**PETITION FOR ATTORNEY FEES**

ESTATE OF:

CASE NO.:

DATE:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**LEGAL STANDARD:** F.S. §§ 733.106 (reasonable attorney fee); 733.707 (priority of attorney fee); 733.617(6) (attorney fee when attorney is also a Personal Representative); 731.6171 (factors to be considered in determining fee and extraordinary services)

**CHECKLIST**

**Attorney Fee Claimed: $**

**Inventory Value of Estate: $**

**Homestead Property: Yes / No**

**Presumed Reasonable Ordinary Fee of Estate Value** (Sec. 733.6171(3), *Fla. Stat.*)

|  |  |  |
| --- | --- | --- |
| \_\_\_\_ | up to $40,000 ($1,500) | [$1,500 total] |
| \_\_\_\_ | $40,001 - $70,000 (+ $750) | [$2,250 total] |
| \_\_\_\_ | $70,001 - $100,000 (+ $750) | [$3,000 total] |
| \_\_\_\_ | $100,001 - $1,000,000 (+ 3% on value over $100,000) |  |
|  | (see statute for estates above $1,000,000) |  |

**Extraordinary Services Claimed: Yes / No**  (Sec. 733.6171(4)*, Fla. Stat.*)

|  |  |
| --- | --- |
| \_\_\_\_ | 1. Will Contest, Apportionment of Estate Taxes, or Other adversarial proceedings |
| \_\_\_\_ | 1. Representation of PR in Decedent’s Tax Proceedings |
| \_\_\_\_ | 1. Advising PR in Postmortem Tax Planning |
| \_\_\_\_ | 1. Review/File Additional Tax Return Documents |
| \_\_\_\_ | 1. Preparation of Federal Estate Tax Return |
| \_\_\_\_ | 1. Real Estate Purchase, Sale, Land Use/Zoning, or Environmental Matters |
| \_\_\_\_ | 1. Advising PR on Carrying a Decedent’s Business |
| \_\_\_\_ | 1. Legal Advice re: Environmental Claims Against Estate |
| \_\_\_\_ | 1. Legal Advise re: Homestead Status of Real Property or Protected Homestead |
| \_\_\_\_ | 1. Fiduciary, Employee or Attorney Compensation Dispute |
| \_\_\_\_ | 1. Ancillary Administration Unrelated to this Estate |

**COMMENTS:**

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. See F.S. § 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 F.S. § 733.6171(5) (factors to be considered by the court)