



**Montgomery County Clerk  
L. Brandon Steinmann**

**PROBATE/ESTATE AND GUARDIANSHIP CASE FILING FEES**

*Revised 9-20-2022*

The following abbreviations are used for statutes: EC = Estates Code; LGC = Local Government Code; GC = Government Code; CPRC = Civil Practice and Remedies Code; HSC = Health & Safety Code

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Probate of Will for Letters Testamentary, Administration, with will annexed</li> <li>• Probate of Will as Muniment of Title</li> <li>• Small Estate Affidavit</li> </ul> <i>*Posting Included</i>	State Consolidated Filing Fee	\$137	LGC § 133.151(a)(1)
	Local Consolidated Filing Fee	\$223	LGC § 135.102(a)(1)
	<i>Citation</i>	\$8	LGC § 118.052(3)(A); 118.059
	In-House Constable (posting fee)	\$75	LGC § 118.131, EC § 51.053
	Judge's Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	<b>TOTAL:</b>	<b>\$445</b>	

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Probate of Foreign Will – will admitted to probate in jurisdiction where testator was domiciled at time of death (EC § 501.003(a))(no citation)</li> <li>• Sale of Minor's Property</li> <li>• Foreign Guardianship</li> <li>• Creation of a Management Trust</li> <li>• Application for Sale of Minor's Property (new suit)</li> </ul> <i>* Application for sale of real or personal property in existing case is below</i>	State Consolidated Filing Fee	\$137	LGC § 133.151(a)(1)
	Local Consolidated Filing Fee	\$223	LGC § 135.102(a)(1)
	Judge's Signature Fee	\$2	LGC § 118.101, GC § 25.0008
		<b>TOTAL:</b>	<b>\$362</b>

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Adverse Probate Action</li> <li>• Contest</li> <li>• Filing in existing case (&gt;120 days old)</li> </ul>	State Consolidated Filing Fee	\$45	LGC § 133.151(a)(2)
	Local Consolidated Filing Fee	\$75	LGC § 135.102(a)(2)
		<b>TOTAL:</b>	<b>\$120</b>

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Application/Determination of Heirship</li> </ul> <i>*For e-filers: Choose "Foreign Will" and add Ad Litem Fee under Optional Services for correct filing fee of \$762.</i>	State Consolidated Filing Fee	\$137	LGC § 133.151(a)(1)
	Local Consolidated Filing Fee	\$223	LGC § 135.102(a)(1)
	Judge's Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	Ad Litem Fee	\$500	EC § 352.051, 1155.053, 115.102; Second Amended Admin. Order 2011.1, CCL#2
		<b>TOTAL:</b>	<b>\$862</b>

## PROBATE/ESTATE AND GUARDIANSHIP CASE FILING FEES

Revised 9-20-2022

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Guardianship – Adult</li> <li>• Guardianship – Minor</li> <li><i>*Citation for posting included</i></li> <li><i>*Citation for personal service on ward must be chosen separately under optional services</i></li> </ul>	State Consolidated Filing Fee	\$137	LGC § 133.151(a)(1)
	Local Consolidated Filing Fee	\$223	LGC § 135.102(a)(1)
	Citation – for posting	\$8	LGC § 118.052(3)(A); 118.059
	In-House Constable (posting fee)	\$75	LGC § 118.131, EC § 51.053
	Judge’s Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	Ad Litem Fee	\$500	EC § 352.051, 1155.053, 115.102; Second Amended Admin. Order 2011.1, CCL#2
	<b>TOTAL:</b>		<b>\$945</b>

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Inventory (or amended)</li> </ul>	Filing Inventory	\$25	LGC § 118.052(2)(A)(i)
	Judge’s Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	<b>TOTAL:</b>		<b>\$27</b>

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Annual Account (or amended)</li> <li>• Final Account (or amended)</li> </ul>	Filing Account	\$25	LGC § 118.052(2)(A)(iv)
	Judge’s Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	<b>TOTAL:</b>		<b>\$27</b>

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Annual Report (or amended)</li> <li>• Final Report (or amended)</li> </ul>	Filing of Report	\$10	LGC § 118.052(2)(A)(vi)
	Judge’s Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	<b>TOTAL:</b>		<b>\$12</b>

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Bond Approval</li> </ul>	Filing Bond Approval	\$5	LGC § 118.052(2)(A)(ii)
	Judge’s Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	<b>TOTAL:</b>		<b>\$7</b>

Document Type	Fee Type	Amount	Statutory Authority
<ul style="list-style-type: none"> <li>• Application for Sale of Real or Personal Property (existing case)</li> <li><i>*Citation and Posting included</i></li> </ul>	Filing Application	\$25	LGC § 118.052(2)(v)
	Citation	\$8	LGC § 118.052(3)(A); 118.059
	In-House Constable (posting fee)	\$75	LGC § 118.131, EC § 51.053
	Judge’s Signature Fee	\$2	LGC § 118.101, GC § 25.0008
	<b>TOTAL:</b>		<b>\$110</b>

### INDIVIDUAL FEE AMOUNTS

Fee Type	Amount	Statutory Authority
• Abstract of Judgment in Probate Cases	\$2	LGC §§ 118.052(3)(D); 118.061
• Ad Litem Fee	\$500	EC §§ 352.051, 1155.052, 115.102; Second Amended Admin. Order 2011.1, CCL#2
• Administering Oath	\$2	LGC § 118.052(2)(A)(iii)
• Approving and recording a bond	\$5	LGC § 118.052(2)(A)(ii)
• Bill of Review		See Civil Filing Fees, New Civil Suit
• Certified Papers: for the clerk’s certificate	\$5	LGC §§ 118.052(3)(B); 118.060
• Certified Papers: fee per page or part of a page	\$1	LGC §§ 118.052(3)(B); 118.060
• Certified Mail	\$75	LGC §§ 118.052(3)(F)(same as Sheriff’s fee), 118.063, 118.131
• Citation by Publication/Posting on OCA Website	\$75	LGC §§ 118.011(c), 118.131

**PROBATE/ESTATE AND GUARDIANSHIP CASE FILING FEES**

Revised 9-20-2022

<b>INDIVIDUAL FEE AMOUNTS (continued)</b>		
<b>Fee Type</b>	<b>Amount</b>	<b>Statutory Authority</b>
• Claim – filing against estate	\$10	LGC § 118.052(2)(B)
• Filing annual or final account of estate	\$25	LGC § 118.052(2)(A)(iv)
• Filing application for sale of real or personal property (in existing case)	\$25	LGC § 118.052(2)(A)(v)
• Filing annual or final report of guardian of a person	\$10	LGC § 118.052(2)(A)(vi)
• Filing a document not listed in § 118.052(2)(A) after filing of order approving inventory and appraisal or after the 120 <sup>th</sup> day after date of initial filing of the action, whichever occurs first, if more than 25 pages	\$25	LGC § 118.052(2)(A)(vii)
• Filing an inventory and appraisal as provided by LGC § 118.056(d)	\$25	LGC § 118.052(2)(A)(i)
• In-House Constable Posting Fee	\$75	LGC § 118.131, EC § 51.053
• Issuing Document (before judgment): <ul style="list-style-type: none"> <li>• Subpoena</li> <li>• Citation</li> <li>• Notice</li> <li>• Commission to take depositions</li> <li>• Execution</li> <li>• Order</li> <li>• Writ</li> <li>• Process</li> <li>• Other instrument or paper authorized or required to be issued by the clerk</li> </ul>	\$8	LGC §§ 118.052(3)(A), 118.059
• Issuing Document (after judgment): <ul style="list-style-type: none"> <li>• Execution</li> <li>• Order of Sale</li> <li>• Writ</li> <li>• Other process</li> </ul> <p><i>*Writ or process for the issuance of which another fee is not provided for in Subchapter C, Chapter 118, Local Government Code.</i></p>	\$8	LGC 118.052(1)(B)(ii); 118.0545 (after judgment)*
• Garnishment filed after judgment	\$15	LGC § 118.052(1)(A)
• Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Probate Cases)	\$2	LGC §§ 118.052(3)(D); 118.061
• Local Consolidated Probate Filing Fee –filing original probate, guardianship, or mental health original actions	\$223	LGC § 135.102(a)(1)
• Local Consolidated Probate Filing Fee – any action other than original action, including an adverse probate action, contest, or suit in a probate court, other than the filing of a claim against the estate, in which the movant or application filing the intervention pleading seeks any affirmative relief	\$75	LGC § 135.102(a)(2)
• Noncertified papers: paper copies, for each page or part of a page	\$1	LGC §§ 118.052(C); 118.0605
• Noncertified papers: paper converted to electronic format, for each page or part of a page	\$1	LGC §§ 118.052(C); 118.0605
• Noncertified papers: electronic copy of an electronic document, for each document up to 10 pages in length	\$1	LGC §§ 118.052(C)(i); 118.0605
• Noncertified papers: electronic copy of an electronic document, for each page or part of a page over 10 pages	\$0.10	LGC §§ 118.052(C)(ii); 118.0605
• Preparation of record on appeal	\$1 per page or part of a page	LGC § 118.052(3)(l)

**PROBATE/ESTATE AND GUARDIANSHIP CASE FILING FEES**

*Revised 9-20-2022*

<b>INDIVIDUAL FEE AMOUNTS (continued)</b>		
<b>Fee Type</b>	<b>Amount</b>	<b>Statutory Authority</b>
• Subpoena	\$8	LGC §§ 118.052(3)(A), 118.059
• State Consolidated Civil Filing Fee – filing any civil, probate, guardianship, or mental health case original actions	\$137	LGC § 133.151(a)(1)
• State Consolidated Civil Filing Fee – any action other than original; including appeal and any counterclaim, cross-action, intervention, contempt action, adverse probate action, interpleader, motion for new trial, or third-party action	\$45	LGC § 133.151 (a)(2)

*\*These fees are also charged for services rendered in an appeal from a justice of the peace or corporation court and a transfer of an action from another jurisdiction. LGC § 118.0545(e).*