

## Professional fees related to probate

### Probate applications

A probate application to the Ontario Superior Court of Justice confirms the validity of the last Will of the deceased, and the legal authority of the estate trustees to administer the estate. The following tables reflect Honey Scharf professional fees in uncontested probate applications.

#### **Application for a certificate of appointment of estate trustee with a Will** (formerly known as "Letters Probate")

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Value of estate reported in application	Professional fees
\$0 - \$350,000	\$3,000 + HST
Over \$350,000 - \$700,000	\$4,000 + HST
Over \$700,000 - \$1 million	\$5,000 + HST
Over \$1 - \$2 million	\$6,000 + HST
Over \$2 million	TBD (as agreed upon)

In all applications, a software transaction disbursement of \$129 + HST is added.

#### **Application for a certificate of appointment of estate trustee (without a Will)** (formerly known as "Letters of Administration")

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Value of estate reported in application	Professional fees
\$0 - \$350,000	\$3,500 + HST
Over \$350,000 - \$700,000	\$4,500 + HST
Over \$700,000 - \$1 million	\$5,500 + HST
Over \$1 million - \$2 million	\$6,500 + HST
Over \$2 million	TBD (as agreed upon)

In all applications, a software transaction disbursement of \$129 + HST is added.

Occasionally, Honey Scharf may charge additional professional fees if the services provided are substantially more than what is normally required in an uncontested probate application. Such additional fees are rare, but may result from Honey Scharf having to locate the original Will and obtain affidavits of execution, the location of estate trustees, the location, number, age, and competency of beneficiaries, obtaining consent from estate trustees and beneficiaries, whether the value of the estate can be determined prior to filing the probate application, preparation of extraordinary correspondence and documents, and where there is an unusual amount of time spent meeting and corresponding with the estate trustees. If the probate application is disputed, there will be additional professional fees, but Honey Scharf will discuss any such dispute with you and agree to a separate professional service agreement regarding such additional fees.

### Survivorship applications

Where title to real estate is a joint tenancy, a survivorship application is required to remove the deceased person from title. Typically, this occurs where spouses are joint owners of the family home.

#### Survivorship applications

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Professional fees	Disbursements (some subject to HST)
\$600 + HST	PIN abstract, sheriff's certificate, instruments, and land titles' registration fee.

### Transmission by personal representative

A transmission by personal representative is required where real estate is held by the deceased as the sole owner. This transmission moves title of real estate to the estate trustees (the property remains part of the estate). Only after the transmission by personal representative will the estate trustees be able to sell or transfer the property to another party.

#### Transmission by personal representative

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Fees with probate application	Fees without probate application	Disbursements (some subject to HST)
\$600 + HST	\$1,750 + HST	PIN abstract, sheriff's certificate, instruments, and land titles' registration fee.

## **Additional expenses paid on your behalf**

In addition to the professional fees and disbursements listed above, there may be out-of-pocket expenses associated with the estate that Honey Scharf pays on your behalf. These amounts will be added to your account under "disbursements." Some disbursements may be subject to HST.

## **Payment**

Honey Scharf does not require a cash retainer. Our invoice for the total professional fees and disbursements will be rendered once professional services have been completed. Typically, this is upon the court issuing a certificate of appointment of estate trustee. Payment will be due within 90 days of receipt of our invoice. Honey Scharf may charge interest on overdue accounts in accordance with the *Solicitors Act*.

## **Agreement**

With your reply, you agree to the services, fees, and disbursements set out above.

## **Ongoing professional services in the administration of the estate**

If you would like Honey Scharf to continue to assist you with the ongoing administration of the estate including completing and filing the estate information return, liquidating estate assets, working with an accountant to finalize income tax, operating the estate account, distributing the estate to the beneficiaries, or anything else, please let us know.

We will be happy to assist with whatever other professional services you may want in the administration of the estate and will provide a quote for such services that would be billed to the estate separately from professional services related to probate.