WHAT IS THE REAL COST OF PROBATE?

Below is Ohio Revised Code 2113.35 which establishes the fees which an Executor of an estate will be paid. Proper planning can significantly reduce or eliminate these fees.

2113.35 Commissions.

- (A) Executors and administrators shall be allowed fees upon the amount of all the personal property, including the income from the personal property that is received and accounted for by them and upon the proceeds of real property that is sold, as follows:
- (1) For the first one hundred thousand dollars, at the rate of four per cent;
- (2) All above one hundred thousand dollars and not exceeding four hundred thousand dollars, at the rate of three per cent;
- (3) All above four hundred thousand dollars, at the rate of two per cent.
- (B) Executors and administrators shall be allowed a fee of one per cent on the value of real property that is not sold. Executors and administrators also shall be allowed a fee of one per cent on all property that is not subject to administration and that is includable for purposes of computing the Ohio estate tax, except joint and survivorship property.
- (C) The basis of valuation for the allowance of the fees on real property sold shall be the gross proceeds of sale, and for all other property the fair market value of the other property as of the date of death of the decedent. The fees allowed to executors and administrators in this section shall be received in full compensation for all their ordinary services.
- (D) If the probate court finds, after a hearing, that an executor or administrator, in any respect, has not faithfully discharged the duties as executor or administrator, the court may deny the executor or administrator any compensation whatsoever or may allow the executor or administrator the reduced compensation that the court thinks proper.

EXAMPLE OF PROBATE FEES

Assumption

House	\$ 350,000	
Rental Property	\$ 150,000	Income \$1500/month= \$18,000
401-K	\$ 500,000	
Brokerage Account	\$ 250,000	
Auto	\$ 20,000	
	\$1,270,000	

Executor Fee

First \$100,000	@ 4% =	\$ 4,000
\$100,001-\$400,000	@ 3% =	\$ 9,000
\$400,000 +	@ 2% =	\$ 17,400
		\$ 30,400

Attorney Fees

2% of Estate \$25,400

(Ohio does not set attorney fees by statute. Ohio Supreme Court requires that attorney fees be "reasonable". While reasonableness will vary from case to case, generally 2-2 ½% are deemed to be reasonable).

Total Fees \$55,800