


In her final filed on July 23, 2014, covering the time period beginning July 2, 2013 and ending July 1, 2014, the guardian listed total receipts of \$3882.98. This reflected a loss of \$2259.00 on the \$2459.00 vehicle, and included some refund checks, which had not been included on the inventory. The ward had no income during this period. Nevertheless, the guardian took, and the court approved, fees in the amount of \$2193.16. During the same time, the guardian spent \$1119.43 for the ward's benefit. (See account at Index #38). She now seeks an additional \$4641.19 in compensation. If allowed, compensation would be \$6834.35 or more than 170% of the ward's assets (and \$6834.35 more than his income during the accounting period).

This court has an affirmative duty to determine the reasonableness of fiduciary compensation. See In re Estate of Rolfe, 136 N.H. 294, 298 (1992); Prob. Div. R. 88. See also National Guardianship Association Standards of Practice, Standard 22. The fact that there is no objection to the fees charged does not relieve the court of this obligation. Having considered the fees charged in this matter, the court concludes that the fees sought are unreasonable on their face. After careful review of the file, as well as the partial itemized statements submitted, the court concludes and finds that the fees allowed in the first account are allowed as reasonable total fees for the accounting period. The court notes and recognizes that the guardian performed work which benefited the ward however much of the work done, for which the guardian sought a \$125/hour fee, was ministerial in nature and much of the work did not benefit the ward.

For these reasons, the motion to reconsider is denied.

SO ORDERED.

October 20, 2014


David D. King, Judge