

THE LAW OFFICE OF
MICHAEL J. HOWELL, P.A.
112 Executive Center
1 Corpus Christi Place, #112
Hilton Head Island, SC 29928

HiltonHeadEstatePlanning.com

Michael J. Howell
Licensed in Florida and South Carolina
Certified by the South Carolina
Supreme Court as a Specialist
In Estate Planning and Probate Law

Certified Mediator in South Carolina
Probate and Circuit Courts

Margaret H. Up De Graff
Licensed in
Florida and
South Carolina

Certified Mediator in
South Carolina Probate
and Circuit Courts

Memorandum to Returning Client
(Single United States Citizen)

Thank you for requesting an appointment to discuss your estate planning needs. Your appointment has been set for _____ at ____ __.m. If you have not already done so, please confirm the date and time with our office.

Enclosed is information which will be helpful in completing any needed estate planning work. Also enclosed are copies of our fee schedule, an engagement letter, and biographical information. The fee schedule will help you estimate the cost of our services, depending upon the type of work that you need.

If, after our office consultation, you want us to do estate planning work for you, we will prepare and provide you with an Estimated Fee Worksheet. The fee worksheet will outline, in detail, the charges that apply to your specific estate plan, and will provide you with an estimate of the overall cost involved.

We will not begin any document drafting unless or until you approve the estimated cost of the work to be done and any conditions attached to the estimate. By using this procedure, if you do *not* wish to continue with the work, the only billable time will be for the work on the day(s) of the office conference(s), and any follow up, other than the time it took to prepare the estimate.

Please look over these materials and complete the Client Information Sheet and Asset Summary Sheet. Then, please sign and date, each, where appropriate, and return a copy to us. Keep the originals for your file. Also, please provide us with *copies* of any current Will, Trust, Power of Attorney and/or other related estate planning documents that we do not already have. If there are any doubts, please give us what you have. This includes any estate planning document that has not been revoked, even if you believe it is too old and/or out of date and will not be used, etc.

PDF copies are preferred. If you need for us to make copies, please let us know and we will be happy to do so. However, please call to schedule a time for us to make the copies. The date to copy information should also be at least two (2) business days prior to the date of our meeting.

You should not leave original estate planning documents with us. We cannot accept them. You should keep your original documents in a safe and secure place at all times.

Due to this policy of not accepting originals, if we copy documents for you, you will need to wait while they are being copied. This is also why you need to make an appointment for the copying.

Please return the requested information to our office at least two (2) business days PRIOR to the date of our conference. This will give us the opportunity to review the information before our meeting. We have found that this can significantly reduce the time that it takes to complete any needed work, and the resulting cost. If you have a fax machine or scanner, please feel free to fax or email the information to our office.

You will notice in the enclosures, an engagement letter. This provides good information on how we do our work and what our respective obligations are. If you have any questions about any of the information, please let us know. If you have any questions about any of the information, please let us know.

Appointment Times and Dates

AS PART OF THE SCHEDULING OF OUR WORKFLOW, APPOINTMENTS ARE SCHEDULED FOR 2:00 P.M. OR 4:00 P.M. ON TUESDAYS AND WEDNESDAYS FOR MICHAEL J. HOWELL.

However, emergency appointments are not limited to these dates. Also, you are not limited if your schedule will not allow meetings on these dates, within a reasonable time frame.

Mornings on these days, and Mondays, Thursdays and Fridays are the times that we work on our cases and both our staff and our attorneys need to be available; otherwise, the work flow is significantly disrupted. These are our “workflow” times.

For meetings conducted during the normal non-workflow times, there is a *\$50 credit* given on the bill, assuming it is not a free initial consultation for new clients, as outlined in our engagement/representation letter. For meetings scheduled during our workflow periods, there is an *extra charge of \$100* for the conference, in addition to other charges.

Free initial consultations, as defined on our website and within our client packages, are only scheduled during our normal appointment times and not our workflow times. *An initial consultation can be scheduled during our workflow times, but we charge our normal hourly rates, plus the additional charge of \$100 for the conference.*

NOTWITHSTANDING THE ABOVE, EMERGENCY MEETINGS ARE EXEMPTED FROM THE ADDITIONAL CHARGES, AS ARE MEETINGS SCHEDULED WITH MARGARET HOWELL UP DE GRAFF.

IF YOU HAVE ANY QUESTIONS ABOUT OUR SERVICES OR OUR FEES, PLEASE DO NOT HESITATE TO ASK. IT IS OUR GOAL FOR YOU TO UNDERSTAND OUR FEES AND OUR CHARGES.

We look forward to being of further assistance in your estate planning. If you have any questions, please do not hesitate to contact us.

Enclosures: Client Information Sheet
Asset Summary Sheet
Simple Will Data Sheet
Trust Data Sheet
Estimated Fee Schedule for Estate Planning Services
Estimated Fee Worksheet
Estate Planning Engagement Letter
Biographical Information: Michael J. Howell and Margaret H. Up De Graff
What Our Clients Receive with Their Estate Planning Services

The Law Office of Michael J. Howell, P.A.

Single Client Package

INSTRUCTIONS

Information to be Completed and Returned or Kept

Client Information Sheet. Please complete the information, sign, and return a copy to us. Email is preferred. Keep the original for your file.

Asset Summary Sheet. Please complete the information, sign, and return a copy to us. Email is preferred. Keep the original for your file.

Simple Will Data Sheet. Please complete the information, sign, and return a copy to us. Keep the original for your file. *However, if you are a previous estate planning client of ours, you do not need to sign or return this form to us, unless something has changed.*

Trust Data Sheet. Please complete the information, sign, and return a copy to us. Keep the original for your file. *However, if you are a previous estate planning client of ours, you do not need to sign or return this form to us, unless something has changed.*

Engagement Letter. Please initial, sign, and return a copy to us. Email is preferred. Keep the original for your file.

Information for your File

Estimated Fee Schedule for estate planning services

Biographical Information: Michael J. Howell and Margaret H. Up De Graff

What Our Clients Receive with Their Estate Planning Services

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CLIENT INFORMATION SHEET and AGREEMENT TO PAY LEGAL FEES
SUBJECT TO INITIAL CONSULTATION CREDIT OF UP TO ONE FREE HOUR (\$395 CREDIT)
(Single United States Citizen)

FULL NAME: _____
STREET ADDRESS OR POST OFFICE: _____
CITY, STATE, ZIP CODE: _____
HOME TELEPHONE NUMBER: _____
OFFICE/CELL TELEPHONE NUMBER: _____
TEXT MESSAGE NUMBER, IF APPLICABLE _____
EMAIL ADDRESS: _____
CITIZENSHIP (if not United States): _____
DATE OF BIRTH: _____

Names and Dates of Birth of Children:

Please list other names, if any, that you, your children and/or any of your beneficiaries have been known by:

Have you or any of your beneficiaries ever participated in Artificial Reproductive Technology? _____
Is there anyone who might challenge your estate planning? _____ If yes, who? _____.

NATURE OF THE WORK NEEDED - PLEASE CHECK ONE OR MORE OF THE FOLLOWING:

_____ Estate Planning	_____ Trust Funding
_____ Will	_____ Trust and/or Estate Dispute
_____ Trust	_____ Asset Protection Planning
_____ Living Will	_____ Estate and/or Gift Tax Issues
_____ Durable General Power of Attorney	_____ Probate and/or Trust Settlement
_____ Health Care Power of Attorney	_____ Other: _____

How did you find out about us? _____
IF YOU FOUND US OR OUR TELEPHONE NUMBER ON A WEBSITE, WHICH ONE? AVVO _____, HG _____, Probate.com _____, LII _____,
Justia _____, Cornell.edu _____, Lawyer.com, Our Website _____ Other (Please List): _____

Fees for services are \$395 per hour for Michael J. Howell's time, \$350 per hour for Margaret H. Up De Graff's time, and \$155 per hour for non-attorney staff time. If we proceed with work after the initial consultation, then our work is subject to the more formal representation or engagement agreement in our estate planning package or our probate and trust settlement package, as the case may be, as per our website. For adversarial work, we will require a special agreement, not on our website.

SIGNATURE
Rev. 02/23

_____, 20_____
DATE

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ASSET SUMMARY SHEET
 (Single United States Citizen)

 Name of Client

DESCRIPTION OF ASSETS	VALUE OF ASSETS <i>NOT OWNED AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP</i>	VALUE OF ASSETS <i>OWNED AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP</i>
Real Estate		
Stocks & Bonds		
Checking Accounts		
Savings & CDs		
Notes & Receivables		
Life Insurance		
Pensions/IRAs		
Annuities		
Other Property		
Less Debts		
TOTALS		

If an asset is owned in any form of co-ownership, please let us know which asset it is, in the box for joint tenants with right of survivorship, and how many co-owners there are. For property in a Revocable Trust, please place "RT" beside it. If property is in an Irrevocable Trust, please place "IT" beside it. If you own assets in TOD or POD form, please so note them.

Are any closely held business interests owned by you? _____. Are they listed above? _____

This information will be used in planning your estate. If the information is not correct, the advice which you are given may not be correct and may create unexpected and adverse estate planning and tax consequences. Please sign below as your acknowledgment that the information is substantially correct and that we may rely upon its validity in advising you.

You may also provide additional financial information if you choose to do so, but please completely fill out this Asset Summary Sheet. It is a form of matrix and is designed to quickly spot a number of issues and reduce the time that it takes to review your estate plan.

_____, 20_____
 SIGNATURE DATE

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SIMPLE WILL DATA SHEET
(Single United States Citizen)
(To Be Filled Out by *New or Prospective Clients* Only)

--I do not have total assets (joint and/or separate) over \$10,000,000, adjusted for inflation, including stocks, bonds, notes, mortgages, cash, life insurance, expected inheritances, real estate, partnerships, business interests, retirement benefits and plans, annuities, tangible personal property, and/or other assets; nor have I made any significant non-charitable gifts (i.e. over \$10,000-\$17,000, depending upon year of the gift) to any one individual or entity. Note: the \$10,000,000 is the individual exemption for federal estate tax purposes and is adjusted yearly for inflation, with the first adjustment being on January 1, 2012 and every year thereafter. As of January 1, 2022, the exemption is \$12,920,000. **[Please submit a list of assets using the enclosed Asset Summary Sheet, showing values and ownership as between husband, wife, and joint with right of survivorship.]**

--I want to leave all assets to my children, equally, and if a child predeceases, then that child's share will go to his and/or her surviving children, equally.

--I want the executor to be one of my children and/or a corporate fiduciary. **[Please list who will serve as executor(s) and substitute or successor executor(s), at the bottom of this page.]**

--All children are from one marriage and none of them are handicapped. If there was a previous marriage which ended in a divorce, there is no alimony or other obligations as a result of the previous marriage(s).

--I am not "living with anyone" that others may reasonably believe I am married to.

--I am confident that I will not need any help managing my assets even if I am disabled or in a nursing home.

--I am not concerned about avoiding probate when I die.

NOTE: If any of the above pre-printed statements are not true, a simple Will may not be appropriate. If you answered no to any questions, please let us know.

ADDITIONAL COMMENTS AND QUESTIONS

SIGNATURE

_____, 20_____
DATE

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TRUST DATA SHEET
(Single United States Citizen)
(To Be Filled Out by *New or Prospective Clients Only*)

1. Would you like to have a trust that could be used to manage your assets either now or in the future to protect you in the event of a disability? _____
2. Would you like to have a trust to avoid probate when you die, if it requires placing your assets into the trust while you are alive, *but you retain complete control of the assets* and the ability to amend or revoke the trust?

3. If you have answered **YES** to any of the questions, are you willing to use a corporate fiduciary as the Trustee or Co-Trustee if they charge a fee equal to approximately 1%-1.5% of the value of the trust assets per year?
_____ (It should be kept in mind that individuals serving may also charge similar amounts.)

If yes, what corporate fiduciary would you prefer? _____

4. If you answered **NO or NOT APPLICABLE** to the previous question, but still would like to have a trust, please list, below, the individual Trustees that you prefer to have serve (including yourself, while you are alive and competent):

Initial Trustee(s)? _____

Alternate Trustee(s)? _____

5. Assuming a trust may be an alternative, you will still need a pour-over Will. Who do you want to serve as Executor? _____ Who will serve as the alternate? _____

If there are disabled beneficiaries, please provide us with written information concerning the extent of any disabilities. This may need to be discussed in more detail at our conference, whether or not you want a trust.

NOTE: If you answered "Maybe" to a question, then treat this as a "Yes" answer for purposes of subsequent questions based on previous "Yes" answers.

Signature: _____ Date: _____, 20_____

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Estate Planning Engagement Letter from Michael J. Howell

I am pleased that you have selected us to assist you in your estate planning. The purpose of this letter is to confirm the terms of our representation. Like so many firms now, we have a policy to express in a letter, usually referred to as an engagement letter, the basic terms of our engagement and professional relationship with our clients. With many of our existing clients, our relationship has become so well established and so well understood that we have excused the lack of an engagement letter at least until there is a specific new engagement.

In this letter I will describe why we are ideally qualified to advise you in relation to your estate planning, how we do our work, how we allocate our work and how we charge for the work that we do. I will also explain some of our obligations under the South Carolina Rules of Professional Conduct for Lawyers and the client-lawyer relationship. If, after you read this letter, you have any questions please let me know and I will be happy to discuss them with you.

QUALIFICATIONS. Michael J. Howell is certified by the South Carolina Supreme Court as a specialist in estate planning and probate law. This means that the South Carolina Supreme Court, through its Commission on Continuing Legal Education and Specialization and its Estate Planning Advisory Board, believes that he has special competence and expertise in the areas of estate planning and probate law. Before becoming certified, Mr. Howell had to demonstrate experience and expertise in these areas of the law. Mr. Howell also had to submit to an oral examination and peer review by a Board of Certified Specialists in Estate Planning and Probate Law. Additionally, Mr. Howell had to pass a written examination on estate planning and probate law and related areas of fiduciary income taxation, estate taxation, and gift taxation. As a certified specialist, Mr. Howell is also required to have specialized continuing legal education courses in the areas of estate planning and probate law, as well as related areas of income, estate, gift, and generation skipping taxation. These are not the same types of courses that most attorneys will take. These are specialized courses that require approval from the South Carolina Supreme Court Commission on Continuing Legal Education and Specialization. He is also required to take ethics courses each year, as are all lawyers in South Carolina. Every 5 years, Mr. Howell must also be recertified. In addition, he is required to submit special reports each year to the Commission on Continuing Legal Education and Specialization, which are not required by those attorneys who are not certified specialists. Also, under our Rules of Professional Conduct, only a certified specialist can hold himself or herself out in advertisements as certified, a specialist, an authority, or an expert in their areas of the law. These rules are for the protection of the public.

Also our full time staff members, although not attorneys and not required by any regulatory entity, are required to take the same types of courses, which Mr. Howell takes. We also offer virtually unlimited continuing education opportunities for full time staff in the areas of taxation, probate law, and also estate and financial planning.

COMMUNICATIONS. It is our policy to communicate with our clients on an ongoing basis while doing their estate planning. We try to return calls as promptly as possible and, to the extent we are not out of the office, no later than by the end of the next business day. If your call is not returned within this time frame, you should not hesitate to call us back.

If we call and request information from you, we ask that you also call us back as promptly as possible to expedite the completion of your work. You may also communicate with us by a letter, email, telephone, or fax. Of these latter four methods, email is strongly preferred.

To the extent that you have a fax machine, email address, and/or text message capabilities, unless you tell us not to, we are allowed to communicate with you, at our option, using these methods in addition to telephone calls and letters. *With respect to email, we use it to send and receive information.* We prefer email, as it helps reduce costs, in most cases. It also makes it easier to place the information into your digital file. *However, it should never be used if a prompt response is needed from us. In any case, where a prompt response is needed, you should call our office rather than use email.*

Another way that we communicate is through our billing process. Unless you choose ***Flat Fee Billing***, we give detailed descriptions in our bills of any relevant information that needs to be documented or disclosed to you. This may include telephone or office conferences with you or others. It may also include summaries of advice given, letters and faxes received and sent as well as summaries of any research. *You should always read the statements with this in mind.*

We will also explain a matter to the extent reasonably necessary to permit you to make an informed decision about our representation and the work, which we do for you. This is to allow you to have sufficient information to participate intelligently in decisions concerning the objective of our representation and the means by which they are completed. Please keep in mind that this does not, necessarily, mean that you will be able to understand all the technicalities of the work which we do and the documents that we draft. You have hired us to understand these matters. We normally provide you with an estate planning summary with any documents that we draft. We will also discuss with you, during our conference or conferences, why we believe that any particular work or documents should be used in your estate planning. We also try to answer any questions that you may have.

SCOPE. The scope of the work, which we perform, will be to assist and advise you in your estate planning, to help you to formulate your goals and objectives and the means to accomplish them. We will also draft the necessary estate planning documents, supervise their signing, and provide originals and copies to you for safekeeping. Most of the time, the means are embodied in the list of the types of work, which are shown on the fee schedule. In addition, we will give you a written estimate of the cost of any work that we do for you, assuming it is not handled in the first meeting to discuss your legal matter. If completed in the first meeting, without any future work, we charge our normal hourly rates for all work, including the review of the documents for the meeting, the meeting itself, and any follow up work, including conference notes. Any estimate, after the initial meeting, will be in substantially the same form as the estimated fee schedule and Estimated Fee Worksheet, which are with this engagement letter. Often, the scope of the work may be a simple Will or other document. In many other cases, it can be much more complex. *Also, please note that we also offer **Flat Fee Billing**.*

FILE RETENTION AND ORIGINAL DOCUMENT POLICY. We do not retain any paper copies or original documents. We provide these to our clients as the work is completed. We only keep electronic copies of complete documents, for our file.

This means that you, as the client, are responsible for keeping a permanent file. We retain electronic or digital copies of the files, which can be reproduced.

_____ **(Initial Here)**

Although there is no requirement to do so, since we will provide a complete copy of the file to you during our representation, it is our current policy to retain our electronic or digital copy for up to six years after our representation terminates. However, we reserve the right not to do so, if we have already provided you with a complete copy of your file.

The representation terminates when we complete the work which you requested. Normally, but not always, this is when you have signed your documents and receive a closing letter from us.

Any paper file is your property. The electronic or digital file is our firm's property, subject to the confidentially provisions of the Rules of Professional Conduct for attorneys. If there is ever a conflict between the Rules and our Policies, the Rules apply. We do not share any information with third parties, except as reasonably necessary to carry out our representation, or as directed by you.

At all times during the representation period, you are provided with substantially all copies of any relevant information that we receive for our file, and under the Rules of Professional conduct, you are entitled to request a copy. If, during the representation period, you do not believe that a copy of any particular paper or document was given to you or was not received by you, we should be notified before the representation terminates. We will send you a copy during our period of representation. We do not charge, per copy, as such. However, since gathering and distributing information is part of our job, we do charge our normal hourly rates for all copies made and all necessary filing. If after the representation terminates, you need additional copies, we will make them for you, but may charge our normal hourly rates.

At our option, we may also provide you with electronic copies, if you need copies for up to six years after our representation terminates. Often, this is much less expensive and easier to research. We have done this on a number of occasions and it works well. At the end of six years, after we close our file, you agree that we are allowed to destroy it. Also, as stated above, we reserve the right to destroy a file sooner, if you have been provided with a complete copy.

We are often asked if we hold original documents. Many years ago, attorneys routinely kept original documents and it is still causing confusion. We stopped keeping original documents in 1989 after Hurricane Hugo. Before that time, we would hold them on a limited basis. *However, we will no longer hold any original documents.* **If you ever believe that we are holding an original document that belongs to you, please contact us immediately so that we can check our records.**

COMPLETION OF WORK. When we finish any work requested, or if for any reason we cannot do the work, we will mail you a letter telling you that our work has been completed or that we cannot do the work. We call this a closing letter. As part of the letter, it will state that we have no property, papers or documents in our file that belong to you. If you do not believe that this is correct, you should notify us, immediately, in writing, so that we can give you anything in our possession that belongs to you. All such information is and remains confidential as outlined in the next section and is still subject to our hourly rates.

If there is ever a time during our representation that 30 days goes by and you do not hear from us, you should let us know immediately because this long of a period of time should never go by without us contacting you. It can also mean that we sent you a closing letter or other information, but you did not receive it.

CONFIDENTIALITY. Under our Rules of Professional Conduct a lawyer can not reveal information relating to the representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized to carry out the representation. This includes communications with staff members, who our attorneys have an obligation to supervise and take reasonable measures to make sure their conduct is compatible with my obligations under the Rules of Professional Conduct.

_____ **(Initial Here)**

However, under our Rules of Professional Responsibility, a lawyer may reveal such information to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal act; or to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client.

HOURLY BILLING and OUT OF POCKET COSTS. We charge hourly for estate planning work. The hourly rate for Michael J. Howell is \$395. Margaret H. Up De Graff's hourly rate is \$350. The hourly rate for non-attorney staff members is \$155 per hour. We charge extra for all out of pocket costs such as courier services, filing fees, and travel costs, if any. We do not charge for regular postage unless the weight is more than two ounces; however, we do charge for certified or registered mail. We do not charge for long distance telephone charges within the continental United States. We do not charge, per copy, for photocopies. However, as outlined above, we bill for all time associated with your file, including photocopying time, at our normal or standard hourly rates.

We also charge our standard hourly rates for telephone calls and emails, in addition to our other work in drafting, researching, and office conferences. In certain cases, there are minimum charges. For instance, for every email received and sent, each is billed at a minimum amount of 12 minutes, which is .20 hours, by the person to whom it is addressed; although, it can be more depending upon the amount of work. Every email that we categorize and file in our system has a fixed charge of 3 minutes, which is .05 hours, of non-lawyer time for the email, plus each attachment.

We normally send out detailed billing statements about once a month for your work, but may bill sooner when the work is completed or we may bill later, depending upon our work load. Also, amounts are due when the statement is received by you. If not paid within 30 days of mailing or emailing, unless we agree otherwise, in writing, we charge 1½ % per month on the unpaid balance, until it is paid. Also, if a bill is not paid within 10 days, we have the right to stop work on the file until the amount due is paid in full. Our hourly rates and other charges can change without notice; however, we try to give clients whose file we are working on at the time, at least 30 days notice in advance of the changes.

If not paid sooner, all amounts due for services rendered are payable when your work is picked up, assuming we have billed you for the work or we have a bill when you pick up the work. If you do not have a check, we also accept most major credit cards.

FLAT FEE BILLING. In most cases, we can also offer *Flat Fee Billing*, subject to the following terms and conditions: (1) no further changes to your estate planning design *after* our planning meeting and the drafting begins; (2) no delays of more than 30 days in the process from initial meeting until the signing conference, unless caused by our firm or by unavoidable circumstances; (3) a total of two meetings, including the planning and signing conferences. *Flat Fee Billing* is calculated by taking the lowest amount of the Estimated Fee Worksheet range, and adding 10% of the amount, to the low range figure.

We rarely go over the hourly billing estimate or the flat fee estimate. However, before doing so, you would be notified of the change(s) and the reason(s).

Most increases are due to delays in the process, additional meetings, additional questions after drafts are completed, more than normal email exchanges or telephone conferences, changes made to the planning after drafting begins, and/or unanticipated issues arising during drafting.

_____ **(Initial Here)**

WHO SHOULD USE FLAT FEE BILLING. *Flat Fee Billing* is for clients who are familiar with estate planning, especially those who have engaged in estate planning previously.

Flat Fee Billing works for us because with hourly fees, our bills often run from 4-20 pages in length, which requires multiple reviews and the resulting time, which is not billable. The *Flat Fee Billing* avoids this and overall helps to streamline the process with a one paragraph bill.

WHO SHOULD USE HOURLY BILLING? Hourly billing should be used by someone who is not familiar with the process of estate planning or has complex planning and may need more time with our attorneys and staff. Usually, the more items that are in the Fee Worksheet section titled “Additional Range of Estimated Fees for Non-Standard or Complex Estate Planning Services, With New or Restated Trusts”, the more likely it is that you may need additional help. If you believe that you will have a significant number of questions, hourly billing is best. This is because questions usually take up more time, and you can be charged an additional amount for *Flat Fee Billing*. It should be noted that the hourly fee range estimate almost never ends up costing the low end of the estimate. If rather than estimating the high and low ends, we showed the median, it would be much closer to the high end than the low end. Also, the average bill is much closer to the high end of the estimate.

RETAINERS. We do not anticipate that a retainer for your work will be necessary; however, we reserve the right to charge one. If a retainer is charged, it will be credited only to your final bill, and any excess will be returned when our work is completed and the final statement of services rendered is prepared. This means that interim bills must be paid without reduction for the retainer.

STAFFING. In order to keep the costs as reasonable as possible, although, an attorney is responsible for your case, and the attorney will use and supervise staff members to the extent reasonably possible. When dealing with non-attorney staff members, please keep in mind that although they are well trained and qualified to perform the work assigned to them, they are not attorneys and cannot practice law or give any legal advice. They can provide and receive information, do research, work on estate planning documents, accountings and work on tax returns. They can also analyze data and financial information. However, all such work is supervised by an attorney.

Non-attorney staff members can also relay information. When discussing matters with non-attorney staff members please remember that they cannot give any advice that is or may be construed as legal advice. *For this reason, if you think you are being given any advice from a staff member that you believe can be construed as legal advice or legal opinion, you should not take the advice and you should immediately follow up with me for clarification. As stated earlier, neither the attorney nor the non-attorney staff member will be offended.*

TERMINATION. You have the right to terminate our services at any time. We also have the right to withdraw, assuming there is no substantial prejudice to your case and. that we otherwise comply with the Rules of Professional Conduct. If we terminate the representation or withdraw we will, to the extent reasonably possible, give you adequate notice so that you will be able to hire another attorney, if it is necessary. In such a case, we are also more than willing to recommend another attorney. In rare cases, such as in probate matters, we cannot withdraw or be terminated without court approval.

In the event of the termination of services, we will be given a reasonable period of time to wrap up anything we are working on. We charge for any work up until that time, based upon our standard and hourly rates. If we are terminated without good cause, then, we also have the right to hold onto any papers or documents (i.e., a retaining lien) until we are paid, unless it will cause substantial harm or prejudice to your case.

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FORMER OR INACTIVE CLIENTS. Once your work is completed you are technically considered a former client, sometimes referred to as an inactive client, but still entitled to certain protections under the Rules of Professional Conduct, including those relating to confidentiality. *Among other things, being a former client means that it is your responsibility, not ours, to come back periodically to make sure your estate planning documents are up to date with current law and with your objectives.*

CONFLICTS OF INTEREST. Under our Rules of Professional Conduct, a lawyer cannot represent a client if the representation of that client will be directly adverse to another client; unless, the lawyer believes the representation will not adversely affect the relationship with the other client; and each client consents after consultation. Also under our Rules, a lawyer cannot represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interest, unless the lawyer believes that the representation will not be adversely affected; and the client consents after consultation. It is our policy not to accept a case if we know of any such conflicts of interest that prevent us from representing you. If you know of any conflicts of interest, please notify us immediately.

Notwithstanding the above, the Rules of Professional Conduct do not prevent a lawyer from representing another client in a matter adverse to a *former* client so long as the matter is not the same or substantially related to the previous representation and there is no use of confidential information from the previous representation. This usually occurs in an adversarial setting, which this firm does not routinely engage in. It is our policy not to represent a current client against a former client; however, we reserve the right to do so, within the parameters of the Rules of Professional Conduct.

DUAL REPRESENTATION. When representing multiple clients in a single matter, the lawyer must consult with the clients about conflicts of interest and the consultation must include an explanation of the common representation and the advantages and risks involved. This is because the representation of one client may materially limit the lawyer's responsibility to the other client and the interests of the clients may conflict. If this is a dual representation, there is a separate dual representation letter attached for you to review, sign and return.

OTHERS ATTENDING MEETING. If others are to attend any of our meetings, please let me know in advance. There are certain conflict of interest and privilege issues, which I will need to discuss with you before someone else joins our meeting. We also have a special letter that will need to be signed by you and the person attending the meeting.

WHEN YOU BECOME A CLIENT. *Please keep in mind that until we both agree, you are not a current client, entitled to the protection afforded current clients of this firm.* You are, however, a *prospective client* which entitles you to certain protections such as confidentiality of information as discussed above. To the extent of any previous work, you become a former client and similar confidentiality protections apply.

WHO DO WE REPRESENT? *We only represent you if we have a written agreement to do so. We do not represent any of your intended beneficiaries, or their interests, including being a possible third party beneficiary of your planning, nor do we owe them any duties without your written approval, our consent, a separate written engagement letter, and an additional 100% of the total fees otherwise charged, per additional person represented. Provided, however, nothing herein is intended to prospectively limit our firm's liability to you as our client.*

Special language will be added to your Wills and Trust Agreements to this same effect. If anyone sues to challenge your planning based upon the theory of a third party beneficiary, and loses, they will pay all costs and expenses, including our legal fees. This does not prevent them from filing a lawsuit against us, nor does it limit our liability for malpractice; however it may help prevent frivolous lawsuits. Nevertheless, our position is and will be that we are not liable to them as a third party to our agreement with you.

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USE AND RISKS OF TECHNOLOGY IN REPRESENTATION. Our firm, as with most other law firms, uses various devices and cloud technologies in the representation of clients, including, but not limited to, desktop and laptop computers, networks connecting computers to each other either directly or through the Internet, cloud-based servers, local servers, smart phones, tablets, copy machines, fax machines, and flash drives. These devices use a number of different applications, including word-processing, email, text messaging and spreadsheets. The devices also contain memory in which information is stored.

These devices and their applications have dramatically increased the efficiency and quality of the services provided in the practice of law to the benefit of our clients. At the same time, the use of these devices, applications, and data storage systems, has increased the transmission and storage location of client information, thereby increasing the risk that such information may be compromised.

In the course of our representation, we will most likely communicate with you or others, not just by U.S. Mail and traditional telephones, but also via email, cellular telephones, text messaging, and fax transmissions, just to name a few. Many of the communications may not be encrypted, or are partially encrypted. Although the interception of such communications by a third party would constitute a violation of federal law, we can offer no assurance that such interception will not occur. We hasten to add that most commercial services, such as Gmail and AOL, offer some encryption.

You are encouraged to use encrypted emails to send sensitive information related to the representation, including sensitive personal or financial information. We have instituted various policies and procedures designed to protect the confidentiality of client information, including use of passwords, and encrypted email messages when certain highly sensitive information related to the representation is being conveyed. Ironically, often old-fashioned faxes and the USPS are considered more secure and are sometimes used to receive and send information. With that being said, please note our faxes go through a third party server and are received in our AOL account as an email.

Although we have a website from which we can have our own email, we typically use commercial email services such as AOL and Gmail, among others. It is our belief that commercial email services are more capable of protecting the information in an email than our own website. Admittedly, there have been a number of breaches of commercial email services. However, they are constantly improving their services in order to protect their market shares.

For instance, services like Gmail have end to end encryption between two email accounts, both of which are Gmail accounts. AOL has some encryption, but it doesn't appear to be as much as Gmail. We keep emails both in client files and on AOL and Gmail servers. These make finding information on a particular case or client much more efficient than searching our own system, which we also do.

If you are concerned about security, we suggest that you open an email account with Gmail and then correspond with us through our alternate email account with Gmail, which is HowellLawFirm@gmail.com. Although we have email accounts with other commercial providers other than those discussed herein, you should not use them.

For most matters, you may certainly use our AOL account, which is only used for client matters. Although the security may not be the highest, we consider it adequate, based upon all factors.

Please keep in mind that there is always the possibility that your own account can be hacked and even end to end encryption will not protect you. It only protects your email while it travels through the Internet. We often receive emails from clients whose email accounts have been hacked. The clients are often then contacted by our office. The emails can contain anything from prank type messages to viruses that can lock or destroy the information on your computer.

_____ **(Initial Here)**

If you wish, with respect to emails, we can use a special encrypted email service from Switzerland. However, we have found that this service, unlike others, can actually lose information in order to protect it. It has no way of retrieving a lost password, for instance, without deleting all the emails in the account. Also, they too have been hacked.

Due to the manner in which this service works, it will add somewhat to the time it takes to deliver emails to you. Keep in mind that our emails to you will be encrypted, but your email back to us is not likely to be encrypted. *If you want us to use this service, you need to send us an email specifically requesting it.* We estimate that it will increase the cost of our services to a client by 1%-3%.

We can also communicate with you by U.S. Mail, which some consider to be more secure from interception, but extraordinarily slow and costly when compared to electronic communications. We estimate that it will increase the cost of our services by no less than 5%. *If you want us to use U.S. Mail, you need to send us an email specifically requesting it.*

Otherwise, with the above being said, when using our services, you acknowledge and accept the risks of any adverse consequences, which could include the loss of attorney-client privilege and attorney work product confidentiality, other protections, and the disclosure of confidential information. Accordingly, you consent to our use of these technologies.

ENTIRE UNDERSTANDING. This letter constitutes the entire understanding between you and this firm and supersedes all prior understandings, written or oral, relating to its subject matter. Any change must be made or confirmed in writing.

We are sincerely delighted that you have chosen us to represent you in your estate planning, and look forward to being of service to you.

Michael J. Howell
The Law Office of Michael J. Howell, P.A.

I have read the engagement letter and agree to its terms.

SIGNATURE

_____, 20____.
DATE

THE LAW OFFICE OF
MICHAEL J. HOWELL, P.A.
 112 Executive Center
 1 Corpus Christi Place, #112
 Hilton Head Island, SC 29928
 HiltonHeadEstatePlanning.com

Michael J. Howell
 Licensed in Florida and South Carolina
 In Certified by the South Carolina
 Supreme Court as a Specialist
 In Estate Planning and Probate Law

Certified Mediator in South Carolina
 Probate and Circuit Courts

Margaret H. Up De Graff
 Licensed in
 Florida and
 South Carolina

Certified Mediator in South Carolina Probate
 and Circuit Courts

Hourly Rate for Michael J. Howell - \$395
Hourly Rate for Margaret H. Up De Graff - \$350
Hourly Rate for Non-Attorney Staff - \$155

Estimated Fee for Standard Estate Planning Services (Single United States Citizen)
Each Engagement Includes up to Two Conferences, Per Engagement

(Note: We Also Offer a Flat Fee of 10% Above the Lowest Hourly Fee Estimate)

Health Care Power of Attorney, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$125-\$155
Durable General Power of Attorney and corresponding memorandum, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$325-\$355
Revocable Trust Agreement with companion pour-over Will, basic Tangible Personal Property Memorandum, and basic Mini-Trust for minors, as needed, trust funding business cards, multi-page detailed Estate Plan Summary, and letter to real estate attorney, as needed.	\$3,000-\$3,800
Trust Amendment and/or complete Restatement of Trust Agreement that was <i>drafted by our office</i> , including companion pour-over Will, basic Tangible Personal Property Memorandum, and basic Mini-Trusts for minors, as needed.	\$2,200-\$2,400
Bill of Sale to place untitled tangible personal property into trust, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$225-\$255
Tangible Personal Property Memorandum	\$225-\$255
Certification of Trust	\$275-\$355
Retitling of assets, or change of beneficiary, to conform to planning objectives, <i>per asset or policy</i> (other than real estate and IRAs). (Includes Standard Life Insurance and IRA Beneficiary Designations, per Beneficiary Designation, if assistance is requested.)	\$725-\$775
Non-complex Will or Codicil.	\$975-\$1,075

General estate planning review, without new or Restated Trust or Will.	\$975-\$1,275
General trust funding review, without new or Restated Trust or Will.	\$975-\$1,275
General disability planning (basic), with or without new or Restated Trust or Will.	\$975-\$1,275
Change of beneficiary name(s), only, Amendment to Trust, <i>and/or</i> Codicil to Will.	\$1,275-\$1,575
Change of fiduciary, only, Amendment to Trust, <i>and/or</i> Codicil to Will.	\$1,275-\$1,575

**Additional Range of Estimated Fees
for Non-Standard or Complex Estate Planning Services, with New or Restated Trusts
(Single United States Citizen)**

Use of U.S. Mail, rather than email, for correspondence and document transmittal.	\$250-\$375
Specific bequests, per item, after two, including tangible personal property.	\$325-\$375
Multiple fiduciaries serving together.	\$325-\$375
Per conference, other than the initial and signing conferences, or similar telephone, email or written correspondence.	\$350-\$700
Children from previous marriage or relationship.	\$675-\$975
Additional amount for planning with total value of assets, for Federal estate tax purposes, of over \$5,000,000, but less than \$10,000,000 (both adjusted for inflation).	\$675-\$975
Disinheritance provisions, whether direct or indirect.	\$675-\$1,275
Non-individual remainder beneficiaries.	\$975-\$1,275
Coordination and communication with third parties (per third party).	\$875-\$975+
Emergency or expedited drafting.	\$975-\$1,575+
Additional amount for estate plan likely to be challenged.	\$1,275-\$1,875+
Non-standard or complex trust provisions for minors (Non-GST).	\$975-\$1,875
Disability planning, for an actual disability, with new or Restated Trusts.	\$975-\$1,875
Basic planning for professional and/or business owner.	\$1,275-\$1,575
Additional amount for planning with total value of assets, for Federal estate tax purposes, of over \$5,000,000 but less than \$10,000,000 (both adjusted for inflation).	\$1,600-\$2,600
Additional amount for planning with total value of assets, for Federal estate tax purposes, of over \$10,000,000, but less than \$15,000,000 (both adjusted for inflation).	\$1,600-\$2,600
Additional amount for planning for asset values, for Federal estate tax purposes, for each \$5,000,000 over \$15,000,000.	\$800-\$1,200
Non-standard or complex trust provisions for minors (Non-GST).	\$1,200-\$1,800
Other non-standard or complex dispositive provisions, and Special/Supplemental Needs Trust(s).	\$1,500-\$1,975
Basic Generation Skipping Transfer (GST) Trust provisions and planning, per GST Trust.	\$1,500-\$1,975
Non-basic Generation Skipping Transfer (GST) Trust provisions and planning, per GST Trust.	\$1,500-\$1,975
Exercise of power of appointment (basic).	\$1,775-\$1,975
Planning for client with large IRAs, or other large retirement accounts.	\$4,500-\$7,500
Irrevocable Trust, Supplemental Needs Trust, or charitable planning.	\$4,500-\$7,500
Premarital Agreement Planning for Second and Subsequent Marriages, One Person, Only.	\$7,500-\$9,500

The “+” next to an estimate means that due to the nature of the work, it can be somewhat higher than the high end of the estimate, but it varies so seldom and by so much that it is impractical to provide a more accurate estimate. The planning is more complex than other planning and involves more custom planning and drafting.

Estimated fees for estate planning services include a review of your asset values and composition, to determine the impact of all estate taxation and lifetime and postmortem probate procedures, as well as drafting the necessary documents. Consideration is also given to means of saving probate costs with and without trusts, and managing disabilities. Please keep in mind that our planning can only be as good as the information that you provide. Providing substantially wrong or inaccurate information can be harmful to your estate planning.

We only represent you, or possibly you and your spouse, if you are married, and we have a written agreement to do so. We do not represent any of your beneficiaries or their interests, including being a possible third party beneficiary of your planning, nor do we owe them any duties without your written approval, our consent, a separate written engagement letter, and an additional 100% for each known intended beneficiary of the total fees otherwise charged.

It is highly recommended that you allow us to use email on all correspondence, and to transmit drafts of documents, as the use of paper and regular mail can add up to 5% or more to the total cost. Unless otherwise specified, all estimates assume the use of email rather than regular mail.

More than two conferences, emergency procedures, house calls, more than normal telephone conferences or emails, and dealing with third parties, including your other advisors who are not our client(s), cannot be accurately estimated, and can easily be more than the estimates given above.

Codicils and Amendments to documents which *we* drafted, are estimated above. It is generally less risky and more cost effective to completely *restate* a document than *amend* it. This brings it up to date in terms of subtle changes, which occur in the law and documents over the years. Also, we do not amend any document prepared by someone who is not a South Carolina certified specialist in estate planning and probate law. Also keep in mind that the longer it has been since you had your estate plan reviewed, the more likely it is that a restatement will be necessary. Most of the time, an Amendment is no less expensive than a Restated Trust Agreement. We normally recommend that clients have their estate plan reviewed no less often than every 2-3 years.

Except as otherwise noted above, the estimated fees are for married couples having assets of up to approximately \$5,000,000 and sometimes \$10,000,000 (both adjusted for inflation) utilizing standard estate planning documents.

Estimated fees for estate planning services listed below include a review of your asset values and composition, to determine the impact of estate taxation and lifetime and postmortem probate procedures, as well as drafting the necessary documents. Consideration is also given to means of saving probate costs with and without trusts and managing disabilities. Please keep in mind that our planning can only be as good as the information that you provide. Providing substantially wrong or inaccurate information can be harmful to your estate planning.

Notwithstanding the above estimates, the actual cost depends upon how much time the work takes to complete. Please note that you are not being charged for documents. You are being charged for our time. In most cases, the actual fee for basic estate planning services is normally within 10%-15% more or less of the amount shown. However, if the work exceeds the estimate, we will reduce it to come within the estimate, unless: (1) we do additional work, requested by you, that is not covered by the estimate, or (2) we provide you with an amended estimate for additional work, prior to or contemporaneously with doing the additional work, or (3) the estimate has a "+" in one or more of the categories, or one of the categories is marked "May Apply". However, if (3) applies, the actual cost will not exceed the estimate by more than 10%-15% without advance notice.

"May Apply" is used when an item is part of the work, but in our judgment the actual amount may not be as high as the estimated amount, or may not apply at all, depending upon circumstances. It is also usually a hard to estimate amount, based upon the circumstances of your case. If an estimate has a "+", it means that the amount may be more than the amount shown. It is also a hard to estimate amount, based upon the circumstances of your case.

Unless otherwise noted, the fees are for our standard or basic planning and drafting techniques. Please keep in mind that “standard” and “basic” do not necessarily mean “simple.” There can also be additional charges if there are certain types of Special Needs Trusts, complex family situations, children from previous marriages or relationships, no natural objects of your bounty, disproportionate distributions, disinheritances, large individual retirement plans, closely held businesses, complex assets, out of state documents, or other unusual circumstances. Please keep in mind that this fee schedule is subject to change without prior notice, as to any work after the notice.

From the conference, after you make the decision as to what type of plan you want, it generally takes us 10-14 days to provide you with documents. It normally takes about 30 days or less to complete all work; although in emergency situations, we can complete the work much sooner, but there can be additional charges for such expedited work. We often bill on an interim basis. You may receive multiple statements before all work is completed, depending upon when you come in during the month.

Bills are payable upon receipt and those unpaid for more than 30 days are subject to an additional charge of 1.5% per month. **If not paid sooner, all amounts due for services rendered are payable when your work is picked up, assuming we have billed you for the work, or we have a bill when you pick up the work. If you do not have a check, we also accept most major credit cards.**

Our fee schedule also assumes that from start to finish, it only takes about 30 days to finish all of our work and close the file. In cases where it takes longer, it is usually due to external factors such as the quantity of work needed, extra meetings, and other matters beyond our control. In such cases, the fees will tend to be higher and the longer it takes, then the more the fees will usually be.

Please keep in mind that we provide you with *independent legal advice*. Many other advisors do not give independent advice because they sell other products or non-legal services. We do not sell products or non-legal services. We only represent you, or possibly you and your spouse, if you are married and we have a written agreement to do so. Often other advisors make recommendations for products and/or services that affect your estate planning. These should be carefully analyzed prior to purchasing; otherwise, they can adversely affect your planning.

In some cases, other advisors make recommendations that are not necessary or appropriate and that can cost more. In such cases, we listen and analyze, but our job is to represent you and to give you *independent legal advice*. We do not normally rely upon the recommendations of other advisors, due to the conflict of interest issues involved with their advice, if products and/or non-legal services are suggested by them, or they are not qualified to provide the advice given, just as we are not qualified in their particular area of expertise.

In some cases, we have found that people who bring other advisors to the meeting have difficulty making decisions for themselves. This in itself can and usually does take more time to plan and implement.

Notwithstanding the above, to the extent necessary, we can and do follow up with and consult with your other advisors. However, it costs more because most work is hourly and it can take significantly more time.

We have non-attorney staff members who assist our attorneys in providing legal services. Such non-attorney staff members may have special training in areas relating to estate planning, tax planning, financial planning, insurance planning, retirement planning, probate, and/or related areas of taxation, accounting and/or mathematics. They and their work are under the direction and supervision of an attorney. They are allowed to gather information, relay information, and prepare documents under attorney supervision. Under no circumstances are they allowed to answer questions that are or may be construed as legal advice, nor can they give legal advice. If at any time during your representation, you believe that a staff member, who is not licensed

to practice law in this state, is providing you with legal advice, you should ignore it and speak directly to one of our attorneys. Neither the staff member nor the attorney will be offended.

Also, please note that even an attorney licensed in another jurisdiction cannot normally provide legal advice in our state. At times, we may have employees, usually referred to as law clerks, who may be licensed in other states, who also are not allowed to give legal advice.

Standard (Non-Basic) Estate Planning Normally Includes the Following, and Up to Two Conferences:

Statutory Health Care Power of Attorney including HIPPA provisions	\$125-\$155
Durable General Power of Attorney	\$325-\$355
Revocable Living Trust Agreement Including: Companion Pour-Over Will, HIPAA Release and Basic Tangible Personal Property Memorandum, including HIPPA provisions, and Basic Mini-Trusts for Minors as needed.	\$3,000-\$3,800
Bill of Sale	\$225-\$255
Certification of Trust	\$275-\$355
<hr/>	
<i>Hourly Fee Estimate Total</i>	\$3,950-\$4,920
<i>Flat Fee</i>	\$4,345

Basic Estate Planning Normally Includes the Following, and Up to Two Conferences:

Statutory Health Care Power of Attorney including HIPPA provisions	\$125-\$155
Durable General Power of Attorney	\$325-\$355
Non-Complex Will	\$975-\$1,075
<hr/>	
<i>Hourly Fee Estimate Total</i>	\$1,425-\$1,585
<i>Flat Fee</i>	\$1,567.50

<i>“A lawyer’s time and advice are his stock in trade.” --- Abraham Lincoln.</i>

The Law Office of Michael J. Howell, P.A.

Estimated Fee Range for Standard and Basic Premium Estate Planning Services (Single Individual)

Description of Standard Estate Planning Services

Each Engagement Includes up to Two Conferences, Per Engagement

(Note: We Also Offer a Flat Fee of 10% Above the Lowest Hourly Fee Estimate)

	Hourly Fees	Total Fee
Health Care Power of Attorney, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$125 - \$155	
Durable General Power of Attorney and corresponding memorandum, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$325 - \$355	
Revocable Trust Agreement with companion pour-over Will, basic Tangible Personal Property Memorandum, and basic Mini-Trust for minors, as needed, trust funding business cards, multi-page detailed Estate Plan Summary, and letter to real estate attorney, as needed.	\$3,000 - \$3,800	
Trust Amendment and/or complete Restatement of Trust Agreement that was <i>drafted by our office</i> , including companion pour-over Will, basic Tangible Personal Property Memorandum, and basic Mini-Trusts for minors, as needed.	\$2,200 - \$2,400	
Bill of Sale to place untitled tangible personal property into trust, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$225 - \$255	
Tangible Personal Property Memorandum, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$225 - \$255	
Certification of Trust, with Will and/or Trust Agreement. (<i>Otherwise, add another \$175</i>)	\$275 - \$355	
Retitling of assets, or change of beneficiary, to conform to planning objectives, <i>per asset or policy</i> (other than real estate and IRAs). (Includes Standard Life Insurance and IRA Beneficiary Designations, per Beneficiary Designation, if assistance is requested.)	\$725 - \$775	
Non-complex Will or Codicil.	\$975 - \$1,075	
General estate planning review, without new or Restated Trust or Will.	\$975 - \$1,275	
General trust funding review, without new or Restated Trust or Will.	\$975 - \$1,275	
General disability planning (basic), with or without new or Restated Trust or Will.	\$975-\$1,275	
Change of beneficiary name(s), only, Amendment to Trust, <i>and/or</i> Codicil to Will.	\$1,275 - \$1,525	
Change of fiduciary, only, Amendment to Trust, <i>and/or</i> Codicil to Will.	\$1,275 - \$1,525	
Description of Additional Range of Estimated Fees for Non-Standard or Complex Estate Planning Services, with New or Restated Trusts		
Use of U.S. Mail, rather than email, for correspondence and document transmittal.	\$250 - \$375	
Specific bequests, <u>per item</u> , after two, including tangible personal property.	\$325 - \$375	
Multiple fiduciaries serving together.	\$325- \$375	
Per conference, other than the initial and signing conferences, or similar telephone, email, or written correspondence.	\$350 - \$700	
Children from previous marriage or relationship.	\$675 - \$975	
Additional amount for planning taking more than one month, per extra month or portion thereof, <i>unless due to our scheduling</i> .	\$675 - \$975	
Disinheritance provisions, whether direct or indirect.	\$675 - \$1,275	

Non-individual remainder beneficiaries.	\$975 - \$1,275	
Coordination and communication with third parties (per third party).	\$875 - \$975+	
Emergency or expedited drafting.	\$975 - \$1,575+	
Additional amount for estate plan likely to be challenged.	\$1,275- \$1,875+	
Non-standard or complex trust provisions for minors (Non-GST).	\$975 - \$1,875	
Disability planning, for an actual disability, with new or Restated Trusts.	\$975 - \$1,875	
Basic planning for professional and/or business owner.	\$1,275 - \$1,575	
Additional amount for planning with total value of assets, for Federal estate tax purposes, of over \$5,000,000 but less than \$10,000,000 (both adjusted for inflation).	\$1,600 - \$2,600	
Additional amount for planning with total value of assets, for Federal estate tax purposes, of over \$10,000,000, but less than \$15,000,000 (both adjusted for inflation).	\$1,600 - \$2,600	
Additional amount for planning for asset values for Federal estate tax purposes for each \$5,000,000 over \$15,000,000.	\$800-\$1,200	
Non-standard or complex trust provisions for minors (Non-GST).	\$1,200 - \$1,800	
Other non-standard or complex dispositive provisions, and Special/Supplemental Needs Trust(s).	\$1,500 - \$1,975	
Basic Generation Skipping Transfer (GST) Trust provisions and planning, per GST Trust.	\$1,500 - \$1,975	
Non-basic Generation Skipping Transfer (GST) Trust provisions and planning, per GST Trust.	\$1,500 - \$1,975	
Exercise of power of appointment (basic).	\$1,775-\$1,975	
Planning for client with large IRAs, or other large retirement accounts.	\$4,500-\$7,500	
Irrevocable Trust, Supplemental Needs Trust or charitable planning.	\$4,500-\$7,500	
Premarital Agreement Planning for Second and Subsequent Marriages, One Person Only.	\$7,500 - \$9,500	
Other:		
Estimated Hourly Fee		
Flat Fee Adjustment (10% of the low end of the Hourly Range)		
Flat Fee		

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Licensed in Florida and South Carolina
Certified by the South Carolina
Supreme Court as a Specialist
In Estate Planning and Probate Law

Certified Mediator in South Carolina
Probate and Circuit Courts

Margaret H. Up De Graff
Licensed in
Florida and
South Carolina

Certified Mediator in South Carolina Probate
and Circuit Courts

Michael J. Howell

Michael J. Howell is a senior legal advisor with many years of knowledge and expertise. He is a Certified Specialist in Estate Planning and Probate Law in South Carolina, as well as a Certified Mediator in South Carolina Probate and Circuit Courts. He has built a solid reputation as an expert in all aspects of estate planning and probate law. He is well known for his leadership, discretion, candor, and handling of clients' estate planning and probate needs.

Further, Michael has been involved in developing policy and serving on committees related to estate planning, probate, professional conduct, and ethics among lawyers. Hilton Head Monthly Magazine named Michael J. Howell one of the Top Lawyers of the Lowcountry for two consecutive years; first in April 2013, and again in April 2014, which was the last year they offered the rating. Avvo, an Independent Lawyer Rating Service, rates Michael as *Superb* in both Estate Planning and Probate Law - the highest possible rating.

Born in 1951, in Columbia, South Carolina, Michael has been a life-long resident of South Carolina, and specifically Hilton Head Island, since 1978, when he relocated from Columbia after receiving his Bachelor of Science degree in Accounting in 1974 and his Juris Doctor degree in 1977 from the University of South Carolina.

Michael became a member of the South Carolina Bar in 1977, and became certified by the South Carolina Supreme Court as a Specialist in Estate Planning and Probate Law in 1992. In addition to being a member of the South Carolina Bar, Michael is also a member of the Florida Bar.

Throughout his career as an attorney, Michael J. Howell has consistently played an active role within the South Carolina Bar Association, South Carolina Supreme Court Commission on Continuing Legal Education and Specialization, as well as his local Bar Association. The highlights of his accomplishments include:

- Current member over the last 25+ years and past Chairman of the Professional Responsibility Committee of the South Carolina Bar Association.
- 2018 and 2019 Member of the National Association of Certified Valuators and Analysts.
- Member of the 2017/2018 South Carolina Bar Professional Responsibility Technology Subcommittee reviewing rules related to attorney competency, and the emerging risks involved in using modern technology.
- Member of the Board of Governors of the South Carolina Bar Association from 2006-2009.
- Member of a 2002-2005 subcommittee studying and recommending changes to the Model Rules of Professional Conduct for Lawyers.

- Member of a South Carolina Bar Committee that worked in conjunction with The South Carolina Supreme Court, as well as its own commission pertaining to the new Rules of Professional Conduct for Lawyers, which became effective on October 1, 2005.
- Member of the South Carolina Supreme Court's Commission on Continuing Legal Education and Specialization from 1998 until 2004; a commission which oversees the required continuing legal education requirements for South Carolina attorneys in addition to specialization programs for attorneys in South Carolina. From 2002-2004, Michael served as Secretary of the Commission.
- Sub-committee Chair overseeing work related to multidisciplinary practices and changes to rules on what to do with a legal practice when an attorney dies, becomes incompetent, is suspended, or disbarred. Under Michael's leadership, the committee published a manual for South Carolina attorneys who are appointed by the South Carolina Supreme Court to take over such practices.
- Representative of the South Carolina Supreme Court's Commission on Continuing Legal Education and Specialization at the America Bar Association National Roundtables on lawyer specialization, from 2001-2003.
- Joined the South Carolina Estate Planning and Probate Law Specialization Advisory Board in 1993, which interviews and assesses an attorney's potential to become a Certified Specialist in Estate Planning and Probate Law. From 1995-1996, Michael was Chairman of the Advisory Board.
- He contributed questions for the very first examination for South Carolina Certified Specialists in Estate Planning and Probate Law through one of its first committee members and helped rewrite the examination while on the Advisory Board.
- Michael was a member of the committee composed of probate judges and bar members who reviewed the South Carolina Probate Court forms, making changes as needed; and by 2013, the South Carolina Probate Code forms underwent significant revisions, becoming effective January 1, 2014.
- Past member of the Unauthorized Practice of Law Committee of the South Carolina Bar Association, in addition to being a member of the complaints subcommittee. Michael and the committee worked with the South Carolina Attorney General's office in investigating one of the most significant unauthorized practices of law cases ever brought in South Carolina dealing with the preparation of Wills, Trust Agreements, and related estate planning documents.
- Life Fellow of the South Carolina Bar Foundation, which supports programs around South Carolina, designed to provide legal services to those who cannot afford them. The Foundation also supports efforts to educate the public about the law.
- He is also a Legacy for Justice Member of the Florida Bar Foundation, which is a foundation similar to the South Carolina Bar Foundation.
- Charter member of the Hilton Head Council of Estate and Financial Advisors and was President during the 2001-2002 fiscal year. In 2006 he was named a Member Emeritus, which is a lifetime position.
- Member of The Hilton Head Island Bar Association for over 40 years. For the 2011-2012 fiscal year, Michael was the Program Chairman for Continuing Legal Education courses for local attorneys.

Michael is a frequent guest speaker on topics relating to Estate Planning and Probate Law. He is a published author of several articles including *Disclaimer Trusts: a wait and see approach to estate planning in light of EGTRRA* published in the November 2002 issue of South Carolina Lawyer magazine and *What's New and*

What's Left in Sophisticated Estate Planning published by National Business Institute, June of 2003 for its manual Advanced Estate Planning Techniques in South Carolina, and also *Ethical Considerations for Estate Planning Lawyers in South Carolina – A Study of Selected Provisions of the Rules of Professional Responsibility* and a substantial update to *What's New and What's Left in Sophisticated Estate Planning,- A Primer on Selected Estate Planning Techniques for South Carolina Attorneys* both published by National Business Institute for its April 2004 manual on How to Protect Assets During Life and Avoid Estate Tax at Death in South Carolina.

In 2018, Michael was a speaker at the South Carolina Probate Judges Bench Bar Seminar in Columbia, South Carolina on the subject of guns in estates and trusts. In 2016, Michael was a speaker at the South Carolina Probate Judges meeting on Hilton Head Island, South Carolina on the subject of using Special Administrators in Probate Court. This was his second presentation to the probate judges. The first concerned problems created when someone writes on or otherwise alters a Will after it has been signed, held at a meeting of South Carolina Probate Judges on Hilton Head Island, South Carolina.

Michael has been a member of St. Andrew by-the-Sea United Methodist Church since 1978. He has taught Sunday school for nearly 40 years. Past duties include being Chairman of the Pastor-Parish Committee, Chairman of the annual stewardship drive, Chairman of the Fall Festival, member of the administrative board, and member of the Long-Range Planning Committee. Michael was also on the Endowment Committee and co-authored the Endowment Fund Agreement.

Michael has acted as a volunteer attorney for people with limited means, through a program sponsored by the South Carolina Bar. He also provided pro bono, reduced fee, or free, legal services to local individuals and groups who either cannot afford an attorney, or cannot afford to pay the full cost of an attorney. Additionally, he was a volunteer attorney for probate matters with Jacksonville Area Legal Aide (JALA) in Jacksonville, Florida and supports JALA financially.

As part of his commitment to helping people with limited means have access to legal help, Michael supports the Lowcountry Legal Volunteers by sponsoring events that benefit them financially.

Margaret H. Up De Graff

Margaret Howell Up De Graff is Vice President of the firm, specifically in charge of the firm's Probate and Trust Administration and Settlement Division. In addition to Probate, she also handles Estate Planning matters, including drafting Wills, Trusts, Durable General Powers of Attorney, Health Care Powers of Attorney, and related documents used in estate tax planning. She has been practicing law since 2009.

A native of Hilton Head Island and the Lowcountry, after graduating from Hilton Head Preparatory School, Margaret received her undergraduate degree from the University of South Carolina and her Juris Doctor from Florida Coastal School of Law. Margaret is licensed to practice law in South Carolina and Florida. Margaret is a Certified Mediator in South Carolina Probate and Circuit Courts. She is a member of the Hilton Head Bar Association, the South Carolina Bar Association Young Lawyers Division, and the South Carolina Bar Association's Probate, Estate Planning, and Trust Section. Margaret serves on the Professional Responsibility Committee, the Unauthorized Practice of Law Committee, and also on the board of Lowcountry Legal Volunteers.

Margaret is married to Stephen Up De Graff of Savannah, Georgia and is the proud mother of two beautiful boys, Jordan Morse Up De Graff, and Howell Pete Up De Graff.

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Michael J. Howell
Licensed in Florida and South Carolina
Certified by the South Carolina
Supreme Court as a Specialist
In Estate Planning and Probate Law

Certified Mediator in South Carolina
Probate and Circuit Courts

Margaret H. Up De Graff
Licensed in
Florida and
South Carolina

Certified Mediator in South Carolina Probate
and Circuit Courts

What Our Clients Receive with Their Estate Planning Services

Phase I Pre-Conference Introductory Material

- Complete package of information explaining our services, our estimated fees, and forms for use in providing us with information needed to complete your estate planning.
- Our website at HiltonHeadEstatePlanning.com with comprehensive educational information on estate planning and probate matters.

Phase II Estate Planning Conference

- Estate planning conference with Michael J. Howell (or Margaret H. Up De Graff, if you so choose), usually lasting up to two (2) hours, but it can last longer, to discuss your testamentary and estate planning wishes as far as who is to receive your property and how it is to be distributed.
- We will also help you formulate your plan, the documents, and the scope of our services that are needed to complete your work.
- It also includes a discussion of possible means of reducing estate taxes, depending upon your goals and objectives.
- It will also include ideas on how to avoid probate with and without the use of trusts and the tax advantages and disadvantages.
- During this conference, you will also discuss who will be your Personal Representative, Trustee, Health Care Agent, and Agent under your financial power of attorney.
- To the extent needed, we will also discuss any special needs that you or your beneficiaries may have; if for instance, there are minors or beneficiaries with disabilities.

Phase III

Designing and Drafting Your Planning Documents

After the initial conference, we will design and draft and send to you, a complete set of estate planning documents. Depending upon your goals and objectives, this may include the following:

- Wills
- Trusts
- Tangible Personal Property Memorandums
- Bills of Sale to Place Untitled Tangible Personal Property (household and personal effects) into Trust
- Certifications of Trust Suitable for Filing with the Register of Deeds Office by Your Real Estate Attorney
- Durable General Powers of Attorney
- HIPAA Releases
- Health Care Powers of Attorney
- Estate plan summary, which explains, in summary form, each of the estate planning documents.
- Separate memorandum concerning your Durable General Power of Attorney, explaining special issues associated with its use.

Phase IV

Discussion and Signing Conference

- During this conference, we will discuss any questions that you may have with your estate planning.
- After you are comfortable that you understand the planning, you sign the documents and we will witness and notarize them, as needed.
- If for any reason there are changes or you need more time, a further conference or conferences will be scheduled.
- These conferences can also last up to two (2) hours and can be longer.

Phase V

Estate Planning Binder and Instructions

- In addition to your original executed documents, which should be placed in a safe location, you will receive a deluxe Estate Planning Binder with a photocopy of the estate planning documents that we prepared on your behalf.
- The binder will have a section for important information to make it easier for your loved ones to find the necessary information if you die or become disabled.

- You will also receive a CD with a copy of the estate planning documents that we prepared on your behalf. You can also save copies onto your computer.
- If you have a trust agreement and own a local residence, we contact your real estate attorney to let him or her know to place your real estate in trust, as needed.
- You are provided with list of items needed to fund your trust, if a trust is part of you planning. Basically, the list tells you the normal documents required by a third part in order to fund your trust, by placing various assets into it.

Phase VI Post Signing

- After the original documents are signed, they will be fastened and manuscript covers added, as needed.
- You will receive your original documents in a separate package.
- You will receive a special heavy duty binder with a copy of your documents.
- The binder will also have a table of contents and can be used to keep all of your estate planning documents and information, including information on each of your assets, their values, and how they are owned.
- You will also receive a CD in PDF format with copies of your documents, which you can review on your computer and print or email, as needed.
- Letter to your local real estate attorney with an explanation of how to title your personal residence, if it is placed in your trust, along with supplemental information on how mortgages are treated and what you need to do to make sure to preserve your Homestead Exemption and 4% assessment ratio. We also provide your real estate attorney with the original Certification(s) of Trust for filing with any deeds.
- Basic outline on how to fund your trust, if you want to do it yourself. Most of it can and should be done by you, but retirement plans, annuity and deed changes should be handled by an expert.
- Set of wallet cards giving the technical legal name for titling trust assets in case anyone asks.
- If you need further help, we also provide a list of our trust funding services and the information that we will need.
- Closing letter explaining what we have done, what you need to do, and enclosing additional information for your use.
- See our website at HiltonHeadEstatePlanning.com for information on estate planning and probate.