

### **73.1 Guardian's Compensation**

(A) Unless otherwise provided by law, or ordered by the Court, a guardian may charge for his ordinary services an amount in accordance with the following schedule:

(1) In an estate where the fair market value of the principal is less than \$50,000.00 the guardian may receive compensation as follows:

(a) During each accounting period required by statute, 4% of the first \$3,000.00 of income and 3% of the balance in excess of \$3,000.00; and 4% of the first \$3,000.00 of expenditures and 3% of the balance in excess of \$3,000.00.

(b) An annual fee of \$2.00 per \$1,000.00 of the fair market value of the principal.

(c) Minimum compensation of \$120.00 per year.

(2) Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpended balances to a ward at the close of a guardianship be considered an expenditure.

(3) In estates where the fair market value of the principal is \$50,000.00 or more, the guardian may receive as annual compensation an amount to be computed on the fair market value of the principal, in accordance with the following schedule:

(a) \$5.00 per thousand on the first \$50,000.00 of the fair market value of the principal;

(b) \$4.00 per thousand on the next \$200,000.00 of the fair market value of the principal;

(c) \$3.00 per thousand on the next \$750,000.00 of the fair market value of the principal; and

(d) \$2.00 per thousand on all principal over \$1,000,000.00 of the fair market value of the principal.

(4) For the purpose of computing a guardian's compensation as herein provided, the fair market value of the principal shall be determined by the guardian as of the date of his appointment or as of each anniversary thereafter. This annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from

the principal of the estate and compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuation.

(B) The compensation of co-guardians in the aggregate shall not exceed the total compensation which would have been payable if only one had acted.

(C) In all cases where payment of guardian's compensation is requested, the Computation Form for Guardian's Fees (County Local Form 73.1) as set forth in Appendix D herein, shall be submitted to the Court. No hearing on the payment of guardian's compensation is required when the above noted computation form reflects a calculation that the compensation taken is within the amounts authorized by County Local Rule 73.1

(D) The Court reserves the right to determine the reasonableness of a guardian's compensation. If by reason of the application of the compensation schedule set forth above, a disparity or injustice results, such disparity or injustice may be reviewed either on the Court's own motion or upon exceptions to the account.

(E) Additional compensation for extraordinary services may be allowed upon application to the Court. The Court requires that such application be set for hearing and that notice thereof be given to interested parties in accordance with Civil Rule 73. Such notice shall contain a statement of the amount and formula for computation of any extraordinary compensation sought.