

Probate Fees in California

Breakdown of Statutory Fees

Probate fees in California are set by law. For probate cases, but not trust administration cases, attorneys do not have the ability to set their own fees. California law says that both the executor and the attorney for the executor are to be paid the same amount for their ordinary services on behalf of the probate estate.

CALIFORNIA LAW SETS THE FEE SCHEDULE FOR PROBATE

If the Estate is worth \$100,000 or less

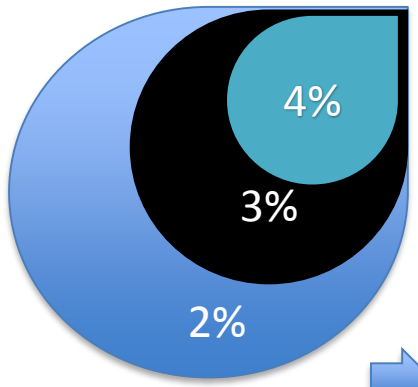
4% Of the **First \$100,000** (if more)

If the Estate is worth more than \$100,000

THEN YOU ADD THE 4% OF THE FIRST \$100,000 AND 3% OF THE NEXT \$100,000

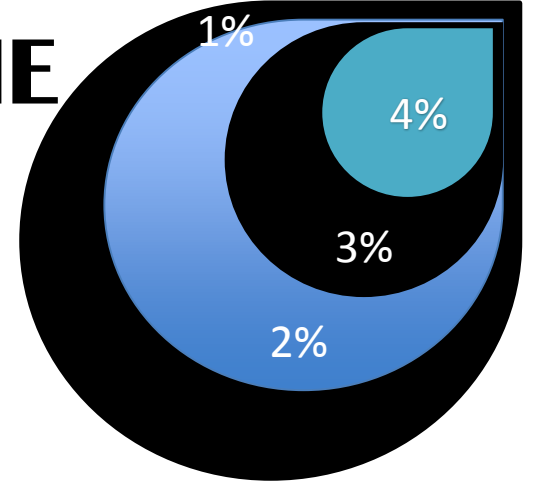
If the Estate is worth more than \$200,000

2% OF THE NEXT \$800,000



If the Estate is worth more than \$1,000,000

1% OF THE NEXT \$900,000



EXAMPLE: Probate Estate

Probate Estate Contains:

\$300,000 HOME
\$200,000 CASH
\$500,000 Total

THEN YOU ADD THE 4% OF THE FIRST \$100,000
= \$4,000 IN FEES
 THEN YOU ADD THE 3% OF THE THE NEXT \$100,000
= \$300,000
 THEN YOU ADD THE 2% OF THE FIRST \$800,000
= \$6,000 IN FEES
THE TOTAL ORDINARY FEES = \$13,000

Total Probate Estate Fees for :

Both The Executor and The Executor's Attorney = \$13,000



EXTRAORDINARY SERVICES: usually occur in Probate either because there is Litigation on behalf of the Estate OR Real Estate is sold by the Probate Estate through a Court Proceeding. For these services the Executor's Attorney is paid on an hourly basis and must petition the Probate Court for the payment of those fees.