

LOCAL RULE 74.1**TRUSTEE'S COMPENSATION (NON-LAWYERS)****(A) Corporate Trustees.**

- (1) Except where the instrument creating the trust makes provisions for compensation, a testamentary trustee may charge fees on the same basis as it charges for living trusts.
- (2) On each accounting where fees have been taken, an affidavit will be required asserting that the fees charged and included in the accounting represent those charges for similar services in living trusts.
- (3) A separate schedule of the computations of the trustee's compensation shall be set forth in the trustee's account as a condition of its approval.
- (4) Fee schedules are to be furnished to the Court on the first day of January of each year, and whenever a change in fees is made within any calendar year.

(B) Individual Trustees.

- (1) Except where the instrument creating the trust makes provisions for compensation, the trustee may charge fees on the same basis as is currently being charged by the banking institution with which the trust is doing business.
- (2) On each accounting where fees have been taken, an affidavit will be required setting forth that the fees charged are based on the schedules of the "name" bank.
- (3) A separate schedule of the computations of the trustee's compensation shall be set forth in the trustee's account as a condition of its approval.

(C) The Court reserves the right to determine the reasonableness of trustee's compensation in all cases.**Sup. R. 74 Trustee's Compensation.**

- (A) Trustee's compensation shall be set by local rule.
- (B) Additional compensation for extraordinary services may be allowed upon application setting forth an itemized statement of the services rendered and the amount of compensation requested. The court may require that the application be set for hearing with notice given to interested parties in accordance with Civil Rule 73(E).
- (C) The compensation of co-trustees in the aggregate shall not exceed the compensation that would have been allowed to one (1) trustee acting alone, except where the instrument under which the co-trustees are acting provides otherwise.
- (D) Except for good cause shown, neither compensation for a trustee nor fees to counsel representing the trustee shall be allowed while the trustee is delinquent in the filing of an account.

- (E) The court may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the court finds the trustee has not faithfully discharged other duties of the office.