

PETITION FOR ATTORNEY FEES

ESTATE OF \_\_\_\_\_  
CASE No.: \_\_\_\_\_  
DATE: \_\_\_\_\_  
ATTORNEY: \_\_\_\_\_

**LEGAL STANDARD:** F.S. 733.106; 733.707; 733.617(6); *Platt and Rowe*, and 731.6171 (eff. May 24, 1993)

**LEGAL REQUIREMENTS:** Notice to all who would bear the impact, court to determine reasonableness of fees based upon F.S. 733.6171(3) & (4).

**CHECKLIST**

Ordinary fee, estate value [733.6171(3)\*]:

- \_\_\_ up to \$40,000 (\$1,500)
- \_\_\_ \$40,001 - \$70,000 (+ \$750)
- \_\_\_ \$70,001 - \$100,000 (+ \$750)
- \_\_\_ \$100,001 - \$1,000,000 (+ X% over \$100,000) see stat. for addtl fees

See 733.6171(4) for all factors for additional compensation

- Will Contest, apportionment of estate taxes, or other adversarial proceedings
- Prepare federal estate tax return -- 1/2% up to \$10Million and 1/4% on the value over \$10 Mill
- Purchase, sale, etc, of real property
- Legal advice re: homestead
- Involvement in compensation dispute of professional fees
- Ancillary administration of assets not in Florida estate

\_\_\_ Notice to all parties [733.6171(2), 5.041]

Inventory value of estate: \$\_\_\_\_\_ + income, if any, \$\_\_\_\_\_ [733.6171(3)]

Fee determined reasonable on estate: \$\_\_\_\_\_, excluding fee for estate tax return.

Is estate required to file an estate tax return?

If yes, add 1/2% for up to \$10 Million of federal Gross Estate val plus 1/4% on the value over \$10 Million.

Add'l fee:

**COMMENTS:** \_\_\_\_\_

**RECOMMENDATION:** \_\_\_\_\_

\*The attorney, the personal representative, and persons bearing the impact of the compensation may agree to compensation determined in a different manner than provided in this section. Compensation may also be determined in a different manner than provided in this section if the manner is disclosed to the parties bearing the impact of the compensation and if no objection is made as provided for in the Florida Probate Rules. [733.6171(2)]

The court may determine reasonable attorney's compensation without receiving expert testimony only if no objection is raised by the parties. *Brake v. Swan*, 767 So. 2d 500 (Fla. 3d DCA 2000).

Upon petition of any interested person, the court may increase or decrease the compensation for ordinary services of the attorney or award compensation for extraordinary services if the facts and circumstances of the particular administration warrant. See factors to be considered by the court in FS 733.6171(5).

(Updated: July 2007)