

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	October 21, 2024
Action Required:	Consideration and Approval of Ordinance
Presenter:	Llezelle Dugger, Clerk of Court
Staff Contacts:	Robinson Hubbard, Deputy City Attorney
Title:	Ordinance to Amend City Code Article XIV. Tax on Probate of Will or Grant of Administration, Sections 30-396 and 30-397 to conform with Va. Code Sec. 58.1-1717.1

Background

In 2010, the General Assembly amended Va. Code § 58.1-1717.1 to allow Circuit Courts to collect a \$25 fee on a List of Heirs or Real Estate Affidavit. This fee is charged on the recordation of a list of heirs pursuant to Va. Code § 64.2-509 or an affidavit pursuant to Va. Code § 64.2-510, unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate. Our current Ordinance allows the Circuit Court to collect one-third of the probate tax paid to the state.

Discussion

When a List of Heirs or Real Estate Affidavit is recorded in lieu of a will being probated or administration being granted, the state collects a \$25 fee in lieu of probate tax. Va. Code § 58.1-1718 allows a locality to collect \$25 fee as well.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

N/A

Budgetary Impact

No anticipated budgetary impact.

Recommendation

Staff recommends approval of the Ordinance

Alternatives

Council could refuse to approve the Ordinance.

Attachments

1. ORD_Sec. 30.396 and 397 - recordation fee (rev)