

# LETTERHEAD

Date

Name  
Address

RE: Estate of \_\_\_\_\_ - Engagement of Our Firm's Services

Dear \_\_\_\_:

The purpose of this correspondence is to detail my firm's engagement with regard to the trust administration and my representation of you as Trustee/Personal Representative.

## **Qualifications and Requirement for An Attorney**

As you may know, I routinely handle these types of matters, and I look forward to assisting you in your capacity as Trustee/Personal Representative of the Estate.

The Florida law requires that a personal representative (you) have an attorney in an estate settlement. It also provides that the attorney for a personal representative and the attorney for a trustee (you are also the Trustee) are entitled to be paid a reasonable fee from the assets of the estate (and trust), even absent any specific agreement.

## **Statute Governing Attorney's Fees**

Florida Statute §733.6171 is the controlling statute for probate estates. I am providing you with a copy of that statute for your review. We will not be charging you according to the fee statute, but you should have a familiarity with what that statute says. Also enclosed is a copy of the Florida Statute §736.1007, which is very similar in scope and operation, but relates to fees for an attorney in a trust administration.

The attorney and the client may find it mutually beneficial to determine the fee, at least for ordinary legal services, by agreement at the outset. This removes the uncertainty for both parties. The client and the beneficiaries will then know "up front" what their costs will be, and the attorney knows that the fee amount is agreed and predetermined.

## **Scope of Engagement and Ordinary Legal Services**

I will perform all ordinary legal services required by law. Those ordinary services are referenced in the statute, but the specific legal services I will provide include the following:

- Review, analysis and interpretation of testamentary documents or trust instrument including amendments, and explanation of the dispositive provisions and procedures relating thereto;
- Advise client regarding inter-relationships of any trust created by decedent with the probate estate, and duties and obligations between the office of personal representative and the office of trustee;
- Prepare the required documents to obtain your appointment as trustee of the trust and/or personal representative;
- Prepare and file the required notices with Probate Court;

**SHEPPARD, BRETT, STEWART, HERSCH, KINSEY & HILL, P.A.**

ENGAGEMENT LETTER

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- Review your legal duties and responsibilities to the Estate and advise on avoidance of self-dealing, conflicts of interest, duty of impartiality and obligations to creditors and beneficiaries;
- Advise regarding the duty to locate and notify creditors, duty owed by decedent to creditors and procedures and priorities in payment or compromise of claims and payment and reimbursement of expenses of administration;

This firm is not engaged to prepare or file any tax returns of the decedent. You should engage the services of a competent CPA to prepare any necessary tax returns for the estate and trust.

Our fee for the trust administration is Two Thousand Dollars (\$2,000.00), not including costs. Costs, include postage, court filing fees, certified copy(s) and other such costs forwarded by the firm on your behalf and I anticipate costs to be approximately \$46.00.

To get this process started, please sign the following and return to us by returning in the enclosed envelope:

1. Signed copy of this Engagement Letter;
2. Check for \$2000.00 payable to The Sheppard Law Firm.

If anything in this letter prompts any questions, please do give me a call. I am more than willing to discuss and answer your questions.

Please execute the enclosed copy of this letter indicating your acknowledgment of my firm's representation of you in these matters and return the entire letter to me along with the check for attorney fee listed above in the envelope provided.

Kind Regards,

FIRM NAME

Attorney Name

CRH/bjk

Enclosures

Our File No.: M-\_\_\_\_\_

**ACKNOWLEDGEMENT AND ACCEPTANCE**

I, \_\_\_\_\_ do hereby acknowledge receipt of this correspondence, have reviewed same and do engage the above mentioned services of the firm SHEPPARD, BRETT, STEWART, HERSCH, KINSEY & HILL, P.A. I have been advised and agree to the fee arrangement as stated herein, and hereby acknowledge receipt of a copy of Sections 733.6171 and 736.1007 of the Florida Statutes.

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\_\_\_\_\_ Individually and in my capacity as Successor Trustee for  
\_\_\_\_\_ Revocable Living Trust, dated  
December 9, 2008, restated May 17, 2011