

Dear Madam:

You have asked what fees should be charged for the filing of a petition for the appointment of an administrator, filing, recording and approval of administrator's bond, and issuance of letters of administration when the proceedings are on a foreign will as outlined in Section 10040, Revised Codes of Montana, 1935.

This section merely expedites the customary practice followed when a will is first presented for probate and provides for a shorter and speedier procedure upon the production of a will proved and allowed in a court of any other state or foreign country. It does not, however, purport to alter the customary fees to be charged. They are set by Section 4919, Revised Codes of Montana, 1935, and are in part as follows:

"At the time of filing the petition for letters testamentary, of administration or guardianship, the clerk must collect from the petitioner the sum of five dollars.

"For admitting a will to probate and all services connected therewith, in addition to the above, there must be paid to the clerk the sum of five dollars."

The correct fee for the filing and issuance of documents mentioned would be ten dollars.

Opinion No. 177.

Probate—Fees—Courts—Clerk of
Court—Foreign Wills.

HELD: The same fees are chargeable in proceedings on foreign wills as in ordinary probate proceedings.

December 11, 1939.

Elizabeth Thomson
Clerk of the Court
Harlowton, Montana