



# EMW LAW

## PROBATE SERVICES FEE SCHEDULE FOR ESTATE ADMINISTRATION MATTERS

At EMW LAW, we utilize a bundled, flat-fee billing structure for certain legal matters. This means that we establish a set fee for each event or action in your case and group these services into bundled packages based on the different stages of the legal process. Clients are required to pay an initial retainer fee, covering both legal services and anticipated expenses, before we begin work on their case. Additional fees may be required at various stages of representation.

The initial retainer fee options outlined below cover the attorney's fees and expenses reasonably expected to be incurred in your matter based on the facts of your case

Initial Retainer Fees			
Package	Bundled Legal Services	Estimated Expenses	Total Amount
Uncontested Simple Estate <i>PR Appointment &amp; Limited Rep. of PR only</i>	<ul style="list-style-type: none"> <li>Assistance with Personal Representative Appointment and Limited Representation of Personal Representative Only: \$2,500</li> </ul>	<ul style="list-style-type: none"> <li>Court Costs: \$400+</li> <li>Surety Bond: \$250+</li> <li>Postage: \$75+</li> <li>Printing: \$25+</li> <li>Personal Representative Fees: Varies<sup>1</sup></li> </ul>	\$3,250
Uncontested Simple Estate <i>PR Appointment &amp; Limited Rep. of PR &amp; and Aligned Heir(s) Only</i>	<ul style="list-style-type: none"> <li>Assistance with Personal Representative Appointment and Limited Representation of Personal Representative &amp; Aligned Heir(s): \$3,000</li> </ul>	<ul style="list-style-type: none"> <li>Court Costs: \$400+</li> <li>Surety Bond: \$250+</li> <li>Postage: \$75+</li> <li>Printing: \$25+</li> <li>Personal Representative Fees: Varies</li> </ul>	\$3,750
Uncontested Simple Estate <i>County Administrator Appointment &amp; Limited Rep of Heir(s)</i>	<ul style="list-style-type: none"> <li>Assistance with County Administrator Appointment Coordination &amp; and Limited Representation of Heir(s): \$2,500</li> </ul>	<ul style="list-style-type: none"> <li>Court Costs: \$400+</li> <li>Postage: \$75+</li> <li>Printing: \$25+</li> <li>County Administrator Fees: Varies<sup>2</sup></li> </ul>	\$3,000
Uncontested Simple Estate <i>Case Oversight &amp; Limited Rep of Heir(s)</i>	<ul style="list-style-type: none"> <li>Case Oversight and Limited Representation of Heir(s): \$2,500</li> </ul>	<ul style="list-style-type: none"> <li>Court Costs: \$150+</li> <li>Postage: \$75+</li> <li>Printing: \$25+</li> </ul>	\$2,750
Contested and/or Complex Estate <i>File/Respond to Contested Petition</i>	<ul style="list-style-type: none"> <li>Assistance with Contested Petition Drafting, Filing &amp; Case Management: \$2,000</li> <li>Court Appearance – Full Evidentiary Hearing (1 Day)<sup>3</sup>: \$5,000</li> </ul>	<ul style="list-style-type: none"> <li>Court Costs: \$300+</li> <li>Postage: \$75+</li> <li>Printing: \$125+</li> </ul>	\$7,500

<sup>1</sup> Personal Representative fees are governed by Alabama law and are capped at 2.5% of the value of estate property received and 2.5% of the value of estate disbursements made by the Personal Representative. It is common for a Personal Representative who is also an heir or beneficiary of the estate to waive or decline compensation; however, any decision to take or waive a Personal Representative fee rests with the Personal Representative and is subject to court approval.

<sup>2</sup> County Administrator fees are also governed by Alabama law and are capped at 2.5% of the value of estate property received and 2.5% of the value of estate disbursements made by the County Administrator. Because County Administrators are not heirs or beneficiaries of the estate, they customarily seek maximum statutory compensation for their services from estate assets, subject to court approval.

<sup>3</sup> An evidentiary hearing is a court proceeding where the judge hears testimony from witnesses, reviews exhibits, and considers other evidence before making a decision on disputed issues.



# EMW LAW

The itemized attorney's fees below outline the legal fees applicable to each phase of a case. Not all fees will apply to every matter, and clients will only be charged for the services provided. All fees are due upon invoicing.

<b>Itemized Attorney's Fees</b>		
<b>Description of Legal Services</b>	<b>Amount</b>	
Assistance with Personal Representative Appointment and Limited Representation of Personal Representative Only	\$2,500	
Assistance with Personal Representative Appointment and Limited Representation of Personal Rep & Aligned Heir(s)	\$3,000	
Assistance with County Administrator Appointment Coordination & Limited Representation of Heir(s)	\$2,500	
Case Oversight and Limited Representation of Heir(s)	\$2,500	
Assistance with Final Estate Administration, Settlement, Closing, and Limited Representation	\$2,500	
Assistance with Contested Petition Drafting, Filing, & Case Management		
	Petition to Determine Heirs	\$2,000
	Petition to Contest Will	\$2,000
	Petition to Remove Personal Representative	\$2,000
Court Appearance – Non-Evidentiary Hearing (1 Day)	\$750	
Court Appearance – Full Evidentiary Hearing (1 Day)	\$5,000	
Assistance with Real Property Sale Authorization & Compliance	\$1,500	
Assistance with Real Property Transfer of One (1) Parcel of Real Property:		
	Via Quitclaim Deed	\$500
	Via General Warranty Deed with Title Insurance	\$750
Assistance with Drafting, Serving & Managing One (1) Full Set of Written Discovery Requests	\$1,500	
Assistance with Responding to One (1) Full Set of Discovery Requests	\$2,000	



**EMW LAW**

<b>Itemized Attorney's Fees</b>		
<b>Description of Services</b>		<b>Amount</b>
Deposition Appearance (1 Day)		\$2,500
Mediation Appearance (1 Day)		\$2,500
Provide Professional Opinion on Documents according to the number of pages reviewed:		
	1 to 5-pages:	\$500
	6 to 10-pages:	\$650
	11 to 20-pages:	\$800
	21 to 30-pages:	\$950
	31 to 40-pages:	\$1,100
	41 to 50-pages:	\$1,250
	51 + pages:	\$1,400+
<i>Additional/ Client-Initiated Written Communications (MyCase, Email, Text Messaging)</i>		
	Non-Attorney Staff	\$150/hour
	Attorney	\$350/hour
<i>Additional/ Client-Initiated Meetings (Phone, Zoom, or In-Person)</i>		
	Non-Attorney Staff	\$150/hr
	Attorney	\$350/hr

\* Please note that miscellaneous tasks not explicitly listed in this list of attorney's fees will be billed at an hourly rate for time expended on client's behalf at the rate of \$350.00 per hour for attorneys and \$150.00 per hour for staff.



## Explanation of Fees

**Assistance with Estate Opening & Personal Representative Appointment and Limited Representation include the following:**

- Provide counsel to Personal Representative regarding probate court and estate administration process;
- Obtain the following: original death certificate, surety bond, renunciation from County Administrator, waivers from heirs/next-of-kin;
- Draft and file petition to open estate administration matter with required attachments on behalf of Personal Representative;
- Obtain letters of administration/testamentary on behalf of Personal Representative;
- Obtain tax identification number for Estate on behalf of Personal Representative;
- Submit Notice of Probate to Medicaid electronically, and e-file Affidavit of E-filing on behalf of Personal Representative;
- Send letters re Notice of Probate to all devisees, heirs at law, and/or next of kin on behalf of Personal Representative;
- Confirm that Clerk of Court published Notice to Creditors in local newspaper on behalf of Personal Representative;
- Complete preliminary search for estate assets and liabilities including County Probate Records, State's Unclaimed Property Division Records, and the National Association of Insurance Commissioners' Life Insurance Policy Locator Service on behalf of Personal Representative;
- If applicable, draft and file Inventory of Estate on behalf of Personal Representative;
- Monitor probate court case filings and estate accounting;
- Share case documents with Personal Representative; and
- Provide Personal Representative with periodic case status updates via MyCase message, including updates regarding the following:
  - Client Intake & Onboarding
  - Receipt of Letters, Submission of Notice of Probate to AL Medicaid, & Confirmation of Newspaper Publication
  - If Applicable, Filing of Estate Inventory
  - Six (6) Periodic Check-Ins During 6-Month Open Claims Period

**Assistance with County Administrator Appointment Coordination and Limited Representation of Heir(s) include the following:**

- Obtain the necessary information to submit service request to County Administrator;
- Submit service request to County Administrator;
- Confirm appointment of County Representative in Probate Estate Administration Matter;
- Draft and file limited notice of appearance on behalf of heir with the probate court;
- Monitor probate court case filings and estate accounting;
- Confirm that the estate has been fully administered in accordance with Will/Alabama law/heir(s) wishes;
- Share case documents with client; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Confirmation of Completion of Service Request
  - Status of Appointment
  - Six (6) Periodic Check-Ins During 6-Month Open Claims Period
  - Confirmation of Completion of Final Estate Administration Tasks
  - Case Closure & Client Offboarding

**Case Oversight and Limited Representation of Heir(s) include the following:**

- Draft and file limited notice of appearance on behalf of heir with the probate court;
- Monitor probate court case filings and estate accounting;
- Confirm that the estate has been fully administered in accordance with Will/Alabama law/heir(s) wishes;
- Share case documents with client; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Six (6) Periodic Check-Ins During 6-Month Open Claims Period
  - Confirmation of Completion of Final Estate Administration Tasks
  - Case Closure & Client Offboarding



## EMW LAW

**Assistance with Final Estate Administration, Settlement, Closing, and Limited Representation of Personal Representative include the following:**

- Confirm that the estate has been fully administered;
- If applicable, obtain notarized waivers from devisees, heirs at law, and/or next of kin;
- If applicable, obtain notarized surety bond waiver from bond provider;
- If applicable, confirm final estate accounting;
- Draft and file petition for final settlement with required attachments on behalf of Personal Representative;
- If applicable, serve devisees, heirs at law, and/or next of kin with petition for final settlement;
- Obtain final decree of settlement on behalf of Personal Representative;
- Share case documents with Personal Representative; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Confirmation of Completion of Final Estate Administration Tasks
  - Status of Petition for Final Settlement
  - Case Closure & Client Offboarding

**Assistance with Contested Petition Drafting, Filing & Case Management [i.e. Petition to Determine Heirs; Petition to Contest Will; or Petition to Remove Personal Representative] include the following:**

- Perform necessary research and investigations Attorney deems necessary to draft petition or response thereto;
- Draft and file petition or response thereto with requisite attachments;
- Serve all interested parties with petition or response thereto;
- File service returns for all interested parties showing proof of service or non-service; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Confirmation of Filing
  - Confirmation(s) of Service
  - Status of Court's Ruling on Petition
  - Case Closure & Client Offboarding

**Court Appearance – Non-Evidentiary Hearing (1 Day)<sup>4</sup> includes the following:**

- Review all case materials and law to prepare strategy for non-evidentiary hearing;
- Attend non-evidentiary hearing; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Recap of Non-Evidentiary Hearing
  - Status of Court's Ruling on Non-Evidentiary Hearing

---

<sup>4</sup>A non-evidentiary hearing is a court proceeding where the judge hears legal arguments, procedural matters, or status updates but no witnesses testify and no evidence is presented.



# EMW LAW

## **Court Appearance – Full Evidentiary Hearing (1 Day)<sup>5</sup> includes the following:**

- Review all case materials and law to prepare strategy for evidentiary hearing;
- Host team, client, and witness preparation meetings;
- Create/revise hearing outline, hearing notebook, witness list, exhibits, and visual aids;
- Deliver hearing notebook and exhibits to the court and opposing counsel/party(s);
- Attend one (1) day of evidentiary hearing; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Scheduling of Client Preparation Meeting(s)
  - Recap of Client Preparation Meeting(s)
  - Recap of Evidentiary Hearing
  - Status of Court's Ruling on Evidentiary Hearing

## **Assistance with Real Property Sale Authorization & Compliance includes the following:**

- Draft and file petition to sale real property with required attachments;
- Obtain order granting petition to sale real property and deliver to Petitioner;
- Obtain closing disclosure, ALTA Statement, and/or deed confirming sale of real property;
- Draft and file report of sale with required attachments;
- If applicable, obtain and file increased Conservator's Bond; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Status of Petition to Sale Real Property
  - Receipt of Final Closing Documents
  - Confirmation of Filing of Report of Sale
  - If applicable, status of Increased Conservator's Bond

## **Assistance with Real Property Transfer of One (1) Parcel of Real Property via Quitclaim Deed or Warranty Deed includes the following:**

- If applicable, order and obtain title commitment and title search from title company;
- If applicable, confirm that all title requirements are met and obtain final title policy;
- Draft deed conveying real property;
- Obtain Grantor's e-signature on deed before notary via recorded video conference;
- E-record notarized deed;
- Deliver electronic copy of recorded deed (and final title policy if applicable) to client via secure client portal;
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Drafting, Notarization, and E-Recording of Deed
  - If applicable, Status of Title Commitment, Requirements, and Final Policy

## **Assistance with Drafting, Serving & Managing One (1) Full Set of Written Discovery Requests includes the following:**

- Draft and file notice of discovery and one (1) set of interrogatories, request for admissions, and/or request for production of documents and notice;
- Confirm service;
- Confirm receipt of all verified responses;
- Review and analyze responses;
- Share responses and analysis of responses with client; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Delivery of Discovery Request(s)
  - Receipt and Attorney Analysis of Discovery Response(s)

<sup>5</sup> An evidentiary hearing is a court proceeding where the judge hears testimony from witnesses, reviews exhibits, and considers other evidence before making a decision on disputed issues.



# EMW LAW

## **Assistance with Responding to One (1) Full Set of Discovery Requests includes the following:**

- Obtain one (1) set of interrogatories, request for admissions, and/or request for production of documents;
- Send requests to client for response;
- Confirm receipt of client's responses;
- Review, analyze, and make suggested changes to client's responses;
- Send edited responses to client to review, approve, and sign before a notary;
- Deliver verified responses to opposing counsel and confirm receipt;
- Draft and file notice of discovery with court; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Receipt of Discovery Request(s) and Instructions to Complete
  - Attorney Finalization of Discovery Response(s)

## **Deposition Appearance includes the following:**

- Schedule deposition with opposing counsel/party and deponent;
- Conduct meetings with team and/or deponent prior to deposition;
- Draft and/or compile documents including but not limited to deposition questions;
- Take deposition of deponent; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - If applicable, Scheduling of Deponent Preparation Meeting(s)
  - Recap of Deponent Preparation Meeting(s)
  - Recap of Deposition
  - Receipt of Deposition Transcript

## **Full-Day Mediation Appearance includes the following:**

- Schedule mediation with client, opposing counsel/party, and mediator;
- Conduct meetings with team and/or client prior to mediation;
- Draft and/or compile documents including but not limited to mediation statement;
- Attend mediation;
- If applicable, draft/review settlement paperwork and confirm execution; and
- Provide periodic case status updates via MyCase message, including updates regarding the following:
  - Scheduling of Client Preparation Meeting(s)
  - Recap of Client Preparation Meeting(s)
  - Recap of Mediation

## **Provide Professional Opinion on Documents according to the number of pages to be reviewed as follows:**

- Review documents;
- Draft professional opinion letter on results of document review; and
- Electronically deliver professional opinion letter via client portal.

## **Additional/Client-Initiated Communications (MyCase, Email, Text Messaging) include the following:**

- Review or respond to *additional* client communications that are not included in routine case status updates or other bundled services.

## **Additional/Client-Initiated Meetings (Phone, Zoom, or In-Person) include the following:**

- Review case file and prepare for *additional* client meetings that are not included in routine case status updates or other bundled services;
- Attend meeting; and
- Send client recap of meeting via MyCase message.