

No. 250, S.]

[Published July 8, 1955.]

## CHAPTER 346

AN ACT to amend 253.29 (2) (a), (b), (d) and (h); and to create 253.29 (2m) of the statutes, relating to county court fees.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 253.29 (2) (a), (b), (d) and (h) of the statutes are amended to read:

253.29 (2) (a) For filing a petition whereby any proceeding in estates of deceased persons is commenced, \* \* \* *when the gross estate or value of the property is \* \* \* \$1,000 or less, \* \* \* no fee; \* \* \* when the gross estate is more than \* \* \* \$1,000 and less than \$10,000, a fee of \$3; when the gross estate is \* \* \* \$10,000 or more and less than \$25,000, a fee of \$6; when the gross estate is \$25,000 or more and less than \$100,000, a fee of \$25; when the gross estate is \$100,000 or more, a fee of \$100.* Such fees shall be paid *when the petition is filed based upon the estimated value and adjusted at the time of the filing of the inventory, or other documents, setting forth the value of the estate in such proceedings.* The fees fixed in this subsection shall also be paid in survivorship proceedings and in such survivorship proceedings the value shall be based on the value of the property passing to the survivor or survivors.

(b) For a certificate terminating a life estate \* \* \* *or homestead interest, \$1, but the fee shall not be collected if such termination is consolidated with probate or administration proceedings.*

(d) For filing objections to the probate of a will, \$10, except that this fee may be waived by the court when objection is \* \* \* *filed* by a

guardian ad litem \* \* \* or attorney for a person in military service. The court may order a refund of said fee to the objector from the assets of the estate.

(h) For copies of records or other papers in the custody and charge of registers in probate at the rate of 50 cents a page; and for the comparison and attestation of such copies as are not provided by the registers, 25 cents for each page, but the minimum charge in each of the above mentioned instances shall be \$1, including the certificate.

SECTION 2. 253.29 (2m) of the statutes is created to read:

253.29 (2m) For purposes of determining fees payable under sub. (2), the following shall apply:

(a) U. S. government bonds which by their terms are payable to another person upon death of the original registered owner are included in his gross estate and not subject to the fee for terminating a life estate.

(b) Life insurance, retirement benefits or annuities are excluded unless paid or payable to the estate or personal representative in which case they are included.

(c) When survivorship proceedings are pursued as part of probate or administration the gross estate is the sum of each.

(d) When survivorship proceedings are pursued independent of probate or administration, a fee shall be collected for each, such fee not to be less than that payable if the proceedings were consolidated.

(e) Proceedings to administer assets subsequent to entry of final judgment in an estate are subject to fees as separate proceedings, which fees shall not be less than those which would have been chargeable if such assets had been included in the original proceedings.

(f) The value of decedent's interest in real estate shall be diminished by the unpaid balance on duly recorded or filed liens and mortgages.

(g) Special administrations are subject to filing fees, such fees to be credited upon fees for subsequent general administration or probate.

SECTION 3. This act shall take effect January 1, 1956.

Approved June 29, 1955.

---