

Section 19 - Compensation – Independent Administration

19.10 Statutory Compensation

The independent personal representative and his attorney are entitled to reasonable compensation. The statutory fee prescribed by § 473.153, is prima facie evidence of a reasonable fee. Generally, no orders will be entered for statutory fees or for a lesser amount. The statutory fees of the independent personal representative and his attorney shall be shown on the final accounting as credit entries. See Section 19.30 on partial fees.

References: §§ 473.153, 473.787.3, 473.823

19.20 Compensation in Excess of the Statutory Fee

19.20.1 Court Order or Consents

The independent personal representative and his attorney may not take compensation in excess of the statutory fee prescribed by § 473.153, without a court order or consents of all interested persons.

19.20.2 Procedure for Obtaining Order

To obtain an order for fees in excess of the statutory fee at any time prior to closing the estate, the independent personal representative and his attorney may file an application and proposed order for fees prior to filing the final settlement or statement of account. The application will be acted on by the Court only if the consents of the interested persons are obtained or the application is set for hearing with notice to interested persons.

Exception: Where the independent personal representative is the sole distributee and has signed his and the attorney's application, the Court will act upon the applications.

References: Form 10161, Form 10163
§§ 473.153, 473.823, 473.827

19.30 Partial Fees

Partial fees that do not exceed the statutory fee may be taken and reflected on the next annual settlement. Partial fees that exceed the statutory fee must be supported by a court order or consents of interested persons. The application will be acted on by the Court if consents of the interested persons are obtained or the application is set for hearing with notice to interested persons. See Section 19.20.2 where the personal representative is the sole distributee.

References: §§ 473.810(14), 473.823, 473.827

19.40 Final Fees

Practice Tip: Disclose the final fees with the final settlement or statement of account. If no objections are filed within 20 days and after the settlement or statement of account has been reviewed by the auditor and exceptions cleared, if any, the Court will not take action and the fee is payable.

19.50 Other Applicable Sections

With respect to applications for hourly compensation in independently administered estates, the following sections apply:

Sections 18.10.1 - 18.10.5	general information
Section 18.10.7	reflecting fees on the settlement (See Section 19.20.2 as to when allowed by court order.)
Section 18.10.4	statutory fees for co-personal representatives.
Sections 18.10.8 - 18.10.10	payment for specialized services, customary expenses and attorneys' fees when the personal representative is an attorney.
Section 18.20	corporate personal representatives' fees in excess of the statutory fee.
Section 18.30	hourly compensation for lay personal representatives.

In calculating the statutory fee, Section 18.40 applies.

[END OF SECTION]