

1 HB33
2 180162-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 12/15/2016

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8 SYNOPSIS: Under existing law, fees in probate court
9 are payable at the termination of suit.

10 This bill, at the discretion of the probate
11 court, would provide for the payment of court costs
12 at the time that a petition, motion, and other
13 pleading is filed. The bill would allow the court
14 to order the payment of a security deposit to cover
15 expected costs.

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 Relating to the probate court; to amend Section
22 12-19-43, Code of Alabama 1975; to provide for the payment of
23 court costs at the discretion of the court at the time that
24 petitions, motions, and other pleadings are filed and to
25 provide for the payment of security deposits as ordered by the
26 court to cover expected costs.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 12-19-43, Code of Alabama 1975,
2 is amended to read as follows:

3 "§12-19-43.

4 "(a) Except as otherwise provided by local act or
5 general act with local application, fees Fees allowed by law
6 for services in connection with proceedings before probate
7 judges ~~shall be due only,~~ at the discretion of the court, may
8 be collected at the time a pleading is filed in probate court
9 or at the termination of the suit, except that fees. Fees for
10 transcripts of papers filed in the case, ~~other than copies of~~
11 ~~cost or fee bills,~~ to which parties are entitled as of course,
12 shall be due when the service is performed, ~~and no fee, except~~
13 ~~for final record, shall be demanded or received in any case~~
14 ~~unless the service has been performed.~~

15 "(b) In cases where appropriate, the court may order
16 that security deposits be deposited into the probate court to
17 cover expected court costs. Any unused security deposits shall
18 be returned to the person who made the deposit."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.