County, in matters of concurrent  
5-44 jurisdiction with the district court, fees (Sec. 25.0222,  
5-45 Government Code) . . . as prescribed by law for district judges  
5-46 according to the nature of the matter;  
5-47 (29) in Nueces County, in matters of concurrent  
5-48 jurisdiction with the district court, with certain exceptions, fees  
5-49 (Sec. 25.1802, Government Code) . . . equal to those in district  
5-50 court cases;  
5-51 (30) security deposit on filing, by any person other  
5-52 than the personal representative of an estate, an application,  
5-53 complaint, or opposition in relation to the estate, if required by  
5-54 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
5-55 proceeding;  
5-56 (31) security deposit on filing, by any person other  
5-57 than the guardian, attorney ad litem, or guardian ad litem, an  
5-58 application, complaint, or opposition in relation to a guardianship  
5-59 matter, if required by the clerk (Sec. 622, Texas Probate  
5-60 Code) . . . probable cost of the guardianship proceeding;  
5-61 (32) for a hearing or proceeding under the Texas  
5-62 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
5-63 costs (Secs. 571.017 and 571.018, Health and Safety  
5-64 Code) . . . reasonable compensation to the following persons  
5-65 appointed under the Texas Mental Health Code:  
5-66 (A) attorneys;  
5-67 (B) physicians;  
5-68 (C) language interpreters;  
5-69 (D) sign interpreters; and

6-1 (E) masters;

6-2 (33) for a hearing or proceeding under the Texas

6-3 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as

6-4 costs (Sec. 571.018, Health and Safety Code):

6-5 (A) attorney's fees;

6-6 (B) physician examination fees;

6-7 (C) expense of transportation to a mental health

6-8 facility or to a federal agency not to exceed \$50 if transporting

6-9 within the same county and not to exceed the reasonable cost of

6-10 transportation if transporting between counties;

6-11 (D) costs and salary supplements authorized

6-12 under Section 574.031, Health and Safety Code; and

6-13 (E) prosecutors' fees authorized under Section

6-14 574.031, Health and Safety Code;

6-15 (34) expenses of transporting certain patients from

6-16 the county of treatment to a hearing in the county in which the

6-17 proceedings originated (Sec. 574.008, Health and Safety

6-18 Code) . . . actual expenses unless certain arrangements are made

6-19 to hold the hearing in the county in which the patient is receiving

6-20 services;

6-21 (35) expenses for expert witness testimony for an

6-22 indigent patient (Sec. 574.010, Health and Safety Code) . . . if

6-23 authorized by the court as reimbursement to the attorney ad litem,

6-24 court-approved expenses;

6-25 (36) fee for judge's services for holding a hearing on

6-26 an application for court-ordered mental health services (Sec.

6-27 574.031, Health and Safety Code) . . . as assessed by the judge, not

6-28 to exceed \$50;

6-29 (37) expenses to reimburse judge for holding a hearing

6-30 in a hospital or location other than the county courthouse (Sec.

6-31 574.031, Health and Safety Code) . . . reasonable and necessary

6-32 expenses as certified;

6-33 (38) fee for services of a prosecuting attorney,

6-34 including costs incurred for preparation of documents related to a

6-35 hearing on an application for court-ordered mental health services

6-36 (Sec. 574.031, Health and Safety Code) . . . as assessed by the

6-37 judge, not to exceed \$50; and

6-38 (39) a fee not otherwise listed in this section that is

6-39 required to be collected under Section 25.0008, Government Code

6-40 (Sec. 25.0008, Government Code), in a county other than Brazos,

6-41 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,

6-42 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as

6-43 prescribed by law relating to county judges' fees.

6-44 SECTION 4. Section 101.101, Government Code, is amended to

6-45 read as follows:

6-46 Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. The

6-47 clerk of a statutory probate court shall collect fees and costs as

6-48 follows:

6-49 (1) court cost in certain civil cases to establish and

6-50 maintain an alternative dispute resolution system, if authorized by

6-51 the county commissioners court (Sec. 152.004, Civil Practice and

6-52 Remedies Code) . . . not to exceed \$10;

6-53 (2) appellate judicial system filing fees:

6-54 (A) First or Fourteenth Court of Appeals District

6-55 (Sec. 22.2021, Government Code) . . . not more than \$5;

6-56 (B) Second Court of Appeals District (Sec.

6-57 22.2031, Government Code) . . . not more than \$5;

6-58 (C) Fourth Court of Appeals District (Sec.

6-59 22.2051, Government Code) . . . not more than \$5;

6-60 (D) Fifth Court of Appeals District (Sec.

6-61 22.2061, Government Code) . . . not more than \$5; and

6-62 (E) Thirteenth Court of Appeals District (Sec.

6-63 22.2141, Government Code) . . . not more than \$5;

6-64 (3) additional filing fees as follows:

6-65 (A) for certain cases to be used for

6-66 court-related purposes for support of the judiciary, if authorized

6-67 by the county commissioners court (Sec. 51.704, Government

6-68 Code) . . . \$40;

6-69 (B) to fund the improvement of Dallas County

7-1 civil court facilities, if authorized by the county commissioners  
7-2 court (Sec. 51.705, Government Code) . . . not more than \$15; and  
7-3 (C) for filing any civil action or proceeding  
7-4 requiring a filing fee, including an appeal, and on the filing of  
7-5 any counterclaim, cross-action, intervention, interpleader, or  
7-6 third-party action requiring a filing fee to fund civil legal  
7-7 services for the indigent (Sec. 133.153, Local Government  
7-8 Code) . . . \$5;  
7-9 (4) for filing an application for registration of  
7-10 death (Sec. 193.007, Health and Safety Code) . . . \$1;  
7-11 (5) fee for judge's services on an application for  
7-12 court-ordered mental health services (Sec. 574.031, Health and  
7-13 Safety Code) . . . not to exceed \$50;  
7-14 (6) fee for prosecutor's services on an application  
7-15 for court-ordered mental health services (Sec. 574.031, Health and  
7-16 Safety Code) . . . not to exceed \$50;  
7-17 (7) additional filing fee to fund contingency fund for  
7-18 liability insurance, if authorized by the county commissioners  
7-19 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;  
7-20 (8) probate court actions (Sec. 118.052, Local  
7-21 Government Code):  
7-22 (A) probate original action (Secs. 118.052 and  
7-23 118.055, Local Government Code):  
7-24 (i) probate of a will with independent  
7-25 executor, administration with will attached, administration of an  
7-26 estate, guardianship or receivership of an estate, or muniment of  
7-27 title (Sec. 118.052, Local Government Code) . . . \$40;  
7-28 (ii) community survivors (Sec. 118.052,  
7-29 Local Government Code) . . . \$40;  
7-30 (iii) small estates (Sec. 118.052, Local  
7-31 Government Code) . . . \$40;  
7-32 (iv) declarations of heirship (Sec.  
7-33 118.052, Local Government Code) . . . \$40;  
7-34 (v) mental health or chemical dependency  
7-35 services (Sec. 118.052, Local Government Code) . . . \$40; and  
7-36 (vi) additional, special fee (Secs. 118.052  
7-37 and 118.064, Local Government Code) . . . \$5;  
7-38 (B) services in pending probate action (Secs.  
7-39 118.052 and 118.056, Local Government Code):  
7-40 (i) filing an inventory and appraisement  
7-41 [~~after the 120th day after the date of the initial filing of the~~  
7-42 ~~action~~] (Secs. [~~Sec.~~ 118.052 and 118.056(d), Local Government  
7-43 Code) . . . \$25;  
7-44 (ii) approving and recording bond (Sec.  
7-45 118.052, Local Government Code) . . . \$3;  
7-46 (iii) administering oath (Sec. 118.052,  
7-47 Local Government Code) . . . \$2;  
7-48 (iv) filing annual or final account of  
7-49 estate (Sec. 118.052, Local Government Code) . . . \$25;  
7-50 (v) filing application for sale of real or  
7-51 personal property (Sec. 118.052, Local Government Code) . . . \$25;  
7-52 (vi) filing annual or final report of  
7-53 guardian of a person (Sec. 118.052, Local Government  
7-54 Code) . . . \$10; and  
7-55 (vii) filing a document not listed under  
7-56 this paragraph after the filing of an order approving the inventory  
7-57 and appraisement or after the 120th day after the date of the  
7-58 initial filing of the action, whichever occurs first (Secs. 118.052  
7-59 and 191.007, Local Government Code), if more than 25  
7-60 pages . . . \$25;  
7-61 (C) adverse probate action (Secs. 118.052 and  
7-62 118.057, Local Government Code) . . . \$40; and  
7-63 (D) claim against estate (Secs. 118.052 and  
7-64 118.058, Local Government Code) . . . \$2;  
7-65 (9) other fees (Sec. 118.052, Local Government Code):  
7-66 (A) issuing document (Secs. 118.052 and 118.059,  
7-67 Local Government Code):  
7-68 (i) original document and one copy (Sec.  
7-69 118.052, Local Government Code) . . . \$4; and

8-1 (ii) each additional set of an original and  
8-2 one copy (Sec. 118.052, Local Government Code) . . . \$4;  
8-3 (B) certified papers (Secs. 118.052 and 118.060,  
8-4 Local Government Code):  
8-5 (i) for the clerk's certificate (Sec.  
8-6 118.052, Local Government Code) . . . \$5; and  
8-7 (ii) a fee per page or part of a page (Sec.  
8-8 118.052, Local Government Code) . . . \$1;  
8-9 (C) noncertified papers, for each page or part of  
8-10 a page (Secs. 118.052 and 118.0605, Local Government  
8-11 Code) . . . \$1;  
8-12 (D) letters testamentary, letter of  
8-13 guardianship, letter of administration, or abstract of judgment  
8-14 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;  
8-15 (E) safekeeping of wills (Secs. 118.052 and  
8-16 118.062, Local Government Code) . . . \$5;  
8-17 (F) mail service of process (Secs. 118.052 and  
8-18 118.063, Local Government Code) . . . same as sheriff; and  
8-19 (G) records management and preservation fee  
8-20 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5;  
8-21 (10) fee for deposit of a will with the county clerk  
8-22 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;  
8-23 (11) court costs for each special commissioner in an  
8-24 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
8-25 taxed by the court, \$10 or more;  
8-26 (12) jury fee for civil case (Sec. 51.604, Government  
8-27 Code) . . . \$22;  
8-28 (13) court cost in civil cases other than suits for  
8-29 delinquent taxes to fund the county law library fund, if authorized  
8-30 by the county commissioners court (Sec. 323.023, Local Government  
8-31 Code) . . . not to exceed \$35;  
8-32 (14) the expense of preserving the record as a court  
8-33 cost, if imposed on a party by the referring court or associate  
8-34 judge (Sec. 54.612, Government Code) . . . actual cost;  
8-35 (15) security deposit on filing, by any person other  
8-36 than the personal representative of an estate, an application,  
8-37 complaint, or opposition in relation to the estate, if required by  
8-38 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
8-39 proceeding;  
8-40 (16) security deposit on filing, by any person other  
8-41 than the guardian, attorney ad litem, or guardian ad litem, an  
8-42 application, complaint, or opposition in relation to a guardianship  
8-43 matter, if required by the clerk (Sec. 622, Texas Probate  
8-44 Code) . . . probable cost of the guardianship proceeding;  
8-45 (17) for a hearing or proceeding under the Texas  
8-46 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
8-47 costs (Secs. 571.017 and 571.018, Health and Safety  
8-48 Code) . . . reasonable compensation to the following persons  
8-49 appointed under the Texas Mental Health Code:  
8-50 (A) attorneys;  
8-51 (B) physicians;  
8-52 (C) language interpreters;  
8-53 (D) sign interpreters; and  
8-54 (E) masters;  
8-55 (18) for a hearing or proceeding under the Texas  
8-56 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
8-57 costs (Sec. 571.018, Health and Safety Code):  
8-58 (A) attorney's fees;  
8-59 (B) physician examination fees;  
8-60 (C) expense of transportation to a mental health  
8-61 facility or to a federal agency not to exceed \$50 if transporting  
8-62 within the same county and not to exceed the reasonable cost of  
8-63 transportation if transporting between counties;  
8-64 (D) costs and salary supplements authorized  
8-65 under Section 574.031, Health and Safety Code; and  
8-66 (E) prosecutors' fees authorized under Section  
8-67 574.031, Health and Safety Code;  
8-68 (19) expenses of transporting certain patients from  
8-69 the county of treatment to a hearing in the county in which the



9-1 proceedings originated (Sec. 574.008, Health and Safety  
 9-2 Code) . . . actual expenses unless certain arrangements are made  
 9-3 to hold the hearing in the county in which the patient is receiving  
 9-4 services;  
 9-5 (20) expenses for expert witness testimony for an  
 9-6 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
 9-7 authorized by the court as reimbursement to the attorney ad litem,  
 9-8 court-approved expenses;  
 9-9 (21) fee for judge's services for holding a hearing on  
 9-10 an application for court-ordered mental health services (Sec.  
 9-11 574.031, Health and Safety Code) . . . as assessed by the judge, not  
 9-12 to exceed \$50;  
 9-13 (22) expenses to reimburse judge for holding a hearing  
 9-14 in a hospital or location other than the county courthouse (Sec.  
 9-15 574.031, Health and Safety Code) . . . reasonable and necessary  
 9-16 expenses as certified;  
 9-17 (23) fee for services of a prosecuting attorney,  
 9-18 including costs incurred for preparation of documents related to a  
 9-19 hearing on an application for court-ordered mental health services  
 9-20 (Sec. 574.031, Health and Safety Code) . . . as assessed by the  
 9-21 judge, not to exceed \$50; and  
 9-22 (24) a fee not otherwise listed in this section that is  
 9-23 required to be collected under Section 25.0029, Government Code  
 9-24 (Sec. 25.0029, Government Code) . . . as prescribed by law relating  
 9-25 to county judges' fees.  
 9-26 SECTION 5. Section 101.121, Government Code, is amended to  
 9-27 read as follows:  
 9-28 Sec. 101.121. COUNTY COURT FEES AND COSTS. The clerk of a  
 9-29 county court shall collect:  
 9-30 (1) fee for hearing on application for a license to  
 9-31 manufacture, distribute, store, or sell beer (Sec. 61.31, Alcoholic  
 9-32 Beverage Code) . . . \$5;  
 9-33 (2) court cost in certain civil cases to establish and  
 9-34 maintain an alternative dispute resolution system, if authorized by  
 9-35 the county commissioners court (Sec. 152.004, Civil Practice and  
 9-36 Remedies Code) . . . not to exceed \$10;  
 9-37 (3) appellate judicial system filing fees:  
 9-38 (A) First or Fourteenth Court of Appeals District  
 9-39 (Sec. 22.2021, Government Code) . . . not more than \$5;  
 9-40 (B) Second Court of Appeals District (Sec.  
 9-41 22.2031, Government Code) . . . not more than \$5;  
 9-42 (C) Fourth Court of Appeals District (Sec.  
 9-43 22.2051, Government Code) . . . not more than \$5;  
 9-44 (D) Fifth Court of Appeals District (Sec.  
 9-45 22.2061, Government Code) . . . not more than \$5; and  
 9-46 (E) Thirteenth Court of Appeals District (Sec.  
 9-47 22.2141, Government Code) . . . not more than \$5;  
 9-48 (4) a jury fee (Sec. 51.604, Government  
 9-49 Code) . . . \$22;  
 9-50 (5) a filing fee in each civil case filed to be used  
 9-51 for court-related purposes for the support of the judiciary (Sec.  
 9-52 51.703, Government Code) . . . \$40;  
 9-53 (6) for filing an application for registration of  
 9-54 death (Sec. 193.007, Health and Safety Code) . . . \$1;  
 9-55 (7) fee for judge's services on an application for  
 9-56 court-ordered mental health services (Sec. 574.031, Health and  
 9-57 Safety Code) . . . not to exceed \$50;  
 9-58 (8) fee for prosecutor's services on an application  
 9-59 for court-ordered mental health services (Sec. 574.031, Health and  
 9-60 Safety Code) . . . not to exceed \$50;  
 9-61 (9) additional filing fee to fund contingency fund for  
 9-62 liability insurance, if authorized by the county commissioners  
 9-63 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;  
 9-64 (10) civil court actions (Sec. 118.052, Local  
 9-65 Government Code):  
 9-66 (A) filing of original action (Secs. 118.052 and  
 9-67 118.053, Local Government Code):  
 9-68 (i) garnishment after judgment (Sec.  
 9-69 118.052, Local Government Code) . . . \$15; and

10-1 (ii) all others (Sec. 118.052, Local  
10-2 Government Code) . . . \$40;

10-3 (B) filing of action other than original (Secs.  
10-4 118.052 and 118.054, Local Government Code) . . . \$30; and

10-5 (C) services rendered after judgment in original  
10-6 action (Secs. 118.052 and 118.0545, Local Government Code):

10-7 (i) abstract of judgment (Sec. 118.052,  
10-8 Local Government Code) . . . \$5; and

10-9 (ii) execution, order of sale, writ, or  
10-10 other process (Sec. 118.052, Local Government Code) . . . \$5;

10-11 (11) probate court actions (Sec. 118.052, Local  
10-12 Government Code):

10-13 (A) probate original action (Secs. 118.052 and  
10-14 118.055, Local Government Code):

10-15 (i) probate of a will with independent  
10-16 executor, administration with will attached, administration of an  
10-17 estate, guardianship or receivership of an estate, or muniment of  
10-18 title (Sec. 118.052, Local Government Code) . . . \$40;

10-19 (ii) community survivors (Sec. 118.052,  
10-20 Local Government Code) . . . \$40;

10-21 (iii) small estates (Sec. 118.052, Local  
10-22 Government Code) . . . \$40;

10-23 (iv) declarations of heirship (Sec.  
10-24 118.052, Local Government Code) . . . \$40;

10-25 (v) mental health or chemical dependency  
10-26 services (Sec. 118.052, Local Government Code) . . . \$40; and

10-27 (vi) additional, special fee (Secs. 118.052  
10-28 and 118.064, Local Government Code) . . . \$5;

10-29 (B) services in pending probate action (Secs.  
10-30 118.052 and 118.056, Local Government Code):

10-31 (i) filing an inventory and appraisement  
10-32 [~~after the 120th day after the date of the initial filing of the~~  
10-33 ~~action~~] (Secs. [Sec.] 118.052 and 118.056(d), Local Government  
10-34 Code) . . . \$25;

10-35 (ii) approving and recording bond (Sec.  
10-36 118.052, Local Government Code) . . . \$3;

10-37 (iii) administering oath (Sec. 118.052,  
10-38 Local Government Code) . . . \$2;

10-39 (iv) filing annual or final account of  
10-40 estate (Sec. 118.052, Local Government Code) . . . \$25;

10-41 (v) filing application for sale of real or  
10-42 personal property (Sec. 118.052, Local Government Code) . . . \$25;

10-43 (vi) filing annual or final report of  
10-44 guardian of a person (Sec. 118.052, Local Government  
10-45 Code) . . . \$10; and

10-46 (vii) filing a document not listed under  
10-47 this paragraph after the filing of an order approving the inventory  
10-48 and appraisement or after the 120th day after the date of the  
10-49 initial filing of the action, whichever occurs first (Secs. 118.052  
10-50 and 191.007, Local Government Code), if more than 25  
10-51 pages . . . \$25;

10-52 (C) adverse probate action (Secs. 118.052 and  
10-53 118.057, Local Government Code) . . . \$40; and

10-54 (D) claim against estate (Secs. 118.052 and  
10-55 118.058, Local Government Code) . . . \$2;

10-56 (12) other fees (Sec. 118.052, Local Government Code):

10-57 (A) issuing document (Secs. 118.052 and 118.059,  
10-58 Local Government Code):

10-59 (i) original document and one copy (Sec.  
10-60 118.052, Local Government Code) . . . \$4; and

10-61 (ii) each additional set of an original and  
10-62 one copy (Sec. 118.052, Local Government Code) . . . \$4;

10-63 (B) certified papers (Secs. 118.052 and 118.060,  
10-64 Local Government Code):

10-65 (i) for the clerk's certificate (Sec.  
10-66 118.052, Local Government Code) . . . \$5; and

10-67 (ii) a fee per page or part of a page (Sec.  
10-68 118.052, Local Government Code) . . . \$1;

10-69 (C) noncertified papers, for each page or part of

11-1 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
11-2 \$1;

11-3 (D) letters testamentary, letter of  
11-4 guardianship, letter of administration, or abstract of judgment  
11-5 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

11-6 (E) safekeeping of wills (Secs. 118.052 and  
11-7 118.062, Local Government Code) . . . \$5;

11-8 (F) mail service of process (Secs. 118.052 and  
11-9 118.063, Local Government Code) . . . same as sheriff; and

11-10 (G) records management and preservation fee  
11-11 (Secs. 118.052, 118.0546, and 118.0645, Local Government  
11-12 Code) . . . \$5;

11-13 (13) deposit on filing petition requesting permission  
11-14 to create a municipal civic center authority (Sec. 281.013, Local  
11-15 Government Code) . . . \$200;

11-16 (14) additional filing fee to fund the courthouse  
11-17 security fund, if authorized by the county commissioners court  
11-18 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

11-19 (15) additional filing fee for filing documents not  
11-20 subject to certain filing fees to fund the courthouse security  
11-21 fund, if authorized by the county commissioners court (Sec.  
11-22 291.008, Local Government Code) . . . \$1;

11-23 (16) additional filing fee to fund the courthouse  
11-24 security fund in Webb County, if authorized by the county  
11-25 commissioners court (Sec. 291.009, Local Government Code) . . . not  
11-26 to exceed \$20;

11-27 (17) court cost in civil cases other than suits for  
11-28 delinquent taxes to fund the county law library fund, if authorized  
11-29 by the county commissioners court (Sec. 323.023, Local Government  
11-30 Code) . . . not to exceed \$35;

11-31 (18) fee for deposit of a will with the county clerk  
11-32 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

11-33 (19) fee for county attorney in a suit regarding a  
11-34 railroad company's failure to keep roadbed and right-of-way in  
11-35 proper condition (Art. 6327, Vernon's Texas Civil  
11-36 Statutes) . . . \$10;

11-37 (20) appeal bond from a petitioner or taxpayer in a  
11-38 water control and preservation district (Art. 7818, Vernon's Texas  
11-39 Civil Statutes) . . . \$100;

11-40 (21) additional filing fee for filing any civil action  
11-41 or proceeding requiring a filing fee, including an appeal, and on  
11-42 the filing of any counterclaim, cross-action, intervention,  
11-43 interpleader, or third-party action requiring a filing fee, to fund  
11-44 civil legal services for the indigent (Sec. 133.153, Local  
11-45 Government Code) . . . \$5;

11-46 (22) court fees and costs, if ordered by the court, for  
11-47 a suit filed by an inmate in which an affidavit or unsworn  
11-48 declaration of inability to pay costs is filed by the inmate (Sec.  
11-49 14.006, Civil Practice and Remedies Code) . . . the lesser of:

11-50 (A) 20 percent of the preceding six months'  
11-51 deposits to the inmate's trust account administered by the Texas  
11-52 Department of Criminal Justice under Section 501.014, Government  
11-53 Code; or

11-54 (B) the total amount of court fees and costs;

11-55 (23) monthly payment for remaining court fees and  
11-56 costs after the initial payment for a suit in which an affidavit or  
11-57 unsworn declaration of inability to pay costs is filed by the inmate  
11-58 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser  
11-59 of:

11-60 (A) 10 percent of that month's deposit to the  
11-61 inmate's trust account administered by the Texas Department of  
11-62 Criminal Justice under Section 501.014, Government Code; or

11-63 (B) the total amount of court fees and costs that  
11-64 remain unpaid;

11-65 (24) the following costs not otherwise charged to the  
11-66 inmate under Section 14.006, Civil Practice and Remedies Code, if  
11-67 the inmate has previously filed an action dismissed as malicious or  
11-68 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

11-69 (A) expenses of service of process;

12-1 (B) postage; and  
 12-2 (C) transportation, housing, or medical care  
 12-3 incurred in connection with the appearance of the inmate in the  
 12-4 court for any proceeding;

12-5 (25) security deposit on filing, by any person other  
 12-6 than the personal representative of an estate, an application,  
 12-7 complaint, or opposition in relation to the estate, if required by  
 12-8 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
 12-9 proceeding;

12-10 (26) security deposit on filing, by any person other  
 12-11 than the guardian, attorney ad litem, or guardian ad litem, an  
 12-12 application, complaint, or opposition in relation to a guardianship  
 12-13 matter, if required by the clerk (Sec. 622, Texas Probate Code)  
 12-14 . . . probable cost of the guardianship proceeding;

12-15 (27) for a hearing or proceeding under the Texas  
 12-16 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
 12-17 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .  
 12-18 reasonable compensation to the following persons appointed under  
 12-19 the Texas Mental Health Code:

- 12-20 (A) attorneys;
- 12-21 (B) physicians;
- 12-22 (C) language interpreters;
- 12-23 (D) sign interpreters; and
- 12-24 (E) masters;

12-25 (28) for a hearing or proceeding under the Texas  
 12-26 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
 12-27 costs (Sec. 571.018, Health and Safety Code):

- 12-28 (A) attorney's fees;
- 12-29 (B) physician examination fees;
- 12-30 (C) expense of transportation to a mental health  
 12-31 facility or to a federal agency not to exceed \$50 if transporting  
 12-32 within the same county and not to exceed the reasonable cost of  
 12-33 transportation if transporting between counties;
- 12-34 (D) costs and salary supplements authorized  
 12-35 under Section 574.031, Health and Safety Code; and
- 12-36 (E) prosecutors' fees authorized under Section  
 12-37 574.031, Health and Safety Code;

12-38 (29) expenses of transporting certain patients from  
 12-39 the county of treatment to a hearing in the county in which the  
 12-40 proceedings originated (Sec. 574.008, Health and Safety  
 12-41 Code) . . . actual expenses unless certain arrangements are made  
 12-42 to hold the hearing in the county in which the patient is receiving  
 12-43 services;

12-44 (30) expenses for expert witness testimony for an  
 12-45 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
 12-46 authorized by the court as reimbursement to the attorney ad litem,  
 12-47 court-approved expenses;

12-48 (31) fee for judge's services for holding a hearing on  
 12-49 an application for court-ordered mental health services (Sec.  
 12-50 574.031, Health and Safety Code) . . . as assessed by the judge, not  
 12-51 to exceed \$50;

12-52 (32) expenses to reimburse judge for holding a hearing  
 12-53 in a hospital or location other than the county courthouse (Sec.  
 12-54 574.031, Health and Safety Code) . . . reasonable and necessary  
 12-55 expenses as certified; and

12-56 (33) fee for services of a prosecuting attorney,  
 12-57 including costs incurred for preparation of documents related to a  
 12-58 hearing on an application for court-ordered mental health services  
 12-59 (Sec. 574.031, Health and Safety Code) . . . as assessed by the  
 12-60 judge, not to exceed \$50.

12-61 SECTION 6. The changes in law made by this Act apply only to  
 12-62 a document filed on or after the effective date of this Act. A  
 12-63 document filed before the effective date of this Act is governed by  
 12-64 the law in effect on the date the document was filed, and the former  
 12-65 law is continued in effect for that purpose.

12-66 SECTION 7. This Act takes effect September 1, 2007.

12-67 \* \* \* \* \*