

### **71.3 When Hearing on Attorney Fees in Estates not Necessary**

In decedent's estates, a hearing on attorney fees is not required in either of the following cases:

- (1) Payment of the fee is included in an accounting filed by the fiduciary who is also the sole beneficiary of a solvent estate.
- (2) If all beneficiaries or creditors, whose share will be charged with the payment of any part of the fee, consent in writing to the specific dollar amount to be paid and such consent instrument containing the caption of the estate is filed with the account which claims credit for the fee paid. In such cases, a guardian may consent for his ward; the fiduciary of a deceased beneficiary's estate may consent on behalf of the deceased beneficiary; and a testamentary trustee or inter vivos trustee may consent on behalf of all trust beneficiaries.
- (3) The Computation Form required by County Local Rule 71.2 contains a calculation which reflects that the attorney fee taken is within the guidelines contained in County Local Rule 71.1, subject to the conditions therein.