

**Fairfax Circuit Court
Probate Division
4110 Chain Bridge Road, Room 401
Fairfax, Virginia 22030
(703) 246-4153**

Fiduciary/Probate Fees

Guardian/Conservator Complaints:

File all guardian and/or conservator complaints in a new civil action file at the Civil Intake counter on the 3rd floor of the courthouse.

Filing Fee: \$20.00 plus sheriff service fee, if applicable.

Documents Required for Filing:

- Original and two copies of the complaint
- Order Appointing a Guardian Ad Litem
- Notice of Hearing (pursuant to §37.2-1004)

Probate of a Decedent's Estate (by appointment only):

Testate (with a Will) or Intestate (without a Will)

Filing Fees: Based on estate value. Fees to be determined at the appointment.

Requirements for Filing:

- A Virginia resident to accompany a nonresident prospective executor or administrator.
- The original Will (for testate estates).
- A certified copy of the death certificate.
- Approximate dollar value of any solely-held personal assets.
- Approximate fair market value of real estate in Virginia owned solely by the decedent or the value of the percentage owned by the decedent when the real estate is owned as tenants-in-common.
- Names, ages and addresses of the heirs at law. These are individuals who are legally entitled to receive an estate when there is no Will. The List of Heirs is required in both testate and intestate estates. (See §64.1 of the 1950 Code of Virginia, as amended.)

- Payment of fees.
 - Fees are calculated at the time of the probate appointment and are based upon the estate value.
 - The Probate Division accepts cash, cashier's checks, money orders, personal checks or credit cards (Visa and MasterCard only). **Please note that there is a 4% processing fee for each credit card transaction.**
 - **Personal checks:** The customer's name and address must be preprinted on the check.
 - **Attorney checks:** Must include the attorney's Virginia bar number on the check.
 - All payments should be made payable to the *Clerk of the Circuit Court*.
 - The Court does not accept out-of-state checks or starter checks.

Fiduciary's Bond:

All fiduciaries must be bonded. State statutes govern whether the bond is with or without surety. The probate clerk will set the appropriate bond at the time of appointment. If you believe a surety bond is required, you may bring the name and phone number of a bonding agent/company to the appointment or select an agent from the Probate Division's list of certified bonding companies. Please call the Probate Division for more information.

Tax in Lieu of State Probate Tax

Pursuant to §§58-1.1717.1,-1718, §58.1-3805 a tax of \$25.00 will be assessed for every Real Estate Affidavit/List of Heirs recorded and when a List of Heirs at Law is recorded in an intestate estate without qualification.

Filing Fees/Sheriff Fees:

Please make payments for filing fees and sheriff service fees payable to the *Clerk of the Circuit Court*. Attorneys or petitioners are responsible for submitting the correct number of copies of pleadings for service. Please see the *Civil Filing Instructions and Fee Schedule* for additional information.

Sheriff Fees – Process & Service		
• General Service	\$12.00	§17.1-272 (A)
Subpoena		
• Witness	\$12.00	§17.1-272
• Production Rule 4:9 (C)	\$ 5.00	§17.1-275 A (23)
• Attorney Issued Rule 4:9 C (2)	Service fee if applicable. <i>No Clerk's fee required on production.</i>	§8.01-407

TAXES & FEES	RECORDATION COSTS	NON RECORDATION COSTS	REVENUE CODE
State Probate Tax §58.1-1712	\$1.00 per \$100 of estate value		037
Tax in Lieu of Probate Tax §58.1-1717.1, -1718, -3805	\$25.00		037
Real Estate Transfer §58.1-3314	\$1.00 for all parcels in FX Co		212
Real Estate Transfer §58.1-3314	\$1.00 for all parcels in FX City		222
Technology Trust Fund §17.1-279	\$5.00		106
Court Technology Fund §17.1-132	\$10.00		170
Law Library §42.1-70		\$ 4.00	219
Legal Aid §17.1-278 <i>\$1.00 of Legal Aid Fee will be applied to the Indigent Assistance Fee.</i>		\$10.00	123-\$9.00 147-\$1.00
Clerk's Fee Recording §17.1-275A(2) <i>\$1.50 of Clerk's Fee collected will be applied to the Virginia State Library revenue code.</i>	\$16.00 for up to 10 pages \$30.00 for 11 to 30 pages \$50.00 for 31 or more pages		302 (\$14.50) 145 (\$1.50) 302 (\$28.50) 145 (\$1.50) 302 (\$48.50) 145 (\$1.50)
Clerk's Fee Non Recording §17.1-275A(4)	Out of State Oath	\$10.00	302
Clerk's Fee Non Recording §17.1-275A(6)	Bond/Affidavit Preparation	\$ 3.00	302
Clerk's Fee Non Recording §17.1-275A(9)	Certification/Triple Seal	\$ 2.00/\$2.50	302
Clerk's Fee Non Recording §17.1-275A(18)	Show Cause Order	\$10.00	302
Clerk's Fee Non Recording §17.1-275A(39)	Will for Safekeeping	\$ 2.00	302

DOCUMENT/PROCESS	FEE	CODE REFERENCE	REVENUE CODE	COMMENTS
Admin. of Out of State Oath	\$10.00	§17.1-275A(4)	302	
Affidavit of Notice	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Affidavit Preparation	\$ 3.00	§17.1-275A(6)	302	
Bond Preparation	\$ 3.00	§17.1-275A(6)	302	For any additional, increase, decrease or replacement of bond.

Certificate of Qualification, new additional and updated certs.	\$ 2.00	§17.1-275A(9)	302	1 free certificate issued at time of appointment.
Disclaimers for Exempt Property or Family Allowance Recording	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Guardian/Conservator - Recording Order to Appoint, Restore, Modify or Terminate	\$21.00	§17.1-275A(2) §17.1-279	302 & 145 106	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
List of Heirs	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Qualification Fee	\$00.00 \$20.00 \$25.00 \$30.00	§17.1-275A(3) §17.1-275A(3) §17.1-275A(3) §17.1-275A(3)	302	Estates \$5,000 or less \$ 5,001.00 - \$ 50,000.00 \$ 50,001.00 - \$100,000.00 \$100,001.00 and above.
List of Heirs or Real Estate Affidavit (<i>No qualification of a personal representative</i>)	\$42.00	§17.1-275A(2) §58.1-3314 §58.1-1717.1-1718,- 3805	302 145 212/222 037	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Real Estate Affidavit (<i>Qualification has occurred outside of Fairfax County</i>)	\$17.00	§17.1-275A(2) §58.1-3314	302 145 212/222	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Show Cause Publication Orders	\$24.00	§17.1-275A(18) §42.1-70 §17.1-278	302 219 123 & 147	
Will/Codicil Recording Fee	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Wills for Safekeeping	\$ 2.00	§17.1-275A(39)	302	

Other Case Types Relating to Fiduciary Issues

Type of Complaint	Fees Assessed	Code Reference	Revenue Code	Case Type	Filing Department
Appeal of Clerk's Order	None		N/A	Fiduciary	Probate Division
Complaint - Equity <ul style="list-style-type: none"> • Aid & Direction • Custodial Account • Declaratory Judgment • Declare Death • Establish/Impeach Will • Reformation of Trust • Removal of Personal Rep/Trustee • Other misc matters involving probate issues 	Clerk's Fee \$50.00 Law Library \$ 4.00 Legal Aid Fee \$10.00 Court Tech Fee \$10.00 TTF \$ 5.00 Writ Tax \$ 5.00 Total \$84.00	§17.1-275 A(26) §42.1-70 §17.1-278 §17.1-132 §17.1-279 §58.1-1727	304 219 123/147 170 106 049	Civil Action	Civil Intake
Guardian and/or Conservator Appointment Complaint §37.2-1001 & §37.2-1013	Clerk's Fee \$10.00 TTF \$ 5.00 Writ Tax \$ 5.00 Total \$20.00	§17.1-275 A(43) §17.1-279 §58.1-1727	304 106 049	Civil Action	Civil Intake
Guardian and/or Conservator Restore, Modify Terminate Petition §37.2-1012 & §37.2-1014	Clerk's Fee \$10.00 TTF \$ 5.00 Total \$15.00	§17.1-275 A(43) §17.1-279	304 106	Civil Action	Civil Case Processing
Complaint to Expend from Minors Estate §31-8.1	Clerk's Fee \$10.00 Law Library \$ 4.00 Legal Aid Fee \$10.00 TTF \$ 5.00 Total 29.00	§17.1-275 A(43) §42.1-70 §17.1-278 §17.1-279C	304 219 123/147 106	Civil Action	Civil Intake <u>or</u> Civil Case Processing