

LOCAL RULE 73.1

GUARDIAN'S COMPENSATION

(A) Application.

Guardians shall file an application for allowance for fees at the time that the regular accounting is submitted to the Court. Such fees shall not be paid until authorized by the Court, and shall be accounted for in the next accounting period. Application forms shall be provided by the Court. See Appendix C.

(B) Schedule.

Guardian's compensation shall be based upon the following schedule:

Five percent (5%) of the first One Hundred Thousand Dollars (\$100,000) of income

Three percent (3%) of all income over One Hundred Thousand Dollars (\$100,000)

Five percent (5%) of the authorized expenditures up to One Hundred Thousand Dollars (\$100,000)

Three percent (3%) of the authorized expenditures over One Hundred Thousand Dollars (\$100,000)

(C) Extraordinary Fees.

An application for extraordinary guardian's fees shall be accompanied with itemized time records. All time itemizations shall state the date and time expended, who performed the service, the nature of the service performed, the hourly rate requested, or the specific basis of the fee requested. A hearing shall be set with notice sent by the applicant to all interested parties as the Court so orders.

(D) Authorized Expenditures.

Conversion of assets to cash, reinvesting assets, distributions upon termination to another fiduciary, or the payment of guardian's fees shall not be deemed to be authorized expenditures or as income for purposes of computing compensation herein.

(E) Minimum Fees.

Minimum guardian's or trustee's fees shall be allowed in the amount of Three Hundred Dollars (\$300) a year.

Sup. R. 73. Guardian's Compensation.

(A) Setting of compensation

Guardian's compensation shall be set by local rule.

(B) Itemization of expenses

A guardian shall itemize all expenses relative to the guardianship of the ward and shall not charge fees or costs in excess of those approved by the probate division of a court of common pleas.

(C) Additional compensation

Additional compensation for extraordinary services, reimbursement for expenses incurred and compensation of a guardian of a person only may be allowed upon an application setting forth an itemized statement of the services rendered and expenses incurred and the amount for which compensation is applied. The probate division of a court of common pleas may require the application to be set for hearing with notice given to interested persons in accordance with Civ.R. 73(E).

(D) Co-guardians

The compensation of co-guardians in the aggregate shall not exceed the compensation that would have been allowed to one guardian acting alone.

(E) Denial or reduction of compensation

The probate division of a court of common pleas may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the court finds the guardian has not faithfully discharged the duties of the office.