

The Official Administrators' Fees Regulations

Repealed

by Chapter Q-1 Reg 8 (effective June 19, 1996).

Formerly

Chapter S-66 Reg 2 (effective August 1, 1979).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-66 REG 2

The Surrogate Court Act

Title

- 1 These regulations may be cited as *The Official Administrators' Fees Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Surrogate Court Act*;
- (b) “**assets**” means the assets of the estate of a deceased person at the date of his death;
- (c) “**gross assets**” means the difference between:

- (i) the total of:

- (A) the amounts realized from assets existing at the date of death including amounts realized from assets discovered subsequent to the date of death and that were therefore not declared on the issue of Letters of Administration or Letters Probate;

- (B) the fair market value of assets that are not converted to cash; and

- (C) all income received from assets;

without any deductions for expenses incurred in the realization of the assets or for funeral expenses, whether incurred before or after the assets are received for administration by the official administrator; and

- (ii) the total of the actual amount owed by the deceased as at the date of his death under any mortgage or agreement for sale relating to real property that is included in his assets;

but does not include:

- (iii) property held jointly with another;
- (iv) insurance payable to a named beneficiary; or
- (v) Canada Pension Plan payments to a surviving spouse;

- (d) “**official administrator**” means an official administrator appointed pursuant to the Act;

- (e) “**undistributed assets**” means the fair market value of those assets remaining in an estate at the end of each anniversary date following the date of issue of Letters of Administration other than the first anniversary date following their issue.

19 Apr 84 cS-66 Reg 2 s2.

Fees

- 3(1) The fee payable to an official administrator for administering an estate is an amount equal to the greater of:

- (a) \$150; and

S-66 REG 2**OFFICIAL ADMINISTRATORS' FEES**

- (b) if the value of the gross assets of the estate is:
- (i) \$50,000 or less, 7% of that value;
 - (ii) more than \$50,000 but \$100,000 or less, \$3,500 plus 5% of the value in excess of \$50,000;
 - (iii) more than \$100,000, \$6,000 plus 4% of the value in excess of \$100,000.

(2) In addition to the fees payable pursuant to subsection (1) and subject to subsection (3), an official administrator may charge an annual fee, based on the annual income earned by an estate after August 1, 1979, that is equal to 5% of that income, together with an annual fee of 0.375% of the undistributed assets.

(3) No fees may be charged under subsection (2) in respect of the year immediately following the issue of Letters of Administration or for the last year of administration if that year is not a complete year.

19 Apr 84 cS-66 Reg 2 s3.

Disbursements

4 An official administrator may collect all disbursements necessarily incurred in the course of administering an estate.

19 Apr 84 cS-66 Reg 2 s4.

Transitional; estates administered before January 1, 1984

5(1) Notwithstanding section 4, if an official administrator completes the administration of an estate before January 1, 1984, he is not entitled to be reimbursed for solicitor's fees for an estate that has gross assets of less than \$5,000 in value.

(2) If an official administrator completes the administration of an estate before January 1, 1984, he shall submit the estate accounts to the Provincial Auditor for audit before collecting any administration fee from that estate.

(3) If estate accounts are submitted to the Provincial Auditor pursuant to subsection (2), the fee payable to the Provincial Auditor, if the value of the gross assets of the estate is:

- (a) \$200 or less, is \$5;
- (b) over \$200 but not over \$500, is \$7;
- (c) over \$500 but not over \$1,000, is \$10;
- (d) over \$1,000 but not over \$2,000, is \$15;
- (e) over \$2,000 but not over \$3,000, is \$20;
- (f) over \$3,000, is 1% of that value.

19 Apr 84 cS-66 Reg 2 s5.

Repeal

6 Saskatchewan Regulations 205/79 are repealed.

19 Apr 84 cS-66 Reg 2 s6.