

1 HB161  
2 164801-1  
3 By Representative Pringle  
4 RFD: Judiciary  
5 First Read: 05-MAR-15

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 To amend Section 12-19-43, Code of Alabama 1975,  
22 relating to the probate court; 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.