

PROBATE OF AN ESTATE DATE LAST REVISED: 03/16/95

[Date] _____

[SPECIAL INSTRUCTIONS LINE, optional]

[Name] _____

[Attention line if needed]

[Address] _____

[City, State Zip] _____

Re: [Case Name] [Our File Number]

Dear [Salutation]:

I appreciate your requesting me to represent you as _____ in connection with the administration of the Estate of _____. As I told you in our recent conference, Rule 40.1 of the Probate Court of Franklin County serves as a guide in determining fees to be charged to an estate for ordinary legal services rendered as counsel for the Executor or Administrator in the administration of a decedent's estate. A copy of Rule 40.1 is attached. I will follow Probate Court Rule 40.1 in arriving at the amount of the fee for my legal services in representing you as _____ of the estate of _____. As we discussed, an essential element in determining our fee is the time expended in completing the estate administration. In determining our fee based on time expended, our services are billed on an hourly basis, with time being charged in tenths of an hour, i.e., in six minute blocks. Our rates for attorneys range from \$ to \$ _____ per hour. Paralegals' time is billed at \$ _____ per hour. We will use our discretion in staffing, to provide services in the most economical manner to you. Our rates are reviewed annually, at least, and you will be notified of any changes in the rate schedule. My fees will not be payable until the final account is being prepared, unless an earlier partial payment is approved by the Probate Court. I caution you that sufficient funds must be retained by you in the estate account in order to pay these fees and any advances for costs and other expenses or you may become personally liable pursuant to Ohio law. Reimbursement for expenses are payable as they are incurred and are due to be paid from the estate account upon my presentation of a bill or receipt to you. We reserve the right to withdraw from our representation if, among other things, you fail to honor the terms of this engagement letter including nonpayment of our fee statements, you fail to cooperate or follow our advice on a material matter, or if any fact or circumstance arises or is discovered that would, in our view, render our continuing representation unlawful or unethical. You should be aware of an ethical requirement imposed upon all Ohio lawyers. If a client, in the course of representation by a lawyer, perpetrates a fraud upon any person or tribunal, the lawyer is obligated to call upon the client to rectify the same. If the client refuses or is unable to do so, the attorney

is required to reveal the fraud to the affected person or tribunal. If you are in agreement with the terms of this letter, please sign on the signature line below and return it to me in the enclosed envelope.

Very truly yours,

[Name of person sending letter]

[Attorney initials/secretary initials]

[cc:]

I agree to engage you pursuant to the terms set forth in this letter.

Date: _____

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FRANKLIN COUNTY RULE 40.1(C)

The allowance of attorney fees shall be upon written application. Said application shall set forth the amount of fees as requested and a statement of services in support thereof. Notice of the application and the hearing date shall be served upon those persons whose beneficial interest will be affected by the allowance of fees, including creditors if insolvent, unless said persons waive such notice. The Court will not approve attorney fees unless the application is granted at hearing or consent of one hundred percent (100%) of the persons whose interests are affected by the payment of the fee, including creditors in insolvent, is obtained and filed with the Court. In estates which fees are sought at the time the final account is prepared, no fee application need be made if the consent of persons having a fifty percent (50%) or more affected beneficial interest in the estate, including creditors if insolvent, has been filed with the Court on the Court's prescribed form. Attorney fees having not been approved by the Court may be challenged in the final account by any person having a beneficial interest in the estate.