APPENDIX I

Commissionable Receipts Table

RECEIPTS (in alphabetical order)	**COMMISSIONABLE**	**NOT COMMISSIONABLE**
Advancements reimbursed		✓
Any portion of rents, interest, dividends or other income that must be withheld for income tax purposes	✓ [G.S. 28A-23-3(f)]	
Assets that may be acquired by the PR to pay debts pursuant to G. S. 28A-15-10	✓ These include: 1. Totten trusts created by the decedent in savings accounts for other persons 2. gifts causa mortis made by decedent (gifts made in contemplation of death) 3. joint deposit accounts with right of survivorship and joint tenancies with right of survivorship in corporate stocks or other investment securities. [G.S. § 28A-15-10(a)]	
Assets held in a testamentary or inter vivos trust under which the decedent had the right to appoint the property to his or her estate, and the decedent made such appointment	✓	

RECEIPTS (in alphabetical order)	**COMMISSIONABLE**	**NOT COMMISSIONABLE**
Assets held in a trust under which the decedent had a general power of appointment but did not exercise the power in his will, or assets held in trust under which the decedent had only a special power of appointment		✓
Decedent's portion of a joint bank account with right of survivorship (usually ½)	✓ Commission based on that portion actually collected and used to pay costs and debts.	Only funds actually collected are commissionable.
Dividends, interest, rents or other amounts payable to a personal representative that is withheld for income tax purposes.	✓ [G.S. § 28A-23-3(f)]	
Gross receipts of a business that PR continued under power in will	Value of decedent's interest in the business is commissionable.	✓ No commissions on gross receipts and disbursements of the business.
Income from real property that PR has taken control of pursuant to G.S. 28A-13-3(c)	✓ Income and related disbursements commissionable.	Value of real property is not commissionable.
Insurance proceeds payable to the estate	✓	
Insurance proceeds not payable to the estate		✓
Money furnished to the estate by heirs	✓ Receipt of the money from the heirs is commissionable; disbursement to creditor is commissionable. Example: To avoid having to sell real property to pay debts not related to the real property, heirs may furnish money to the estate.	If heirs use their money to pay creditors directly, no commissionable receipt. Reimbursement of heirs by estate is commissionable.

RECEIPTS (in alphabetical order)	**COMMISSIONABLE**	**NOT COMMISSIONABLE**
Payment by distributees or legatees of debts to exonerate personal property	✓ But no commission on value of personal property exonerated. Example: Distributee pays $ into estate to pay off debt on a car. Amount paid in is commissionable receipt, and amount disbursed is commissionable.	
Payment by distributees or legatees of debts to exonerate real property	✓ See example above. Commission is only on amount used to exonerate the real property.	
Proceeds of real property sold to pay debts or legacies	✓ Only amount actually applied to payment of debts and legacies is commissionable. [G.S. § 28A-23-3(b)] But where will directs PR to sell and distribute $ to beneficiaries, entire proceeds of sale commissionable per *Matthews v. Watkins*, 91 N.C. App. 640.	
Proceeds of sale of investments made by fiduciary	But profit is income to the estate and is commissionable.	✓ Investment basis already shown elsewhere on inventory and commissions already paid.
Receipts and disbursements representing mere changes in investment (repeated sale and purchase of investment asset)		✓
Refund on an overpayment by the PR		✓
Rents		✓ Generally not because rents go to heirs.

RECEIPTS (in alphabetical order)	**COMMISSIONABLE**	**NOT COMMISSIONABLE**
Rents from property devised to PR for administration	✓	
Rents from property PR directed in will to sell	✓	
Transfer of deposits from banking department of a bank to its trust department when bank is PR	✓	
Value of all personal property when received	✓ [G.S. § 28A-23-3(a)]	
Wrongful death proceeds	✓ Amount received and disbursed to pay funeral expenses and last hospital bill is commissionable.	