



In re Estate of Klie, 2017-Ohio-487, recently provided clarity for estate administration counsel seeking to have their fees paid out of an estate. In Klie, a probate estate was opened in 2008 for Charles Klie. Due to a potential claim against the estate by mortgagee Chase Home Finance, LLC, the estate remained open for six years. During that time, Appellant, one of the beneficiaries, objected to the initial inventory and partial account filed by estate counsel. In turn, estate counsel filed amended documents, which addressed Appellant's concerns. For each year until the estate closed, estate counsel made the requisite filings, which went unchallenged.

As the estate was winding up, estate counsel filed an application for their fees in the amount of \$63,761.50 and \$670.00 in costs. The magistrate awarded fees in the amount of \$62,705.50 and costs of \$664.25 and the probate court adopted the magistrate's recommendation. Appellant appealed the decision and challenged the fee award on several grounds. The Tenth Appellate District affirmed the fee award.

In doing so, the Tenth District overruled several evidentiary challenges to the fee award. Specifically, the Tenth District allowed proof of fees through invoices, citing the long-standing business record exception to the rule against hearsay. And, although no summary was offered, the Tenth District implicitly indicated that a summary of invoices would be appropriate under Evid.R. 1006.

In addition to challenging estate counsel's documentary evidence, Appellant objected because no expert testimony was offered regarding the reasonableness and necessity of estate counsel's fees and costs. The Tenth District acknowledged that "although the better practice may be to introduce expert testimony regarding the reasonableness of fees, a probate court judge is qualified to make a determination of the reasonable attorney fees to be paid from an estate without the necessity of expert testimony, based on evidence of fees incurred."

Finally, Appellant objected to the payment of fees for estate counsel's filing of an amended inventory and amended partial account, claiming that such "corrective actions" were not necessary or beneficial to the estate. The Tenth District disagreed, finding that Appellant, who had objected to the first inventory and partial account, withdrew his objections upon estate counsel's amended filings. This, the court found, did indeed provide a benefit upon the estate worthy of compensation.