



# ENTRUST FIDUCIARY SERVICES, INC.

LICENSED FIDUCIARY NO. 20545

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## FIDUCIARY FEE SCHEDULE AND SERVICE DESCRIPTIONS EFFECTIVE JANUARY 1, 2013

### Hourly rate

|                        | <u>Principal Fiduciary</u> | <u>Licensed Staff</u> | <u>Non-Licensed Staff</u> |
|------------------------|----------------------------|-----------------------|---------------------------|
| Fiduciary Services     | \$ 115                     | \$ 105                | \$ 95                     |
| Asset Management       | 115                        | 105                   | 95                        |
| Case Management        | 115                        | 105                   | 95                        |
| Property Management    | 115                        | 105                   | 95                        |
| Records Management     | 40                         | 40                    | 40                        |
| Companionship Services | 30                         | 30                    | 30                        |
| Housekeeping           | 25                         | 25                    | 25                        |

### Introduction

All individuals acting in a fiduciary capacity as outlined in Arizona Revised Statutes, Title 14 are required to abide by and work within the requirements of Arizona Revised Statutes (A.R.S.) and the Arizona Rules of Probate Procedure. As a Licensed Fiduciary Business Entity, Licensed Fiduciary and National Master Guardian, Entrust Fiduciary Services, Inc. (Entrust) is also bound by the Arizona Code of Judicial Administration (ACJA) Sections 7-201 and 7-202. The Arizona Code of Judicial Administration §7-202(J)(1)(a) requires “the fiduciary shall perform all duties and discharge all obligations in accordance with current Arizona law, federal law, administrative rules, court orders, court rules, administrative orders, and the Arizona Code of Judicial Administration.”

The service descriptions contained below are not intended to serve as a complete list of all tasks performed by Entrust Fiduciary Services, Inc. but are included to serve as an outline to interested parties, the courts and other professionals of the typical services provided by Entrust. Whenever possible, Entrust has included the administrative code references which, in some cases, requires a higher standard of care and places additional reporting and/or documentation requirements on a licensed fiduciary.

Entrust Fiduciary Services, Inc. takes its responsibility as a licensed fiduciary very seriously. Entrust strives to ensure compliance with A.R.S. §14-1101 and prudently manages the costs incurred on behalf of the estates it manages. The Arizona Code of Judicial Administration allows a licensed fiduciary to prepare and file certain legal documents in an effort to reduce administrative expenses to the estate. Entrust will strive to complete legal documents on behalf of the estate wherever appropriate but will not prepare any legal documents that require a finding of fact or request leave from the court. Such documents will be prepared by counsel. All time entries are recorded in one-tenth of an hour increments (.1) and are documented in accordance with Arizona Revised Statutes, the Arizona Rules of Probate Procedure and ACJA §7-202(J) et seq.

Resumes of staff are available upon request.

**Fiduciary Services** include, but are not limited to:

- Initial investigation, intake, research, conferences, professional consultations, court hearings, and meetings with third-party agencies and other tasks as required by Arizona Code of Judicial Administration (ACJA) §§7-202(J)(3)(a) and (d).
- Compiling and preparing information for (and review and execution of) court documents as required by ACJA §§7-202(F)(3) and (J)(1)(c)(2)-(3).
- Notification of appointment to financial institutions, service providers, family members, county recorder, Internal Revenue Service, Arizona Department of Revenue, Motor Vehicle Division and interested parties as required by Arizona Rules of Probate Procedure, Rule 25(C) and ACJA §3-302, Forms #1-3.
- Meetings with the ward/protected person/client, interested parties, and service providers as required by ACJA §7-202(J) et seq. and other applicable rules and statutes.
- Researching benefits, preparing related applications, and associated meetings as required by ACJA §7-202(J)(5)(i).
- Preparing plans, reports, case documentation, etc. as required by various administrative rules.
- Case supervision, case staffing and review of licensed and non-licensed staff documentation and/or activities as required to ensure “active and direct supervision” and maintain regulatory compliance in accordance with ACJA §§7-202(E)(3)(f)(1) and (J)(3)(e).
- Other relevant activities required by statute, administrative rule, or to maintain regulatory compliance.

**Trust Administration** includes, but is not limited to:

- Fiduciary Services, Asset and Property Management on behalf of a trust and its beneficiaries.
- Reviewing trust provisions, in close consultation with legal counsel where appropriate, to ensure compliance with the trustor’s intent with regard to testamentary distributions.
- Ensuring that all trust property is titled in the name of the trust, including obtaining federal EINs.

**Asset Management** includes, but is not limited to:

- Marshalling and securing estate assets in accordance with A.R.S. §14-3706 or A.R.S. §14-5418 and ACJA §§7-202(J)(5)(c) and (6)(b).
- Ensuring that all assets are used solely for the ward/client/protected person’s benefit as required by ACJA §7-202(J)(2).
- Communicating with guardian, beneficiary, family members and/or service providers regarding liquidity, income, resource availability and anticipated expenditures related to care of the ward/client/protected person and/or their dependents as required by A.R.S. §14-5312(B) and ACJA §7-202(J)(5)(6).
- Monitoring investments and ensuring that investment strategies are appropriate with the ward/client/protected person’s current life circumstances and in compliance with the Prudent Investor Rule as outlined in A.R.S. §14-10901 et seq. and ACJA §§7-202(J)(5)(f) and (6)(d).
- Processing accounts payable, accounts receivable and bank account reconciliations as required for accurate and appropriate records management as well as ensuring that all fees and expenses are reasonable and necessary as required by ACJA §§7-202(J)(5)(j) and (6)(g).
- Preparing budgets as necessary to determine investment strategy for upcoming year and ensure compliance with Arizona Rules of Probate Procedure, Rule 30.3 and ACJA §3-302, Form #5.
- Preparing inventory and appraisements in accordance with A.R.S. §§14-3706 and -5418, Arizona Rules of Probate Procedure, Rules 30(A) and 31(A) and ACJA §§7-202(J)(5)(c) and (6)(b).

- Preparing required reports for completion of annual federal and state tax returns; Coordinate with CPA for completion of tax returns; Review and execute same.
- Preparing annual accountings and all accompanying reports in accordance with A.R.S. §§14-3505 and -5419, Arizona Rules of Probate Procedure, Rules 30(B) and 31(B), ACJA §§7-202(J)(4)(j) and (5)(h), ACJA §7-202(J)(1)(c)(2) and ACJA §3-302, Forms #6-8.
- Reviewing insurance policies to ensure estate assets are sufficiently insured and protected in accordance with ACJA §§7-202(J)(5)(c) and (6)(b).

**Case Management** includes, but is not limited to activities required to maintain regulatory compliance with ARS §14-5312 and ACJA §7-202(J)(4) such as:

- Obtaining consultations and assessments regarding appropriateness of placement and/or in-home services in accordance with ACJA §7-202(J)(4)(f) and (g).
- Conducting case management visits to check on the physical, environmental, and health status of the client/ward/protected person in accordance with ACJA §7-202(J)(4).
- Coordinating and monitoring personal care and health services.
- Assist in locating, contracting, and developing service plans with licensed, insured third-party in-home care providers.
- Attending care plan conferences and/or individual support plan meetings
- Initiating independent reviews and following up on recommendations from third party professionals such as pharmacist consultants.
- Reviewing medical explanations of benefits, pharmacy statements, lab reports, etc.
- Other relevant activities as required by statute, administrative rule or to maintain regulatory compliance.

**Property Management** includes, but is not limited to:

- Marshalling, securing, photographing, and inventorying real and personal property in accordance with ACJA §§7-202(J)(5)(c) and (6)(b).
- Coordinating property maintenance, management, appraisals, insurance, etc. in accordance with ACJA §§7-202(J)(2)(b)(2), (4) et seq and (5) et seq.
- Coordinating and supervising liquidation of assets or real property in accordance with ACJA §§7-202(E)(3)(f)(1)(c) and (J)(2)(e).

**Records Management** includes but is not limited to activities required by ACJA §§7-201(H)(6)(k)(5) and -202(J)(3)(e) and/or to ensure accurate records, accountability and professional operations such as:

- Initial file setup, filing and/or scanning completed items and other activities necessary to maintain accurate records and organized files for each ward/client/protected person/estate.
- Maintaining accurate conformed pleading files for each case as requires by the Administrative Office of the Courts Fiduciary Licensing Division.
- Maintaining a case management system with contacts, vital statistics, and other pertinent information for each case as required by professional standards.
- Mail processing includes but is not limited to receiving, sorting and conducting a high-level review of mail; logging each item received into the electronic case management system to ensure accountability and auditability; and routing to the appropriate staff and/or forwarding to other offices as required. This activity entails a high degree of skill and accuracy and is required in order to maintain regulatory

compliance as cited above. It should be noted, while this task requires a high degree of skill and accuracy, Entrust charges a significantly lower administrative rate for the completion of these tasks.

- Records management *does not* entail internal administrative support to the fiduciary or company; these are activities that directly benefit the ward/client/protected person and are necessary to ensure auditability, accountability, transparency and regulatory compliance.

## **Companionship Services and Housekeeping**

Companionship services are services conducted that do not necessarily require the skill and expertise of a licensed fiduciary; as such these services are provided at a discounted rate no matter which staff member performs the function. Examples include: Shopping for and delivering household supplies and/or personal care items; assisting with clean-up/moving activities that the fiduciary prefers to conduct or directly supervise, or other instances in which hiring a third-party vendor is deemed not to be cost effective or efficient. A cost/benefit statement regarding the provision of services will be provided upon request to parties entitled to make such request as outlined in A.R.S. §§14-5418(C) and -5419.

### **Expenses:**

Mileage – current rate approved by the Internal Revenue Service

Copies - \$.50 per photocopy or document printed

Postage and Delivery – Charged at current USPS or private delivery service rates

General Expenses – include any expenses advanced by Entrust Fiduciary Services, Inc. on behalf of the client/estate (e.g. filing fees, document recording fees, charges for certified letters of appointment as required by Arizona Rules of Probate Procedure, and miscellaneous expenditures).

*The scope of services shall be defined by the contract for services in cases of voluntary appointment or shall be commensurate with the scope of Entrust's court appointment and the laws governing the fiduciary's role. In cases of voluntary appointment, the standards of practice and billing rates applicable to court-appointed arrangements will be maintained as described above.*

### **Effective January 1, 2012:**

*Fees and expenses are subject to change with thirty (30) days written notice to the parties as required by A.R.S. §14-5109.*

*While the Arizona Code of Judicial Administration allows a licensed fiduciary to prepare and file certain legal documents with the court, ACJA §7-202(J)(1)(d)(8) requires that Entrust notify all interested parties that no member of Entrust is an attorney, is employed by an attorney and cannot provide legal advice nor do any communications with a member of Entrust constitute privileged communication.*

*Entrust Fiduciary Services, Inc., Fiduciary License No. 20545, and its principal fiduciary, Lisa M. Price, Fiduciary License No. 20120, holds an active fiduciary license issued by the Arizona Supreme Court Administrative Offices of the Court and is subject to regulation by the program. The regulations governing licensed fiduciaries and fiduciary entities are specified in the Arizona Code of Judicial Administration §7-201: General Requirements and §7-202: Fiduciaries. These administrative rules adopted by the Arizona Supreme Court include a Code of Conduct that all licensed fiduciaries are required to follow. Additional information regarding these requirements and licensed fiduciaries may be obtained from the Arizona Supreme Court at:*

<http://www.azcourts.gov/cld/FiduciaryLicensingProgram.aspx>

<http://www.lawforseniors.org/>

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