
APPENDIX D

Sample Estate Administration Engagement Letter Involving Dual Representation¹

[FIRM LETTERHEAD]

_____, _____,

Re: Engagement Agreement—Estate of _____, deceased.

PRIVILEGED AND CONFIDENTIAL

Dear _____ and _____:

On behalf of _____, we appreciate the confidence demonstrated by your decision to engage us to represent both of you as the nominated Executors of the Estate (the “Estate”) of _____, deceased (the “Estate”).

1. **Our Client.** The purpose of this engagement letter (“Letter”), as well as the associated Terms of Business (“Terms”), is to set forth the agreement pursuant to which _____ (the “Firm,” “we,” “us” and “our”) will represent you in your capacity as the nominated Executors of the Estate (“Client,” “you” and “your”).

2. **Scope of Representation.**² We anticipate that we will provide (and, to some extent, have already begun to provide) the following services to you:

- a. We will seek to secure the probate of _____’s Will and your appointment as the Executors of the Estate;
- b. We will provide such legal services as are appropriate to assist you as to collecting the assets of the Estate and transferring them into the name of the Estate;
- c. We will help you to establish a checking account for the Estate and show you how to maintain the Estate’s checkbook and other records in an appropriate manner;
- d. We will prepare, submit to you for review and execution and handle the filing of the [federal and] state estate tax return[s], as appropriate;
- e. We will prepare, submit to you for review and file the New York State Surrogate’s Court Inventory;
- f. We will prepare, distribute (if you so request) and file the tax basis information forms required by the IRS, if any;
- g. We will provide appropriate legal services to assist you with the transfer of the assets of the Estate to the beneficiaries at and, if appropriate, in part prior to the termination of the administration of the Estate, and prepare all related documents;

¹ Must be modified to suit the circumstances.

² Revise as appropriate.