

George Spear <george.spear.ii@gmail.com>

Probate Fee Increase

2 messages

George Spear <george.spear@myfairpoint.net>

Fri, Feb 27, 2015 at 4:55 PM

To: "Gabel, Patricia" <patricia.gabel@state.vt.us>

Cc: Lawrence Bruce <Larry.Bruce@state.vt.us>, Bernie Lewis - Court <bernard.lewis@state.vt.us>, Jeffrey Kilgore <Jeffrey.Kilgore@state.vt.us>, "John P. Monette" <jmonette@johnpmonette.com>, Jim Mahoney <jmahoney@polowlaw.com>, Matthew Riven <matt.riven@state.vt.us>

Dear Pat:

While I'm not an accountant or economist, a quick look at FY 2013 and 2014, filed cases leads me to believe that the following changes in the Probate Fee Schedule will generate very substantial funds for the General Fund in FY2016:

1. Consider increasing the jurisdictional limit for Small Estates to \$20,000.00.
2. Require a flat entry fee of \$265.00 (to mirror the cost for filing Civil Division cases) for all estates with assets up to \$250,000.00, plus \$1.00 for each \$1,000.00, or portion thereof, increase in asset value for all other cases (e.g., an estate with \$1 million in assets now pays an entry fee of \$660.00 and under the new schedule would pay \$1015.00). Final reconciliation would be made at the time of final account to ensure that assets "found" during administration are properly considered.

Trust could be similarly handled. There are fewer Trust filings now but the issues and costs in judicial time have gotten much more involved.

I also believe that the filing fee for guardianships (minor and adult), as well as adoptions, should be \$265.00.

Other motions, which require substantial court review or hearing, should also incur a new or increased fee. Examples are as follows:

Terminate or modify a guardianship/\$100.00

Interim Estate Account/\$100.00

Licenses (estate or guardianship) to sell, mortgage or convey real estate of personal estate/\$100.00

We are all in this struggle together and these increases could provide an immediate increase in revenue to the General Fund for which the Judiciary should be credited. They would not affect access to justice, as in forma pauperis petitions remain available in appropriate cases.

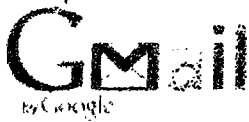
I respectfully ask that you and the Supreme Court very carefully consider this proposal.

Best regards,

Ned.

—

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George Spear <george.spear.li@gmail.com>

Probate Statistics FY2014

1 message

George Spear <george.spear@myfairpoint.net>
To: "Ben W. Joseph" <benwjoseph@hotmail.com>

Thu, Mar 12, 2015 at 11:20 AM

Ben,

Attached please find information for Dick Mazza concerning Probate statistics for FY2014.

Using these statistics, my suggested fee changes and the following individual case fee increase estimates, I calculated that this proposal would generate \$685,000+ for the General Fund (ideally this could be "credited" to the Judiciary FY2016 budget, as they would, if enacted, generate immediate revenue in FY2016).

<u>Case Type</u> <u>same # in FY2016)</u>	<u># opened or reopened in FY2014</u>	<u>Revenue Increase (assumes</u>
Decedent Estate \$100/case fee increase)	2279	\$227,900 (assumes a
Trusts \$200/case fee increase as cases are usually quite large)	50	\$ 10,000 (assumes a these
Guardianships (adult) increase of \$160)	495	\$79,200 (assumes an average
Guardianships (minor) increase of \$160)	489	\$78,240 (assumes an average
Terminate or Modify Gdnshp.	unknown/estimate at 100	\$10,000 (@ \$100/case)
Interim Estate Account \$70 per case)	unknown/estimate at 4,000	\$280,000 (@average increase of
Total Estimated Increase		\$685,340

NOTE: many other fees (e.g., licenses to sell, etc.) within the probate schedule could also be increased. Additional revenue increases could be achieved with increases in the civil division fee schedule.

I would stress that I am neither a statistician, economist or accountant, and that these estimates are very raw and unscientific. Probate decedent estate filings have been increasing at about 4 1/2% per year (FY2013=2121; FY2014=2217). Trust cases will probably be up more than that in FY2016. Guardianships (minor and adult) increased about 6% in FY2014 but are likely to increase even more as our population ages. Adoptions increased about 13% between FY2013 and FY2014 and that trend is likely to continue. My estimates don't take these increases into consideration. That said, whatever the actual final number, it is certain to be substantial and worth considering.

Best Regards,