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ADMINISTRATION OF ESTATES; ATTORNEY'S FEES

Amends NRS 150.060

AB 822 (Committee on Judiciary); STATS 1979, Ch 551

Chapter 551 specifies the procedure for determining the compensation of attorneys representing decedent's estates. It requires applications for compensation to include detailed information supporting the attorney's claims.

Prior to enactment of Chapter 551, fees for attorneys of executors, administrators or special administrators were fixed by agreement between the attorney and the executor or administrator, subject to court approval.¹ If no agreement was reached or if the attorney was also the executor, administrator or special administrator, the amount of compensation was determined by the court.² The court also determined the extent to which attorneys were compensated for the administration of the estates of minor, absent, or nonresident heirs.³

Chapter 551 retains the provision allowing fees to be fixed by agreement between the attorney and the executor or administrator.⁴ However, Chapter 551 specifies the method of applying for compensation when the court must determine the amount of compensation due or approve the agreement.⁵ An attorney applying for compensation must provide specific, detailed information supporting the claim.⁶ The application must include reference to time and hours worked,⁷ the nature and extent of the services,⁸ the complexity of the work,⁹ and any other information relevant to a determination of appropriate compensation.¹⁰

Lorne Malkiewich

FOOTNOTES

1. 1977 Nev. Stats. ch. 493 §2, at 1018 (NRS 150.060(1), amended by 1979 Nev. Stats. ch. 551 (hereinafter "Ch. 551") §1).
2. Id.
3. 1977 Nev. Stats. ch. 493 §2, at 1018 (NRS 150.060(5), amended by Ch. 551 §1).

4. Ch. 551 §1 (amending NRS 150.060(1)).
5. Id. (amending NRS 150.060(1), (5)).
6. Id. §1 (amending NRS 150.060(1)).
7. Id. §1 (adding NRS 150.060(1)(a)).
8. Id. §1 (adding NRS 150.060(1)(b)).
9. Id. §1 (adding NRS 150.060(1)(d)).
10. §1 (adding NRS 150.060(1)(e)). Compare Ch. 551 §1 (amending NRS 150.060) with 9th JUD. DIST. CT. OF NEV. R. 17.

ADMINISTRATION OF ESTATES; SUMMARY PROBATE PROCEEDINGS

Amends NRS 146.080

SB 352 (Ashworth); STATS 1979, Ch 322

NRS 146.080 provides for transfer of estate assets without probate or administration, where (i) the total value of assets located within Nevada is \$5,000 or less, excepting amounts due decedent for service in U.S. Armed Forces, and (ii) the estate contains no interest in real property or lien on real property in Nevada. Prior to amendment, NRS 146.080 simply required the person entitled to receive these assets to present, to the custodian of the assets, an affidavit of the affiant's right to the property.¹ Chapter 322 specifies informational requirements of these affidavits² and clarifies who may and who must rely on these affidavits.³

NRS 146.080 now requires that, in order for a decedent's relative to receive the estate's property without administration, he must submit an affidavit which contains statements of the affiant's name and address and that he is entitled by law to receive the property;⁴ a description of the decedent's property and the property claimed;⁵ that the decedent was a Nevada resident at the time of death;⁶ that the property in Nevada does not exceed \$5,000 in value, and includes no interest in real property nor lien upon real property;⁷ that forty days have elapsed since the death of the decedent;⁸ that the affiant is entitled to delivery or full payment of the claimed property;⁹ that no appointment of a personal representative has been made and that no application for such an appointment is pending;¹⁰ that all debts of the decedent including funeral and burial expenses have been paid or provided for;¹¹ and that ten days have elapsed since written notice of affiant's claim was delivered by personal service or by certified mail to every successor whose right to succeed is equal or superior to that of the affiant.¹²