

**Fairfax Circuit Court**  
**Probate Division**  
**4110 Chain Bridge Road, Room 401**  
**Fairfax, Virginia 22030**  
**(703)246-4153**

## **Fiduciary/Probate Fees**

### **Probate of a Decedent's Estate (by appointment only):**

#### **Testate (with a Will) or Intestate (without a Will)**

**Filing Fees:** Fees are based on the value of the estate. Fees are determined at the appointment and cannot be determined over the telephone.

#### **Appointments - Please bring the following information and documentation to your probate appointment:**

- A Virginia resident to accompany a nonresident prospective executor or administrator.
- The original Will (for testate estates).
- A certified copy of the death certificate.
- Approximate dollar value of any solely-held personal assets.
- Approximate fair market value of real estate in Virginia owned solely by the decedent or the value of the percentage owned by the decedent when the real estate is owned as tenants-in-common.
- Names, ages and addresses of the heirs at law. These are individuals who are legally entitled to receive an estate when there is no Will. The List of Heirs is required in both testate and intestate estates. (See [§64.2](#) of the 1950 Code of Virginia, as amended.)
- Payment of fees.
  - Fees are calculated at the time of the probate appointment and are based upon the estate value.
  - The Probate Division accepts cash, cashier's checks, money orders, personal checks or credit cards (Visa and MasterCard only). **Please note that there is a 4% processing fee for each credit card transaction.**

- **Personal checks:** The customer's name and address must be preprinted on the check.
- **Attorney checks:** Attorneys must include their Virginia bar number on their check.
- All payments should be made payable to the *Clerk of the Circuit Court*.
- **The Court does not accept starter checks.**

### **Fiduciary's Bond:**

All fiduciaries must be bonded. State statutes govern whether the bond is with or without surety. The probate clerk will set the appropriate bond at the time of appointment. If you believe a surety bond is required, you may bring the name and phone number of a bonding agent/company to the appointment or select an agent from the Probate Division's list of certified bonding companies. Please call the Probate Division 703-246-4153 for more information.

### **Tax in Lieu of State Probate Tax:**

Pursuant to §[58.1-1.1717.1](#), §[58.1-1718](#) and §[58.1-3805](#), a tax of \$25.00 is assessed for every *Real Estate Affidavit/List of Heirs* recorded and for every *List of Heirs* recorded in an intestate estate without qualification.

### **Guardian/Conservator Complaints:**

**File all guardian and/or conservator complaints** in a new civil action file in the **Civil Intake Department** on the 3<sup>rd</sup> floor of the courthouse. For more information **please contact Civil Intake at 703-691-7320 and then press 3, 1, and 4.**

### **Filing Fees/Sheriff Fees:**

Please make payments for filing fees and sheriff service fees payable to the *Clerk of the Circuit Court*. Attorneys or petitioners are responsible for submitting the correct number of copies of pleadings for service. For additional information, please see the *Civil Filing Instructions and Fee Schedule* located at: [fairfaxcounty.gov/circuit/fees](http://fairfaxcounty.gov/circuit/fees)

Fiduciary Fees by Fee Type			
Taxes and Fees	Recordation Costs	Non Recordation Costs	Revenue Codes
State Probate Tax ( <a href="#">§58.1-1712</a> )	\$.10 per \$100 of estate value		037
Tax in Lieu of Probate Tax ( <a href="#">§58.1-1717.1 - 1718, -3805</a> )	\$25.00		037
Real Estate Transfer Fee ( <a href="#">§58.1-3314</a> )	\$1.00 for all parcels in Fairfax County		212
Real Estate Transfer Fee ( <a href="#">§58.1-3314</a> )	\$1.00 for all parcels in Fairfax City		222
Technology Trust Fund ( <a href="#">§17.1-279</a> )	\$5.00		106
Court Technology Fund ( <a href="#">§17.1-132</a> )	\$10.00		170
Law Library ( <a href="#">§42.1-70</a> )		\$ 4.00	219
Legal Aid ( <a href="#">§17.1-278</a> ): \$1 of the Legal Aid fee is applied to the Indigent Assistance fee.		\$10.00	123-\$9.00 147-\$1.00
Clerk's Recording Fees ( <a href="#">§17.1-275A(2)</a> ): \$3.50 of Clerk's fee collected is applied to the Virginia State Library revenue code.	1 – 10 pages: \$18 11 - 30 pages: \$32 31 or more pages: \$52		302 (\$14.50) 145 (\$3.50) 302 (\$28.50) 145 (\$3.50) 302 (\$48.50) 145 (\$3.50)
Clerk's Fee for an Out of State Oath ( <a href="#">§17.1-275A(4)</a> )		\$10.00	302
Clerk's Fee for preparation of a bond or affidavit ( <a href="#">§17.1-275A(6)</a> )		\$ 3.00	302
Clerk's Fee for Certification or Triple Seal of a copy ( <a href="#">§17.1-275A(9)</a> )		\$ 2.00/\$2.50	302
Clerk's Fee for filing a Will for Safekeeping ( <a href="#">§17.1-275A(39)</a> )		\$ 5.00	302

Fiduciary Fees by Document Type				
Document/Process	Fee	Code Reference	Revenue Code	Comments
Admin. of Out-of-State Oath	\$10.00	<a href="#">§17.1-275A(4)</a>	302	
Affidavit of Notice	\$18.00	<a href="#">§17.1-275A(2)</a>	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Affidavit Preparation	\$ 3.00	<a href="#">§17.1-275A(6)</a>	302	
Bond Preparation	\$ 3.00	<a href="#">§17.1-275A(6)</a>	302	For any additional, increase, decrease or replacement of bond.

Certificate of Qualification	\$ 2.00	<a href="#">§17.1-275A(9)</a>	302	One free certificate is issued at time of the appointment.
Disclaimers	\$18.00	<a href="#">§17.1-275A(2)</a>	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Exemptions Claims for Property or Family Allowance	\$18.00	<a href="#">§17.1-275A(2)</a>	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Guardian/Conservator: Recordation of Order to Appoint, Restore, Modify or Terminate	\$23.00	<a href="#">§17.1-275A(2)</a> <a href="#">§17.1-279</a>	302 & 145 106	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
List of Heirs	\$18.00	<a href="#">§17.1-275A(2)</a>	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Qualification Fee	\$00.00 \$20.00 \$25.00 \$30.00	<a href="#">§17.1-275A(3)</a>	302	Estates \$5,000 or less \$ 5,001.00 - \$ 50,000.00 \$ 50,001.00 - \$100,000.00 \$100.001.00 and above.
List of Heirs/Real Estate Affidavit ( <i>No qualification of a personal representative.</i> )	\$44.00	<a href="#">§17.1-275A(2)</a> <a href="#">§58.1-3314</a> <a href="#">§58.1-1717.1</a> <a href="#">§58.1-1718,</a> <a href="#">§58.1-3805</a>	302 & 145 212/222 037	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Real Estate Affidavit ( <i>Qualification has occurred outside of Fairfax County.</i> )	\$19.00	<a href="#">§17.1-275A(2)</a> <a href="#">§58.1-3314</a>	302 & 145 212/222	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Show Cause Publication Orders	\$24.00	<a href="#">§17.1-275A(18)</a> <a href="#">§42.1-70</a> <a href="#">§17.1-278</a>	302 219 123 & 147	
Will/Codicil Recording Fee	\$18.00	<a href="#">§17.1-275A(2)</a>	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Filing of a Will for Safekeeping	\$ 5.00	<a href="#">§17.1-275A(39)</a>	302	

### Other Case Types Relating to Fiduciary Issues

Type of Complaint	Fees Assessed	Code Reference	Revenue Code	Case Type	Filing Department
Appeal of Clerk's Order	None	<a href="#">§64.2-445</a>	N/A	FI*	Probate Division

<b>Complaint - Equity</b> <ul style="list-style-type: none"> <li>• Aid &amp; Direction</li> <li>• Custodial Account</li> <li>• Declaratory Judgment</li> <li>• Declare Death</li> <li>• Establish/Impeach Will</li> <li>• Reformation of Trust</li> <li>• Removal of Personal Rep/Trustee</li> <li>• Other misc matters involving probate issues</li> </ul>	See Civil Fee Schedule:  <a href="https://www.fairfaxcounty.gov/circuit/fees">https://www.fairfaxcounty.gov/circuit/fees</a>			CL**	Civil Intake
<b>Exception to a Personal Representative's Accounting or Commissioner of Accounts Report</b>	None	<a href="#">§64.2-1212</a>	N/A	FI*	Probate Division
<b>Motion for Fiduciary Access to Digital Assets (<a href="#">§64.2-116</a>)</b>	See Civil Fee Schedule:  <a href="https://www.fairfaxcounty.gov/circuit/fees">https://www.fairfaxcounty.gov/circuit/fees</a>			CL**	Civil Intake
<b>Complaint for the Appointment of a Guardian and/or Conservator (<a href="#">§64.2-2001</a> &amp; <a href="#">§64.2-2013</a>)</b>	See Civil Fee Schedule:  <a href="https://www.fairfaxcounty.gov/circuit/fees">https://www.fairfaxcounty.gov/circuit/fees</a>			CL**	Civil Intake
<b>Petition to Restore, Modify Terminate a Guardianship/Conservatorship (<a href="#">§64.2-2012</a> &amp; <a href="#">§64.2-2014</a>)</b>	See Civil Fee Schedule:  <a href="https://www.fairfaxcounty.gov/circuit/fees">https://www.fairfaxcounty.gov/circuit/fees</a>			CL**	Civil Case Processing
<b>Complaint to Expend from Minors Estate (<a href="#">§64.2-1800</a>)</b>	See Civil Fee Schedule:  <a href="https://www.fairfaxcounty.gov/circuit/fees">https://www.fairfaxcounty.gov/circuit/fees</a>			CL**	Civil Intake <u>or</u> Civil Case Processing

\*FI = Fiduciary File.

\*\*CL = Civil Action File.