

Contract for Legal Services State Office of Administrative Hearing (SOAH)

2011

Contact: I may be contacted at the address, phone number and email address listed on the first page of this contract. Please list (print) all contact information following.

Name	
Street Address	
City, State, Zip Code	
Phone (Work)	
Phone (Cell)	
Phone (Home)	
Phone (Fax)	
Email	

The purpose of this contract is to define the services between Ted Whitmer, Attorney and appraiser. If you have any questions, please feel free to call. You are encouraged to contact your personal or other attorney concerning the terms of this agreement.

Representation: This contract is for representation by Ted Whitmer, Attorney with above appraiser to cover from date of this contract through a formal hearing at THE STATE OFFICE OF ADMINISTRATIVE HEARING (SOAH) with the Texas Appraiser Licensing and Certification Board (TALCB) as Petitioner. The representation through the formal hearing at SOAH is likely to include the following steps.

- ❖ Contact by appraiser and discussions concerning Notice of Hearing and other documents filed in connection with the case.
- ❖ Filing answers to SAOH on behalf of the appraiser.
- ❖ Contact with the TALCB and discussion of the case and possible settlement.
- ❖ Possible discovery of TALCB documents and intended testimony and other evidence.
- ❖ Review of documents discovered.
- ❖ Discovery including interrogatories and possible depositions.
- ❖ Review case and preparation for trial.
- ❖ Meeting with appraiser to go over the case and prepare testimony.
- ❖ Possibly hire expert witness and prepare the witness.
- ❖ Try case before SOAH.
- ❖ Go over SOAH findings and possibly prepare briefs.

What is not covered: This contract does not obligate Ted Whitmer to represent appraiser past the hearing at the State Office of Administrative Hearings (SOAH). What is not covered includes appealing the decision to the next court of jurisdiction. In addition, any other complaints that may be issued against the appraiser are not covered because of this agreement to represent the appraiser at SOAH.

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Advisory Services for Criminal or Civil case related to a complaint: I will work with a civil or criminal attorney related to the appraisal that is subject to a complaint for \$225 per hour. I am not obligated to contribute to a civil or criminal case in connection with the appraiser or appraisal subject to a complaint with the TALCB or agreement to represent appraiser in the SOAH hearing that is the subject of this contract.

Fee: The fee to represent an appraiser at SOAH is \$225 per hour. This is \$2,000 per eight (8) hour day and includes travel to the property and comparables to inspect as well as any travel time for discovery, client meetings and to the trial. A flat fee may be agreed upon by the appraiser and Ted Whitmer.

The agreed upon fee or estimated total fee will be paid before representation begins or agreed upon by separate agreement. The fee may be paid by check or on Paypal on the website AppraiserDefense.com.

Please note the above fee is per hearing. A hearing is defined as having an assigned separate docket number assigned to it by SOAH. If there is another hearing, at another day, the fee schedule above applies to any other complaint.

The above fee includes all normal business expenses of Ted Whitmer, including travel (not time but gasoline, etc.), copies, food, etc. Appraiser will not be billed for travel or normal expenses but for the time it takes.

The above fee does not include discovery expenses or hiring of an expert witness. The fees to have depositions and expert testimony could be \$4,000 or more. This is in addition to my fee. Appraiser will be responsible for payment of these fees and Ted Whitmer will be given the money for these expenses prior to incurring the expense and then render payment on them. If Ted Whitmer is hired near the hearing date and the court does not grant a continuance, then the discovery may not be possible. Appraiser should understand that by not spending the money on discovery, the chances of success at trial are greatly affected.

Agreed upon Legal Fee (not including discovery, experts or other related expenses): \$ _____
Initial of Appraiser: _____

Communications: I will communicate with appraiser any important information concerning meeting times, offers from the TALCB or other important information within a reasonable time of receipt. Furthermore, appraiser should feel free to call or email me about the status of the complaint.

Communications between appraiser and Ted Whitmer are protected under the attorney/client privilege. I will keep conversations confidential. However, appraiser should know that any

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Agreed Order or finding from the SOAH court is published on the TALCB website and any agreement of violation of rule or USPAP is published on the ASC (Appraisal Subcommittee) website. Furthermore, any informal conference is subject to the Texas Open Meetings Act.

Results: Ted Whitmer will diligently represent appraiser in this matter. Appraiser understands there is no guarantee of results because of this agreement or representation.

Signatures:

Appraiser

Ted Whitmer, Attorney

Date

Date