

(4) That the time spent by the attorney for the personal representative (or the attorney's firm) is hours and it is anticipated that an additional hours will be required to complete the estate administration.

(A) The attorney's usual hourly compensation for work of this nature is \$

(B) An hourly rate of compensation is not furnished because:

[COMMENT]: If a flat fee is charged, explain the basis therefor. If a flat fee is stated in unequivocal terms, the attorney should state any limitations on the services to be performed (e.g., that there are no more than x number of hours to be expended).

(5) That the attorney for the personal representative as soon as feasible gave to the personal representative an estimate of the fees and any change in fees for work to be performed with respect to the administration of the estate.

[COMMENT]: The usual and ordinary work to be performed by an attorney in the administration of the estate is set forth in The Role and Function of the Estate Attorney, 12 A.B.A., Real Property, Probate and Trust Journal, 12:223 (Spring, 1977).

(6) That all of the results required to be achieved in order to complete the estate administration have been or will be accomplished and that the administration of the estate involved the following:

[COMMENT]: A brief summary of the work involved in the administration of the estate should be provided.* If under any other provision of this Rule additional documentation is required to describe more fully the work performed or the results achieved, such additional documentation should be included here.

* For example:

"The personal representative diligently marshalled the assets of the estate, invested the same and collected the income therefrom, paid all just debts, claims, and expenses of administration, established and maintained books and records of assets received and disbursements made, caused to be completed final Federal and District of Columbia tax returns, filed necessary inventories and appraisals, and [state number] Accounts (including the Final Account), caused to have prepared and filed the Federal Estate Tax Return, the District of Columbia inheritance or estate transfer tax return, as applicable, and the District and Federal fiduciary income tax returns, and will, following the approval of the Final Account, complete distribution of assets in accordance with the decedent's Last Will. The personal representative will also, at the end of the final fiduciary income tax year, cause to be prepared and filed the final Federal and District of Columbia fiduciary income tax returns for the estate."

(7) That all time limitations imposed by the provisions of the Act or by the Rules, including any timely requested extensions thereof, were met.

[COMMENT]: If all time limitations were not met, state the date the compliance was due, the actual date for compliance and the reasons for the delay.

(8) The personal representative herewith certifies that on the day of, 20....., a copy of this request, the appended notice to interested persons, and copies of all accompanying statements were sent by certified (or registered) mail, return receipt requested, to all interested persons.

Respectfully submitted,

Personal Representative

VERIFICATION BY PERSONAL REPRESENTATIVE

....., personal representative of the estate of, deceased, do solemnly declare and affirm under penalty of law that the contents of the foregoing document with respect to services performed by the personal representative are true and correct to the best of the personal representative's knowledge, information, and belief.

Personal Representative

VERIFICATION BY ATTORNEY FOR PERSONAL REPRESENTATIVE

(c) The Court may act upon the request for compensation based solely upon the documentation required by subparagraphs (a)(1) through (a)(8) and by either subparagraph (c)(1) or (c)(2) below if:

(1) A Consent and Waiver in the form set forth in paragraph (b) of this Rule is signed by each interested person and filed; or

(2) No exceptions or objections to the request for compensation are filed, and:

(A) The aggregate compensation sought by the personal representative and the attorney for the personal representative, exclusive of any compensation for services of the nature described in subparagraph (c)(2)(B), does not exceed the customary fee that would be charged in the marketplace for an estate of comparable assets and income.

[COMMENT]: The combined customary marketplace fees for the personal representative and the attorney for the personal representative in the Washington metropolitan area for a typical estate administration generally fall within the range of 4.5/% to 8/% of an estate's assets and income, depending upon the size of the estate. However, no inferences shall be drawn with respect to the reasonableness of requests for compensation in excess of this range.

(B) If a personal representative or the attorney for the personal representative claims expenses of litigation pursuant to *D.C. Code § 20-752*, the claiming party must demonstrate the necessity of the litigation. If the attorney is someone other than the attorney handling the estate administration, the reason for his or her retention as litigation counsel (for example, special expertise, situs of the litigation, and the like) should be set forth.

(d) Additional verified documentation to show the reasonableness of the compensation sought shall be filed if:

(1) The compensation exceeds the amounts described in subparagraph (c)(2)(A) and consents have not been filed by all interested persons, or

(2) Any interested person files an exception or objection to the request for compensation, or

(3) For any other reason the Court requests such documentation.

Such additional documentation shall describe any special services performed or any special circumstances encountered.

[Comment]: Unusual or complicating factors, such as a will contest, disputes among interested persons, difficulties in locating assets, operating or disposing of a closely held business, and tax audits, should be described in detail. Information should also be provided with respect to the retention of any agents such as accountants, investment advisors, or other attorneys, including the reason for the retention, the tasks they performed, the amounts they were paid, and the basis for their compensation (flat fee, hourly rate, etc.).

(e) Any personal representative or attorney for the personal representative who shall be unwilling to join in or unable to obtain the joint execution of a request for compensation by all parties pursuant to paragraph (a) above may submit a separate request for compensation. The separate request shall contain all of the documentation, including the verification and notice to interested persons, required with respect to the party making the separate request by paragraph (a) and, if applicable, paragraph (d) above and shall set forth the efforts made to seek joint participation and, to the extent known, the reasons for nonparticipation in a joint request by all personal representatives and their attorneys pursuant to paragraph (a) above. Each attorney for a personal representative shall be an interested person for purposes of this paragraph (e).

(f) The court has the authority to award a fee consistent with its assessment of the services rendered, based on the request for compensation as filed. The Court may at any time request such additional information as it may determine to aid it in assessing appropriate compensation in any case.