

## Flat Fee Probate Agreement

David A. Gagley will process probate of a simple will, including fees and costs of probate, for \$1,975.00. The fee paid by the client will become the lawyer's property on receipt and it will not be placed into trust. You have the right to terminate the attorney/client relationship and if the services are not completed, you may or may not, have a right to a refund. This flat fee price assumes the personal representative named in the will is willing to act as such, the Declaration of Witnesses is signed and the will provides for non-intervention powers. The estate must be and remain solvent, which means the assets will outweigh the debts. This also assumes that the debts are known and will be paid without creditors having to file claims.

What the Flat Fee of \$1,975.00 Includes. The price includes the court filing fee (\$230.00), publishing the required Notice to Creditors (up to \$200.00), and certified copies of the Letters of Testamentary (\$5.00) each and forms to transfer licensed vehicles at (\$2.00) each. The price also includes one court appearance for the purpose of having the will admitted to probate and having the judge approve the appointment of the personal representative.

Documents prepared by David A. Gagley are:

- 1) Petition for Probate of Will and for non intervention powers (the original will is filed)
- 2) Order Probating Will and Confirming Personal Representative with non-intervention powers.

(David A. Gagley takes these Petitions and Orders to court and presents them to a judge for signature.)

- 3) Oath of Personal Representative
- 4) Notice to Creditors (this is filed and published, per statute)
- 5) Notice of Appointment of PR and Pendency of Probate (this Notice is mailed to all the heirs).  
Notice to the Department of Social and Health Services.
- 6) Proof of Mailing Notice of Appointment to Heirs
- 7) Inventory and Appraisal (The Inventory should be completed within 3 months of beginning the probate. The inventory and appraisal is the value of decedent's assets at the date of decedent's death. The personal representative must promptly assist the paralegal in gathering the decedent's asset information.)
- 8) Receipts of Heirs

- 9) Declaration of Completion of Probate (should be filed not sooner than four months from the publication of the Notice to Creditors, if notice is published.)
- 10) Notice of Filing Declaration of Completion (This, too, is mailed to all the heirs.)
- 11) Proof of Mailing Declaration of Completion to Heirs

#### Preparation of Deeds and Recording

The cost to prepare a Deed and the accompanying Real Estate Tax Affidavit is an additional \$125.00 per deed. In addition, the recording cost and other related costs to have a deed recorded is approximately \$70.00 each document.

#### Extraordinary Probate Documents

There are other documents which may be necessary to complete the proceeding in extraordinary circumstances. These circumstances are different in nature to the non-probate circumstances discussed below. For instance, if the Will does not have a Declaration or Affidavit of Witnesses attached, and the witnesses need to be tracked down; if creditors of the estate file a Creditor's claim(s), or a claim is disputed, and requires attorney time to clear up; if the person named in the will as the personal representative does not want to so act or acts badly, and someone else must be appointed, etc. These circumstances would require additional attorney time, and such time would be billed at \$275.00/hour. Paralegal time is billed at \$175.00/hour.

#### Non-Probate Legal Problems

It is not uncommon for decedents to leave behind legal problems they could have resolved during their lifetimes, and this is why we have titled these types of circumstances as non-probate legal problems. If the decedent was owed money informally, had made oral or written commitments that could lead to a will contest, owned or leased land or a business requiring a sale, buyout, eviction or land title clearance, these legal problems and others that may need to be dealt with, will cost extra. The cost for each problem cannot be predicted until the exact nature of the problem is fully known. Thus, these circumstances would require additional attorney time, and such time would be billed at \$175.00/hour. Paralegal time is billed at \$175.00/hour.

#### Tax Problems are an Extra Cost

Inheritance taxes payable to the Washington State Department of Revenue are payable when the estate passing to a non-charity, non-spouse, exceeds \$2.0 Million. Presently, (as of July 2010) there is no Federal Estate Tax for 2010. Retroactive estate tax proposal(s) have been proposed, but hasn't been made law. If Congress continues to not pass a new law by January 1, 2011, the old law will return with a \$1.0 million exemption. Please keep informed as to future legislation and other legal topics on our website at [www.gaglelaw.com](http://www.gaglelaw.com) and other legal publications. If the Estate exceeds the exemption then taxes are owed by the receiving heirs and are payable within 9 months of death. The personal representative usually is given the authority in the will to pay any taxes due before the final distribution of the estate. The cost to prepare the death tax return varies depending on the complexity. A common cost is \$3,000. Currently, we do not prepare the 706 death tax return, and will refer you to a tax preparer if you do not have one

willing to perform this service. Very often, the tax preparer will provide this service at a more reasonable price than an attorney can, and can prepare the death tax return and the estate's final tax returns. The heirs often decide to continue with the tax preparer who is familiar with the assets and who can assist them with wise investment strategies and future tax returns.

If additional charges are incurred on your behalf for any of the above circumstances, you will receive a monthly statement detailing the services rendered, time spent and amount due. You should discuss the need for these costs with me as they arise. If you are silent, we will assume you understand the need for the cost to perform these extra tasks. Interest will be charged and added to the balance of your account commencing and to the extent that same remains unpaid thirty days after the rendering of periodic billing for said account. Interest will be charged at the rate of 1% per month on the unpaid balance, with a minimum of \$2.00.

NOTE: This offer to provide legal services at this cost is subject to change without notice, so please inquire to make sure current costs for services offered are the same as those quoted above. The flat fee of \$1,975.00 commences for probates started on or after September 1, 2010. (Obviously, the cost will not change after this agreement has been signed by both you and me.)

Please sign this Agreement and return it to me.

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David A. Gagley, #5144  
Attorney at Law

WARNING: THIS IS A LEGAL BINDING CONTRACT BETWEEN YOU AND THE LAW FIRM OF DAVID A. GAGLEY. BEFORE SIGNING, PLEASE READ IT CAREFULLY AND BE SURE YOU UNDERSTAND ALL OF THE CONTENTS. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND, ASK ABOUT IT. DO NOT HESITATE TO HAVE THIS AGREEMENT REVIEWED BY ANOTHER ATTORNEY OF YOUR CHOICE. WE ENCOURAGE IT.

READ, APPROVED AND ACCEPTED:

By: \_\_\_\_\_  
(client)

Date: \_\_\_\_\_