

COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted, and unless subject to the “waiver exception” of G.S. 7A-304(g) (*i.e.*, for processes issued prior to August 1, 2011, when criminal costs last increased for offenses eligible for waiver).

The chart below accounts for all costs legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the row for those individual cost items.

An additional, summary chart of criminal costs has been attached to this cost chart as “Appendix - Criminal Costs Summary.” The appendix summarizes the basic costs common to all dispositions in a particular trial division. It does not include additional cost items that must be assessed depending on individual factors for each case (<i>e.g.</i> , FTA fees, supervision fees, jail fees, etc.) or for specific offenses of conviction (<i>e.g.</i> improper equipment or impaired driving); those costs are assessed separately. Neither does it apply to offenses for which the relevant statute assesses specific costs or prohibits the imposition of costs.		
CRIMINAL COURT COSTS G.S. 7A-304, unless otherwise specified		AMOUNT
DISTRICT COURT (including criminal cases before magistrates)		
• General Court of Justice Fee.	General Fund	127.05
	State Bar Legal Aid Account (LAA)	2.45 ¹
		129.50
• Facilities Fee.		12.00
• Phone Systems Fee.		4.00
• Misdemeanant Confinement Fund Fee. G.S. 7A-304(a)(2b).		18.00 ²
• LEO Retirement/Insurance.		7.50
• LEO Training and Certification Fee.		2.00
TOTAL		173.00
Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense).		+10.00 ³
DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions).		+2.00
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas.		+5.00
SUPERIOR COURT		
• General Court of Justice Fee.	General Fund	152.05
	State Bar Legal Aid Account (LAA)	2.45 ¹
		154.50
• Facilities Fee.		30.00
• Phone Systems Fee.		4.00
• LEO Retirement/Insurance.		7.50
• LEO Training and Certification Fee.		2.00
TOTAL		198.00⁴
Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense).		+10.00 ³
DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions).		+2.00
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas.		+5.00

¹ The \$2.45 portion of the General Court of Justice (GCJF) fee allocated to the State Bar’s programs is disbursed to two accounts: \$1.50 to the Bar’s Access to Civil Justice fund under G.S. 7A-474.4; and \$0.95 to the Bar’s Domestic Violence Victim Assistance fund. The remainder of the GCJF is remitted to the General Fund. The NCAOC’s Financial Management System (FMS) will allocate these portions automatically when using the related code sets to assess costs.

² The Misdemeanant Confinement Fund fee applies to crimes and infractions in the District Court only, including dispositions before a magistrate. It is not assessed cumulatively under G.S. 7A-304(b) for conviction after appeal to Superior Court and does not apply to offenses that have specified costs (*e.g.*, front seat belt offenses, G.S. 20-135.2A(e)) or that are exempt from costs altogether (*e.g.*, failure to turn headlights when windshield wipers are on, G.S. 20-129(a)(4)).

³ Like the Misdemeanant Confinement Fund fee, the Chapter 20 fee does not apply to offenses with specified costs or exempt from costs.

⁴ When a person convicted of a felony in Superior Court has made a first appearance in District Court, all Superior Court costs plus the District Court General Court of Justice fee shall be assessed. G.S. 7A-304(a)(4).



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted, and unless subject to the “waiver exception” of G.S. 7A-304(g) (*i.e.*, for processes issued prior to August 1, 2011, when criminal costs last increased for offenses eligible for waiver).

The chart below accounts for all costs legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the row for those individual cost items.

OTHER CRIMINAL FEES	AMOUNT
Appointment of Counsel Fee for Indigent Defendants. G.S. 7A-455.1. ⁵	60.00
Civil Revocation Fee (impaired driving CVRs, only). G.S. 20-16.5(j).	100.00
Community Service Fee. G.S. 143B-708.	250.00
Continuous Alcohol Monitoring (CAM) Fee (offenses prior to Dec. 1, 2012). G.S. 20-179. ⁶	Varies ⁷
Continuous Alcohol Monitoring (CAM) Fee (parolees, only). G.S. 15A-1374. ⁸	Varies
Criminal Record Check Fee. G.S. 7A-308(a)(17).	25.00
Dispute Resolution Fee. G.S. 7A-38.3D and G.S. 7A-38.7. ⁹	60.00 per mediation
Expunction Fee, for petitions under G.S. 15A-145. ¹⁰	125.00
Expunction Fee, for petitions under G.S. 15A-145.2. ¹¹	65.00
Expunction Fee, for petitions under G.S. 15A-145.5. ¹²	175.00
Failure to Appear Fee. G.S. 7A-304(a)(6). ¹³	200.00
Failure to Comply Fee. G.S. 7A-304(a)(6). ¹⁴	50.00
House Arrest with Electronic Monitoring Fee (condition of probation). G.S. 15A-1343.	90.00
Impaired Driving Fee. G.S. 7A-304(a)(10). ¹⁵ Note: Applies only to offenses committed on or after December 1, 2011.	100.00
Improper Equipment Fee. G.S. 7A-304(a)(4b). ¹⁶	50.00
Installment Payments Fee. G.S. 7A-304(f). ¹⁷	20.00
Jail Fees (pre-conviction). G.S. 7A-313.	10.00 per 24 hours or fraction thereof
Jail Fees (split sentence served in local facility). G.S. 7A-313 and G.S. 148-29.	40.00 per day

⁵ This fee is due only if the defendant has been convicted. Of the total fee, \$55.00 is credited to the Indigent Persons' Attorney Fee Fund, and \$5.00 is credited to the Court Information Technology Fund.

⁶ When CAM is imposed as a condition of probation for an impaired driving offense committed prior to December 1, 2012, this fee is paid to the clerk in the county of conviction and remitted to the monitoring vendor; for offenses committed on or after that date, fees for CAM imposed as a condition of probation (for any offense) are paid directly to the monitoring vendor by the defendant (or by the local government entity agreeing to pay them), not to the clerk. G.S. 15A-1343.3(b). The fees listed here apply only to CAM as a condition of probation; there appears to be no authority to assess fees against the defendant for CAM as a condition of pretrial release.

⁷ The exact fee amount will depend on the monitoring vendor. For offenses committed prior to December 1, 2011, the total CAM fees assessable against the defendant as a condition of probation for an impaired driving offense are capped at \$1,000.00. G.S. 20-179(h1). For offenses committed on or after that date, there is no cap. S.L. 2011-191, §1 (repealing the cap language from G.S. 20-179(h1)).

⁸ Parolees' CAM fees paid pursuant to G.S. 15A-1374(d) are paid to the clerk in the county of conviction. The exact fee amount will depend on the monitoring vendor. The clerk transmits any CAM fees collected from a parolee to the vendor. Note that this provision applies only to parolees; there is no statutory provision for the clerk to receipt CAM fees from an offender on post-release supervision.

⁹ This fee applies to cases resolved through community mediation, and is remitted to the “Mediation Network of North Carolina,” rather than to the State Treasurer.

¹⁰ This fee does not apply to a person who files an expunction petition as an indigent.

¹¹ This fee does not apply to a person who files an expunction petition as an indigent.

¹² As enacted by S.L. 2012-191, §1, effective December 1, 2012. This fee does not apply to a person who files an expunction petition as an indigent.

¹³ This fee applies to a failure to appear after 20 days in any criminal or infraction case, not just motor vehicle cases.

¹⁴ This fee applies to a failure to comply after 20 days in any criminal or infraction case, not just motor vehicle cases.

¹⁵ Unlike other costs, which generally are effective based on the date they are assessed or collected, the impaired driving fee is effective only for offenses committed on or after December 1, 2011. It should not be assessed for offenses committed prior to that date, no matter when the case is disposed. Further, the fee applies only to the four offenses sentenced pursuant to G.S. 20-179: impaired driving (G.S. 20-138.1), commercial impaired driving (G.S. 20-138.2), a second or subsequent conviction of operating a commercial vehicle after consuming alcohol (G.S. 20-138.2A), or a second or subsequent conviction of operating a school bus, activity bus, or child care vehicle after consuming alcohol (G.S. 20-138.2B).

¹⁶ The improper equipment fee applies to any defendant found guilty or responsible for an improper equipment offense in Chapter 20. See “Appendix - Chapter 20 Improper Equipment Offenses” for a list. This fee is charged in addition to the \$10.00 fee of G.S. 7A-304(a)(4a) that applies to all Chapter 20 offenses, and applies to both cases disposed in court and those disposed by waiver (unless subject to the waiver exception of G.S. 7A-304(g) for offenses committed prior to August 1, 2011).

¹⁷ Unless otherwise ordered by the court, this fee must be assessed when a defendant with monetary obligations in a criminal judgment does not make payment in full on the date costs are assessed.



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted, and unless subject to the “waiver exception” of G.S. 7A-304(g) (*i.e.*, for processes issued prior to August 1, 2011, when criminal costs last increased for offenses eligible for waiver).

The chart below accounts for all costs legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the row for those individual cost items.

OTHER CRIMINAL FEES	AMOUNT
Limited Driving Privilege Fee – Petitions under G.S. 20-20.1. <div style="text-align: right;">At Petition/Application: If Issued: (G.S. 20-20.2)</div>	CVD Costs 100.00
Limited Driving Privilege Fee – Other than under G.S. 20-20.1. <i>Note:</i> If there is no underlying conviction in the county, charge civil filing fees as explained on form AOC-CV-350. <div style="text-align: right;">If Issued: (G.S. 20-20.2)</div>	100.00
Pretrial Release Service Fee (county). G.S. 7A-304(a)(5). ¹⁸	15.00
Satellite-Based Monitoring Fee for Sex Offenders. G.S. 14-208.45.	90.00
SBI Lab Fee. G.S. 7A-304(a)(7).	600.00
Local Government Lab Fee. G.S. 7A-304(a)(8).	600.00
Seat Belt Violations (adult, front seat) and Motorcycle/Moped Helmet Violations. ¹⁹ G.S. 20-135.2A and G.S. 20-140.4. <div style="text-align: right;">General Court of Justice Fee, G.S. 7A-304(a)(4) Phone Systems Fee, G.S. 7A-304(a)(2a) LEO Training and Certification Fee, G.S. 7A-304(a)(3b)</div>	25.50 fine +costs below: 129.50 (Dist.) 154.50 (Sup.) 4.00 2.00
TOTAL	161.00 (Dist.) 186.00 (Sup.)
Seat Belt Violations (adult, rear seat). G.S. 20-135.2A(e).	No Costs 10.00 fine only
Supervision Fee. G.S. 15A-1343, G.S. 15A-1368.4, and G.S. 15A-1374.	40.00 per month
Worthless Check Program Fee. G.S. 7A-308(c). ²⁰	60.00

¹⁸ The pretrial release services fee of G.S. 7A-304(a)(5) may be assessed upon conviction and remitted to a county providing pretrial release services, if the defendant was accepted and released to the supervision of a county agency. This fee is separate from and in addition to any fees assessed directly by the county under G.S. 7A-313.1 when the defendant has received pretrial electronic monitoring by a county agency. If the defendant has been accepted and released to the supervision of a county agency that provides pretrial services that include electronic monitoring, the court should assess and receipt only the \$15.00 pretrial services fee upon conviction. Any fees assessed for electronic monitoring under G.S. 7A-313.1 must be paid directly to the county by the defendant.

¹⁹ Note that the bill of costs (AOC-CR-381) does not have a pre-printed entry for the costs applicable to offenses for adult front-seat seat belt violations and motorcycle/moped helmet and occupancy violations. Clerks should assess the three costs identified individually on the bill of costs. These three cost items are the only costs to be assessed for these offenses. Do not assess any of the other costs under G.S. 7A-304(a). However, pursuant to G.S. 7A-304(b), the three costs are cumulative on appeal. *E.g.*, a defendant found responsible for a motorcycle helmet violation in Superior Court after appeal from the District Court would pay a fine of \$25.50 plus \$296.00 in costs: both General Court of Justice fees, plus two assessments (one for District Court and one for Superior Court) of both the Phone Systems Fee and the LEO Training and Certification Fee.

²⁰ For districts that still operate a worthless check program, the clerk should continue to receipt the worthless check program fee of G.S. 7A-308(c) and remit it to the State. The amount of the fee remains \$60.00. In addition, G.S. 14-107.2 allows a community mediation center to assist the NCAOC and district attorneys by establishing a worthless check program in districts where such programs have not been established and to charge for its services as part of such a program. However, the fees for such services are not set by statute, and are not to be receipted by the clerk. The center must assess its fees directly for users of its services in these cases. Further, the clerk should not assess the criminal mediation fee of G.S. 7A-38.7 when a community mediation center mediates a worthless check matter in the context of a pre-prosecution worthless check program. The clerk may receipt and disburse only the statutory program fee of G.S. 7A-308(c) and restitution to the check taker for the amount of the check plus any service charges and processing fees incurred or charged by the check taker.



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

The chart below accounts for all cost legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the entries for those individual cost items and in the footnotes below.

CIVIL COURT COSTS G.S. 7A-305, unless otherwise specified.			AMOUNT
Civil filing fees listed are assessed for all complaints <u>and</u> for any subsequent pleading containing a counterclaim or cross-claim.			
MAGISTRATES' COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C ²¹)			
• General Court of Justice Fee.	General Fund	77.55	80.00
	State Bar Legal Aid Account (LAA)	2.45 ²²	
• Facilities Fee.			12.00
• Phone Systems Fee.			4.00
• MAGISTRATE TOTAL			96.00
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).			+30.00
DISTRICT COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C ¹⁶)			
• General Court of Justice Fee.	General Fund	127.55	130.00
	State Bar Legal Aid Account (LAA)	2.45 ²²	
• Facilities Fee.			16.00
• Phone systems Fee.			4.00
• DISTRICT COURT TOTAL			150.00
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).			+30.00
SUPERIOR COURT. G.S. 7A-305.			
• General Court of Justice Fee.	General Fund	177.55	180.00
	State Bar Legal Aid Account (LAA)	2.45 ²²	
• Facilities Fee.			16.00
• Phone systems Fee.			4.00
• SUPERIOR COURT TOTAL			200.00
Plus Business Court Fee, upon assignment.			+1,000.00
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).			+30.00

²¹ No costs may be assessed for the filing, issuance, registration or service of a protective order or a petition for a protective order or witness subpoena under Chapter 50B (Domestic Violence) or 50C (civil no-contact). However:

- Civil District court costs are assessed for a petition for a workplace civil no-contact order filed under Article 23 of Chapter 95; and
- District Court costs must be assessed for amendments and counterclaims to actions filed under Chapter 50B, unless the subsequent claim also arises under that chapter. *E.g.*, if an amended complaint or counterclaim is filed in an existing 50B action, and the new filing makes a claim for divorce, the party filing the amendment or counterclaim is assessed civil filing fees (including the fee for divorce, if applicable).

²² The \$2.45 portion of the General Court of Justice (GCJF) fee allocated to the State Bar's programs is disbursed to two accounts: \$1.50 to the Bar's Access to Civil Justice fund under G.S. 7A-474.4; and \$0.95 to the Bar's Domestic Violence Victim Assistance fund. The remainder of the GCJF is remitted to the General Fund. The NCAOC's Financial Management System (FMS) will allocate these portions automatically when using the related code sets to assess costs.



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

The chart below accounts for all cost legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the entries for those individual cost items and in the footnotes below.

OTHER CIVIL FEES	AMOUNT
Service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).	30.00
Alias & Pluries summons or endorsement on original summons. G.S. 7A-308(a)(21). ²³	15.00
Filing for absolute divorce. G.S. 7A-305(a2).	75.00 ²⁴
Motion fee. G.S. 7A-305(f). ²⁵	20.00
Resumption of former name (within or subsequent to absolute divorce). G.S. 50-12(e).	10.00

MAGISTRATES SPECIAL FEES. G.S. 7A-309.	
Performing marriage ceremony.	20.00
Petition for year's allowance.	8.00
Taking a deposition.	10.00
Proof of execution or acknowledgment of instrument.	2.00
Performing any statutory function, not incident to a civil or criminal action.	2.00

²³ Although codified in G.S. 7A-308 (miscellaneous fees), the fee for alias and pluries summons and endorsements on an original summons is limited to "civil matters" only, and does not apply to summons in special proceedings or estates. In addition, the fee does not apply in child support actions commenced or prosecuted pursuant to G.S. Chapter 110, Article 9. S.L. 2011-145, § 31.23.(g), as enacted by S.L. 2011-391, § 66.1. Nor does it apply to a summons in domestic violence proceedings under G.S. Chapter 50B. G.S. 50B-2(a).

²⁴ The divorce fee is paid to State Treasurer; \$55 for the Displaced Homemaker Fund, and \$20 for the Domestic Violence Center Fund. This fee is assessed in addition to the filing fees for the pleading containing the complaint for absolute divorce. G.S. 7A-305(a2).

²⁵ The motion fee does not apply to any motion listed in G.S. 7A-308; for a list, see "Appendix - Motion Fee Exemptions" at the end of this cost chart. The fee also does not apply to any motion "containing as a sole claim for relief the taxing of costs, including attorneys' fees" or to a motion in a child support proceeding under G.S. Chapter 110, Article 9.



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

The chart below accounts for all cost legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the entries for those individual cost items and in the footnotes below.

SPECIAL PROCEEDINGS COSTS G.S. 7A-306, unless otherwise specified		AMOUNT
SPECIAL PROCEEDINGS (except foreclosures). G.S. 7A-306.		
• General Court of Justice Fee.	General Fund	104.50
	State Bar Legal Aid Account (LAA)	1.50 ²⁶
		106.00
• Facilities Fee.		10.00
• Phone Systems Fee.		4.00
• NON-FORECLOSURE TOTAL		120.00 (+% of FMV)
Additional GCJF for proceedings involving land, except boundary disputes. Maximum additional fee is \$200.00		+0.30/100.00 FMV of land involved ²⁷
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).		+30.00
FORECLOSURE UNDER POWER OF SALE.		
• General Court of Justice Fee. G.S. 7A-308(a)(1). ²⁸		300.00
• Facilities Fee.		None
• Phone Systems Fee.		None
• FORECLOSURE TOTAL		300.00 (+% of sale price)
Plus \$30.00 service fee for each item of civil process served by the sheriff. G.S. 7A-311(a)(1).		+30.00
Additional GCJF assessed from sale. Minimum additional fee: \$10.00. Maximum additional fee: \$500.00.		+0.45/100.00 of final sale price

OTHER SPECIAL PROCEEDING FEES	AMOUNT
Motion fee. G.S. 7A-306(g). ²⁹	20.00

²⁶ The \$1.50 portion of the General Court of Justice fee (GCJF) is allocated to the State Bar's Access to Civil Justice fund under G.S. 7A-474.4. (Note: The \$0.95 designated in criminal and civil cases for the Bar's Domestic Violence Victim Assistance fund, G.S. 7A-474.19, does not apply to special proceedings or estates cases.) The remainder of the GCJF is remitted to the General Fund. The NCAOC's Financial Management System (FMS) will allocate this portion automatically when using the related code sets to assess costs.

²⁷ Fair market value is determined by: (i) sale price if there is a sale; (ii) appraiser's valuation if there is no sale; or (iii) appraised value from the property tax records, if there is neither a sale nor an appraiser's valuation.

²⁸ Although filed as special proceedings (SP), foreclosure costs are assessed under G.S. 7A-308 (miscellaneous costs), not the special proceeding costs statute, G.S. 7A-306. The facilities fee and phone systems fee are not assessed in G.S. 7A-308, so they are not assessed for foreclosure filings. Nor is any portion of the filing fee diverted to the State Bar's Legal Aid Assistance (LAA) funds.

²⁹ The motion fee does not apply to any motion listed in G.S. 7A-308; for a list, see "Appendix - Motion Fee Exemptions" at the end of this cost chart. The fee also does not apply to any motion "containing as a sole claim for relief the taxing of costs, including attorneys' fees." Finally, pursuant to G.S. 7A-306(f), the fee does not apply to motions filed in foreclosures under power of sale.



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

The chart below accounts for all cost legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the entries for those individual cost items and in the footnotes below.

ESTATES COSTS AND FEES G.S. 7A-307, unless otherwise specified		AMOUNT
ESTATES – NEW ADMINISTRATIONS AND ESTATE PROCEEDINGS. G.S. 7A-307(a).³⁰		
• General Court of Justice Fee.	General Fund	104.50
	State Bar Legal Aid Account (LAA)	1.50 ³¹
		106.00
• Facilities Fee.		10.00
• Phone Systems Fee.		4.00
• ESTATES TOTAL		120.00 (+% of gross estate, below)
• Separate GCJF based on value of the gross estate (at inventory and each accounting). Minimum fee per filing: \$15.00. Maximum cumulative fee: \$6,000.00.		+0.40/100.00 of gross estate ³²
• Caveat for Decedents Dying on or after January 1, 2012 ³³		200.00
REOPENED ESTATE ADMINISTRATION. G.S. 7A-307(a)(5).		
• For decedents dying on or before December 31, 2011: Minimum fee per filing: \$15.00. Maximum cumulative fee: \$6,000.00.		+0.40/100.00 of NEW property coming into reopened estate ³⁴
• For decedents dying on or after January 1, 2012: Minimum fee per filing: None. Maximum cumulative fee: \$6,000.00.		
TRUST UNDER WILL – ESTABLISHMENT.³⁵		
• General Court of Justice Fee.	General Fund	104.50
	State Bar Legal Aid Account (LAA)	1.50 ³¹
		106.00
• Facilities Fee.		10.00
• Phone systems Fee.		4.00
• TRUST UNDER WILL – ESTABLISHMENT TOTAL		120.00

³⁰ The estate fees set forth here apply at the filing of the inventory, if not previously collected. Other fees apply at the filing of accountings. Do not assess estate costs for payments to the clerk of debts owed the decedent pursuant to G.S. 28A-25-6.

³¹ The \$1.50 portion of the General Court of Justice fee (GCJF) is allocated to the State Bar's Access to Civil Justice fund under G.S. 7A-474.4. (Note: The \$0.95 designated in criminal and civil cases for the Bar's Domestic Violence Victim Assistance fund, G.S. 7A-474.19, does not apply to special proceedings or estates cases.) The remainder of the GCJF is remitted to the General Fund. The NCAOC's Financial Management System (FMS) will allocate this portion automatically when using the related code sets to assess costs.

³² "Gross estate" is the value of all personal property when received, plus the proceeds of any sale of realty coming into the hands of the fiduciary. Gross estate does not include fair market value of realty not sold. The fee is to be computed from the inventory and paid when the inventory is filed, except for collection of personal property by affidavit, described on the next page. Additional amounts will be due upon filing of an accounting.

³³ G.S. 7A-307(a)(4) requires a filing fee of \$200.00 for a caveat filed in an estate for which the decedent died on or after January 1, 2012. For decedents dying on or before December 31, 2011, there is no filing fee for a caveat, but a bond of \$200.00 shall be required.

³⁴ The \$0.40 per \$100.00 of major fraction thereof of new property coming into the estate after the reopening is the only fee charged for reopened estates; the initial filing fees (General Court of Justice fee, facilities fees, etc.) do not apply. Note that this applies to all reopened estates, not just those for decedents dying on or after January 1, 2012; the only difference in costs for reopened estates that depends on the decedent's date of death is the minimum \$15.00 fee per filing for decedents dying before that date.

³⁵ When a trust is established under a will, the basic estates costs are assessed twice: once for establishment of the decedent's estate file for probate of the will, and once for establishment of the trust file. The initial costs shown are to be assessed only once in the trust file; thereafter, costs for the trust are assessed only at the filing of accountings for new personal property received by the trust.



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

The chart below accounts for all cost legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the entries for those individual cost items and in the footnotes below.

ESTATES COSTS AND FEES G.S. 7A-307, unless otherwise specified		AMOUNT
TRUST UNDER WILL – ANNUAL ACCOUNTINGS/RECEIPT OF NEW PERSONAL PROPERTY ASSETS. G.S. § 7A-307(a)(2a). Minimum fee: \$20.00. Maximum fee: \$6,000.00. ³⁶		20.00 per accounting or 0.40/100.00 of gross value of assets (if new personal property) ³⁷
PROBATE OF A WILL WITHOUT QUALIFICATION OF PERSONAL REPRESENTATIVE. G.S. 7A-307(a)(3).		
• General Court of Justice Fee (no State Bar share).		20.00
• Facilities Fee.		10.00
• PROBATE WITHOUT QUALIFICATION TOTAL		30.00
QUALIFICATION OF LIMITED PERSONAL REPRESENTATIVE. G.S. 7A-307(a)(2d) & G.S. 28A-29-1.		
• Petition Fee. ³⁸		20.00
COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT. G.S. 7A-307(b).³⁹		
• General Court of Justice Fee.	General Fund	104.50
	State Bar Legal Aid Account (LAA)	1.50 ⁴¹
		106.00 ⁴⁰
• Facilities Fee.		10.00
• Phone systems Fee.		4.00
• COLLECTION BY AFFIDAVIT TOTAL		120.00
Separate GCJF based on value of the gross estate. Minimum fee per filing: \$15.00. Maximum fee: \$6,000.00. Note: Assessed on the AOC-E-204, Side One, "TOTAL RECEIPTS"		+0.40/100.00 of gross estate ⁴²

³⁶ The minimum filing fee continues to apply to accountings filed in trusts, despite changes in early 2012 to the minimum filing fees in estates.

³⁷ The gross-value percentage "shall be assessed only on newly contributed or acquired assets, all interest or other income that accrues or is earned on or with respect to any existing or newly contributed or acquired assets, and realized gains on the sale of any and all trust assets. Newly contributed or acquired assets do not include assets acquired by the sale, transfer, exchange, or otherwise of the amount of trust property on which fees were previously assessed." G.S. 7A-307(a)(2a). This fee is not to be assessed on assets for which the gross-value fee was assessed in administration of the original decedent's estate proceeding. If no new assets were acquired by the trust, the minimum fee of \$20.00 must be assessed for the filing of the accounting.

³⁸ Assess the \$20.00 fee upon filing of the petition to serve as a limited personal representative under Chapter 28A, Article 29. This is the only fee assessed for such petitions; do not assess the GCJF, phone system fee, facilities fee, etc. The fee was effective October 1, 2009, and applies to estates of persons dying on or after that date.

³⁹ The threshold amount for small-estate administration under G.S. 28A-25-1 is \$20,000, or \$30,000 for a surviving spouse who is the sole heir. This threshold applies to estates of persons dying on or after October 1, 2009. S.L. 2009-175.

⁴⁰ G.S. 7A-307(b) requires that, for collection of personal property by affidavit, "the facilities fee and thirty dollars (\$30.00) of the General Court of Justice fee shall be paid at the time of filing the qualifying affidavit." The phone systems fee, the remainder of the GCJF, and the percentage of the gross estate are assessed at the filing of the final affidavit of collection.

⁴¹ The \$1.50 portion of the General Court of Justice fee (GCJF) is allocated to the State Bar's Access to Civil Justice fund under G.S. 7A-474.4. (Note: The \$0.95 designated in criminal and civil cases for the Bar's Domestic Violence Victim Assistance fund, G.S. 7A-474.19, does not apply to special proceedings or estates cases.) The remainder of the GCJF is remitted to the General Fund. The NCAOC's Financial Management System (FMS) will allocate this portion automatically when using the related code sets to assess costs.

⁴² For collection of personal property by affidavit, "Gross Estate" is the value of all personal property received by the affiant. The fee is assessed based on the final affidavit of collection. See AOC-E-204 (Affidavit Of Collection, Disbursement And Distribution), Side One, "TOTAL RECEIPTS."



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

The chart below accounts for all cost legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the entries for those individual cost items and in the footnotes below.

OTHER ESTATE FEES G.S. 7A-307(b1), unless otherwise noted.	AMOUNT
Motion fee. G.S. 7A-307(a)(4). ⁴³	20.00
Service fee for civil process served by the Sheriff. G.S. 7A-307(c) and 7A-311(a)(1).	+30.00
Filing and indexing a will without probate.	
First page	1.00
Each additional page or fraction thereof	0.25
Additional fiduciary letters (per letter over 5).	1.00
Safe deposit box inventory (per box, per day).	15.00
Taking a deposition.	10.00
Docketing and Indexing a will probated in another county in the State.	
First page	6.00
Each additional page or fraction thereof	0.25
Hearing petition for year's allowance.	8.00

⁴³ In estates cases, the motion fee applies only to motions requiring a notice of hearing. However, the motion fee does not apply to any motion listed in G.S. 7A-308; for a list, see "Appendix - Motion Fee Exemptions" at the end of this cost chart. The fee also does not apply to any motion "containing as a sole claim for relief the taxing of costs, including attorneys' fees."



COURT COSTS AND FEES CHART

The chart below shows court costs in effect as of **December 1, 2012**, and applies to all costs assessed or collected on or after that date, except where otherwise noted.

The chart below accounts for all cost legislation through 2012. Costs with particular effective dates or rules for their assessment are identified in the entries for those individual cost items and in the footnotes below.

MISCELLANEOUS FEES AND COMMISSIONS G.S. 7A-308, unless otherwise specified	AMOUNT
Proceeding supplemental to execution.	30.00
Confession of judgment.	25.00
Taking a deposition.	10.00
Execution.	25.00
Notice of resumption of former name.	10.00
Taking acknowledgement or administering oath, or both, with or without seal, each certificate. <i>Note:</i> Oaths of office are administered to public officials at no charge.	2.00
Bond, taking justification or approving.	10.00
Certificate, under seal. ⁴⁴	3.00
Exemplification of records.	10.00
Recording or docketing (including indexing) any document: First page	6.00
Each additional page or fraction thereof	0.25
Preparation of copies: ⁴⁴ First page (of each document)	2.00
Each additional page or fraction thereof	0.25
Preparation and docketing of transcript of judgment.	10.00
Substitution of trustee in deed of trust.	10.00
Execution of passport application.	Amt. allowed by federal law
Criminal record search (except if search is requested by an agency of the State or any of its political subdivisions or by an agency of the United States or by a petitioner in a proceeding under Article 2 of General Statutes Chapter 20).	25.00
Filing the affirmations, acknowledgments, agreements and resulting orders entered into under the provisions of G.S. 110-132 and 110-133.	6.00
Filing a motion to assert a right of access under G.S. § 1-72.1.	30.00
Alias & Pluries summons or endorsement on original summons. G.S. 7A-308(a)(21). ⁴⁵	15.00
Motion for out-of-state attorney to appear in NC courts (<i>pro hac vice</i>). G.S. 84-4.1. ⁴⁶	225.00 ⁴⁷
Family Court Supervision fee. G.S. 7A-314.1.	30.00 ⁴⁸

⁴⁴ Pursuant to § 7A-308(b1), attorneys representing indigents by court appointment or under contract with Indigent Defense Services are exempt from certification and copying fees if the request for certification or copies is made "in connection with the appointed case or the contract and during the duration of the appointment or the contract."

⁴⁵ Although codified in G.S. 7A-308 (miscellaneous fees), the fee for alias and pluries issuance or endorsements on an original summons is limited to "civil matters" only, and does not apply to summons in special proceedings or estates.

⁴⁶ The *pro hac vice* fee does not apply when an attorney involved in a case from another state only petitions the clerk to issue a subpoena for an entity in NC to appear and be deposed or produce documents for use in that out-of-state case. Such actions are governed by Chapter 1F of the General Statutes, which provides that the clerk opens a regular civil file, assesses the civil filing fees, and issues the subpoena, G.S. 1F-3(b), but the request for a subpoena does not constitute an "appearance" in a North Carolina case by the attorney, G.S. 1F-3(a), so the *pro hac vice* fee does not apply. However, if any party (whether a subpoenaed witness or the out-of-state attorney) files an application in the local civil file to "enforce, quash, or modify" the subpoena pursuant to G.S. 1F-6, the attorney's participation in that proceeding does constitute an appearance, so a motion to appear *pro hac vice* and its fee then would be required.

⁴⁷ The "motion fee" for civil cases, special proceedings, and estates does not apply to the filing of a motion to appear *pro hac vice*, because the fee for this particular filing is specified in G.S. 84-4.1(7). However, the *pro hac vice* fee applies separately to each attorney petitioning for admission, even if multiple attorneys file for admission in the same motion. The *pro hac vice* fee may be paid directly to the clerk in whole or in part. Many out-of-state attorneys pay \$25.00 of the fee directly to the State Bar and \$200.00 to the clerk. If an attorney pays the full \$225.00 to the clerk, \$200.00 is to be remitted to the State Treasurer. Of the remaining \$25.00, remit \$2.50 to the State Treasurer pursuant to G.S. 7A-321(d), and the balance of \$22.50 to the N.C. State Bar.

⁴⁸ The family court supervision fee is to be assessed per hour "to persons receiving the services of a supervised visitation and exchange center through a family court program."



Appendix - Criminal Costs Summary

In Effect As Of December 1, 2012

Category ¹	Total Amount	Amounts & Amount Descriptions			
District Court Infraction (IFC/IF_)	178.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Infraction Chapter 20 Offense (IFTC/IFT_)	188.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor (CRDC/CRD_)	180.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone	2.00	DNA
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor Chapter 20 Offense (CRTC/CRT_)	190.00	129.50	GCJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone	2.00	DNA
		7.50	LEO Retirement	10.00	Chapter 20
		2.00	LEO Training		
Superior Court <u>without</u> First Appearance in District Court (CRSC/CRS_)	205.00	154.50	GCJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>without</u> First Appearance in District Court Chapter 20 Offense	215.00	154.50	GCJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	Telephone	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>with</u> First Appearance in District Court (CRDS)	334.50	154.50	GCJ (Sup)	5.00	Service
		129.50	GCJ (Dist)	2.00	DNA
		30.00	Facilities		
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>with</u> First Appearance in District Court Chapter 20 Offense	344.50	154.50	GCJ (Sup)	5.00	Service
		129.50	GCJ (Dist)	2.00	DNA
		30.00	Facilities	10.00	Chapter 20
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		

¹ These totals do not apply to offenses for which specific court costs are assessed, such as adult front seat belt offenses, G.S. 20-135.2A, or offenses that do not bear court costs, such as failure to burn headlights with wipers on, G.S. 20-129(a)(4). Nor do they include the \$50.00 that must be assessed for conviction of an improper equipment offense, per G.S. 7A-304(a)(4b), or the impaired driving fee of \$100.00 under G.S. 7A-304(a)(10).



Category	Total Amount	Amounts & Amount Descriptions			
Superior Court Infraction Appealed from District Court for Trial De Novo (IFDA)	368.50	129.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	Telephone (Dist)	4.00	Telephone (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)		
		18.00	Misd. Confinement		
		5.00	Service		
Superior Court Infraction Appealed from District Court for Trial De Novo Chapter 20 Offense (IFTA)	388.50	129.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	Telephone (Dist)	4.00	Telephone (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)	10.00	Chapter 20 (Sup)
		18.00	Misd. Confinement		
		5.00	Service		
		10.00	Chapter 20 (Dist)		
Superior Court Misdemeanor Appealed from District Court for Trial De Novo (CRDA)	372.50	129.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	Telephone (Dist)	4.00	Telephone (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)	2.00	DNA (Sup)
		18.00	Misd. Confinement		
		5.00	Service		
		2.00	DNA (Dist)		
Superior Court Misdemeanor Appealed from District Court for Trial De Novo Chapter 20 Offense (CRTA)	392.50	129.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	Telephone (Dist)	4.00	Telephone (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)	2.00	DNA (Sup)
		18.00	Misd. Confinement	10.00	Chapter 20 (Sup)
		5.00	Service		
		2.00	DNA (Dist)		
		10.00	Chapter 20 (Dist)		



Appendix - Chapter 20 Improper Equipment Offenses

Set out below is a table of Chapter 20 “improper equipment offenses.”

Effective for costs assessed or collected on or after August 1, 2011 (unless the waiver exception of G.S. 7A-304(g) applies for a process issued prior to that date), a defendant who is found guilty or responsible for an “improper equipment offense” under Chapter 20 must pay a fee of \$50.00 in addition to the standard Chapter 20 criminal/infracton costs amount. See G.S. 7A-304(a)(4b). The Office of the Clerk of Superior Court will remit this additional \$50.00 to the Division of Adult for the Statewide Misdemeanant Confinement Fund. *Id.* (For more information on the Statewide Misdemeanant Confinement Fund, see S.L. 2011-192 (HB 642), § 7.)

The Chief District Court Judges traditionally have limited “improper equipment offenses” on the list of waivable traffic offenses to equipment violations found in Part 9 of Article 3 of Chapter 20.¹ The judges have, however, distinguished “equipment violations” in Part 9 from “height, length and width” violations in Part 9.² Using the waiver list as guidance, the NCAOC interprets the “improper equipment” fee to apply to any offense in Part 9 *other* than (i) violations relating to vehicle height, length and width and (ii) violations that otherwise could be considered equipment violations, but for which the equipment element of the offense is derivative of the height, width or length nature of the offense. An example of the latter would be violations of G.S. 20-117 (flags and lights at the end of loads), for which the equipment (the flag) is required only because of a load that has extended the overall length of the vehicle.

For each improper equipment offense, the table lists the statutory citation, the offense code description (or simply a brief description of the offense if there is no offense code for the violation), and the offense code (if one exists).

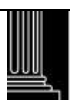
Statute	Description	Offense Code
G.S. 20-116(g)	IMPROPER LOADING/COVERING VEH	4425
G.S. 20-117.1(a)	BUS, TRUCK OR TRUCK TRACTOR MIRROR VIOLATION	None
G.S. 20-120	FLAT TRUCK OR TOBACCO TRUCK LOAD VIOLATION	None
G.S. 20-121.1	LOW-SPEED VEHICLE EQUIPMENT VIOLATION	None
G.S. 20-122	TIRE RESTRICTIONS EQUIP VIOL	4421
G.S. 20-122.1	UNSAFE TIRES	4462
G.S. 20-123	IMPROPER TOWING	4413
G.S. 20-123.1	IMPROPER STEERING MECHANISM	4423
G.S. 20-123.2	IMPROPER EQUIP - SPEEDOMETER	4418
G.S. 20-124	IMPROPER BRAKES	4488
G.S. 20-125	HORN AND WARNING DEVICE VIO	4404
G.S. 20-125.1	DIRECTIONAL SIGNALS EQUIP VIOL	4426
G.S. 20-126	MIRROR VIOLATION	4407
G.S. 20-127(a)	WINDSHIELD WIPER EQUIP VIOL	4490
G.S. 20-127(d)	WINDOW TINTING VIOL	5596
G.S. 20-128	IMPROPER MUFFLER	4486
G.S. 20-128.1	EMISSIONS CONTROL VIOLATION	None
G.S. 20-129(a) ³	FAIL TO BURN HEADLAMPS	4445
G.S. 20-129(b)	DRIVE WITHOUT TWO HEADLAMPS	4492
G.S. 20-129(c)	MOTORCYCLE FAIL BURN HEADLAMP	4422
G.S. 20-129(d)	MOTORCYCLE FAIL BURN TAILLIGHT	4424
G.S. 20-129(d)	REAR LAMPS VIOLATION	4427

¹ See Traffic Offenses for which Court Appearance May Be Waived (December 1, 2012), Item B.39., at: <http://www.nccourts.org/Forms/Documents/1219.pdf>.

² See Traffic Offenses for which Court Appearance May Be Waived (December 1, 2012), Item B.38.

³ The table does not include a violation of G.S. 20-129(a)(4) (offense code 4446), for failing to burn headlights when windshield wipers are in use, because the statute prohibits the assessment of court costs for that offense.

Statute	Description	Offense Code
G.S. 20-129(e)	BICYCLE LIGHT VIOLATION	None
G.S. 20-129(f)	FARM TRACTOR OR OTHER VEHICLE LIGHT VIOLATION	None
G.S. 20-129(g)	BRAKE/STOP LIGHT EQUIP VIOL	4429
G.S. 20-129.1	ADDITIONAL LIGHTING EQUIP VIOL	4435
G.S. 20-129.2	MOBILE HOME LIGHTING VIOLATION	None
G.S. 20-130	SPOT LAMP OR AUXILIARY LAMP VIOLATION	None
G.S. 20-130.1(e)	USE OF RED OR BLUE LIGHT	5576
G.S. 20-130.2	AMBER LIGHT VIOLATION	None
G.S. 20-130.3	WHITE LIGHT REAR – DRIVE FORWARD	4436
G.S. 20-131(a)	FAILURE TO DIM LIGHTS MEET VEH	4554
G.S. 20-131	HEADLAMP OR AUXILIARY LAMP VIOLATION (OTHER THAN FAILURE TO DIM LIGHTS UNDER CODE 4554)	None
G.S. 20-132	ACETYLENE LIGHTS VIOLATION	None
G.S. 20-134	NO LIGHTS ON PARKED VEHICLE	4481
G.S. 20-134(b)	RURAL LETTER CARRIER VEHICLE OR NEWSPAPER DELIVERY VEHICLE LIGHT VIOLATION	None
G.S. 20-135	DOOR, WINDOW, WINDSHIELD, WING OR PARTITION GLASS VIOLATION	None
G.S. 20-135.2	FRONT SEAT BELT CONSTRUCTION OR INSTALLATION VIOLATION	None
G.S. 20-135.3	REAR SEAT BELT CONSTRUCTION OR INSTALLATION VIOLATION	None
G.S. 20-136	SMOKE SCREEN DEVICE VIOLATION	None
G.S. 20-136.2	AIR BAG INSTALLATION VIOLATION	None
G.S. 20-137.1(a)	FAIL TO SECURE PASSENGER UNDER 16	4472
G.S. 20-137.2	LAW ENFORCEMENT VEHICLE RESEMBLANCE VIOLATION	None



Appendix - Motion Fee Exemptions

Last Updated December 1, 2012

- **Motions for Costs and Attorney Fees.** G.S. 7A-305(f), 7A-306(g), and 7A-307(a)(4).

Each of the motion fee provisions in statute provides that the fee is not to be assessed for “a motion containing as a sole claim for relief the taxing of costs, including attorneys' fees.” Therefore if the *only* request(s) for relief in the filing are a motion(s) for costs and/or attorney fees, the fee does not apply.

- **Motions under G.S. 7A-308.**

Currently, there are only three motions for which fees are assessed under G.S. 7A-308, and which therefore are exempt from the motion fee of G.S. 7A-305(f), 7A-306(g), and 7A-307(a)(4). For each of these motions, the clerk should assess the fee specified in G.S. 7A-308.

- (a)(2) Proceedings supplemental to execution [initiated by motion in the cause].
- (a)(14) Substitution of trustee on a deed of trust [in a judicial foreclosure].
- (a)(20) Motion to assert a right of access under G.S. 1-72.1 [to a judicial proceeding or record].

- **Civil Actions - Additional Fee-Exempt Motions.** G.S. 7A-305(f).

Child Support Proceedings – G.S. Chapter 110

Pursuant to S.L. 2011-145, § 31.23.(g), as enacted by House Bill 22, § 66.1, the fee for motions in civil actions does not apply to child support actions under Article 9 of Chapter 110 of the General Statutes, which governs child support cases not filed under Chapter 50 of the General Statutes.

This means that the motion fee shall not be charged in IV-D and non-IV-D motions that request relief solely under Article 9 of Chapter 110. The exemption does not apply to support proceedings under Chapter 50 of the General Statutes, so the fee must be assessed for motions in those cases.

Domestic Violence Proceedings

Because any motion filed in a proceeding under Chapter 50B of the General Statutes (*e.g.*, for contempt for violation of the order) may be necessary to the enforcement of such order, and because court costs may not be assessed for actions associated with a protective order, pursuant to G.S. 50B-2(a), the civil motion fee should not be assessed for motions filed for enforcement or modification of orders under Chapter 50B.

- **Special Proceedings - Additional Fee-Exempt Motions.** G.S. 7A-306(g).

Pursuant to G.S. 7A-306(f), the costs in that statute do not apply to foreclosures under power of sale in a deed of trust or mortgage, so the motion fee is not to be assessed in those proceedings.

- **Estates - Additional Fee-Exempt Motions.** G.S. 7A-307(a)(4).

In addition to exemption for motions under G.S. 7A-308, listed above, the motion fee is assessed in estates proceedings only when the motion requires a notice of hearing.

Any motion filed in an estate matter for which the relief requested requires a hearing will require a notice of hearing, so the motion fee must be assessed at the time of filing whenever the relief requested would require a hearing. The requirement of a notice of hearing should **not** be interpreted to mean that only motions that result in an actual hearing require the \$20.00 fee. The fee should be assessed whenever the relief requested would require a hearing, even if no hearing is actually held. Only motions that would not require a hearing at all are exempt from the fee. These include:

- A motion for emergency removal of a guardian under G.S. 35A-1291.
- A motion for summary revocation of letters testamentary or administration under G.S. 28A-9-2.
- A motion to extend time to file an accounting in an estate file.