

Introduced by: Robert J. Scott  
Date Introduced: April 9, 2024  
Public Hearing Date: April 23, 2024  
Public Hearing Time: 7:00 P.M.  
Adoption Date: April 23, 2024  
Effective Date: Upon Adoption

**Ordinance 24-07**

**Register of Wills Fee Schedule Update**

**An Ordinance to Repeal and Replace Kent County Code, Chapter 128 Fees, Part 2 Fee Schedule, Article XI Fees Enumerated, §128-46 Register of Wills.**

**The Levy Court of Kent County hereby ordains:**

**Section 1. Code Repealed.**

The Code of Kent County Levy Court is hereby amended by repealing Chapter 128 Fees, Part 2 Fee Schedules, Article XI Fees Enumerated, §128-46 Register of Wills.

**Section 2. Code Amended.**

The Code of Kent County Levy Court is hereby amended by adding thereto a new Chapter 128 Fees, Part 2 Fee Schedules, Article XI Fees Enumerated, §128-46 Register of Wills, replacing the repealed section as follows.

**§ 128-46 Register of Wills.**

A. Register of Wills fees shall be as follows:

- (1) Filing petition for granting letters of administration and testamentary: \$5 per page; two or more personal representatives: \$10.
- (2) Granting letters of administration under seal, making bond and making registry thereof:

<b>Value of Estate</b>	<b>Fee (per account)</b>
\$1 and less than \$29,999.99	\$25
\$30,000 and less than \$99,999.99	\$50

<b>Value of Estate</b>	<b>Fee (per account)</b>
\$100,000 and less than \$499,999.99	\$75
\$500,000 and less than \$999,999.99	\$100
Each additional increment of \$0 up to \$500,000	\$100
(3) Adjusting, settling and certifying accounts: 1.75% of the amount of net personal estate (disregarding all disbursements made, or to be made, for legacies, bequests or distributive shares due to legatees, heirs at law, or persons otherwise entitled).	
(4) Advertising costs: rates vary with cost of ad	
(5) Affidavit of jointly held real property: \$10	
(6) Amended Inventory: \$15	
(7) Bond reduction: \$1	
(8) Certification: \$5, plus \$2 each additional page	
(9) Commissions: \$25	
(10) Copies: \$1	
(11) Disclaimer document fee: \$10	
(12) Electronically sent copies of scanned documents: \$2 per page	
(13) Exemplification: \$25, plus \$2 each additional page and \$50 payable to Court of Chancery	
(14) Filing any paper in estate not otherwise specified: \$2 per page.	
(15) Filing certified death certificate: \$1	
(16) Form 650 or 651 - no assets/debts: \$20	
(17) Inventory: \$15	
(18) Late fee for filing a document more than 30 days late: \$25	
(19) Life estate termination: \$15	
(20) Missed appointments: \$25	

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- (21) No DE estate tax due affidavit: \$10
- (22) Order and Decree: \$2
- (23) Petition or application for revoking letters: \$10
- (24) Power of Attorney: \$5
- (25) Providing an order page: \$10
- (26) Recording a will: \$2 per page
- (27) Recording and indexing final accounting: \$20
- (28) Redesignation of letters of administration to letters of testamentary with will annexed: \$25
- (29) Registers order (notice to creditors): \$7
- (30) Releases: \$5
- (31) Renunciation: \$3 per page
- (32) Reopening an estate that has been closed by Rule to Show Cause or administratively closed due to inactivity by the Court of Chancery (reversing an administrative closing): \$250
- (33) Requesting a will from out-of-state: \$25
- (34) Rule 190: \$5 per personal representative
- (35) Register of Wills hearing (Rule to Show Cause): \$25; Court Appearance – Chief Deputy \$50
- (36) Search: \$5
- (37) Short certificates: \$5
- (38) Small estate affidavits: \$5
- (39) Small estate affidavit via mail: \$10
- (40) Spousal allowance: \$30
- (41) Statement of claim: \$30 per claim includes first 10 pages, \$10 additional for refiling same claim
- (42) Subpoenas: \$20
- (43) Taking and registering probate of will: \$2
- (44) Two witnesses: \$5 for all

(45) Waiver mailed by Register of Wills: \$2 each

B. The Register of Wills shall keep a printed list of fees for public inspection.

C. NOTE: Costs for services required but not provided by Kent County Register of Wills (i.e., other agency costs, out-of-state fees, etc.) are passed directly to the customer receiving the service.

**Section 3. Severability.**

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional or violates the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

**Section 4. Effective Date.**

This ordinance shall become effective upon adoption,

Adopted by the Levy Court  
of Kent County, Delaware

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President, Kent County Levy Court  
This 23<sup>rd</sup> day of April, 2024

Attest: \_\_\_\_\_  
Clerk of the Peace

**Synopsis**

This modification to Chapter 128 Fees, Part 2 Fee Schedules, Article XI Fees Enumerated, §128-46 Register of Wills, reorganizes the fees schedule to make fees easier to find and updates the fees charged and other housekeeping measures.