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Attorneys for Petitioner

FILED
San Francisco County Superior Court

SEP 02 1994

ALAN CARLSON, Clerk

BY: Alan Carlson
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

IN THE MATTER OF THE ESTATE OF

No. 259064

GILBERT W. CLARK, aka GILBERT WADE
CLARK, aka GILBERT CLARK aka G.W.
CLARK,

DECLARATION CONCERNING
EXTRAORDINARY ATTORNEY'S
FEES

Deceased

I, EDWARD J. WATSON, declare under penalty of perjury as follows:

1. I am an attorney at law licensed to practice in the State of California and am a partner of the firm of Dreher, Garfinkle & Watson, 88 Kearny Street, Suite 1500, San Francisco, CA 94108.

2. We are the attorneys for the Executor of the Last Will and Testament of Gilbert W. Clark, alias, deceased, along with JOHN F. DIGARDI, ESQ.

3. The accompanying Petition for Final Distribution includes a request for payment to the attorneys for the Executor of a

1 assets; review of assets to determine whether date of death or
2 alternative valuation dates should be used; analysis of deductions
3 and expenses to arrive at a no-tax estate; preparation of a prompt
4 audit request; arrange for the filing of the federal estate tax
5 return with the Internal Revenue Service and filing of the California
6 Estate Tax Return with the State Controller. (Total time: 14 hours -
7 Requested fee - \$2,000.00).

8 C. Sale of Fillmore St. Rental Property: Review of
9 listing agreement with Gordon Clifford Realty (first broker),
10 conference with real estate broker to discuss listing agreement,
11 telephone conferences with tenants concerning sale of property;
12 preparation of notice of intention to sell, and arranging for the
13 publication of the same; correspondence with the Blue Sheet; review
14 initial offer with broker, co-counsel and executor; telephone
15 conferences and correspondence concerning renewal of expired listing
16 agreement; preparation of re-appraisal for sale, including telephone
17 conference and correspondence with Probate Referee; telephone
18 conferences and correspondence with Alice Micklewright (second
19 broker); review and revision of new listing agreement; legal research
20 concerning lessor's right to access for purposes of showing property
21 to prospective buyers; review and telephone conferences with real
22 estate broker, co-counsel and Executor regarding second offer;
23 preparation of counter-offer; preparation of Petition for
24 Confirmation of Sale of Real Estate; attendance at confirmation
25 hearing; preparation of Executor's Deed, review of Preliminary Title
26 Report and escrow documents; preparation of supplementary escrow

1 instructions; review of promissory note and deed of trust; telephone
2 calls and correspondence regarding reconveyance of old deed of trust;
3 negotiation with bonding company concerning lost instrument bond and
4 hold back of \$10,000 of sales proceeds. The sale of this property
5 began shortly after the appointment of the Executor in July 1992 and
6 was actively marketed for almost 2 years until the sale was finalized
7 in May of 1994. During that period of time, our firm devoted in
8 excess of 40 hours, wrote 10 substantive letters, conducted in excess
9 of 60 telephone conferences with the real estate brokers, co-counsel,
10 tenants and the Executor of the Estate in addition to conducting 10
11 separate conferences with the real estate brokers, co-counsel and the
12 Executor of the Estate. The property was located in a difficult
13 neighborhood and was occupied by long-term tenants who were paying
14 rents substantially below fair market value. Because this property
15 was not owner-occupied, it was subject to rent control. All of
16 these factors made the property very difficult to sell and required
17 a great deal of time and effort by our firm, particularly in light of
18 the fact that the Executor lives and works in Southern California.
19 (Total time: 41 hours - Requested Fee: \$7,600.00)

20 D. Unlawful Detainer Action: One of the assets of the
21 estate was the decedent's residence located on Newcomb Avenue in the
22 Bayview/Hunter's Point district of San Francisco. The residence
23 includes a mother-in-law apartment that was rented at the time of the
24 decedent's death. The tenant in that unit became difficult and
25 stopped paying rent in the latter part of 1993. Our firm initiated
26 an eviction proceedings by the preparation and serving of a 3 day

1 notice to pay or quit and arranged with an attorney specializing in
2 eviction matters to handle the unlawful detainer action. One and a
3 half hours of attorney's time and 11 hours of paralegal's time was
4 devoted to this matter for a total of 12 1/2 hours. (Requested Fee -
5 \$1,125.00)

6 E. Personal Injury Case: Prior to the decedent's death,
7 he was involved in a personal injury accident, for which he was sued.
8 Our firm worked with the insurance carrier and the plaintiff's
9 attorney to arrive at a settlement of the lawsuit without any
10 exposure to the estate. This matter involved review of the
11 complaint, conferences and correspondence with the insurance carrier
12 and co-counsel and the Executor. (Total time: 6 hours - Requested
13 Fee - \$1,075.00)

14 F. Accounting: During the course of the probate
15 proceedings, on behalf of the Executor, our firm collected all rental
16 receipts and other income due the estate. We prepared all
17 disbursements and sent them to the Executor for signature and
18 payment. Additionally, as reflected in the accounting, our firm
19 advanced substantial sums in payment of various expenses for which we
20 were periodically reimbursed by the Executor. Because all of the
21 cash transactions were handled through this firm, it was determined
22 that it was more efficient for our firm to prepare the account and
23 report on behalf of the Executor. Our firm's accountant/paralegal
24 devoted in excess of 60 hours to the preparation of the accompanying
25 court accounting. A fee of \$4,000.00 is requested for this service.
26 It should be noted that no time with respect to the deposit of checks