

Johnson Estate

Compensation — Executor-- Attorney

Corporate executor's commission in accord with its fee schedule as provided in testator's will, and attorney's fee \$200 in excess of schedule approved by Attorney General, allowed. (Hunter 2d — Attorney 3(a); Commissions 8(a)).

In the Orphans' Court Division of the Court of Common Pleas of Chester County. Estate of Margaret E. Johnson, deceased. Objections to first and final account. No. 1982-166.

L. Peter Temple, for executor.

Rogers A. Bender, for accountant.

Stephen Carroll for objectant.

ADJUDICATION BY WOOD, J., SEPTEMBER 12, 1983:

Faith Carole Dolente, granddaughter of decedent and a beneficiary under her will, has lodged various objections to the first and final account filed by the executor, Downingtown National Bank. All but two have either been resolved by the parties or waived by the objectant. The two remaining objections assert that the executor's fee in the aggregate amount of \$11,356.43 and a counsel fee in the total amount of \$14,720.82 are excessive.

Neither party requested a hearing on these two remaining points, but instead agreed to submit the matter on briefs. In ruling on the objections, therefore, we are limited solely to consideration of those documents which have been filed of record.

With respect to the question of excessive executor's fees, item 9 of decedent's will provides:

Item 97 The above named corporate fiduciary shall receive compensation in accordance with its standard of fees in effect from time to time over the period during which its services are performed.

Although not verified in any way, objectant herself attached the executor's fee schedule to her brief. Our computation of executor's fees pursuant to that schedule indicates that the executor did follow its own fee schedule as required by decedent's will.

With respect to counsel fees, it appears that the challenged fee is about \$200 over the schedule of fees approved by the Attorney General, which we use for our own guidance in auditing estates. A copy is attached as "Exhibit A". Absent evidence concerning the actual worth or lack of efficacy of the attorney's services, we will approve the *fee* as it appears in the account. It does not appear to be outrageously excessive on its face, and the record does reveal additional litigation not ordinarily involved in the settlement of estates.