

LOC.R. 73.1 GUARDIAN'S COMPENSATION

When compensation for the services of a guardian is allowable, the following shall apply:

(A) Guardian's compensation for services as a guardian of the estate shall be computed annually upon application and entry and shall be supported by calculations and documentation. A Calculation of Guardian Compensation form (Loc. F. 73.1A) shall be filed in support of the application. Extraordinary fee applications shall be set for hearing unless the Court waives hearing. The following fee schedule shall apply for ordinary guardian's compensation:

- (1) Income/Expenditure Fee. Four percent (4%) of the first \$10,000 of income received, plus three percent (3%) of the balance in excess of \$10,000, excluding income from rental real estate, and four percent (4%) of the first \$10,000 of expenditures, plus three percent (3%) of the balance in excess of such \$10,000 except expenditures pertaining to rental real estate.
- (2) Principal Fee. Three Dollars (\$3.00) per thousand for the first \$200,000 of fair market value, and Two Dollars (\$2.00) per thousand on the balance of the corpus, unless otherwise ordered.
- (3) Principal Distribution Fee. Three Dollars (\$3.00) per thousand for the first \$200,000 of fair market value of corpus distributed upon the termination of the guardianship, and Two Dollars (\$2.00) per thousand on the balance of the corpus distributed upon the termination of the guardianship, unless otherwise ordered.
- (4) Income and Rental Income Defined. If the guardian manages rental real estate, a fee amounting to ten percent (10%) of gross rental real estate income may be allowed. If the guardian receives net income from rental real estate actively managed by others, then the guardian shall treat such net income as ordinary income. No fee shall be

allowed to the guardian on expenditures pertaining to rental real estate. As used in this rule, “income” shall mean the sum of income as defined in R.C. 1340.03, plus pension benefits, and net gains from the sale of principal. Assets held by the ward at the date of appointment are deemed principal and not income.

- (5) For purposes of calculating the allowable guardian’s compensation, the *income* factor shall be the income received during the period covered by the account, and the *corpus* shall be the sum reflected as the balance forward shown on the inventory or prior account, whichever has been filed most recently.
- (B) Unless the Court waives the hearing, compensation for services as guardian of the person shall be set for hearing and notice shall be given to the guardian of the estate, if any has been appointed.
- (C) Compensation for a corporate fiduciary exempt from bond pursuant to R.C. 1111.21 shall be compensated in accordance with its published fee schedule if the fee schedule is filed in this Court.
- (D) After the death of the ward, the Court will consider final guardian’s compensation as a lien on the ward’s assets. If the Court approves the compensation, the compensation may be paid out of the guardianship assets and included in the final guardianship account. The Court may require that notice of the application be given to the fiduciary of the deceased ward or other interested persons.
- (E) When a guardian is applying for compensation as guardian of the person, the guardian shall consider the factors set forth in Sup.R. 73 (B). The application for compensation should address each applicable factor (itemization of expenses, additional compensation,

apportionment of the aggregate compensation between co-guardians, and denial or reduction).