



# Superior Court of California County of Orange

Chambers of  
**MARJORIE LAIRD CARTER**  
JUDGE  
L72

341 THE CITY DRIVE  
ORANGE, CA 92868  
PHONE: 714-935-7274

October 8, 2008

## **NOTICE** **Refunding Graduated Probate Filing Fees**

The following procedures have been developed in an effort to assist those eligible in seeking a refund of graduated probate filing fees.

**1. OPEN CASES:**

For open cases commenced on or after August 18, 2003, and before January 1, 2008, where a graduated filing fee was paid, the court will make an order establishing the correct filing fee at the hearing on the petition for final distribution.

If you wish to request a refund once that order has been made, the request for refund must be made by the personal representative. The personal representative can request the refund by submitting the form "Request for Refund of Graduated Filing Fees" attached to this notice. These requests will be processed by the Court in the same manner as "drop off" ex parte petitions.

**2. CASES WHERE THE COURT HAS ORDERED FINAL DISTRIBUTION:**

The party claiming entitlement to a refund must file appropriate petition(s) and/or motion(s) as required.

**3. ALL PETITIONS OR REQUESTS FOR REFUNDS OF GRADUATED FILING FEES MUST INCLUDE:**

- the date the initial (first) Petition for Probate was filed;
- the name(s) of the initial (first) filer(s) of the Petition for Probate;
- the name(s) of the personal representative(s), if different from the petitioner;
- the calculation of amount to be refunded as follows: the total graduated filing fee paid less the amount of the base filing fee due at the time the fees were paid;
- date of payment and the receipt number;
- name and address of the person(s) to whom the refund should be paid.

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4. DEFINITIONS:

- A. **Open Case:** An open case is one where final distribution has not been ordered by the court.
- B. **Final Distribution:** Final distribution is ordered by the court when there is a court minute order approving the petition for final distribution.
- C. **Base Fee:** The base fee, plus local add-ons, differed based upon the year of filing. The base fees for each filing year are as follows:

8/17/03 to 12/31/03	\$244.50
1/1/04 to 12/31/04	\$269.50
1/1/05 to 12/31/05	\$272.50
1/1/06 to 12/31/06	\$320.00
1/1/07 to 12/31/07	\$320.00

## Request for Refund of Graduated Filing Fees

**NOTE: THIS FORM IS NOT TO BE USED WHEN THE COURT HAS ORDERED FINAL DISTRIBUTION, UNLESS THE ORDER ALLOWED A REFUND OF GRADUATED FILING FEES AT THE TIME OF THE FINAL DISTRIBUTION.**

For additional information refer to Orange County Superior Court's Notice to Attorneys, Refund of Graduated Filing Fees.

**REQUEST FOR REFUND OF GRADUATED FILING FEES**  
(Decedents' Estates - Probate)

**TO BE COMPLETED AFTER THE COURT HAS MADE AN ORDER ALLOWING  
A REFUND OF THE GRADUATED FILING FEE**

I, \_\_\_\_\_, am the personal representative of the above referenced estate .

My address is: \_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City State Zip Code

The name and address of my attorney of record (if represented):

\_\_\_\_\_  
Street Address City State Zip Code

The following statements support my request for refund:

The first Petition for Probate was filed with the Court on: \_\_\_\_\_

Date of payment: \_\_\_\_\_ Amount of payment: \_\_\_\_\_ Receipt number: \_\_\_\_\_

Date of payment: \_\_\_\_\_ Amount of payment: \_\_\_\_\_ Receipt number: \_\_\_\_\_

I am requesting a refund of the graduated filing fee in the amount of \$ \_\_\_\_\_, calculated as follows:

Total amount of my payment(s):	\$ _____
Less, the amount of base fee plus local add-ons:	_____
<b>TOTAL AMOUNT OF REFUND CLAIMED:</b>	<b>\$ _____</b>

Mail the refund to my address as noted above.

Mail the refund to me at the following address:

\_\_\_\_\_  
Street Address City State Zip Code

## Request for Refund of Graduated Filing Fees

Attached is a copy of this Court's order dated \_\_\_\_\_ allowing a refund of the graduated filing fee in the sum of \$\_\_\_\_\_. That order provides for payment of the refund as follows:

- To the applicant of this refund request, as personal representative of the estate of the above-named decedent.
- To the persons as specified in the order attached hereto.

Based on the above, I/we respectfully request the fees be refunded accordingly.

\_\_\_\_\_  
Signature Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature Dated: \_\_\_\_\_

### TO BE COMPLETED BY THE COURT

Refund:  Approved

Refund not approved because:

The graduated filing fee paid was equal to the base fee plus local add-ons, in the year of filing, and no refund is due.

The applicant was not the initial (first) filer and did not pay the graduated filing fee.

Petition for Final Distribution was approved per Minute Order dated \_\_\_\_\_ and any request for refund must be made in a properly filed and noticed petition/motion.

Other: \_\_\_\_\_

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Signature  Probate Attorney  Probate Examiner

### TO BE COMPLETED BY THE CLERK ISSUING REFUND ORDER

Deposit Refund Order: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name / Refund Clerk