

PROBATE JUDGE:
FEES:

May charge 10¢ for each one hundred words or figures in furnishing copies of order granting letters or refusing to grant letters, and 50¢ for certificate and seal.

February 20, 1942

Mrs. Jessie B. Harrison
Acting Probate Judge
Dunklin County
Kennett, Missouri



Dear Mrs. Harrison:

This will acknowledge receipt of your letter of February 6, 1942, which is as follows:

"Please find included two Fee Bills, one used in case of a minor or an insane person, the other in the estate of a deceased person.

"These bills were recommended to me by one of your auditors, Mr. Earl Hulse who happened to be in Kennett at the time of my appointment to the Probate office.

"I have followed these consistently, adding only recording at the rate of about fifty cents per page. I was informed during the year that the \$3.10 charged for Letters Refusing Administration should be increased to \$4.10 when the applicant desired a copy for their own use. Is that correct? If so, when Letters of Administration are issued should I charge \$1.00 for the copy usually furnished the Administrator."

It appears that the two questions upon which you desire our opinion are:

Mrs. Jessie B. Harrison

(2)

February 20, 1942

- (1) What fee is the Probate Judge entitled to for furnishing a certified copy of the order granting Letters of Administration;
- (2) What fee is the Probate Judge entitled to for furnishing a certified copy of the order refusing to grant Letters of Administration.

Section 13404, R. S. Missouri, 1939, fixes the fees of the Probate Court as follows:

"The judges of probate courts, respectively, shall be allowed fees for their services as follows:

"* * * * *

"For copying any order, or record or paper, not herein provided for, for every hundred words and figures.10

"* * * * *

"For every certificate and seal50

"* * * * *."

Under this section it seems clear that, for furnishing a certified copy of either of the above orders mentioned in the questions, the probate court would be entitled to charge a fee of ten cents (10¢) for every one hundred (100) words or figures in the order copied and fifty cents (50¢) for the certificate and seal.

With your opinion request you enclosed certain fee bills, calling to our attention specific enumeration of fees therein as follows:

Mrs. Jessie B. Harrison

(3)

February 20, 1942

"FLG. APPLIN. for Letters 05, Oath 05,
 Ctr. 50, Hg. & Dtg. 50, Ord.
 as to Bd. 15, Ord. Gr. Letters
 15, Letters & Recdg. \$1.00, Cf.
 & Seal 50, Ord. Notices 15, Doc.
 Sett. 10, Oath of Excr. or Admr.
 & Filg. 55 3.70

"* * * * *

"REFUSAL OF ADMINISTRATION; Flg.
 Applen. 05, Cer. & Seal 50, Dtg.
 05, Hg. & Detg. 50, Ord. Ref. 15,
 Rec. Ord. 60, Judgt. 25, Copy of
 Ord. 50, Certf. & Seal 50. 3.10"

Since we are able to answer your specific question without undertaking to go into and approve or disapprove the various charges listed above, we will not undertake to do so in this opinion.

CONCLUSION.

Therefore, it is the opinion of this Department that a Probate Judge is entitled to charge, for furnishing a certified copy of an order granting or refusing to grant Letters of Administration, the sum of ten cents (10¢) for each one hundred (100) words or figures in said copy and fifty cents (50¢) for the certificate and seal.

Respectfully submitted,

APPROVED:

LAWRENCE L. BRADLEY
 Assistant Attorney-General

ROY MCKITTRICK
 (Attorney-General)

LLb/rv