

FILED  
BY:                       
2018 JUN -8 PM 2:57  
JULY TINNELL  
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF THE FEES OF  
THE MOHAVE COUNTY PUBLIC  
FIDUCIARY,

ADMINISTRATIVE ORDER  
2018-16

Administrative Order 2004-24 was adopted July 1, 2004, approving a Fee Schedule for the services of the Mohave County Public Fiduciary. As the Fiduciary compensation rate had not been changed since the fees were last approved by the Board of Supervisors on May 17, 2004, the Public Fiduciary petitioned the Board of Supervisors to modify the same. At a duly noticed meeting, the Board of Supervisors approved a revised Fee Schedule.

The Mohave County Public Fiduciary has now filed a Motion for the Court to adopt the modified Fee Schedule of the Public Fiduciary as established by the Board of Supervisors. In accord with A.R.S. § 14-5604 the Public Fiduciary has a claim for reasonable expenses incurred in the execution or performance of a Guardianship, Conservatorship or public administration in an amount that the Court deems just and reasonable. For good cause shown,

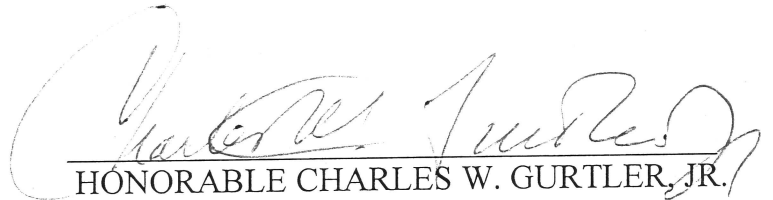
**IT IS ORDERED** rescinding Administrative Order 2004-24.

**IT IS FURTHER ORDERED** that the Public Fiduciary is entitled to reasonable expenses incurred in the execution or performance of a Guardianship, Conservatorship or public administration.

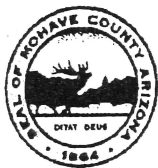
**IT IS FURTHER ORDERED** that the Public Fiduciary is entitled to compensation for the fiduciary services, and the fiduciary's attorney in accord with the Fee Schedule approved by the Board of Supervisors and attached hereto as Exhibit "A" subject to the Court deeming the compensation for such services as just and reasonable in accord with A.R.S. § 14-5604(A)(2).

**IT IS FURTHER ORDERED** the effective date for use of these fees shall be as of entry of this Administrative Order.

DATED this 27 day of June, 2018.

A handwritten signature in cursive script, appearing to read "Charles W. Gurtler, Jr.", written over a horizontal line.

HONORABLE CHARLES W. GURTLE, JR.  
Presiding Judge  
Mohave County Superior Court



## Mohave County Public Fiduciary

700 W Beale Street  
PO Box 7000  
Kingman, AZ 86402-7000

Phone: (928) 718-4959  
Fax: (928) 718-4960

Carole Collins, Public Fiduciary

Provider of Public Guardianship, Conservatorship and Probate Services for the Citizens of Mohave County.

### MOHAVE COUNTY PUBLIC FIDUCIARY FEE SCHEDULE

The Mohave County Public Fiduciary's compensation for fiduciary services is a claim against the estate pursuant to A.R.S. § 14-5604. The fees are further subject to Court approval.

The following fees are applicable for compensation to the Mohave County Public Fiduciary and shall be calculated according to the following rates:

1. Flat rate fee for services provided - **Adult Wards:**

a. Referral, Investigation, Request for Petition and Set-up Fee Services	\$650.00
b. Annual Accounting Preparation Services	\$325.00
c. Biennial Accounting Preparation Services	\$425.00
d. Probate court Mandated Investigation Services whether provided by the Public Fiduciary or Legal Advocate's Office	\$500.00
e. Annual Administrative Services Fee	\$300.00
f. Annual Banking Operation Service Fee	\$ 60.00

2. Flat rate fee for services provided - **Minor Children:**

a. Referral, investigation, request for petition and set up fee services:	\$325.00
b. Annual accounting preparation services:	\$150.00
c. Annual Banking Operation Service Fee:	\$ 60.00

3. Flat fee for investigation, set up, collection - **Indigent burial cases:** \$450.00

4. Hourly fee services provided and billed in 1/10 hour increments (.10) \$100.00

5. Probate Court audit fee: \$100.00

6. Direct costs will be an expense paid from the client's estate and may include the court filing fees, recordation fees, publication costs, postage, mileage, copies, facsimile transmissions, out-of-pocket expenses, travel expenses and inventory supplies.

Exhibit A

MOHAVE COUNTY PUBLIC FIDUCIARY  
FEE SCHEDULE GLOSSARY

A glossary for the terms used in the Mohave County Public Fiduciary Fee Schedule is provided as follows:

a. **Referral, Investigation, Request for Petition and Set-up Fee Services Adult Wards \$650.00**

Referral, Investigation, Request for Petition and Set-up Fee Services are deliverables to the client at the time of new case intake and subsequent appointment. Services include the investigation on the need for legal adjudication to provide guardianship, conservatorship or decedent's administration services pursuant to Arizona Law. Legal referral and information to substantiate the need for appointment are provided. Referral visits, case research and assessment of available support services. These services also include initial file and account set up, initial application for benefits, change of address and appointment notification letters.

b. **Annual or Final Accounting Preparation Services Adult Wards \$325.00**

Annual or Final Accounting Preparation Services contribute to compliance with the statutory reporting requirements of providing the client, interested parties and the courts with a detailed record of receipts and disbursements and assets under management. An internal review of the case is performed, calculations examined, current values of assets established, interest reviewed and schedules with exhibits prepared. Annual Accountings are prepared for a period that is one year or less and Final Accountings are prepared to close out the case with the courts and seek discharge. In addition as licensed fiduciaries, staff is authorized by the Arizona Supreme Court to prepare the pleadings necessary to directly file the annual accounting with the courts.

c. **Biennial Accounting Preparation Services Adult Wards \$425.00**

The same definition for services listed in Annual or Final Accounting Preparation above applies with the accounting period extending to a period greater than one year and less than two years.

d. **Court Mandated Investigation Services Adult Wards \$500.00**

Court mandated investigation services are provided when the court directs an investigation to determine if the person alleged to be in need of court ordered protective services meets the statutory requirements and to determine the agent who can best serve as the fiduciary. This is a service normally provided by the Legal Advocate's Office. The court may direct an investigation by the Public Fiduciary into a court appointed fiduciary's appropriateness to continue serving and provide the court with a recommendation as to who should serve if the current fiduciary is deemed incapable of performing their mandated duties.

e. **Annual Administrative Services Fee Adult Wards \$300.00**

Annual Administrative Services include the day-to-day estate operations of mail receipt, income receipt, deposits, mail disbursements processing, and file management, receipts and disbursements handling, transaction posting, interest posting and account reconciliation.



- f. **Annual Banking Operation Service Fee Adult Wards** \$ 60.00

Annual Banking Operation Services include the cost of the computer system to manage the client's account for report generation, reconciliation and accountability.

- g. **Referral, investigation, request for petition and set up fee services for Minor Children:** \$325.00

Referral, Investigation, Request for Petition and Set-up Fee Services are deliverables to the client at the time of new case intake and subsequent appointment. Services include the investigation on the need for legal adjudication to provide guardianship, conservatorship or decedent's administration services pursuant to Arizona Law. Legal referral and information to substantiate the need for appointment are provided. Referral visits, case research and assessment of available support services. These services also include initial file and account set up, initial application for benefits, change of address and appointment notification letters.

- h. **Maximum Annual Accounting preparation services for Minor Children:** \$150.00

The Annual or Final Accounting Preparation Services for minor children is very similar to what is done for an Adult, except that there are generally very few, if any, distributions from the account, thus less time is required for the annual report and the reports are often done on a biannual basis.

The minor children will be assessed a fee based on a sliding scale depending on what is under management.

- i. **Annual Banking Operation Service Fee for Minor Children:** \$ 60.00

Annual Banking Operation Services include the cost of the computer system to manage the client's account for report generation, reconciliation and accountability.

- j. **Flat fee for investigation, set up, collection on indigent burial cases:** \$450.00

The Public Fiduciary's office has been tasked with fulfilling the statutory duty of disposing of the remains of decedents who are abandoned bodies or whose families are indigent. Each investigation requires a search for bank records and real property ownership to determine whether a family is truly indigent or in the event of abandonment, an opportunity for the County to recover the cremation costs from the decedent's assets. Each case consumes approximately 5 to 8 hours of staff time.

- k. **Public Fiduciary, Deputy Public Fiduciaries and Case Administrator(s)** \$100.00

The Public Fiduciary Director and any Case Administrators and staff having direct responsibility for the clients assigned are required to be licensed with the Arizona Supreme Court for purposes of providing informed consent and entering into contractual agreements for placement. Whether licensed or in training, all staff members must fulfill mandatory annual

training and education requirements.

I. Court audit fee

\$100.00

The Mohave County Superior Court has requested the assistance of the Public Fiduciary in auditing the annual conservator accounts required to be filed with the court. The audits consist of reviewing the mandatory reporting forms for compliances, as well as the review of bank statements, investment account statements, transaction logs, etc. Once the review is complete a report is generated for filing with the Court. The Public Fiduciary is expending an average of 2 to 3 hours of staff time in the review and reporting process, as well as additional costs for postage, copies and ink on what is private money cases.

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5 Attorney for Mohave County Public Fiduciary

FILED  
BY: HO  
2018 MAY -9 PM 4:50  
VIRLYNN TINNELL  
SUPERIOR COURT CLERK


6  
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MOHAVE**

9 In the Matter of the Fees of the  
10 Mohave County Public Fiduciary

**MOTION TO MODIFY THE FEE  
SCHEDULE OF THE PUBLIC  
FIDUCIARY**

11  
12 Comes now, The Mohave County Public Fiduciary, through undersigned  
13 counsel, and moves the Court for an Administrative Order approving a revised  
14 Mohave County Public Fiduciary Fee Schedule, attached hereto and  
15 incorporated herein, as Exhibit "A". This Motion is supported by the attached  
16 Memorandum of Points and Authorities.

17 DATED this 9<sup>th</sup> DAY OF May, 2018.

18  
19   
20 Lenore Knudtson  
Civil Deputy County Attorney  
21 Attorney for the Mohave County Public Fiduciary  
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23  
24  
25  
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1  
2 **MEMORANDUM OF POINTS AND AUTHORITIES**

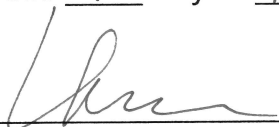
3 REASONABLE CLAIMS AGAINST FIDUCIARY ESTATES FOR FEES AND  
4 EXPENSES ARE PERMITTED

5 A.R.S. §14-5604 provides that the Public Fiduciary has a claim for  
6 reasonable expenses incurred in the execution of the guardianship,  
7 conservatorship or public administration, including compensation for the Public  
8 Fiduciary's services that the Court in which the accounts are settled deems just  
9 and reasonable.

10 Fees for the Public Fiduciary have not been modified since July, 2004.  
11 The proposed revised fee schedule was researched and drafted by the Mohave  
12 County Public Fiduciary's Office, with assistance of Counsel, and by the Mohave  
13 County Board of Supervisors on March 19, 2018. The fees and costs therein are  
14 an accurate representation of the fiduciary duties required, and are both just and  
15 reasonable in light of those duties.  
16

17 In conclusion, it is requested that the Court, through an Administrative  
18 Order, approve the Mohave County Public Fiduciary Revised Fee Schedule  
19 attached hereto as Exhibit "A".

20 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of May, 2018.

21  
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23 \_\_\_\_\_  
24 Lenore Knudtson  
25 Civil Deputy County Attorney  
26 Attorney for the Mohave County Public Fiduciary

# MOHAVE COUNTY REQUEST FOR BOARD ACTION FORM

FROM: Carole Collins, Public Fiduciary Director

CONTACT/EXT:

DATE: February 7, 2018

BOS MEETING DATE: March 19, 2018

FORMAL ACTION  
CONSENT  
RESOLUTION  
OTHER PH  
INFORMATION ONLY

## SUMMARIZE THE ISSUE & DESIRED ACTION CLEARLY/ATTACH BACKUP MATERIAL:

A fee revision for MCPF (Mohave County Public Fiduciary) is proposed for consideration and adoption. An analysis of private fiduciaries in Mohave County and eleven other Arizona county public fiduciary fee schedules with similar duties and responsibilities to MCPF was performed to assess industry standards and reasonableness to support the credibility of the proposed increased rate. The fiduciary compensation rate has not changed since the fees were approved by the BOS on May 17, 2004.

## RECOMMENDED MOTION:

Approve the Revised Mohave County Public Fiduciary Basis for Compensation Fee Schedule and Description of Services.

Reviewed and Approved By: *1/2/18*

County Attorney  *PK*      Human Resources       Finance  *CS*      County Manager  *WJH*

Board Action Taken:

Approved as Requested       No Action Taken       Disapproved

Continued to \_\_\_\_\_  Approved with the following changes:

Acknowledged receipt and referred to: \_\_\_\_\_

## Filing Information and Retrieval

Filed Bid \_\_\_\_\_      Filed Agreement \_\_\_\_\_  
BOS Resolution \_\_\_\_\_      Filed Yearly Correspondence \_\_\_\_\_  
Filed Petition \_\_\_\_\_      Filed Dedication \_\_\_\_\_  
Filed Land Sold \_\_\_\_\_      Filed Land Acquired \_\_\_\_\_  
Filed Franchise \_\_\_\_\_      ID Resolution \_\_\_\_\_  
Filed Improvement District \_\_\_\_\_      Filed Other *Fee for Service*

Date Routed: *3/2/18*  
Additional Information:

XC:

*36*