

PUBLIC NOTICE

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NEWSFLASH

IMPORTANT NEWS ON PROBATE FILING FEES

On March 28, 2008 the Second Appellate District of the California Court of Appeal issued an important opinion invalidating the graduated filing fees in probate cases. In Estate of Claeysens (2008 DJDAR 4317) the court held that provisions of the California Constitution, coupled with Proposition 6 enacted in 1982, make the graduated filing fee an invalid estate or inheritance tax. In the instant case, the petitioner had paid a total filing fee with surcharges of \$74,642.52.

The Administrative Office of the Courts apparently has opined that, henceforth, the law requires probate filings to be accompanied by the standard unlimited civil filing fee. Unanswered at this point is whether refunds will be required of amounts already paid. Even without refunds, estimates are that the courts will lose approximately \$5 million by switching from the graduated to the fixed fee.

We will provide updates as new information becomes available.

THANK YOU



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