

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

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

Memorandum to Returning Client
(Single United States Citizen)

To: Returning Client

From: Michael J. Howell, Esquire

Re: Estate Planning

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 my office.

Attached is information which will be helpful in completing any needed estate planning work. Also attached 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 we do estate planning work for you, we will provide you with a completed fee worksheet with the first drafts of any documents that we prepare for you. If you prefer to have the worksheet completed after our conference, but prior to our doing any additional work, such as drafting the documents, please let us know.

Please look over these materials and complete the Client Information Sheet and Asset Summary Sheet, then 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 or other related estate planning documents that we do not already have.** If there are any doubts, please give us what you have.

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.

Please return the requested information to my 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. I 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 attachments, an engagement letter. This provides good information on how I do my work and what our respective obligations are. If you have any questions about any of the information, please let me 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, Wednesdays, and Thursdays.

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

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

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

Asset Summary Sheet. Please complete the information, sign, and return a copy to us. 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.

Information for your File

Estimated Fee Schedule for estate planning services

Engagement Letter

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

FULL NAME: _____
STREET ADDRESS OR POST OFFICE: _____
CITY, STATE, ZIP CODE: _____
HOME TELEPHONE NUMBER: _____
OFFICE/CELL TELEPHONE NUMBER: _____
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 is likely to 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	_____ Pre-Marital Agreement
_____ Durable General Power of Attorney	_____ Special Needs Trust for Disabled Beneficiaries Who
_____ Health Care Power of Attorney	Receive or May Receive Government Assistance
_____ Estate and/or Gift Tax Issues	_____ Medicaid Planning for Nursing Home Care
_____ Probate and/or Trust Settlement	_____ Other: _____

How did you find out about us? _____

How did you find our telephone number? _____ Internet _____ Phone Book _____ Other

Fees for services are \$320 per hour for Michael J. Howell's time, \$250 per hour for our associate attorney's time, and \$140 per hour for non-attorney staff time. If you are requesting estate planning services, then an estimated fee schedule for estate planning services is enclosed. Fees are subject to change in the future. Also enclosed is an engagement letter that all work is subject to. Please sign this Client Information Sheet and provide us with a copy. Keep the original for your file. (Rev. 01/15)

_____, 20_____
SIGNATURE DATE

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ASSET SUMMARY SHEET
(Single United States Citizen)

Name of Client

**DESCRIPTION
OF ASSETS**

**VALUE OF ASSETS
PLEASE LIST:**

Real Estate	_____
Stocks & Bonds	_____
Checking Accounts	_____
Savings Accounts	_____
CDs	_____
Notes & Receivables	_____
Life Insurance	_____
Annuities and IRAs	_____
Other Property	_____
Less Debts	(_____)
TOTAL	_____

If an asset is owned in any form of co-ownership, please let us know, in writing, which asset it is 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, POD or Joint accounts, please so note them.

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.

SIGNATURE

_____, 20_____
DATE

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

--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.

--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.

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?

If yes, what corporate fiduciary would you prefer? _____

4. If you answered **NO** to the previous question but still would like to have a trust, please list the individual Trustees below, 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.

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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Hourly Rate for Michael J. Howell	\$320
Hourly Rate for Associate Attorney	\$250
Hourly Rate for Non-Attorney Staff	\$140

Estimated Fee for Standard Estate Planning Services
(Single United States Citizen)

Standard Estate Planning Services

<p><u>Standard Estate Planning Package for new single client</u>, includes Revocable Living Trust, companion Pour-Over Will, and a detailed summary of your estate plan. It also includes an explanatory letter with drafts and an estimate of costs, Tangible Personal Property Memorandum, basic Mini-Trusts for Minors if needed. Also included is a closing package with a set of trust funding cards, a letter to your local real estate attorney regarding placing your real estate in trust, a receipt of all original documents, a multi page closing letter with a memorandum regarding how to place property into trust, document covers for original documents, original documents in separate package, premium binder with a paper copy of all signed documents, and CD with digital copies of all documents. Includes two office conferences and assumes a free initial consultation.</p>	<p style="text-align: right;">\$2,150</p>
<p>Trust Amendment and/or Complete Restatement of Trust that were <i><u>drafted by our office</u></i>, including Companion Pour-Over Will.</p>	<p style="text-align: right;">\$1,650</p>
<p>Health Care Power of Attorney, in <i>conjunction with other planning</i></p>	<p style="text-align: right;">\$95</p>
<p>Durable General Power of Attorney, in <i>conjunction with other planning</i></p>	<p style="text-align: right;">\$295</p>
<p>Bill of Sale for Tangible Personal Property, <i>with other planning</i></p>	<p style="text-align: right;">\$225</p>
<p>Certificate of Trust, <i>with other planning</i></p>	<p style="text-align: right;">\$225</p>
<p>Tangible Personal Property Memorandum, <i>with other planning</i></p>	<p style="text-align: right;">\$225</p>
<p>Retitling 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 Beneficiary Designations)</p>	<p style="text-align: right;">\$495</p>
<p>Non-Complex Will or Codicil</p>	<p style="text-align: right;">\$695</p>
<p>General Estate Planning Review, without New or Restated Trust or Will</p>	<p style="text-align: right;">\$475</p>
<p>General Trust Funding Review, without New or Restated Trust or Will</p>	<p style="text-align: right;">\$575</p>
<p>General Disability Planning (Basic), without New or Restated Trust or Will</p>	<p style="text-align: right;">\$750</p>
<p>Change of Beneficiary Name(s) Only, Amendment to Trust <i>and/or</i> Codicil to Will</p>	<p style="text-align: right;">\$875-\$1,075</p>
<p>Change of Fiduciary Only, Amendment to Trust <i>and/or</i> Codicil to Will</p>	<p style="text-align: right;">\$875-\$1,075</p>

**Additional Range of Estimated Fees for Other Estate Planning Services
or Special Situations with New or Restated Trust
(Single United States Citizen)**

Specific Bequest, per item, after two, including Tangible Personal Property	\$275-\$350
Multiple Fiduciaries Serving Together	\$275-\$575
Per Conference, Other than the Initial & Signing Conferences	\$275-\$590
Non-Individual Remainder Beneficiaries	\$375-\$975
Coordination & Communication with Third Parties (Per Third Party)	\$375-\$975
Children from previous marriages or relationships or no children	\$375-\$975
Basic Planning for Professional and/or Business Owner	\$500-\$1,000
Disinheritance Provisions	\$675-\$975
Other Non-Standard or Complex Dispositive Provisions & Special/Supplemental Needs Trust	\$675-\$975
Basic Disability Planning for an Actual Disability with New or Restated Trust	\$675-\$975
Non-Standard or Complex Trust Provisions for Minors (Non-GST)	\$675-\$1,275
Basic Generation Skipping Transfer Trust Provisions and Planning	\$975-\$1,275
Exercise of Power of Appointment (Basic)	\$975-\$1,775
Basic Planning for Client with Large IRAs or Other Large Retirement Accounts	\$1,500-\$3,500
Basic Irrevocable Trust or Basic Charitable Planning	\$2,500-\$4,500
Premarital Agreement Planning for Second and Subsequent Marriages, One Person Only	\$4,500-\$7,500
Use of U.S. Mail Rather than Emails, for correspondence	3%-5%
Additional Amount for Planning Taking More than One Month, Per Extra Month or Portion Thereof, <i>unless due to our Scheduling</i>	10%-20%
Additional Amount for Planning with Total Value of Assets for Federal Estate Tax Purposes of Over \$5,00,000 (Inflation Adjusted)	10%-20%+

More than two conferences, emergency procedures, house calls and dealing with third parties including your other advisors, who are not our client(s) can not be accurately estimated and are often 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 normally amend a 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 planning reviewed, the more likely it is that a restatement will be necessary. We normally recommend that clients have their estate planning reviewed no less often than every 2-3 years.

Except as otherwise noted above, the estimated fees are for single individuals having assets of up to approximately \$5,000,000 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 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.

Notwithstanding the above, the actual cost depends upon how much time the work takes to complete. Please note that you are not being charged for documents. It is our time. In most cases, the actual fee for basic and non-basic estate planning services is normally within 10% or 15% more or less of the amount shown.

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, 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.

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. We bill on an interim basis. You may receive 1 or 2 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 interest 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 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. 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 still other 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.

We have non-attorney staff members who assist an attorney 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. Only an attorney can practice law or give legal advice.

Standard (Non-Basic) Estate Planning Normally Includes the Following:

Health Care Power of Attorney	\$95
Durable General Power of Attorney	\$295
Revocable Living Trust Agreement Including: Companion Pour-Over Will, HIPAA Release and Basic Tangible Personal Property Memorandum and Basic Mini-Trusts for Minors as needed.	\$2,150
Bill of Sale	\$225
Certificate of Trust	\$225
<hr/>	
Estimated Total	\$2,990

Basic Planning Estate Normally Includes the Following:

Health Care Power of Attorney	\$95
Durable General Power of Attorney	\$295
Non-Complex Will	\$695
<hr/>	
Estimated Total	\$1,085

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

The Law Office of Michael J. Howell, P.A.
Estimated Fee Range for Standard and Basic Premium Estate Planning Services
(Single)

Normal Hourly Fee for Attorney:	\$320
Normal Hourly Fee for Associate Attorney:	\$250
Normal Hourly Fee for Non-Attorney Staff:	\$140

Standard Estate Planning Services		
Health Care Power of Attorney, <i>in conjunction with other planning</i>	\$95	
Durable General Power of Attorney, <i>in conjunction with other planning</i>	\$295	
Revocable Living Trust <i>Including</i> Companion Pour-Over Will, Basic Tangible Personal Property Memorandum and Basic Mini-Trusts for Minors, as needed	\$2,150	
Trust Amendment and/or Complete Restatement of Trust that was <i>drafted our office</i> , including Companion Pour-Over Will	\$1,650	
Retitling 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 Beneficiary Designations)	\$495	
Bill of Sale for Tangible Personal Property, with other planning	\$225	
Certificate of Trust, with other planning	\$225	
Tangible Personal Property Memorandum, with other planning	\$225	
Non-Complex Will or Codicil	\$695	
General Estate Planning Review, without New or Restated Trust or Will	\$475	
General Trust Funding Review, without New or Restated Trust or Will	\$575	
General Disability Planning (Basic), without New or Restated Trust or Will	\$750	
Change of Beneficiary Name(s) Only, Amendment to Trust <i>and/or</i> Codicil to Will	\$875-\$1,075	
Change of Fiduciary Only, Amendment to Trust <i>and/or</i> Codicil to Will	\$875-\$1,075	
Additional Range of Estimated Fees for Other Estate Planning Services or Special Situations with New or Restated Trust		
Specific Bequest, per item, after two, including Tangible Personal Property	\$275-\$350	
Multiple Fiduciaries Serving Together	\$275-\$575	
Per Conference, Other than the Initial & Signing Conferences	\$275-\$590	
Non-Individual Remainder Beneficiaries	\$375-\$975	
Coordination & Communication with Third Parties (Per Third Party)	\$375-\$975	
Children from previous marriages or relationship or no children	\$375-\$975	
Basic Planning for Professional and/or Business Owner	\$500-\$1,000	
Disinheritance Provisions	\$675-\$975	
Other Non-Standard or Complex Dispositive Provisions	\$675-\$975	
Basic Disability Planning with New or Restated Trusts	\$675-\$975	
Non-Standard or Complex Trust Provisions for Minors (Non-GST)	\$675-\$1,275	
Basic Generation Skipping Transfer Trust Provisions and Planning	\$975-\$1,275	
Exercise of Power of Appointment (Basic)	\$975 - \$1,775	
Basic Planning for Client with Large IRAs or Other Large Retirement Accounts	\$1,500-\$3,500	
Basic Irrevocable Trust or Basic Charitable Planning	\$2,500-\$4,500	
Premarital Agreement Planning for Second and Subsequent Marriages, One Person Only	\$4,500-\$7,500	
Use of U.S. Mail Rather than Emails, for correspondence	3% -5%	
Additional Amount for Planning Taking More than One Month, Per Extra Month or Portion Thereof, if not due to our Scheduling	10% -20%	
Additional Amount for Planning with Total Value of Assets for Federal Estate Tax Purposes of Over \$5,000,000 (Inflation Adjusted)	20% -30% +	
Estimated Fee		

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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 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 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.

To the extent that you have a fax machine or email, unless you tell us not to, we can also 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. *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. 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. I normally provide you with an estate planning summary with any documents that I draft. I will also discuss with you during our conference or conferences, why I believe that any particular work or documents should be used in your estate planning.

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 with the first draft of any documents that we prepare. It will be in substantially the same form as the estimated fee schedule and fee worksheet, which are attached to this 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.

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.

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.

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 6 years after our representation terminates, and then it is destroyed.

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.

The paper file is your property. The electronic or digital file is our firm's property, subject to the confidentiality 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. 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 6 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 6 years, after we close our file, it is destroyed.

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 can not do the work, we will mail you a letter telling you that our work has been completed or that we can not 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.

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, 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, whom I 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.

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.

BILLING. We charge hourly for all estate planning work. The hourly rate for Michael J. Howell is \$320, our associate attorney's hourly rate is \$250, and the hourly rate for non-attorney staff members is \$140 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 four 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, we bill for all time associated with your file, including photocopying time, at our normal or standard hourly rates.

We also charge hourly 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; although, it can be more depending upon the amount of work. Every email that we categorize and file in our system has a minimum charge of 3 minutes of non-lawyer time.

We normally send out detailed billing statements about once a calendar 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 15 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.

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 to your bill and any excess will be returned when our work is completed and the final statement of services rendered is prepared.

STAFFING. In order to keep the costs as reasonable as possible, although, I am the attorney responsible for your case, I 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 can not 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. All such work is supervised by an attorney.

Non-attorney staff members can also relay information. When discussing matters with them please remember that they can not 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.

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 can not 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.

FORMER 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 can not 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 can not 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. 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.

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.

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.*

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.

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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

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

Michael J. Howell

Michael J. Howell has been a resident of Hilton Head Island, South Carolina, since 1978. He is a frequent speaker on topics relating to Estate Planning and Probate Law.

Michael was born in Columbia, South Carolina in 1951 and is a 1974 graduate of the University of South Carolina with a BS Degree in Business Administration majoring in accounting. He is also a 1977 graduate of the University of South Carolina School of Law.

Michael is listed as one of the Top Lawyers of the Lowcountry in the April 2013 and April 2014 issue of Hilton Head Monthly Magazine. He is also rated superb in both Estate Planning and Probate Law by Avvo, an Independent Lawyer Rating Service.

The South Carolina Probate Code probate and trust sections were substantially updated in 2013, with the changes effective January 1, 2014. Michael was a member of the South Carolina Bar's Probate Forms Revision Committee. The committee's job was to review the probate court forms and make suggestions as to needed changes.

Michael is a member and past chairman of the Professional Responsibility Committee of the South Carolina Bar Association. He has also chaired subcommittees on studying alternatives 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. One of his subcommittees has also written a manual for South Carolina attorneys who are appointed by the South Carolina Supreme Court to take over such practices. Michael was also on a 2002 Subcommittee studying and recommending changes to the Model Rules of Professional Conduct for Lawyers. He was also a member of the Bar's committee that worked with the South Carolina Supreme Court and its own Commission on the new Rules of Professional Conduct for Lawyers, which became effective on October 1, 2005.

Michael served on the Board of Governors of the South Carolina Bar Association from 2006-2009.

He has been a member of the South Carolina Bar since 1977 and is certified by the South Carolina Supreme Court as a Specialist in Estate Planning and Probate Law in South Carolina. He is also a member of the Florida Bar.

For the years 1993-1996, he was a member of the South Carolina Estate Planning and Probate Law Specialization Advisory Board and was Chairman of the Advisory Board in 1995. The Advisory Board interviews and tests attorneys wanting to become Certified Specialists in Estate Planning and Probate Law.

From 1998-2004, he was a member of the South Carolina Supreme Court's Commission on Continuing Legal Education and Specialization. This Commission oversees required continuing legal education requirements for South Carolina attorneys. The Commission also oversees the specialization programs for attorneys in South

Carolina in Estate Planning and Probate Law, Taxation Law, Labor Law and Bankruptcy Law. From 2002-2004, Michael was also the Secretary of the Commission.

He is a past member of the Unauthorized Practice of Law Committee of the South Carolina Bar Association. Michael has also been a member of the complaints subcommittee.

Michael has also authored 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.

Michael is also a Life Fellow of the South Carolina Bar Foundation. The Foundation supports programs around South Carolina designed to provide legal services to those who can not 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.

He is also a charter member of the Hilton Head Council of Estate and Financial Advisors and was its President during its 2001-2002 fiscal year. In 2006 he was named a Member Emeritus, which is a lifetime position.

In 2001, 2002 and 2003, Michael was also a representative of the South Carolina Supreme Court's Commission on Continuing Legal Education and Specialization, at a National Roundtable on lawyer specialization, sponsored by the American Bar Association.

Michael has also been a member of St. Andrew By-the-Sea United Methodist Church since 1978. He has taught Sunday School for nearly 30 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 was also a volunteer attorney for people with limited means, through a program sponsored by the South Carolina Bar. He also provides pro bono, reduced fee, or free, legal services to local individuals and groups who either can not afford an attorney, or can not afford to pay the full cost of an attorney. He is also a volunteer attorney for probate matters with Jacksonville Area Legal Aide (JALA) in Jacksonville, Florida.

Michael has also been a member of The Hilton Head Island Bar Association for over 30 years. For the 2011-2012 fiscal year, Michael was the Program Chairman for Continuing Legal Education courses for local attorneys.

Margaret H. Up De Graff

Margaret is a member of the South Carolina Bar, admitted to practice in South Carolina.

She was born in Beaufort County, South Carolina in 1982. She is a graduate of Hilton Head Prep.

She attended Southern Methodist University in Dallas, Texas and is also a graduate of the University of South Carolina with a degree in Journalism, where she was on the President's List and the Dean's list.

She graduated from Florida Coastal School of Law in 2008 and passed both the Florida and South Carolina Bar Exams, the first time.

She is also a former member of the Hilton Head Dance Theatre, where she studied classical ballet under the former Principal Ballerina for the America Ballet Theatre, Karena Brock-Carlyle, and John Carlyle.

Margaret worked with the Young Lawyers Division of the South Carolina Bar on their *Wills for First Responders Program*. The program provides Wills and certain other basic estate planning documents to firefighters, EMTs, police officers, and deputy sheriffs, at no charge.

Margaret is also a member of the Hilton Head Island Bar Association. In addition to being licensed in South Carolina, she is also licensed to practice in Florida.

Margaret concentrates her practice in estate planning and probate matters.

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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, 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
- Certificates 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.
- This conference can also last up to two (2) hours and can be longer.

Phase V

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 Certificate(s) of Trust for filing with any deeds.
- Basic outline on how to fund your trust, if you want to do it yourself, and most of it can and should be done by you.
- Set of wallet cards giving 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.
- Our website at HiltonHeadEstatePlanning.com with information on estate planning and probate. Our website is designed for our clients and is updated with newsletters written by us with the specific needs of our clients in mind.