

## **RULE 24 - COUNSEL FEES**

A. Introduction. The schedule of compensation hereinafter set forth shall serve as a guide in determining fees allowable to an attorney for services rendered as attorney for an executor, administrator, guardian, trustee, or other fiduciary accountable to the Probate Court. Such schedule is a maximum fee to be charged, unless an application for extraordinary fees is filed and approved.

The application for attorney fees shall be accompanied by a computation of attorney fees calculated pursuant to the Schedule of Compensation herein, regardless of whether the attorney is seeking a fee calculated other than pursuant to this schedule. If the attorney fee being sought exceeds the fee as calculated pursuant to the schedule set forth herein, such application shall be accompanied by an itemized statement of time and services rendered by the attorney in addition to the aforesaid computation.

The Court may allow the attorney fee requested without hearing provided the fiduciary and the attorney have signed the application stating the services were necessary, beneficial to the estate and that the amount requested is reasonable. In the alternative, the Court may, on its own motion or that of any interested party, set the application for hearing.

The Court recognizes that Ohio Estate Tax filings have been and will continue to be reduced. For attorney fee purposes, the Court previously reviewed the tax return to verify attorney fee computations. Hereafter, if no Ohio Estate Tax return is filed, the attorney fee application signed by the fiduciary and attorney setting forth a general itemization of assets will be sufficient. This is particularly applicable in the case of joint and survivorship property.

B. Schedule of Compensation.

1. Estates:

a. Four percent (4%) on the first one hundred thousand dollars (\$100,000.00) and three and one-half percent (3.5%) on the balance of the gross appraised value of all real and personal property, or the amount accounting for, whichever is

larger (but excluding contributions made by surviving spouse), for ordinary services.

b. The Court shall fix fees for extraordinary services.

c. Two percent (2%) of the total of all joint and survivorship, transferable on death, and all other property that is not subject to administration and that is includable for purposes of computing the Ohio Estate Tax or whether an Ohio Estate Tax needs to be filed, except in cases involving husband and wife and then one percent (1%).

d. Release from administration:

(1) Personal property, Real property, and Application for Determination of Estate Tax, 2% of valuation.

(2) Add to foregoing 2% of all joint and survivorship property transferable on death and all other property that is not subject to administration and that is includable for purposes of computing the Ohio Estate Tax except in cases involving husband and wife and then 1%.

e. Federal Tax Returns:

(1) Preparation Federal Tax Return, \$2,500.00

(2) Fiduciary Income Tax Return, \$200.00

f. When the attorney is also the executor of the estate, no fiduciary fees will be allowed the attorney except as follows:

(1) The Last Will and Testament of decedent directs that the fiduciary receive compensation; or

(2) An application for fiduciary fees in a specific amount is acceptable to the legatees and devisees named in the Will; or

(3) An application for extraordinary fees is presented to the Court setting out reasons, acceptable to the Court, for an allowance of such extraordinary fees.

2. Guardians and Trustees, attorney's customary hourly rate subject to approval of the Court as set forth below.

For charges against the Indigent Guardian Fund, see Local Rules 6.6.

3. Land sale proceedings shall be on an hourly rate as set forth below. [Or the attorney may proceed under the provisions of Sec. 2127.38(A)]
4. Delayed registration, hourly rate, as set forth below.
5. Adoption, hourly rate as set forth below.
6. Change of Name, hourly rate as set forth below.
7. Contesting Probate of Will, hourly rate as set forth below.
8. Construction of Will, application for, hourly rate as set forth below.
9. Discovery of assets proceedings, hourly rate as set forth below.
10. Exceptions to account or inventory and appraisement, hourly rate as set forth below.
11. Minor's settlement, application and approval without appointment of guardian or disposal of minor's estate, hourly rate as set forth below.
12. Minor's settlement, application and approval with appointment of guardian, hourly rate as set forth below.
13. All other proceedings, hourly rate as set forth below.
14. The Probate Court will allow hourly rate to be charged by

attorneys with 0 through 5 years of service at a rate of \$75.00, per hour, and attorneys with more than 5 years of service at their customary hourly rate.