DISTRICT OF COLUMBIA SUPERIOR COURT
PROBATE DIVISION

Probate Training Seminar

Volume II

October 2002

Juror's Lounge
3rd Floor
500 Indiana Ave., NW
Washington, D.C. 20001

District of Columbia Superior Court
Probate Division

PROBATE TRAINING SEMINAR
October 2002

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VOLUME II

Superior Court of the District of Columbia
Washington, D.C. 20001

Rufus King III
Chief Judge

(202) 879-1600

September 25, 2002

Dear Seminar Participant:

Welcome to the 2002 Probate Training Seminar and thank you for your interest and participation in the D.C. Superior Court Probate Division Training Program. I trust that you will find the information provided during these training sessions to be enriching, thought provoking and an aid to your practice before the Probate Division.

A training program of this depth and magnitude requires the dedication and contributions from many volunteers. The Court is indeed fortunate to have such able and willing members who give of their time, talent and financial resources to improve the quality and effectiveness of the legal services provided by members of the D.C. Bar.

My special thanks go to the Probate Education Committee for planning an outstanding program and materials for your use.

I wish to extend my appreciation to the Estates, Trust and Probate Law Section of the District of Columbia Bar for its support and active participation in planning the training seminar and for its generous donation for refreshments.

Finally, thank you for your participation.

Sincerely,

Rufus King, III
Chief Judge

District of Columbia Superior Court
Probate Division Education Committee

Committee Co-chairs
Judge Kaye K. Christian, Presiding Judge
Judge Jóse Lopez, Deputy Presiding Judge

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Robert Bunn
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SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20001

Kaye K. Christian
José López
Associate Judges

October 2, 2002

Dear Seminar Participants:

We welcome each and every one of you to the Probate Practice Seminar of 2002. The production of this seminar is in compliance with Chief Judge King's Administrative Order 02-07 issued in January 2002. While his mandate is to "establish standards for participation in the Division's fiduciary list," we seek to go further. We want to assure the citizens of the District of Columbia the highest quality of legal service in probate practice. We wish to thank your presenters for giving of their time and effort to make this program of the highest quality.

This is a cooperative endeavor involving the District of Columbia Bar, and the Probate Education Committee created by Chief Judge Rufus King, III, with the help of the Estate, Trust and Probate Law Section of the District of Columbia Bar. We must also give our appreciation to the Superior Court Center for Education, Training and Development, the Court Reporting and Recording Division and the Court Administrative Services Division.

We are very excited about this initiative, and we hope you find it valuable for your every day practice. Your thoughts and suggestions are most welcome, and we hope that you will complete the evaluation forms before you leave today.

Yours truly,

Kaye K. Christian, Presiding Judge
Probate Division

Jose M. Lopez, Deputy Presiding Judge
Probate Division

INTRODUCTION TO THE PROBATE DIVISION AND THE OFFICE OF THE REGISTER OF WILLS

I. The Probate Division /Office of the Register of Wills

A. **The Probate Division** has jurisdiction over Decedents Estates, Trusts, Guardianships of Minors, and Guardianships and Conservatorships of incapacitated adults. The organizational components are the Office of the Register of Wills, a statutory office, and three branches, which operate under the direction and supervision of the Register of Wills:

- The Auditing and Appraisals Branch, which audits accounts of fiduciaries under court supervision;
- The Small Estates Branch, which processes petitions in decedents estates have assets of $40,000 or less;
- The Administrative Services Branch, which performs clerical services for all matters filed in the division.

B. **Role of the Register of Wills/Deputies.** In addition to management of the Probate Division, the Register of Wills is responsible for making recommendations to the Presiding Judges on all *ex parte* matters filed in the Division. To assist in this function a team of four deputies reviews all substantive filings in the Division to ensure conformity with the rules and to prepare written recommendations to the probate judges on the disposition of filings. The two regularly assigned judges alternate days when they receive the daily recommendations from the Register of Wills for action. Senior judges receive the daily work whenever they are assigned to the Division.

1. **Hours**. The deputies are available to meet with attorneys and the general public from 9 a.m. to 4 p.m. daily. Appointments are not available.

2. **Legal Advice**. Deputies are not authorized to give legal advice. Thus, attorneys should not send clients or support staff to them for advice. However, advance discussion with lead counsel regarding proposals for solutions to unusual or complex issues is encouraged to minimize delays in processing.

3. **Processing Times**. The goal is to process initial petitions to open **Decedents Estates and Guardianships of Minors** and issue an order of appointment

within one (1) week of filing. Subsequent petitions should be processed within two (2) weeks of the date they are ripe for decision.

Initial petitions in **Intervention Proceedings** for adults are generally processed for the scheduling of an initial hearing within 30 days of filing. Subsequent petitions in interventions are processed in accordance with the same time standards as other petitions.

4. **Mail.** Most filings may be made by mail but this practice is not encouraged because it eliminates the opportunity for an exchange of information that may be useful in the preparation of recommendations to the judges. Filing in person also affords one the opportunity to make minor adjustments in pleadings during the review process. Ultimately, the mailing of a pleading may cause the delay that it is intended to avoid.

5. **Telephone Inquiries.** The deputies will respond to telephone inquiries within one (1) business day. But calls should not be made until after an attorney has conducted a thorough examination of the law and rules pertaining to the inquiry.

C. **Auditing and Appraisals.** The Auditing Branch of the Division audits accounts, examines requests for compensation for attorneys and fiduciaries, and prepares recommendations to the judges on the disposition of these matters.

1. **Duty Auditor.** An auditor is available on a daily basis to review accounts and requests for compensation to ensure that they are in compliance with Court rules.

2. **Publications.** Information on the duty to maintain records and on the preparation of accounts is available from the Division. There is a free pamphlet entitled "Record Keeping and Filing Duties in the Superior Court of the District of Columbia." A comprehensive manual entitled "A Guide to Fiduciary Accounting in the District of Columbia" is available for $35.00. Plans are underway to make this information available on the Superior Court website.

D. **Intervention Proceedings.** These cases are processed through the intervention and trusts section of the Administrative Services Branch in the Division.

1. **Assignments.** Intervention cases are assigned to the two (2) probate judges alternating between odd and even at the time of filing. Subsequent petitions are routed accordingly. Hearing times and dates are scheduled in accordance with instructions from the respective judges.

2. **Temporary Relief**. Requests for temporary relief under the Guardianship and Protective Proceedings law are directed to the judge ordinarily assigned to the case number. These petitions are forwarded to the judges on alternating days.

Thus, a couple of days should be factored into targeted action dates, and if emergency relief is warranted, an appropriate petition should be filed and processed through the Judge-In-Chambers.

E. **Small Estates.** Small Estates Specialists are available to assist laypersons in completing petitions to open small estates valued at $40,000 or less.

1. Compensation to Attorneys and Personal Representatives. Personal representatives are not entitled to compensation under the law. There is nothing in the law, however, that expressly prohibits attorneys from receiving compensation in small estates. In light of the availability of specialists in the Probate Division, attorneys may refer potential clients to the Division for assistance in these matters.

2. **Appointments.** The Small Estates Specialists are available by appointment or on a first come, first served basis.

F. **The Fiduciary List.** The Office of the Register of Wills maintains the list of attorneys available for court appointments. The judges make appointments to cases.

1. **Attorneys** volunteering to serve may submit an application through the Register of Wills.

2. **Changes of address or availability** must be noticed to the Register of Wills.

3. The list is updated monthly and delivered to the judges presiding in Probate, the Judge-In-Chambers and to the Civil Division clerk's office.

ADMINISTRATION
OF
DECEDENTS'
ESTATES

Faculty

ROBERT BUNN

Mr. Bunn is a Washington, D.C. lawyer with experience in the fields of probate law and estate planning, corporate law, tax law, real estate law, and related litigation. He received his B.A. from Morgan State College in 1967, his J.D. from Harvard University in 1971, and in the same year, his M.P.A. from Harvard University Kennedy School of Government. During 1971-1972, Mr. Bunn was Law Clerk to the late Honorable Harrison L. Winter, former Chief Judge, U.S. Fourth Circuit Court of Appeals. He has practiced with Arent, Fox, Kinter, Plotkin & Kahn; Washington, Perito & Dubuc (and its predecessors); and Burch & Cronauer. Mr. Bunn has authored several articles and contributed to publications in the areas of tax and real estate law. He has lectured in Continuing Legal Education programs and has been a member of the D.C. Bar Attorney/Client Arbitration Board. He is admitted to the bars of the District of Columbia, Maryland, and Massachusetts.

KIMBERLY K. EDLEY

Kimberly K. Edley, a native of Washington, D.C., has specialized in probate law and estate planning since she began practicing law in 1992. She received her B.S. degree from Boston University School of Communications (cum laude) and her J.D. from Howard University. Ms. Edley served as a Research Assistant/Educational Aide for the District of Columbia Board of Education for over ten years. Ms. Edley has served as a consultant for Howard University and as an adjunct professor at the University of the District of Columbia. She is a member of the District of Columbia Bar.

IRIS McCOLLUM GREEN

Iris McCollum Green, Esq., is a private practitioner in the District of Columbia. Her law firm, Green & Foushee, specializes in civil litigation, including personal injury, probate, employment & labor, family, civil rights & constitutional law, educational advocacy and appellate advocacy. Prior to entering private practice, Ms. Green was a Senior Trial Counsel with the United States Department of Justice, Civil Rights Division. While employed by the Justice Department, The Supreme Court of the United States affirmed one of her cases, Seattle School District No. 1 v. The State of Washington. A former Chair of the National Bar Association (NBA) Women Lawyers Division (WLD), Ms. Green currently serves as an at large member of the NBA Board of Governors. She also serves on the Board of Directors of the Washington Bar Association. As Chair of the NBA-WLD, Ms. Green presented several symposia on Juvenile Justice and the Plight of Girls in the Juvenile Justice system. She has also presented numerous seminars on various areas of civil rights law. Ms. Green is a 1972 graduate of The American University and a 1976 graduate of the George Washington University School of Law.

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ADMINISTRATION OF DECEDENTS' ESTATES
DISTRICT OF COLUMBIA

PREAMBLE

In recent history, the laws governing the administration of decedent's estates have undergone three (3) significant revisions: The 1980 Probate Reform Act, the 1994 Probate Reform Act, and the 2000 Omnibus Trust and Estates Act. It is important to be cognizant of these various statutory schemes since the date of a decedent's death triggers which statutes will apply to the administration proceeding.

Prior to 1981, the administration of decedent's estates was markedly different than it is today. Should you have a case in which the decedent died prior to 1981, you are advised to consult an edition of the code that contains the statute as it existed prior to 1981. Additionally, you should consult the Register of Wills for guidance. The 1980 probate reform act made significant changes in estate administration. For the first time in the District of Columbia, real property was included in a decedent's probate estate.

The D.C. Probate Reform Act of 1994, which became effective July 1, 1995, made further significant changes, which are discussed infra. The 2000 Omnibus Trust and Estates Act is also discussed herein.

Initial Steps in the Probate Process

I. OPENING AND ADMINISTERING THE ESTATE

A. Testate Proceedings

A person who dies with a Will is considered to have died Testate.

1. Filing the Will

(a) One who has possession of a Will (or Testamentary instrument) and willfully neglects for a period of 90 days after the death of the testator becomes known to him, to deliver it to the Probate Court, the Register of Wills, or to the Personal Representative named in the instrument, shall be fined not more than $500.00. D.C. Code § 18-111 (1981 ed, 1997 replacement vol.)

(b) All testamentary instruments and copies, regardless of whether they will be offered for probate, must be filed. Doherty v. Fairall, 413 F.2d 381 (D.C. Code 1969).

(c) A form entitled, Required Information to File a Will must accompany the Will for filing.

(d) A Will does not become operative until after the death of the testator and may not be filed with the Register of Wills prior to the testator's death.

B. Intestate Proceedings

When a person dies leaving assets but no Will, he/she is considered to have died Intestate.

Depending upon the date of a decedent's death, two applicable District of Columbia Statutes on Descent and Distribution will apply to the intestate estate.

1. For decedents dying on or after April 27, 2001, the following statutory scheme of descent and distribution applies.

   (a) When there is a surviving spouse, the surviving spouse takes:

   100 percent: All of the Estate if the Decedent had no surviving descendant(s) or parents;

   Two-Thirds (2/3): If all of the descendants of the Decedent were also the descendants of the surviving spouse and the surviving spouse had no other surviving descendants;

   Three-Fourths (3/4): If the Decedent had no surviving descendant(s) but is survived by a parent;

   One-Half (1/2): If all of the Decedent's surviving descendants are also descendants of the surviving spouse, and the surviving spouse has descendants who are not the descendants of the Decedent;

   One-Half (1/2): If the Decedent has surviving descendants who are not also descendants of the surviving spouse [D.C. Code §19-302 (1981 Ed. June 2001 Adv. Svc.)].

2. For Decedents dying before April 27, 2001, the following statutory scheme of descent and distribution applies:

   (a) When there is a surviving spouse, the surviving spouse takes:

   100 percent: All of the Estate if the Decedent is not survived by a child, parent, grandchild, brother, sister, or the child of a brother or

sister [D.C. Code §19-302 (1981 Ed., 1997 Repl. Vol.)];

One-Third (1/3): If the decedent is survived by a child or a descendant of a child [D.C. Code § 19-303 (1981 Ed., 1997 Repl. Vol.)];

One-Half (1/2): If the Decedent is survived by no child or descendant, but is survived by a father or mother, or brother or sister, or child of a brother or sister [D.C. Code § 19-304 (1981 Ed., 1997 Repl. Vol.)].

The descent and distribution statutory scheme remains unchanged for Decedents who die without a surviving spouse, as follows:

1. Surviving descendants of the Decedent share equally *per stirpes* [D.C. Code §§ 19-306 and 307 (1981 Ed., 1997 Repl. Vol.)];

2. If there are no surviving descendants, but a father and/or mother survives, the estate is divided equally between the father and mother or their survivor [D.C. Code § 19-308 (1981 Ed., 1997 Repl. Vol.)];

3. If there are no surviving descendants and no parent survives, surviving brothers or sisters (or their respective descendants *per stirpes*) share equally [D.C. Code §§ 19-309 and 310 (1981 Ed., 1997 Repl. Vol.)];

4. If there are no surviving descendants, parents, brothers or sisters, or descendents of brothers and sisters, all collateral relations share in equal degree and representation among the collaterals is not allowed [D.C. Code § 19-311 (1981 Ed., 1997 Repl. Vol.)];

5. If there are no collateral relations surviving, grandparents, or such of them as survive, share alike [D.C. Code § 19-312 (1981 Ed., 1997 Repl. Vol.)];

6. Where there is no surviving spouse or relations of the descedent within the fifth degree, reckoned by counting down from the common ancestor to the more remote, the surplus of real and personal property escheats to the District of Columbia to be used by the Mayor for the benefit of the poor [D.C. Code § 19-701 (1981 Ed., 1997 Repl. Vol.)].

C. Form of Probate Proceeding

A Probate Proceeding is initiated by filing a Petition for Probate. Before the

Petition is filed, the Petitioner must first determine the appropriate form of probate to use. D.C. law recognizes two (2) forms of probate, Abbreviated probate and Standard Probate.

1. Abbreviated Probate

An Abbreviated Probate Proceeding is a proceeding for the probate of a Will or a determination of a Decedent's intestacy and for appointment of a Personal Representative. This proceeding is initiated when an Interested Person files a petition for an Abbreviated Probate Proceeding with the Court pursuant to the provisions of D.C. Code §20-304. The proceeding may be conducted without the prior notice required for standard probate under §20-323 [D.C. Code §20-311 (1981 Ed., 1997 Repl. Vol.)]. The Petitioner must be either the Personal Representative nominated in the Last Will and Testament of the Decedent or a priority class member for appointment as set forth in D.C. Code §20-303.

2. Standard Probate

A Standard Probate Proceeding is a proceeding for the probate of a Will or a determination of the Decedent's intestacy - particularly when due execution of a Will cannot be presumed under D.C. Code §20-312 (b) - and for appointment of a Personal Representative. This proceeding is initiated when an Interested Person or creditor files a Petition for a Standard Probate Proceeding with the Court pursuant to the provisions of D.C. Code §20-304 (e) and is conducted after notice to all Interested Persons is published once a week for two (2) successive weeks in two (2) newspapers of general circulation in the District of Columbia [D.C. Code §§20-321 and 323; SCR-PD 103 and SCR-PD 403]. If no petition for Abbreviated or Standard Probate is filed within a reasonable time, the Register of Wills, with the approval of the Court, may file a petition for Standard Probate [D.C. Code §20-321 (1981 ed., 1997 Repl. Vol.)].

A Standard Probate Proceeding is mandatory if, at any time before or during an Abbreviated Probate Proceeding, (1) an Interested Person or creditor requests Standard Probate; or, (2) it appears to the Court that the Petition for Abbreviated Probate is materially incomplete or incorrect in any respect [D.C. Code §20-322]. A Standard Probate Proceeding is also mandatory under the circumstances set forth in D.C. Code § 20-331.

D. Types of Estate Administration

The D.C. Probate Reform Act of 1994 established two (2) types of Estate Administration: Supervised and Unsupervised.

1. Supervised Administration.

Supervised Administration requires the administration and settlement of a Decedent's estate under the continuing authority of the Court [D.C. Code §20-401 (1981 Ed. Repl. Vol.)]. Inventories and Accounts must be filed. Supervised Administration may be requested in the Petition for Probate but shall be ordered by the Court under the following circumstances:

(a) if Decedent's Will directs Supervised Administration;

(b) if the Decedent's Will directs Unsupervised Administration, but for good cause shown the Court finds that Supervised Administration is necessary for the protection of Interested Persons; or

(c) in other cases where, for good cause shown, the court finds that Supervised Administration is necessary under the circumstances specified by Court order [D.C. Code §20-402 (a) (1981 ed., 1997 Repl. Vol.)].

(d) Examples of cases where the Court may order, or a bonding company may request Supervised Administration:

i. Where a minor is sole heir to an estate;

ii. Estates established for the purpose of Foreclosure, and

iii. Where a Bond company bonds a Personal Representative for a large estate ($1 million or more).

NOTE: The statute provides that the appointment of a Personal Representative will not be delayed whenever the Court must make a decision pursuant to (b) or (c) above. In those instances, the Court will appoint the Personal Representative in Unsupervised Administration and a subsequent Order for Supervised Administration will convert the proceeding [D.C. Code §20-403 (b) (1981 ed.)].

A Petition for Supervised Administration may be filed by any Interested Person or by a Personal Representative at any time before the termination of a probate proceeding and, for good cause shown, the Court may order Supervised Administration. After notice to Interested Persons and a hearing (unless the hearing is waived by the Petitioner and the Personal Representative or by the Interested Persons if the Petitioner is the Personal Representative) the Court may order Supervised Administration applying the standards set forth in D.C. Code §20-402 (1981 ed., 1997 Repl. Vol.). (Also see D.C. Code § 20-403).

Any conversion from Unsupervised Administration to Supervised Administration is prospective only [D.C. Code §20-403 (c) (1981 ed., 1997 Repl.Vol.)]. When an Order is entered converting an Unsupervised Administration to a Supervised Administration, an Inventory of Estate Assets, must be filed in 90 days from the date of the Order and an Accounting is due every nine (9) months thereafter. Estate of Edna Mae Gleason Cassidy, Deceased, Adm. No. 1105-97 (J. Wolf, March 1, 1999).

A Personal Representative in a Supervised Administration, unless restricted by Order, has the same powers as a Personal Representative in any other proceeding. Any restriction ordered by the Court must be stated on the Letters of Appointment and, unless so stated, is ineffective as to persons dealing in good faith with that Personal Representative [D.C. Code §20-404 (1981 ed., 1997 Repl.Vol.)].

NOTE: Only an Interested Person as defined by D.C. Code §20-304 may petition for an Abbreviated Probate. An Interested Person or creditor may petition for Standard Probate. See In Re: Estate of James F. Kirkpatrick, Admn. No. 1638-96 (Copy attached).

2. Unsupervised Administration

A Personal Representative appointed without Court supervision having been ordered, and any other Personal Representative, except during any period for which Court supervision has been ordered, is not subject to Court supervision except when resolution of a particular question or controversy or of any specific issue related to administration of the estate is sought pursuant to D.C. Code §20-406 (1981 ed., 1997 Repl. Vol.).

E. Requirements of Petition for Probate

1. Name and age of Decedent;
2. Specification of whether Abbreviated or Standard Probate is desired;
3. Specification of whether Unsupervised or Supervised Probate is needed;
4. Specification as to whether the Petitioner is requesting the appointment of a Personal Representative, co-Personal Representatives, Successor Personal Representative, Special Administrator or the admission of an International Will;
5. Name, Age and address of Petitioner;

6. Decedent's domicile, place of death, and whether the decedent died with or without a will;

7. Statutory basis for appointment of Personal Representative [D.C. Code §20-303];

8. Basis for jurisdiction;

9. Whether there are any other proceedings regarding the estate;

10. If Decedent is survived by a spouse, state the names of any surviving descendants of the spouse who are not descendants of the Decedent;

11. Indicate whether a diligent search for Wills and Codicils has been made and date of Will and Codicil, if applicable;

12. State how Petitioner obtained the Will;

13. State whether all information required under D.C. Code §20-304 (a) has been provided;

14. If Supervised Administration is required or requested, give reasons, and indicate whether or not bond is required or a reduction is requested;

15. If limitations on powers are requested, state the limitations;

16. Indicate whom Decedent was survived by;

17. List Interested Persons, including the name(s) of heirs/legatees and creditors over $500.00, addresses and relationship to Decedent. If the heir/legatee is under the age of 18, list parent, custodian or court-appointed guardian. If legatee is disabled, list guardian, conservator or attorney-in-fact;

18. Assessed value of real property in the District of Columbia;

19. The value of household property;

20. Value of all other personal property;

21. Debts secured and unsecured, whether funeral expenses have been paid and by whom;

22. Wherefore clause must be completed;

23. Declaration of Petitioner;

24. Acceptance and consent of Petitioner;

25. Power of attorney for non-resident Personal Representatives.

NOTE: The 1994 Probate Reform Act petition did not require Item No. 10.

NOTE: Any creditor who has presented a claim in excess of $500.00 that has not been barred or discharged is an Interested Person. The Personal Representative should update the list of Interested Persons whenever a new heir or creditor is discovered.

F. Presentation of Petition for Filing

A Deputy in the Office of the Register of Wills must review all Petitions for Probate before they will be accepted for filing.

(1) Notice of Appointment

An original plus three (3) copies of a completed Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs must be presented with the Petition for Probate [SCR-PD 103 (B) (1)]. This Notice must be published once a week for three (3) successive weeks in a newspaper of general circulation in the District of Columbia as well as the publication the Court may order by rule [D.C. Code §20-704 (a)]. Currently, the Daily Washington Law Reporter is used as one of the publications.

(2) Order

A draft Order for either Abbreviated Probate or Standard Probate for the Court's signature must accompany the Petition.

(3) Service of Notice

In both Supervised and Unsupervised Proceedings, the Personal Representative, no later than 20 days after appointment, must send by certified or registered mail, to all heirs and legatees, and to all creditors without regard to amount, whose identities are known or whose identities are reasonably ascertainable by reasonably diligent efforts, copies of the Notice, together with a copy of the document entitled General Information for Heirs, Legatees and Creditors [D.C. Code § 20-704 (b) (1981 ed), SCR-PD 403 (b)].

(4) Certification

Within 90 days after appointment, the Personal Representative in Supervised and Unsupervised proceedings must certify to the Register of Wills that the required notices have been given. Copies of proofs of publication must accompany Certification. D.C. Code §20-704(b-1).

NOTE: The Petitioner must indicate on the Certification whether the value of the estate has increased, decreased or remained the same. If it has increased or decreased, the amount of the change must be indicated.

G. Bond

In estates of Decedents dying before July 1, 1995, a Nominal Bond is required even if the Will excuses bond or if all Interested Persons file waivers.

A General Bond for the benefit of Interested Persons will be required unless waived by the decedents' Will or by all Interested Persons. In the absence of a waiver of bond in the Will, the interest of any Interested Person who does not waive bond shall be protected; however, any guardian, guardian *ad litem*, committee, Conservator, parent, attorney-in-fact, or other legal representative of an Interested Person who is under a legal disability may waive on his or her on behalf [D.C. Code §20-502 (a) (1981 ed.)].

Even if the Personal Representative is excused from giving a bond by the Decedent's Will, or by the written waiver of one (1) or more Interested Persons, any person having an interest in the estate in excess of $1,000, or any creditor having a claim in excess of $1,000 may demand that a Personal Representative give bond in an amount not exceeding that person's or creditor's interest in the estate [D.C. Code §20-502 (a-1) (1981 ed., 1997 Repl. Vol.)]. This demand is made by filing a Petition for Personal Representative's Bond [SCR-PD 404-(d)]. The Court may then set a hearing to determine if bond is necessary.

H. Payment of Court Costs

In an Unsupervised Administration, Court costs are payable at the time the Petition for Probate is filed. In a Supervised Administration or where the Decedent died prior to July 1, 1995, Court costs are payable at the time of the filing of the First Account or at the time waivers of filing of Inventories and Accounts are filed [SCR-PD 425(a)(4)].

II. INVENTORY AND APPRAISALS

A. Inventory

The Inventory is used to describe the contents and value of the Decedent's entire estate. The Inventory must describe each item of property in reasonable detail, and must indicate the fair market value of each item of property listed as of the date of the Decedent's death. The amount of any encumbrances for each item of property must also be listed. For example, if the Decedent owned a house, the outstanding mortgage balance should be included. This must be shown as an encumbrance on the asset. Pursuant to D.C. Code §20-711(a) (1998 ed., 1997 Repl. Vol.), the following items must be included in the Inventory:

(1) real property;

(2) tangible personal property excluding wearing apparel (other than furs and jewelry), food for consumption by the family, family pictures, and family Bibles;

(3) corporate stocks;

(4) debts owed to the Decedent, including bonds and notes;

(5) bank accounts, building association shares, savings and loan association accounts, and money;

(6) debts owed to the Decedent by the Personal Representative; and

(7) any other interest in property, tangible or intangible, that passes by Will or by the Intestate Succession Statutory Scheme.

B. Appraisal of Assets

(1) The fair market value of each item listed in the Inventory, as of the date of the Decedent's death, must be determined by an appraisal. The Personal Representative may appraise property which has a value that can be easily determined, such as debts owed to the Decedent including bonds and notes, bank accounts, and money, debts owed to the Decedent by the Personal Representative, and corporate stock listed on any national or regional exchange. The standing appraiser employed by the Register of

Wills or special appraisers for other property may be used [D.C. Code §20-712 (1981 ed., 1997 Repl. Vol.)].

(2) The Personal Representative is responsible for determining the fair market value of each item listed on the Inventory, as of the date of death of the Decedent. The Personal Representative may use the standing appraisers or may use other qualified and disinterested appraisers to assist in determining the fair market value of any asset that may be subject to reasonable doubt [D.C. Code §20-713.1 (a) (c) (1981 ed., 1997 Repl. Vol.)].

(3) Resident Appraiser, Office of Register of Wills. The Office of the Register of Wills employs an in-house resident appraiser. The Personal Representative in either a Supervised or Unsupervised administration may request an appraisal of tangible property if the Petition for Probate indicates a value of such personalty in excess of $1,000.00. Wearing apparel other than furs and jewelry are excluded [D.C. Code § 20-711(a)(2) (1981 ed., 1997 Repl. Vol.)].

The Personal Representative is required to select qualified special appraisers to appraise coins, stamps and any other tangible personal property the resident appraisers do not ordinarily appraise. For Probate purposes, the Personal Representative may use the value of the real property as assessed by the D.C. Office of Tax and Revenue as of the date of the Decedent's death. However, if the Personal Representative determines that any real property should be appraised, or if sale of such property is to be conducted, the fair market value should be determined by a qualified appraiser [SCR-PD 109(b); SCR-PD 409]. For Decedents dying prior to July 1, 1995, the value of the real property must be determined by an appraisal.

C. Time for Filing Inventory and Service on Interested Persons

In the Administration of Estates of Decedents dying prior to July 1, 1995, a verified Inventory must be filed (unless each heir or legatee is a co-Personal Representative and files a Waiver of Filing Inventories and Accounts) within three (3) months of appointment of the Personal Representative and, during the 15 days prior to filing, mail all Interested Persons either a copy of the Inventory or Notice that the Inventory will be filed on or before a stated date.

In the Administration of Estates of Decedents dying on or after July 1, 1995, both Supervised and Unsupervised, a copy of the Inventory must be mailed or delivered to all Interested Persons within three (3) months of appointment of the Personal Representative. In Supervised Administrations, the verified Inventory must be filed with the Court with a certificate that a copy has been mailed to all Interested Persons; in

Unsupervised Proceedings, the verified original may be filed with the Court, however, a Personal Representative is not required to do so [D.C. Code §20-711(b) (1981 ed., 1997 Repl.Vol.)].

D. Supplemental Inventories, Reappraisals and Revisions

(1) In a Supervised Administration, unless the filing of Inventories has been waived, a Supplemental Inventory should be filed with the Court as to after-discovered property and a copy mailed or delivered to all Interested Persons within the previous 15 days [D.C. Code §20-713 (1981 ed., 1997 Repl. Vol.)]. In an Unsupervised Administration, if the Personal Representative discovers property not included in the original Inventory or learns that the value of any item included in the original Inventory is erroneous, a Supplemental Inventory, including the correct information, must be filed with the Court (if the original Inventory was filed with the Court) and a copy mailed to all Interested Persons. In Estates for Decedents dying prior to July 1, 1995, unless the filings of Inventories has been waived, a Supplemental Inventory should be filed with the Court as to after-discovered property and notice sent to all Interested Persons.

(2) Any Interested Person in either Supervised or Unsupervised proceedings may, at any time before the estate is closed, petition the court for the revision of any value assigned to any item in the Inventory and for the inclusion or exclusion of any item erroneously omitted or listed in the Inventory. After due notice and hearing, the Court may require such revision as deemed appropriate [D.C. Code §20-714 (1981 ed., 1997 Repl.Vol.)].

Waiver of Filing Inventories and Accounts

A Supervised Personal Representative is excused from filing Inventories and Accounts if each heir or legatee signs a written waiver (on the pre-printed form) filed with the Register of Wills [D.C. Code §20-731(a) (1981 ed., 1997 Repl.Vol.)], OR the decedent's Will waives the filing of Inventories and Accounts [D.C. Code §20-731(c) (1981 ed., 1997 Repl.Vol.)].

Written waivers signed by each heir or legatee waiving their right to require the filing of Inventories and Accounts pursuant to D.C. Code §20-731(a) (1981 ed., 1997 Repl.Vol.) shall convert a Supervised Administration to an Unsupervised Administration. The filing of a subsequent demand for the filing of Inventories and Accounts by any such Interested Person shall be treated as a conversion back to Supervised Administration [D.C. Code § 403(a) (1981 ed., 1997 Repl. Vol.)]. If a Will waives the filing of Inventories and Accounts, a Supervised Personal Representative shall be excused from filing Inventories and Accounts [D.C. Code §20-731(c) (1981 ed., 1997 Repl. Vol.)].

The waiver must state that the heirs or legatees are aware of their right to require filing of Inventories and Accounts, and of their right to revoke the waiver under D.C. Code §20-731(b) by filing a written demand with the Register of Wills within seven (7) days of sending the Final Account to Interested Persons. If the Will waives the filing requirement, the Court may order the filing of Inventories and Accounts only after a hearing and only for good cause shown [D.C. Code §20-731(c) (1981 ed., 1997 Repl. Vol.)].

A Waiver of Filing Inventories and Accounts only suspends the filing requirement. The Personal Representative, whether supervised or unsupervised, is still required to mail or deliver Inventories and Accounts to each Interested Person [D.C. Code §20-733 (1981 ed., 1997 Repl. Vol.)].

A Waiver may be revoked within seven (7) days after the sending of the Final Account to Interested Persons by any heir or legatee filing a written demand with the Register of Wills [D.C. Code § 20-403(c) (1981 ed., 1997 Repl. Vol.)].

F. Affidavit in Lieu of Inventory and Account

In a Supervised Administration, if the Personal Representative has not taken control of any assets at the time the Inventory is to be filed, an Affidavit in Lieu of Inventory should be filed with the Court noting that the Personal Representative has received no assets. An Affidavit in Lieu of Account should be filed if the Supervised Personal Representative has not taken control of any assets at the time an account is due to be filed.

III. CLAIMS AGAINST THE ESTATE

A. **Claims against the estate should be presented within six months of the date of publication** of the Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs. This does not affect the rights of a secured creditor to enforce any mortgage or perfected security interest on property of an estate [D.C. Code §20-903(a) (1981 ed., 1997 Repl. Vol.)].

B. **Claims must be mailed, return receipt requested, or delivered** to either the Personal Representative with a copy to the Register of Wills or to the Register of Wills with a copy to the Personal Representative. A claim is deemed presented if it is sent inadvertently only to the Personal Representative or to the Register of Wills [D.C. Code § 20-905 (1981 ed., 1997 Repl. Vol.)].

C. **The statement of claim shall include**:

1) The name and address of the claimant;

2) The basis of the claim;

3) The amount of the claim;

4) If not due, when the claim is due;

5) If the claim is secured, a description of the security.

The Register of Wills has preprinted forms.

D. The Personal Representative must pay claims allowed against the estate in order of priority no later than eight (8) months from the date of the first publication of the Notice of Appointment. Any person with a valid unbarred claim can petition the court for an Order directing payment by the Personal Representative [D.C. Code §20-909 (1981 ed., 1997 Repl. Vol.)].

1) D.C. Code §20-906 (2001 ed.) sets the order of Priority for Payment of Claims for Decedents dying on or after April 27, 2001 (where assets of estate are insufficient to pay all claims and expenses):

   a) Court costs, publication costs and bond premiums;

   b) Funeral expenses (not exceeding $1,500.00);

   c) All fiduciary and attorney's fees combined not exceeding $1,000;

   d) Homestead allowance and family allowance;

   e) Exempt property;

   f) Reasonable and necessary medical and hospital expenses of the last illness of the Decedent;

   g) Claims for rent in arrears;

   h) Judgment and decrees of courts in the District of Columbia;

i) All other claims.

NOTE: The homestead allowance and family allowance are equal in priority.

2) The order of priority for claims for Estates of Decedents who died prior to April 27, 2001 and where the estate is insolvent:

a) funeral expenses not exceeding $750.00 ($1500 for Decedents dying on or after July 1, 1995);

b) Family allowance not exceeding $10,000;

c) Claims for rent in arrears;

d) Judgments and decrees of courts in D.C.;

e) All other just claims.

NOTE: In re Estate of James, 743 A.2d 224 (DC 2000), Payment of the family allowance takes priority over payment of all costs of ongoing estate administration, including maintenance of estate property and attorney fees.

If the Personal Representative has knowledge of a creditor but a claim has not been presented, the **claim cannot be barred constitutionally under D.C. Code § 20-903 (a).**

Estate property may not be attached under any judgment against a decedent or Personal Representative. Unless secured, no claim shall attach to any particular estate asset [D.C. Code §20-914 (1981 ed., 1997 Repl. Vol.)].

E. Liability of Personal Representative

(1) Any claim of personal liability against a Personal Representative shall be barred one (1) year from the date of distribution of all assets and satisfaction of all known claims against the estate.

(2) In a Supervised Administration, the Personal Representative remains liable, for one (1) year from the date of distribution.

(3) In an Unsupervised Administration, the date of distribution and satisfaction is the date of the filing of the Certificate of Completion or

three (3) months after the termination of appointment of the Personal Representative (three years from date of appointment).

IV. ACCOUNTS

A. Filing

1) **In estates where the Personal Representative is required to file Inventories and Accounts**, the Personal Representative must file an Account within one (1) year and one (1) day of the first publication of Notice of Appointment. Subsequent accounts must be filed every nine (9) months or upon termination of a Personal Representative's appointment.

2) An unsupervised Personal Representative shall account to Interested Persons at reasonable intervals or upon reasonable demand.

3) **SUPERVISED AND UNSUPERVISED PERSONAL REPRESENTATIVES HAVE A DUTY TO MAIL OR DELIVER COPIES OF INVENTORIES AND ACCOUNTS TO EACH INTERESTED PERSON.**

4) In estates where the Personal Representative is required to file Accounts, Accounts must be typewritten and must follow the format of the preprinted forms available through the Washington Law Reporter.

B. Objection to Accounts in Estates Where the Filing of An Account Is Required.

Interested Persons have 30 days from the filing of an Account to file an objection (exception is used in the D.C. Code). The objection must be filed with the Register of Wills and mailed to the Personal Representative.

C. Audit of Accounts

1) For **Decedents dying before July 1, 1995** and **Decedents dying on or after July 1, 1995**:

a) Provide all checking account bank statements and cancelled checks for the accounting period;

b) Provide statements from trust company, brokerage firm or similar institutions, reflecting estate assets during accounting period;

c) Provide certificates or other statements of account for all securities held by entity not the Personal Representative.

2) If the account is a final account in an estate of a decedent **dying before April 1, 1987**, file a certificate of satisfaction of District of Columbia inheritance and/or estate taxes.

D. Cursory Review of an account for supervised Personal Representatives and Personal Representatives of estates of decedents dying prior to July 1, 1995 shall be excused from a full court audit if a written waiver is signed by each heir or legatee and filed with the Register of Wills.

V. DISTRIBUTIONS

NOTE: THE FAMILY ALLOWANCE AND THE HOMESTEAD ALLOWANCE ARE EQUAL IN ORDER OF PRIORITY.

A. Family Allowance

1) For **estates of decedents dying on or after April 27, 2001, the family allowance is $15,000.00** to the spouse and minor children whom decedent was obligated to support or supported. If a minor or dependent child is not living with the surviving spouse, allowance goes partially to child or guardian, and partially to the spouse.

2) For **decedents dying before April 27, 2001**, the family allowance is **$10,000.00** for a surviving spouse for the use of the spouse and minor children. When there is no surviving spouse, the family allowance goes to the person having custody of the child or to whomever the Court designates.

B. Homestead Allowance

The Homestead Allowance of $15,000.00 is allowed for surviving spouse of **decedent dying on or after April 27, 2001.** If no surviving spouse, to minor and dependent children in equal shares. The Homestead Allowance and the Family

Allowance take priority over all claims against the estate, with the exception of court costs, publication costs and bond premiums, funeral expenses not exceeding $1,500.00, and fiduciary and attorney's fees not exceeding $1,000 combined.

C. Exempt Property

The surviving spouse of a decedent **dying on or after April 27, 2001** is entitled to a value, not exceeding $10,000.00, in household furniture, automobiles, furnishings, appliances and personal effects. If no surviving spouse, surviving children are entitled to the exempt property.

D. Other Distributions

1) Personal Representatives are authorized to make **partial distributions** during the administration of the estate [D.C. Code § 20-741(24) (1981 ed.)].

2) **In a Supervised Administration, final distributions must be made within 30 days** of the approval of the final account, unless extended by Court order [D.C. Code § 20-701.1 (b) (1981 ed.)].

3) **Distributions to Minors**. Where a Will directs, a distribution to a minor can be made without court approval. If there is no Will or no direction in a Will, distribution may be made without court approval to the court appointed guardian of the minor or the custodian selected by the Personal Representative under the Uniform Gifts to Minors Act or in any manner approved by the Court.

VI. COMPENSATION TO PERSONAL REPRESENTATIVE, ATTORNEYS AND PERSONAL REPRESENTATIVE'S AGENTS

A. Under the Probate Reform Act of 1994, court approval is not required for the payment of Personal Representatives or attorneys. The reasonableness of the compensation may be reviewed by the Court following the filing of a petition by Interested Persons.

B. Prior to the Probate Reform Act of 1994, compensation for attorneys and Personal Representatives could only be paid upon approval of the Court.

C. Requests for Compensation had to be made as follows:

1) Copy of Request by certified mail to all Interested Persons and a

copy of the Notice to Interested Persons of Request for Compensation filed with the request;

2) Interested Persons must file any written objections within twenty (20) days of the filing of the request for compensation or a consent to the Request for Compensation could be filed, waiving the 20 day period;

3) The Request for Compensation requirements are set forth in SCR-PD 124 and 424.

4) Detailed records of the time spent and work performed should be kept by Personal Representative and attorney;

5) The Request for Compensation should be filed at the time the Account is filed.

VII. CLOSING THE ESTATE

A. Supervised Administration.

The approval of the final account in a **Supervised Administration** automatically closes the estate. If the final account so requests and the Court approves, it terminates the appointment of the personal representative. If the appointment is not terminated upon approval of the final account because the final account does not request termination or the Court does not approve termination, a supervised personal representative may later petition the Court for an order terminating appointment [D.C. Code § 20-1301 (1981 ed.)].

B. Unsupervised Administration. Unless otherwise provided by Order, an Unsupervised Administration is closed after the personal representative:

(1) Requests termination of appointment in the Certificate of Completion.

(2) If no Certificate of Completion is filed, the appointment of the Personal Representative terminates automatically on the later of (i) three (3) years after the date of appointment or, (ii), at the expiration of any extension of appointment [D.C. Code § 20-1301(b) & (c)].

In an Unsupervised Administration, the Personal Representative shall (may) close the estate by filing with the Court a verified **Certificate of Completion** [D.C. Code § 20-1301(b)]. (See Probate Rule 426). The Certificate may be filed at any time after the expiration of the time for filing creditors' claims against the estate [D.C. Code § 20-735]. The Personal Representative, even after termination, performs the acts necessary to complete the estate's affairs [D.C. Code § 20-1301(d)].

The **Certificate of Completion** states that:

(1) The time for presentation of creditors' claims has expired.

(2) All Interested Persons have been sent a copy of an account and a notice of each Interested Person's right to object within 60 days after such account was sent (with a copy of the Notice being attached to the Certificate), and that all claims of such Interested Person against the Personal Representative shall be barred unless such an objection is made.

(3) Either each Interested Person has consented in writing to the account as stated, or there was no written objection within the 60-day period.

(4) Distribution was made in accordance with such account.

(5) All known claims of creditors which are not barred have been fully satisfied or otherwise settled or, if any claim remains undischarged, whether the Personal Representative has distributed the estate subject to possible liability with the agreement of the distributees or a detailed explanation of what other arrangements have been made to accommodate all such outstanding liabilities.

(6) The Personal Representative has satisfied all administration expenses and other obligations of the estate incurred or authorized by the Personal Representative, and has otherwise fully administered the estate.

The Certificate also must contain a list of the names and addresses of each recipient of the copy of the account and the corresponding notice, as well as a certificate of service confirming that each of those individuals or entities also received a copy of the Certificate of Completion, of the final account and the Notice of Right to Object. A form is available for both the Certificate of Completion and Notice of Account.

Any Interested Person or other recipient of a copy of the account may object to the account by mailing or delivering to the Personal Representative or to the Court, within the 60-day period after the account was sent, a written statement of his or her objections to the account as stated [D.C. Code § 20-735].

After an estate has been closed, a claim that is not barred may be brought against one or more of the persons to whom property has been distributed (to the extent of his or her distribution) [D.C. Code § 20-1302]. In an Unsupervised Administration, distributees now have the added protection that their distributions cannot be set aside by Interested Persons who received a final account and did not object within 60 days. If the final account was sent to creditors (who were not interested persons) and those creditors did not object within the 60-day period, they may not disturb the distribution [D.C. Code § 20-736].

VIII. RENUNCIATIONS BY SURVIVING SPOUSE AND ELECTION

A. Time to Elect.

Within six (6) months after the Will of a deceased spouse is admitted to probate, the surviving spouse may renounce any devise of real estate or bequest of personal property and elect to take his or her statutory (elective) share in the real and personal estate of the deceased spouse [D.C. Code § 19-113(a)].

B. How and Amount to Renounce and Elect.

The legal (elective) share of a surviving spouse is the share the surviving spouse would have taken had the deceased spouse died intestate. The form of the written renunciation that must be filed with the Probate Court is set out in D.C. Code § 19-113(a).

Dower (the right prior to abolition thereof of the surviving spouse as known at common law to, inter alia, the use during his or her lifetime of one third of the decedent's land held during marriage and the right to remain in the decedent's dwelling for 40 days after death without rent) was abolished prospectively by the Omnibus Trusts and Estates Amendment Act of 2000 and is no longer available to a surviving spouse [D.C. Code § 19-102 (2001 ed., March, 2002 update)].

A Conservator can renounce for a spouse-ward [D.C. Code § 21-2055(b)(2) (2001 ed.)].

IX. TAX MATTERS

A. Income Tax Returns.

The Personal Representative is responsible for filing the decedent's final federal and state income tax returns that become due April 15 of the year following the decedent's death. The Personal Representative is responsible for filing any federal and state fiduciary income tax returns due to be filed by the estate until the estate is closed. The federal and D.C. fiduciary return is due for calendar year estates by the April 15th following the end of the calendar year and for fiscal year estates by the 15th day of the fourth month following the close of the fiscal year.

B. D.C. Inheritance or Estate Tax.

(1) Estates of Decedents dying after March 31, 1987.

Generally only those estates of decedents that are required to file a federal estate tax return are required to file a D.C. estate tax return. The return is due 10 months from date of death (or 30 days after the due date of the federal estate tax return).

(2) Estates of Decedents dying after August 18, 1937 and before April 1, 1987.

The Inheritance Tax Return for nonadministrable property is due within six (6) months of the date of death and payment is due within nine (9) months of the date of death. The Inheritance Tax Return for administrable property is due within 15 months of the date of death and payment is due within 18 months of the date of death. The D.C. Estate Tax Return is included in the D.C. Inheritance Tax Return and is due within 16 months of the date of death and payment is due within 17 months of death.

C. Federal Estate Tax

A Federal Estate Tax Return must be filed for qualifying estates. The return is due nine (9) months after the date of death.

X. OTHER PROBATE ADMINISTRATION PROCEEDINGS

A. Special Administration.

The Court may appoint a Special Administrator upon the filing of a petition by an Interested Person, a creditor, the Register of Wills, or upon motion of the Court.

A Special Administrator may be appointed to protect property and administer the estate prior to the appointment and qualification of a Personal Representative or upon termination of appointment of a Personal Representative and prior to the appointment of a successor Personal Representative. A Special Administrator must be appointed to obtain access to a safe deposit box titled in the decedent's sole name for the purpose of locating and obtaining a Will stored there.

The Special Administrator has the duties and all powers necessary to collect, manage and preserve estate assets and all other powers authorized by the Court. A Special Administrator must file an account [D.C. Code §§ 20-531 & 533].

B. Special Master.

A Special Master may be appointed to state an account for a removed personal representative or to recover assets from a person wrongfully possessing them. Generally, a Special Master issues a report to the court after conducting an investigation.

Special Masters should be governed by Super. Ct. R. Civ. P. 53 and have the powers set forth therein unless limited by the appointment Order [Probate R. 1(f)].

C. Rule to Show Cause.

Sometimes it is necessary for a Personal Representative or a Special Administrator to petition for a Rule to Show Cause to recover assets or to obtain an Order against a person holding property of the estate.

D. Foreclosures.

A Personal Representative must be in place for notice of a foreclosure on a decedent's realty in the District of Columbia. At times, lawyers are appointed to serve as such personal representatives. The duties of a Personal Representative appointed to accept a notice of foreclosure are the same as for all other Personal Representatives. A personal representative appointed to accept a foreclosure notice is usually paid by the lender or out of foreclosure proceeds. Court orders appointing Personal Representatives for the purpose of foreclosures usually require the Personal Representative to submit a request for fees to the Court.

E. Small Estates Proceedings.

(1) If the assets of an estate subject to administration for a decedent dying after April 27, 2001 have a value of $40,000 or less, $15,000 or less for decedents dying on or after July 1, 1995 but prior to April 27, 2001 and $10,000 or less for decedents dying prior to July 1, 1995, the estate ***may*** be administered as a small estate [D.C. Code § 20-351 (2001 ed.)].

(2) No person appointed as a Personal Representative under the Small Estates provisions ***shall be required*** to be represented by an attorney or to give bond or be entitled to receive any commission for the performance of duties as personal representative [D.C. Code § 20-354(a)]. No attorney's fees are paid out of a small estate.

(3) **Motor Vehicle Exception.** If the only property of a decedent is not more than two (2) motor vehicles, the property may be transferred to the party entitled thereto without probate administration [D.C. Code §§ 20-357 and 40-102(e)(6)].

F. Foreign Estate Proceedings.

Letters of Administration from the District of Columbia are not required. A Foreign Personal Representative of a nondomiciliary shall not be required to obtain letters in the District of Columbia for any purpose [D.C. Code § 20-341(a)].

Authenticated Copies of Appointment and Will must be filed. A Foreign Personal Representative administering an estate which has property located in the District of Columbia shall file with the Register of Wills an authenticated ("triple seal") copy of the appointment as Personal Representative in the domiciliary jurisdiction and a copy of the decedent's Will, if any [D.C. Code § 20-341(b) (1981 ed., 1997 Repl. Vol.)].

Publication of Notice of Appointment of Foreign Personal Representative. A Foreign Personal Representative of a decedent who owned any property located in the District of Columbia must publish one (1) a week for three (3) successive weeks a notice in a newspaper of general circulation in the District of Columbia and one other publication, an announcement of such person's appointment, name and address, agent's name and address in the District of Columbia for service of process on file with the Register of Wills, a name of the Court that made the appointment, a brief description of all real property owned by the decedent in the District of Columbia, and, if appropriate, a statement that the decedent owned personal property in the District [D.C. Code § 20-343 (1981 ed.)]. The form of the notice appears in SCR-PD 127 but pre-printed forms are available.

Removal, Lease, or Transfer of Property located in the District of Columbia.

(1) A Foreign Personal Representative may remove, lease, or transfer **personal or leasehold property** located in the District of Columbia:

(a) upon the first publication of notice if such representative holds letters from:

(i) a jurisdiction within the Metropolitan Area; or

(ii) a jurisdiction outside the Metropolitan Area if he posts a bond with a penalty amount equal to the value of the property to extend for the 6 months during which a creditor may file a claim; or

(b) six (6) months after the first publication of notice ***if***

(i) no claims are filed with the Register of Wills during this time; or

(ii) all claims of creditors have been released or finally determined in favor of the Personal Representative.

(2) With regard to **real property** located in the District of Columbia, a Foreign Personal Representative may lease or transfer the property if:

(a) the Foreign Personal Representative posts bond with a penalty amount equal to the value of the property and makes first publication of notice; or

(b) allows six (6) months to pass after the first publication and
(i) no claims are filed with the Register of Wills during this time; or
(ii) all claims of creditors have been released or finally determined in favor of the Personal Representative.

It is not necessary for the foreign personal representative to institute any other proceedings before the Register of Wills with respect to any assets subject to the jurisdiction of the District of Columbia. [D.C. Code § 20-343].

XI. THE ROLE OF THE ATTORNEY AND THE DUTIES AND POWERS OF THE PERSONAL REPRESENTATIVE

The general duties of the Personal Representative are set forth in D.C. Code §§ 20-701 through 20-705 (1981 ed. 1997 Repl. Vol.) and the general powers of the Personal Representative are set forth in D.C. Code § 20-741 (1981 ed., 1997 Repl. Vol.)

The role of the attorney and the duties of the Personal Representative in the administration of an estate include:

A. The Attorney Should Explain the Probate Process to the Client.

The attorney should walk the client through the probate process and answer any questions the client may have. Differences between the various forms of probate should be explained to the client. The necessity to keep meticulous records of all estate assets should be emphasized. Any potential problems and strategies to address the problems should be discussed and agreed upon. The role of the Personal Representative and his/her attorney should be clearly delineated to avoid future problems. A retainer agreement should be discussed and drafted and the attorney should give an estimate of fees to the Personal Representative as soon as feasible following commencement of the representation [D.C. Code § 20-741].

B. Review the Will.

At the initial interview, both the attorney and the Personal Representative should review the Will.

C. Obtain Death Certificate.

In the District of Columbia, death certificates are usually purchased through the funeral home at the time arrangements are made. If the client has not already obtained a death certificate, certified copies of death certificates may be obtained by an individual with proper status from the Vital Records Branch, 941 North Capitol Street, N. E., Washington, D.C. 2002. The cost is $12.00 per copy.

D. Review Funeral Arrangements.

If a client seeks your assistance prior to the funeral, the attorney should explain statutory limitations on funeral expenses: $1,500 for insolvent estates ($750 for decedents dying prior to July 1, 1995) [D.C. Code § 20-906(a)(1) (1981 ed.)]; and up to $5,000.00 for solvent estates **[NOTE: Expenses in excess of $1,500 may be allowed, in the discretion of the court, up to $5,000.00]**; ($1,750 for decedents dying prior to July 1, 1995). D.C. Code § 20-907 (1981 ed.) The Will of the decedent dying prior to July 1, 1995 may waive the statutory limit in solvent estates. The statutory limit in solvent estates may be waived by the Will (by giving discretion to the Personal Representative to pay funeral expenses) or by all "heirs" or legatees" of decedents dying on or after July 1, 1995 [D.C. Code § 20-907 (1981 ed., 1997 Repl. Vol.)].

E. Review Security Devices.

The Personal Representative and the attorney should review the need for security devices to protect real estate and personal property of the estate. The use of a house sitter to protect vacant real estate may be considered. If it appears that the probate will be lengthy, rental of vacant property to produce income for the estate should be discussed.

F. Obtain Federal Tax ID Number

A federal tax identification number should be obtained for the estate by preparing and filing IRS Form SS-4, "Application for Employer Identification Number." Upon completion of the Form SS-4, it may be faxed to the IRS with a cover letter, co-signed by the Personal Representative, requesting that the ID number be assigned on an expedited basis and faxed to the attorney's office. The IRS telephone number for EIN inquiries is (215) 516-6999. The IRS fax number is (215) 516-3990.

G. Wind Up the Decedent's Affairs.

The Personal Representative should notify decedent's landlord(s), banks, brokers and credit card companies of the decedent's death and should make arrangements with the post office for a change of mailing address. If the decedent is receiving social security benefits or any retirement annuity, notice should be given of the decedent's death in order that payments will be discontinued. Phone service and other household utilities should be discontinued unless another person in the household assumes responsibility for payment or unless continued utilities are necessary to protect, preserve, and/or show the property for sale.

H. Locate and Collect Decedent's Assets.

(1) Prior years income tax returns should be examined as well as bank statements, checkbooks, and brokers' statements.

(2) Access should be acquired to safe deposit boxes. If the decedent had a safe deposit box titled in his sole, individual name, and if his Will may be in the box, a Special Administrator may be needed for the limited purpose of obtaining access to the safe deposit box to obtain the Will. The Office of the Register of Wills will make a representative available for the purpose of searching for a Will in a safe deposit box. If the box is jointly titled in the name of the decedent and another person, it is not necessary to have a Special Administrator appointed to gain access since the joint owner may obtain access. Estate of Zachary Taylor Jones, Adm. No. 411-74 (Sup. Ct. D.C., 1974)

(3) Identify all bank accounts, stocks, bonds, real and personal property of the decedent and determine how each asset is titled. Special consideration should be given to the effect of the Uniform Nonprobate Transfers on Death provisions of the Omnibus Trusts and Estates Amendment Act of 2000 on bank accounts, securities registrations and brokerage accounts.

(4) Claims should be filed for any benefits due the decedent or the estate, including wages or salary payments, annuities, insurance proceeds due the estate, insurance reimbursements for medical expenses, refunds, and any social security and/or VA death benefits.

(5) The Personal Representative has the right to take possession and

control of property in the decedent's estate. However, where an asset of the estate is already in the possession of a person who is to inherit the asset as an heir or legatee, the PR should not take the property unless it is necessary for purposes of administration.

(6) If the estate contains a regulated firearm, notice should be given to the Chief of Police within 30 days of appointment [D.C. Code § 6-2331 (1981 ed.)].

I. Value Decedent's Assets.

The Personal Representative must determine the date-of-death fair market value of all of the decedent's assets for both tax and probate purposes.

J. Custody Safekeeping and Management of Assets.

(1) All bank accounts in the decedent's name should be closed and an estate checking account should be opened. Where there is a substantial amount of cash in the estate, an interest bearing account should be maintained. All monies due the decedent or the estate should be deposited in the estate account and all debts of the decedent and administration expenses should be paid from it (at the appropriate time). Accounts should not exceed $100,000.00 [the Federal Deposit Insurance Corp. (FDIC) limit)] in any one institution. Attorneys' client trust accounts should not be used to maintain a decedent's funds. Upon the request of the Personal Representative, the financial institution may agree that assets placed on deposit cannot be withdrawn or transferred without (a) the written consent of the surety on the bonds or (b) Court Order. The decedent's assets must be maintained within the District of Columbia or in a state (such as Maryland or Virginia) that allows its decedents' assets to be maintained in the District of Columbia [D.C. Code § 20-741 (5) (1981 ed.)].

(2) Unless the Will gives the Personal Representative authority to invest the estate assets, the Personal Representative is constrained regarding investment choices and can be held liable for any loss if the estate is harmed by imprudent investment choices [D.C. Code Sections 20-751(5) and 20-743].

(3) For decedents dying after July 1, 1995, the Personal Representative is permitted to sell any real or personal property of the estate (except

property specifically devised or bequeathed under the Will), at public or private sale, when cash is needed to pay estate expenses or to make distributions [D.C. Code § 20-741(25) (1981 ed.)].

(4) The Personal Representative should examine all insurance policies that the decedent held on property be or she owned and the policies should be transferred to the names of the new owners, who may be the heirs or the legatees, or pending distribution, the Personal Representative may wish to hold the policies of insurance in his or her own name. Property held in the estate should be adequately insured.

K. Pay Expenses, Debts and Claims.

Expenses of administration, debts of the decedent and claims against the estate should be allowed and paid or disallowed.

L. Prepare Inventories and Accounts

See Previous Section on Time for Filing Inventories and Accounts.

M. Make Distributions to Heirs or Legatees

Make distributions in accordance with the Will, or if there is no Will, make equitable distributions in accordance with the Descent & Distribution Statutes.

N. File Final Income Tax Returns for the Decedent and Fiduciary Income Tax Returns for the Estate, as well as any Required Estate Tax Returns

O. Fiduciary Duty

The Personal Representative or any Special Administrator is liable for breach of fiduciary duty to interested persons for resulting damage or less to the same extent as a trustee of an express trust [D.C. Code § 20-743 (1981 ed.)]. Fiduciary duties include all the common law duties of a trustee. A fiduciary must not commingle estate funds with personal funds, place estate funds under his name personally, etc. **NOTE**: The Probate Reform Act of 1994 abolished the prohibition against self-dealing between the Personal Representative and the estate. D.C. Code § 20-743.1 (1981 ed., 1997 Repl. Vol.) authorizes such transactions but provides that they may be set aside by the Court in a proceeding initiated by any Interested Person who has not consented after fair disclosure unless (1) authorized by Will; (2) authorized by a contract entered into by the decedent; or (3) approved by the Court after notice to the Interested Persons.

APPENDIX

APPENDIX

Waiver of Formal Audit of Account and Consent to Account As Stated

Certificate of Completion (Unsupervised)

Waiver of Filing Inventories and Accounts

Inventory Summary

- Verification and Certificate by Supervised Personal Representative Pursuant to SCR-PD 403(b)(4)

Inventory Schedule

Petition for Probate for Decedents' Dying on or After April 27, 2001

Inventory Summary

Abbreviated Probate Orders

Standard Probate Order

Consent to Appointment of Personal Representative

Bond of Personal Representative Pursuant to D.C. Code §20-502 (a)

Waiver of Personal Representative's Bond

Notice of Action Taken on Claim

Request for Extension of Personal Representative's Appointment (Unsupervised)

Order Extending Appointment of Personal Representative(s) (Unsupervised)

Notice Accompanying Final Account Supervised/Unsupervised Personal Representative

Consent to Account in Unsupervised Administration

Certificate of Completion (Unsupervised)

Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs

Notice of Standard Probate

MEMORANDUM OPINION AND ORDER

(In Re Estate of James F. Kirkpatrick)

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

In Re Estate of JAMES F. KIRKPATRICK,

Deceased ADMIN. No. 1638-96

MEMORANDUM OPINION AND ORDER

The instant estate presents a unique legal issue that requires clarification by this Court for the benefit of the entire bar, in light of prior variant practices in the Probate Division. The issue presented is whether a person who is neither an "interested person" nor creditor of a decedent's estate has standing to file a Petition for Probate without joining either an interested person or a creditor as a co-petitioner.

Based upon the following analysis, this Court concludes that each and every Petition for Probate must include as a petitioner a person or entity that already carries the qualifying status of being an "interested person" or a creditor of the estate according to such statutory definitions.

The gist of the problem in the instant case is that the sole petitioner is neither an interested person nor a creditor of this estate.

I. RELEVANT, UNCONTESTED BACKGROUND FACTS

The decedent died intestate on August 7, 1996 while domiciled in the District of Columbia. He was survived by only two heirs-at-law. They are both his first cousins: Mr. Charles Schneider and Mrs. R.S. Wilson. Neither person lives in the District of Columbia.

The Petition for Probate was filed on August 19, 1996 by a person named Charlee S. Gregory.

Charlee S. Gregory is not related to the decedent in any way.

The Petition was accompanied by two documents that are entitled, "Renunciation, Nomination of Personal Representative and Waiver of Bond." Each is signed by the respective heir. Both identical documents confirm: (1) that the heir knows that the Petitioner "is not an interested person in this estate as defined by D.C. Code § 20-101. . . ;" (2) that the heir knows that he or she has "priority to serve as Personal Representative;" and (3) that he or she nominates Charlee S. Gregory "to serve in [his or her] stead. . . ." Further, each document includes a waiver of bond.

The Court has no basis upon which to question the content or validity of the two "renunciations." Furthermore, there is no impropriety in the decision of the two heirs to relinquish their statutory priority to serve as the fiduciary of the estate. Rather, the issue before the Court is the method by which they are attempting to assign or give away their own legal standing to file the Petition as a threshold matter.

In the past, it appears that a number of Petitions for Probate have been accepted for filing in the Superior Court, where the petitioner was in the same type of relationship to the heirs at law, i.e. that the petitioner was a person who had no independent standing to file, but who was clearly the person who was preferred by all interested persons as the individual who should be appointed to serve as Personal Representative of the estate.

What the heirs and the petitioner desire to do, ultimately, is legal and proper. However, the procedural route by which they seek to do it is flawed. The flaw, however, can be easily corrected, as the Court will set forth further herein.

The prior practice of permitting the filing of a Petition for Probate by a person who is neither an interested person nor a creditor must cease immediately. In order to understand why this practice should not have evolved, it is necessary to review carefully the applicable statute concerning Petitions for Probate, as well as the relevant case law on the constitutional requirement of standing as a threshold to estate administration.[1]

II. APPLICABLE STATUTE

For estates that are not considered to be "small estates" because of the modest value of the assets, the District of Columbia Code has established two primary modes of probate. One mode is known as "abbreviated probate." The other is known as "standard probate." The essential differences between them are two-fold.

First, the two modes of probate differ in terms of who can

---

[1]Strict adherance to constitutional requirements is especially important in the new era of presumptively unsupervised probate as enacted through the Probate Reform Act of 1995.

file the Petition for Probate. The identification of lawful petitioners goes to the heart of defining who has standing to open a decedent's estate, regardless of who is later selected to serve as the fiduciary. In the abbreviated form of probate, the Code plainly provides in pertinent part:

> This proceeding is instituted when **an interested person** files a petition for an abbreviated probate proceeding with the Court in accordance with the provisions of section 20-304.

20 D.C. § 311 (1980)[emphasis supplied]. In contrast, in the standard form of probate, the Code provides in pertinent part:

> This proceeding is instituted when **an interested person or creditor** files a petition for standard probate proceeding with the Court n accordance with the provisions of section 20-304.

20 D.C. § 321 (1980)[emphasis supplied]. Section 304 sets forth the internal factual and legal information that must be included in the Petition itself.

An individual or entity that is an "interested person" is defined in the Code to be:

> (A) any person named in the will to serve as personal representative, until the appointment of a personal representative;
>
> (B) a personal representative;
>
> (C) any legatee in being, whether such legatee's interest is vested or contingent, until the legacy is paid in full; and
>
> (D) an heir, except that an heir ceases to be an interested person once a will has been of any proceeding to contest the validity of the will and following any determination that the decedent died intestate.

20 D.C. § 101 (1980).

Second, abbreviated probate is a somewhat speedier process because the Code exempts petitioners who are "interested persons" from the requirement of complying with a certain notice and publication requirement. Section 323 of Title 20 provides that a person filing a petition for standard probate must publish notice of the filing of the Petition to "all known interested persons."

It is manifestly clear that the petitioner herein does not meet the statutory definition of an "interested person." It is equally uncontested that he is not a creditor. Thus, he does not qualify as a person who is entitled to file a Petition for Probate, for either abbreviated or standard probate.

The petitioner herein is merely a person who is prepared to do the job of administering the estate and who happens also to be preferred by the actual interested persons as the useful and appropriate person to do so. The Court, of course, has no obligation to appoint him, although there is no objective reason why the Court should not do so.

III. THE CONFUSION THAT REQUIRES CLARIFICATION

Upon reflection, it appears that the previous approval of Petitions for Probate such as the one proffered herein was an erroneous process because of the widespread blending of two very different concepts. One concept is the matter of standing. The other concept is the determination of who should be appointed to be the fiduciary. These issues are not synonymous. Members of the bar as well as Probate Division staff may have assumed that anyone could properly file a Petition for Probate, simply because the Code permits "any person" to be appointed to serve as the Personal Representative.

The Court has the discretion to appoint any individual to serve in this capacity and can ignore the statutory list of persons with priority for such appointment, when there is "good cause shown." 20 D.C. § 303(d) (1980).

The Court does not agree with this confused interpretation of the law. Such an interpretation cannot be supported. The question of standing relates to the **threshold procedural issue** of how a person is first able to bring a case before the Court, whereas the question of the actual appointment of the fiduciary is a **merits issue** that is to be adjudicated without regard to the identity of the filer.

Figuratively speaking, the matter of selection of the fiduciary is not relevant to the determination of whether the petitioner was lawfully entitled to enter the courthouse and ask for such relief.

III. THE SIGNIFICANCE OF STANDING

Standing as a Preliminary Issue in All Cases. The matter of establishing standing to file a probate petition invokes the very basic concepts of whether the Superior Court can act on the estate in any respect at all. As the United States Supreme Court has emphasized,

> No principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies. See Flast v. Cohen, 392 U.S. 83, 95 (1968). The concept of standing is part of this limitation. Unlike other associated doctrines, for example, that which restrains federal courts from deciding political question, standing 'focuses on the party seeking to get his complaint before a federal court and **not on the issues he wishes to have adjudicated.**'Id. at 99.

Simon v. Eastern Kentucky Welfare Rights Organization, 426 U.S. 26, 32 (1975) [emphasis supplied]. In a Petition for Probate, one of the main issues to be adjudicated -- only after proper filing -- is the selection and appointment of the Personal Representative.

More recently, the United States Court of Appeals for the District of Columbia Circuit stressed that "[s]tanding doctrine is designed to determine who may institute the asserted claim for relief." Action Alliance of Senior Citizens v. Heckler, 789 F.2d 931, 940, 252 U.S.App.D.C. 249, 258 (1986) [emphasis in original].

The Non-assignability of Standing to File. The concept of standing to file is functionally no different from the concept of standing to sue.

This Court concludes as a matter of law that no person can acquire standing to sue by gift or assignment from one who already has standing. This should be self-evident from the mere fact that the Council of the District of Columbia has enacted a specific statute that defines and limits very precisely the two classes of persons who are granted standing to file a Petition for Probate.[2]

No one can assign or give away any legal status to another person when the legislature has squarely reserved to itself the right to identify and limit those persons who may file. This principle, like standing itself, is a fundamental feature of separation of powers.

Certainly, in its very basic constitutional role of enacting laws, the legislative branch is the initial gatekeeper in determining who can enter the courthouse under each specific statute that is passed.

The Supreme Court has stated that the concept of standing is a vital component of the separation of powers among the three branches of government. This is no less true for the District of Columbia than for the federal government.

IV. CORRECTION OF THE PROBLEM FOR THIS ESTATE.

Based upon statutory requirements, as outlined herein above, the only real parties in interest are interested persons and creditors.

The correction of the problem of lack of standing, as it is seen in the instant Petition for Probate, is a matter that can be handled easily.

---

[2]The Register of Wills is the only third party who is permitted by statute to file a Petition for Probate and this occurs only in unique circumstances. The Code provides, "If no petition for abbreviated or standard probate is filed within a reasonable time, the Register, with the approval of the Court, may file a petition for standard probate." 20 D.C. § 321 (1980) [emphasis supplied].

The Court is fully aware that the Superior Court Civil Rules provide:

> No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed . . . for ratification of commencement of the action by, or joinder, or substitution of, the real party in interest. .

Super.Ct.Civ.R. 17(a)(1990). Accordingly, this Court will hold in abeyance the Petition for Probate, pending the filing of an affidavit by either of the heirs-at-law, indicating that he or she ratifies the Petition for Probate.

Alternatively, the Court will accept any one of the other two filings that are sufficient to accomplish this act. For example, the Petitioner may file a Motion to Join at least one of the heirs as a co-petitioner (along with an attached verification of the petition by that heir).

As a third option, one of the heirs may file his or her own verified Petition to Join as a co-petitioner or a verified Petition to Substitute one or both heirs as petitioners.

WHEREFORE, it is by the Court this 28th day of August, 1996

ORDERED that the Petition for Probate is hereby held in abeyance pending the filing, **no later than October 15, 1996**, of one of the following pleadings: (1) a verified Petition to Substitute Parties filed by an heir at law; or (2) a verified Petition to Join as a co-petitioner, filed by one or more of the heirs-at-law; or

(3) an affidavit of at least one heir-at-law in which that person ratifies the filing of the instant Petition for Probate.

Cheryl M. Long
Judge

Copies mailed to:

Charlee S. Gregory
342 North Adams Street
Akron, Ohio 44304

Edward T. Love, Esq.
Counsel for Petitioner
Ortman, Love & Huckabey
4816 Moreland Lane
Bethesda, Maryland 20814

Mrs. R.S. Wilson
10450 Lotsford Road
Mitchelville, Maryland 20721

Charles Schneider
1161 Krebs Court
Newark, Ohio

PETITION FOR PROBATE

(For Decedents dying on or after July 1, 1995)

WASHINGTON LAW REPORTER FORM 700
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of _______________ Administration No. _______________

_______________ Age _______

Deceased

PETITION FOR PROBATE

(For decedents dying on or after July 1, 1995)

- ❑ Petition for Abbreviated Probate
  - ❑ Unsupervised Administration
  - ❑ Supervised Administration
- ❑ Appointment of Personal Representative(s)
- ❑ Appointment of Successor Personal Representative(s)
  - ❑ Unsupervised Administration
  - ❑ Supervised Administration
- ❑ Petition for Standard Probate
  - ❑ Unsupervised Administration
  - ❑ Supervised Administration
- ❑ Appointment of Co-Personal Representative(s) (each must sign)
- ❑ Appointment of Special Administrator(s)

NOTE: The appointment of a personal representative shall constitute an order for unsupervised administration unless the order specifically provides for supervised administration as provided in D.C. Code Section 20-402.

The Petition of:

_______________ _______________
Name Age Address

_______________ _______________
Name Age Address

_______________ _______________
Name Age Address

hereinafter "petitioner" being a citizen of the United States or a lawfully admitted permanent resident thereof, of legal age, and not otherwise excluded from acting as personal representative pursuant to D.C. Code §20-303(b), shows:

1. _______________, the decedent, a domiciliary of _______________
residing at _______________ died at _______________
place
on _______________ (with) (without) a will.

2. Petitioner is entitled to be appointed personal representative of the decedent's estate under D.C. Code §20-303 for the following reasons: _______________

____

3. The court has jurisdiction in this matter because —
❑ decedent died domiciled in the District of Columbia
❑ other — please state basis for jurisdiction _______________

4. There are no other proceedings regarding the administration of the estate except _______________

____

5. The petitioner has made a diligent search for wills and codicils of the decedent, and, to the best knowledge of the petitioner the will dated _______________ and codicils dated _______________ accompanying

this petition (is) (are) the decedent's last will, and petitioner knows of no later will or codicil, and said will and codicil(s), if any, came into petitioner's hands in the following manner: ______________________________

6. All information required pursuant to D.C. Code §20-304(a) has been furnished except ______________________
____

NOTE: Paragraphs 7- 9 may be completed at the option of the petitioner. (Attach additional sheets if necessary.)

7. It is requested that witnesses to the alleged will dated ______________ appear and give testimony regarding its execution, (give reasons and complete names and addresses of witnesses): ______________________________
____
____

8. It is requested that an individual having custody of the original will be directed to deliver same to the Court. (State reasons for this request including all demands made for delivery of the will): ______________________________
____
____

9. It is requested that the Court issue an Order to Show Cause why the provisions of a lost or destroyed will should not be admitted to probate. (Set forth the reasons for this requested relief): ______________________________
____

10. If supervised administration is (required) (requested) it is for the following reasons:

- ☐ Decedent's will directs supervised administration.
- ☐ Although decedent's will directs unsupervised administration, supervised administration is requested for the following reasons: ______________________________
____
- ☐ Other ______________________________
____

11. ☐ Bond is not required because (Note: Refer to D.C. Code Section 20-502 for bond provisions).
   - ☐ decedent's will waives bond.
   - ☐ a signed written waiver of each interested person has been filed.
- ☐ Bond is required and no reduction in bond is requested.
- ☐ Bond is required in the amount of $ ______________ because some but less than all interested persons waive bond.
- ☐ Bond is required but a reduction is requested in the amount of $ ______________, being the value of any real or personal property, the sale or distribution of which will be restricted without prior court authorization.

(If reduced bond is sought list cash accounts requiring Court order for withdrawal and/or other personal or real property for which prior court authorization for sale or distribution must be obtained). ______________________________
____
____
____

Petitioner seeks the following limitation(s) on his/her powers - Refer to D.C. Code Sections 20-404, 20-406 and 20-741 with respect to powers. ______________________________
____
____

(Note: If bond is required but sought in reduced amount requiring Court order prior to withdrawal of cash on deposit in a specific account(s) or requiring a court order prior to sale or distribution of other personal and/or real property this paragraph must be completed.)

The decedent was survived by - (please check appropriate boxes)

a. ❑ Spouse. ❑ No spouse. Check appropriate box and go to b.

b. ❑ Children. ❑ Descendants of predeceased children. If so, stop here; if not, go to c.

c. ❑ Grandchildren. ❑ Descendants of predeceased grandchildren. If so, stop here; if not, go to d.

d. ❑ Parents. If so, stop here; if not go to e.

e. ❑ Brothers and/or Sisters. ❑ Descendants of predeceased brothers and/or sisters. If so, stop here; if not, go to f.

f. ❑ Nieces and/or Nephews. ❑ Descendants of predeceased nieces and/or nephews. If so, stop here; if not, go to g.

g. ❑ Uncles and/or Aunts. If so, stop here; if not, go to h.

h. ❑ First cousins. If so, stop here; if not, go to i.

i. ❑ Grandparents. If so, stop here; if not, go to j.

j. ❑ Other heirs. If none, go to k.

k. ❑ Notify Office of the Corporation Counsel, Special Litigation Section,
441 4th Street, N.W., 6th Floor, Washington, D.C. 20001

LIST OF INTERESTED PERSONS must include names of heirs if decedent died intestate; heirs and legatees, including trustees and all named Personal Representatives if the decedent died testate. Refer to D.C. Code §19-301 through 312 and §20-101(d)(1). Add additional sheets, if needed. Note: If each trustee is also a petitioning party or acting personal representative, list all beneficiaries under trust. Refer to D.C. Code §20-101 (g). Any creditor of the decedent, including those persons whose rights accrue at the time of death, *who has timely presented a claim in excess of $500* that has not been barred or discharged is also an interested person. Petitioner(s) should update list of interested persons or creditors with claims in excess of $500 as they become known.

Indicate, when applicable, grandchildren and nieces and nephews by family groups, by showing the name of their deceased parent who was related to the decedent

Interested Person	Address	Relationship (Age, if under 18)

(Use continuation sheet if necessary)

(If under age of 18 or an adult who is legally disabled, also list as an interested person the judicially appointed guardian, conservator or committee for such person. If no judicially appointed representative exists then list the parent, or custodian, or an attorney-in-fact, if any, for such person (subject to the terms of the power of attorney), or any other person with legal authority to act for such disabled person.

WITNESSES TO WILLS/CODICILS (Names)

(Use continuation sheet if necessary)

Character, Location and Estimated Value of Property titled in decedent's name:

Real Property located in the District of Columbia **Estimated Value**

Total $ ______________

Personal Property located in the District of Columbia and other jurisdictions

Total $ ______________

Debts and Funeral Expenses

Debts secured:

Total $ ______________

Debts Unsecured:

Total $ ______________

Funeral Expenses:

❑ Paid by ______________
name

Amount paid $ ______________

❑ Unpaid

Amount unpaid $ ______________

WHEREFORE, the petitioner prays that petitioner(s) be appointed (supervised) (unsupervised) personal representative(s) of the decedent's estate in (abbreviated) (standard) probate proceeding, and that the (court find that the decedent died intestate) (will dated ______________________ and codicil(s) dated ______________________, exhibited with the petition be admitted to probate and record) and that the additional relief be granted:

Check appropriate box(es)

- ☐ order witnesses to the alleged will dated ______________________, to appear and give testimony regarding its execution;
- ☐ order ______________________ who is alleged to have custody of will dated ______________________, to deliver it to the Court;
- ☐ order any interested person to show cause why the provisions of the lost or destroyed will dated ______________ should not be admitted to probate;
- ☐ Other ______________________

DECLARATION OF PETITIONER

I do solemnly declare and affirm under the penalty of law that the contents of the foregoing petition are true and correct to the best of my knowledge, information and belief.

☐ I am a member of the D.C. Bar and hereby guarantee court costs.
(supervised estates only)

____
Signature of Attorney for Petitioner

____
Signature of Petitioner (Tel. No.)

____
Typed name of Attorney

____
Signature of Petitioner (Tel. No.)

____
Attorney's Address

____
Signature of Petitioner (Tel. No.)

____
Telephone No.

____
Unified Bar No.

ACCEPTANCE AND CONSENT OF EACH PERSONAL REPRESENTATIVE

I do hereby accept the duties of the office of personal representative of the estate of ______________________________ ______________________________ deceased, whether in a supervised or unsupervised administration, and consent to personal jurisdiction in any action brought in the District of Columbia against me as personal representative or arising out of the duties of the office of personal representative pursuant to D.C. Code §20-501.

______________________	______________________	______________________
Signature of Petitioner	Signature of Petitioner	Signature of Petitioner

POWER OF ATTORNEY

To be Executed By Each Non-resident Personal Representative

Pursuant to D.C. Code §20-303(b)(7), I do hereby irrevocably appoint the Register of Wills and successors in office as the person upon whom all notices and process issued by a competent court in the District of Columbia may be served with the same effect as personal service in relation to all suits or matters pertaining to the estate in which the letters are to issue.

______________________	______________________
(Signature)	(Address, may not be a P.O. Box)
______________________	______________________
(Signature)	(Address, may not be a P.O. Box)
______________________	______________________
(Signature)	(Address, may not be a P.O. Box)

WASHINGTON LAW REPORTER FORM 719
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Foreign No. ____________________

____
Date of Death

____
Name of Decedent

NOTICE OF APPOINTMENT OF FOREIGN PERSONAL REPRESENTATIVE AND NOTICE TO CREDITORS

____ whose address is ______________________________ was appointed personal representative of the estate of ______________________________, deceased, on ______________, 19 ________, by the ______________________ Court for ______________________ County, State of ______________________________.

Service of process may be made upon ____
____
(insert name and address)
whose designation as District of Columbia agent has been filed with the Register of Wills, D.C.

The decedent owned the following District of Columbia real property: (Strike preceding sentence if no real estate.) ____
____.

The decedent owned District of Columbia personal property. (Strike preceding sentence if no personal property.) Claims against the decedent may be presented to the undersigned and filed with the Register of Wills for the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001 within 6 months from the date of first publication of this notice. (Strike preceding sentence if no real estate.)

Date of first publication:

____

Name of newspaper and/or periodical:

____

____

____

____
Personal Representative(s)

____
TRUE TEST COPY

____
REGISTER OF WILLS

WASHINGTON LAW REPORTER FORM 712
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

NOTICE OF ACTION TAKEN ON CLAIM

To: _______________________________________
Claimant

You are hereby notified that your claim in the amount of $ __________________________ against the above-entitled estate is: (check appropriate box)

- ☐ Allowed in the stated amount.
- ☐ Allowed in the amount of $ ________________________
- ☐ Disallowed.
- ☐ Undetermined, and will be presented to the Court for determination.

____
Personal Representative(s)

Date mailed or delivered: ____________________

NOTICE

If your claim has been disallowed in whole or in part, it will be barred to the extent of its disallowance unless you file a verified complaint with the appropriate Division of this Court or other court of competent jurisdiction within 60 days after the date of mailing or delivery of this notice or such shorter period as might be allowed by the regular statute of limitations.

WASHINGTON LAW REPORTER FORM 703
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

____
Deceased

Administration No. ____________

CONSENT TO APPOINTMENT OF PERSONAL REPRESENTATIVE

I ______________________________, being a competent adult heir and/or legatee of ______________________________ deceased, and being familiar with the petition of ______________________________ for Letters of Administration, do hereby consent to the appointment of petitioner(s).

____
Witness

____

WASHINGTON LAW REPORTER FORM 706
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

____
Deceased

Administration No. ____________________

WAIVER OF PERSONAL REPRESENTATIVE'S BOND

I, ____, being a competent

❑ adult heir and/or legatee of ____, deceased, or

❑ a creditor of the decedent whose claim in excess of $500.00 has not been barred or discharged,

and being familiar with the petition of ____ for Letters of Administration, do hereby waive protection of any bond so far as my interest in said estate is concerned.

____
Witness

____
Signature

WASHINGTON LAW REPORTER FORM 704A
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

____
Deceased

Administration No. ____________________

BOND OF PERSONAL REPRESENTATIVE PURSUANT TO D.C. CODE §20-502 (a-1)

KNOW ALL BY THESE PRESENTS: That I/we ______________________________ ______________________________ as principal and ______________________________ as surety, are held and firmly bound to the District of Columbia for the use of (person(s) and/or creditor(s) demanding bond) ______________________________ in the sum of ____________________ dollars.

The condition of the above obligation is such that if the said ______________________________ shall well and truly perform the office of the personal representative(s) of the estate of ______________________________, deceased, late of ______________________________ according to law, and shall in all respects discharge the duties required of the personal representative(s) by law without any injury or damage to the interest of the person(s) or creditor(s) listed above, said obligation shall be void; otherwise it shall be in full force and effect for the use of said above-named person(s) or creditor(s), and none other.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

______________________________ (Seal)
____

______________________________ (Seal)
____

______________________________ (Seal)
____

Dated this ____________ day of ____________, 19 ____

Surety ______________________________
By: ______________________________ (Seal)

WASHINGTON LAW REPORTER FORM 707
1001 Conn. Ave. N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

NOTICE OF STANDARD PROBATE

Estate of ______________________ Deceased

Administration No. ______________

Notice is hereby given that a petition has been filed in this Court by ______________________ for standard probate, including the appointment of one or more personal representatives. Unless a complaint or an objection in accordance with Superior Court Probate Division Rule 407 is filed in this Court within 30 days from the date of first publication of this notice, the Court may take the action hereinafter set forth.

(Delete all which do not apply)

- ☐ admit to probate the will dated ______________ exhibited with the petition upon proof satisfactory to the Court of due execution by affidavit of witnesses
- ☐ order witnesses to the alleged will dated ______________ to appear and give testimony regarding its execution
- ☐ order ______________ who is alleged to have custody of the will dated ______________ to deliver it to the Court
- ☐ order any interested person to show cause why the provisions of the lost or destroyed will dated ______________ should not be admitted to probate as expressed in the petition
- ☐ in the absence of a will or proof satisfactory to the Court of due execution, enter an order determining that the decedent died intestate
  - ☐ appoint an unsupervised personal representative
  - ☐ appoint a supervised personal representative
  - ☐ (other) ______________

Date of first publication: ______________

Name of newspaper: ______________

____
Signature of Petitioner/Attorney

____

____
Address & Phone No.

____
Register of Wills
Clerk of the Probate Division

WASHINGTON LAW REPORTER FORM 711
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of ______________________________ Deceased

Administration No. ______________

PETITION FOR ORDER DIRECTING PAYMENT OF CLAIM PURSUANT TO D.C. CODE §20-909(a)

The undersigned claimant hereby petitions the Court for an order directing payment of a claim against the above-entitled estate.

1. Name of claimant: ______________________________
2. Address of claimant: ______________________________
3. Date of mailing or delivery of claim to Register of Wills or Personal Pepresentative: ______________
4. Amount of claim: ______________________________
5. Basis of claim (check appropriate lien):
   - ☐ Funeral expenses, not exceeding $1,500.
   - ☐ Family allowance, not exceeding $10,000.
   - ☐ Rent in arrears for which an attachment might be levied by law.
   - ☐ Judgments and decrees of courts in the District of Columbia.
   - ☐ Other just claims.
6. The petition is being filed because the claim has not been rejected but has not been paid within 8 months from the date of first publication of the Notice of Appointment, Notice to Creditors, and Notice to Unknown Heirs.
7. The time for presentation of claims has expired.

I do solemnly declare and affirm under penalty of law that the contents of the foregoing petition are true and correct to the best of my knowledge, information and belief.

____
Claimant

Dated: ______________

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Order Directing Payment of Claim Against Estate Pursuant to D.C. Code §20-909(a) was this ______________________________ day of ______________________________, 19 ______, mailed, by first class mail, postage prepaid, (or delivered) to ______________________________
(Personal Representative or Attorney for the Personal Representative)

____
Signature of Claimant or Claimant's Attorney

WASHINGTON LAW REPORTER FORM 601
1001 Conn. Ave., N.W., #238. Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001

GENERAL INFORMATION FOR HEIRS AND LEGATEES

Pursuant to the provisions of D.C. Code §20-704(b), the Personal Representative is required to send a statement to each heir and legatee containing certain information regarding the administration of a deceased person's estate, including:

(1) The typical duties of a Personal Representative in estate administration, including a description of the essential steps of estate administration;
(2) How fees for estate administration are determined in this jurisdiction and that the Personal Representative is to be provided as soon as feasible with an estimate of fees to be claimed against the estate;
(3) The rights of heirs and legatees, the assistance an heir or legatee may provide to the Personal Representative and the role of the Register. The Personal Representative shall certify to the Register that notices under this subsection have been given.

The information hereinafter set forth is intended only to highlight, very briefly, certain aspects of this process and is not intended to be a detailed and complete legal guide for the administation of an estate. Depending on the factual situation in a particular case, the rights of certain classes of heirs and legatees may differ from others, so that this summary is not meant to include a description and explanation of the entire probate procedure as it may affect the rights of all parties. For more complete information, you should refer to Title 20 of the District of Columbia Code, and any court decisions relating thereto, or you may wish to consult your own attorney.

I. TYPICAL DUTIES OF A PERSONAL REPRESENTATIVE

(a) The Personal Representative must determine the kind, amount and location of all assets of the decedent and where feasible bring them into the Personal Representative's possession.
(b) The Personal Representative must determine the whereabouts of all of the decedent's heirs and legatees.
(c) Within three months of appointment, the Personal Representative must file a detailed inventory and appraisal of all assets with the Court.
(d) The Personal Representative, within 20 days after appointment, must publish a notice in the newspaper advising persons who have claims against the decedent to file said claims with the Court. (Creditors ordinarily have six months after the first publication in the newspaper to file their claims). After the expiration of this publication period, the Personal Representative may pay the valid claims of the decedent's creditors.
(e) The Personal Representative obtains court approval for payment of compensation to Personal Representative and attorney (see II. below).
(f) Within one year and one day of the first publication of notice, an account must be filed with the Court setting forth all assets of the decedent's estate, all transactions made by the Personal Representative such as purchases, sales, leases, etc., all disbursements made by the Personal Representative and a statement as to the value of any remaining assets. This account will be audited by the Court in a very cursory and informal way if all heirs and legatees consent to such audit. Otherwise, the Personal Representative will be required to exhibit detailed documentation to support every asset and disbursement shown in the account.
(g) The Personal Representative is responsible for the preparation and filing of decedent's final federal and state income tax returns; estate income tax returns, and inheritance and estate tax returns, both federal and state, where such returns are required by law.
(h) After approval by the Court of the Personal Representaive's account, if final, distribution is made of the remaining assets to the heirs and legatees. If the estate remains open, the Personal Representative must file an account every nine months thereafter until the estate can be closed.

Continued on Reverse Side

II. DETERMINATION OF FEES

(a) The Personal Representative and the attorney employed by the Personal Representative are each entitled to be paid for services rendered.

(b) As soon as feasible, the attorney must provide an estimate to the Personal Representative of the fees expected to be charged by the attorney.

(c) Unless the will specifically authorizes compensation in a stated amount, compensation cannot be paid from estate assets without first obtaining Court approval. The compensation awarded by the Court shall be based on time spent, the responsibilities assumed, the nature of the service rendered and results achieved. Detailed statements must be filed with the Court by the Personal Representative and attorney itemizing their efforts.

III. RIGHTS OF HEIRS AND LEGATEES

(a) An heir or legatee has the right to contest the validity of a will within six months of the notice of publication.

(b) An heir or legatee has the right to decide whether the Court should conduct a cursory review or a detailed audit of the Personal Representative's books and records.

(c) An heir or legatee has the right to file written objections with the Court as to:

- (1) the contents of, or value stated in any appraisal;
- (2) the contents of any account; and
- (3) the amounts sought in any request for compensation for services rendered by a Personal Representative or the Personal Representative's attorney.

(d) An heir or legatee has the right to obtain a copy of all documents identified in (c) above, It is optional with the Personal Representative to either provide a copy of these documents to the heirs or legatees or notify them that the said documents are filed and available at the Court.

(e) Prior to the sale or transfer of a particular piece of real or personal property, an interested person may request the Court to have a priority placed on the sale or transfer. After a hearing, the Court will decide the order in which estate property will be sold or transferred.

(f) An heir or legatee in possession of property that said person is presumptively entitled to receive at some later time as heir or legatee, may retain said property unless the Personal Representative requests possession of the property for purposes of estate administration.

(g) An heir or legatee has a duty to inform the Personal Representative of all matters which will aid in the administration of the estate.

IV. ROLE OF THE REGISTER OF WILLS

(a) The Register of Wills is the Court official who oversees the proper administration of the decedent's estate.

(b) It is the duty of the Register of Wills to see that prompt and accurate reports and accounts are filed, creditors paid and distribution made to the proper parties.

(c) Any questions or information concerning the estate should be addressed to the Personal Representative. If the heir or legatee is not satisfied with the response or action of the Personal Representative, the matter may be brought to the attention of the Court by writing to the Register of Wills, 500 Indiana Avenue, N.W., Washington, D.C. 20001.

WASHINGTON LAW REPORTER FORM 713A
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

ORDER EXTENDING APPOINTMENT OF PERSONAL REPRESENTATIVE(S)
(Unsupervised)

Upon consideration of the written request filed herein by ______________________________ ____, personal representative(s) of the estate of ____, deceased, for an extension of the appointment of the personal representative(s), it is by the Court this ____________ day of ______________________, 19__________,

ORDERED, that the appointment of ____ as the unsupervised personal representative(s) of the estate of ________________________________, deceased, be and hereby is

☐ extended, and the estate shall remain open, for a period of twelve months from ____________________ ____, unless otherwise terminated hereafter.
former date of termination

or

☐ extended, for a period of twelve months from the date of this order unless otherwise terminated hereafter, nunc pro tunc from ____, and the estate
former date of termination
shall be deemed to have remained open continuously from that date.

____
JUDGE

Copies to:
(Insert list of names and addresses of all interested persons. Attatch additional sheet if necessary.)

____

____

WASHINGTON LAW REPORTER FORM 713
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of ______________________________ Deceased

Administration No. ____________________

REQUEST FOR EXTENSION OF PERSONAL REPRESENTATIVE'S APPOINTMENT
(Unsupervised)

(I) (We), ____, the personal representative(s) of the estate of ______________________________ deceased, hereby represent(s) to the Court as follows:

(a) No Certificate of Completion has been filed herein;

(b) Said unsupervised personal representative(s) (was) (were) so appointed by the Court on ______________________________ and said appointment, as most recently extended (if at all), will expire on ______________________________ unless (further) extended by the Court; and

(c) The administration of said decedent's estate will not have been completed by such termination date because ____
____
____

Accordingly, the personal representative(s) request(s) that (his) (her) (its) (their) appointment be extended for an additional twelve months, beginning on the expiration date as shown in paragraph (b) above.

____

____
Personal Representative(s)

Dated: ____________________

WASHINGTON LAW REPORTER FORM 717
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of   Administration No. ____________________

____
Deceased

PETITION FOR TERMINATION OF APPOINTMENT OF SUPERVISED PERSONAL REPRESENTATIVE

Pursuant to D.C. Code §20-1301 ____,
the personal representative(s) of the above estate, request(s) termination of appointment as personal representative(s), and in support thereof, represent(s) to the Court as follows:

1. ______________________________________, (was) (were) appointed personal representative(s) of the above estate by order of this Court entered ______________________________ and (is) (are) currently so serving in supervised administration.

2. A request for termination of this appointment (has) (has not) previously been made on the final account approved by this Court (with) (without) formal audit.

3. All creditors' claims have been resolved in accordance with applicable law.

4. The Court has approved the final account of the personal representative(s), and all estate assets have been distributed as stated in that account.

5. Unless previously filed, there are attached to this petition, receipts signed by all of the (heirs) (legatees) of this estate, who are listed below, which receipts reflect all distributions reported in accounts previously approved by this Court:

List names of (heirs) (legatees). Attatch additional sheet if necesary.

Wherefore, the personal representative(s) pray(s) for termination of appointment in this estate.

The undersigned personal representative(s) of the estate of ______________________________,
deceased, solemnly declare(s) and affirm(s) under penalty of law that the contents of the foregoing document are true and correct to the best of the personal representative's knowlege, information and belief.

____

Dated: ____________________

____
Personal Representative(s)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Termination of Appointment of Supervised Personal Representative has been mailed, postage prepaid, to all [heirs/residuary legatees] and to all creditors who have presented their claims but have not been paid in full, and who are listed below, at their last known addresses, this ______________________ day of __________, 19___.

List names of heirs/residuary legatees and unpaid creditors

____
Personal Representative(s)

WASHINGTON LAW REPORTER FORM 717A
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

ORDER TERMINATING APPOINTMENT OF SUPERVISED PERSONAL REPRESENTATIVE(S)

Upon consideration of the petition for termination of the appointment of ____________________ ____ as supervised personal representative(s) of the estate of the above-captioned decedent, pursuant to D.C. Code §20-1301, and it appearing to the satisfaction of the Court that all necessary receipts of heirs or legatees have been filed, that due notice of this petition has been given to all residuary legatees or heirs and all creditors who have presented their claims but have not been paid in full and that no objection has been filed, it is by the Court this ____________________ day of ____________________, 19 ______,

ORDERED that the appointment of ____ ________________________________ as the supervised personal representative(s) of the estate of ____________________________________ be and the same hereby is terminated.

____
JUDGE

Copies to :

____

WASHINGTON LAW REPORTER FORM 715
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

NOTICE ACCOMPANYING FINAL ACCOUNT

Enclosed with this notice is a copy of the final account of the personal representative(s) of the above captioned decedent's estate.

You should understand that:

1. You have a right to object to this account within sixty days after the date on which this account was sent to you, by mailing or delivering to the personal representative or the Probate Division of the Superior Court of the District of Columbia within that 60-day period a written statement specifying your particular objections to the account as stated; and
2. If you do not make such an objection within the time prescribed, all claims (other than for fraud) which you may have against the personal representative(s) or any distributee shall be barred.

____
Personal Representative(s) or Counsel for Personal Representative(s)

Dated: ____________________________

WASHINGTON LAW REPORTER FORM 702
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

______________________________________ Age ________
Deceased

Abbreviated Probate Order
(For decedents dying on or after July 1, 1995)

Upon consideration of the petition for (supervised) (unsupervised) abbreviated probate, acceptance and consent of each personal representative, a power of attorney of each non-resident, and a bond, if applicable, in the amount of $ __________________________ all having been filed herein, it is by the Court this ____________________ day of ________________________________, 19 ________,

ORDERED, that administration of this estate is

- ☐ (unsupervised)
- ☐ (supervised) for the following reasons:
  - ☐ Decedent's will directs supervision.
  - ☐ Decedent's will directs unsupervised administration but supervised administration is required for the following reasons: ____
    ____
    ____
    ____
  - ☐ Other ____
    ____
    ____
    ____

and it is further,

ORDERED, that ____
____
____ (is) (are) appointed personal representative(s) of the estate of ____, deceased, and it is further,

ORDERED, that

- ❑ the Court finds that the decedent died intestate.
- ❑ the will dated ______________________________ and codicil(s) dated ______________________________ accompanying the petition (is) (are) admitted to probate and record as the last will and testament of the aforesaid decedent.
- ❑ that bond heretofore filed in the amount of $ ______________________________ is approved.
- ❑ bond is not required.
- ❑ that the said personal representative(s) shall file an additional bond in an amount to be fixed by the Court before accepting assets in excess of the stated amount.
- ❑ the sum of $10,000 is allowed out of the personal estate to ______________________________ as surviving spouse and/or custodian of decedent's minor child(ren) in accordance with law.
- ❑ subject to any limitation of the will (if decedent died testate), D.C. Code Title 20, or by an order of Court, the personal representative(s) may, in addition to any power or authority contained in the will and to any other common-law or statutory power, properly exercise those general powers as enumerated in D.C. Code Section 20-741, subject to the following limitations which, if the administration is supervised, shall be endorsed on the letters of administration:

____

____

____

____
JUDGE

cc: Include Attorney of Record and P.R.

WASHINGTON LAW REPORTER FORM 704
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of ______________________ Deceased

Administration No. ______________

BOND OF PERSONAL REPRESENTATIVE PURSUANT TO D.C. CODE §20-502(a)

KNOW ALL BY THESE PRESENTS: That I/we ______________________ as principal and ______________________ as surety, are held and firmly bound to the District of Columbia in the sum of ______________ dollars.

The condition of the above obligation is such that if the said ______________ shall well and truly perform the office of the personal representative(s) of the estate of ______________________, deceased, late of ______________________, according to law, and shall in all respects discharge the duties required of the personal representative(s) by law without any injury or damage to any interested person or creditor (other than those excluded below, if any) the above obligation shall be void; otherwise it shall be in full force and effect.

The foregoing notwithstanding, this bond shall not cover the following: ______________________

- ☐ the interest of the following interested persons who have filed written waivers: ______________________
- ☐ the cash on deposit in an account expressly subject to withdrawal only in a manner that is approved by the Court: ______________________
- ☐ the value of the following real or personal property which cannot be sold or distributed without Court authorization: ______________________

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

______________________ (Seal)

______________________ (Seal)

______________________ (Seal)

Dated this ____________ day of ______________, 19 ______

Surety ______________________

By: ______________________ (Seal)

WASHINGTON LAW REPORTER FORM 705
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

PETITION FOR PERSONAL REPRESENTATIVE'S BOND PURSUANT TO D.C. CODE §20-502 (a-1)

I, ____ certify that I am

☐ a person having an interest in the above estate worth in excess of $1,000.00, which consists of (specify nature of interest) ______________________________________ or

☐ a creditor having a claim in excess of $1,000.00,

and demand that ____
______________________________, Personal Representative(s) of the estate, give bond for my use and benefit in the amount of $ ______________________________.

____
Signature of person or creditor, or person authorized to make demand on behalf of creditor

NAME: ______________________________________

ADDRESS: ______________________________________

____

INSTRUCTIONS

This form must be filed with the Register of Wills and a copy mailed to the Personal Representative(s) (or if none has been appointed, the person(s) whose appointment as Personal Representative(s) was re-quested on the Petition for Probate). Upon request for a bond, the Court may set a hearing to determine if a bond is required.

WASHINGTON LAW REPORTER FORM 714
1001 Conn. Ave., N.W. #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of _______________________________ Deceased

Administration No. ____________________

WAIVER OF FILING INVENTORIES AND ACCOUNTS

☐ I ____, am an heir/legatee of the above-captioned estate. I am aware of my right to require the filing of inventories and accounts with the Court, but I waive this right, knowing that I may revoke this waiver and require the filing of an inventory and accounts by filing a written demand with the Register of Wills within 7 days of sending the final account to the interested persons. I further understand that if all heirs or legatees file Waivers of Filing Inventories and Accounts, this estate will be converted to unsupervised administration.

☐ I am the personal representative and the decedent's will waives the filing of Inventories and Accounts.

Date: ________________

____
Signature

☐ The Verification and Certificate Pursuant to Rule 402(b)(4) was filed ________________________________ (Insert Date),

or

☐ The Verification and Certificate Pursuant to Rule 402(b)(4) is filed below.

VERIFICATION AND CERTIFICATE BY SUPERVISED PERSONAL REPRESENTATIVE PURSUANT TO SCR-PD 403(b)(4)

I do solemnly declare and affirm that I have mailed or caused to be mailed a copy of the notice of appointment and general information statement as required in D.C. Code §20-704 (a) and (b) on the ______________________ day of ____________________, 19_____, to the following persons:

Attach separate sheet with list of names and addresses of all heirs, legatees, and creditors referred to in D.C. Code §20-704(b)

I do further solemnly declare and affirm that I have previously filed or file herewith proofs of publication as required by SCR-PD 403 (b) (4).

Dated: ________________________________

____
Personal Representative(s)

Attorney: ______________________________

WASHINGTON LAW REPORTER FORM 716
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of ______________________________ Deceased

Administration No. ____________________

WAIVER OF FORMAL AUDIT OF ACCOUNT AND CONSENT TO ACCOUNT AS STATED

I, ______________________________, am entitled to receive a share of the above estate. I have received a copy of the ______________________________ (first, second and final, etc.) account of the estate.

I am aware that I am entitled to have a complete audit by the Court of said account whereby all the books and records of the Personal Representative would be examined.

I hereby waive my right to a formal audit and my right to file exceptions to the account within 30 days. I authorize the Court to conduct an informal and cursory review of limited records submitted by the Personal Representative.

I am aware that I may later request a formal and complete Court audit by filing a written demand with the Register of Wills within 20 days of the approval of the final account.

Witness:
(one required)

____

______________________________ (Signature)

______________________________ (Address)

Dated: ______________________________

____

This Waiver does not constitute a consent to the commission or fee requested, if any.

WASHINGTON LAW REPORTER FORM 718
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of   Administration No. ____________________

____
Deceased

CERTIFICATE OF COMPLETION
(Unsupervised)

(I) (We), ____, personal representative(s) of the estate of the above captioned decedent's estate, do hereby certify that:

1. The time for the presentation of creditors' claims has expired;
2. All interested persons have been sent a copy of the final account and a notice (a copy of which notice is attached hereto) of each one's right to object within 60 days after such account was sent, and that all claims of that interested person against the personal representative shall be barred unless such an objection is made;
3. Either each interested person has consented in writing to the account as stated, or there was no written objection within the 60-day period described above;
4. Distribution has been made in accordance with such account;
5. ☐ All known claims of creditors which are not barred have been fully satisfied or otherwise settled; or

   ☐ If any claim remains undischarged, attach a description of each such claim (including the name and address of the creditor, and the nature and amount of the claim), and indicate for each that either:

   (a) The personal representative has distributed the estate subject to possible liability on the part of the distributees with the agreement of those distributees; or

   (b) Other arrangements have been made to accommodate all such outstanding liabilities, as set forth in the following detailed explanation: ____
   ____
   ____
   ____
6. The personal representative has satisfied all administration expenses and other obligations of the estate incurred or authorized by the personal representative, and has otherwise fully administered the estate; and
7. Federal and D.C. estate tax returns are:

   ☐ Not required to be filed; or

   ☐ Required and have been filed, and the taxes shown on those returns, including all applicable interest, either:

   ☐ are not due; or   ☐ Have been paid in full;

and the Internal Revenue Service closing letter:

❑ has ❑ has not been received;

and the Certificate of D.C. Department of Finance and Revenue:

❑ has ❑ has not been received; or

(I) (We) (do) (do not) hereby request termination of (my) (our) appointment as personal representatives(s) of said decedent's estate pursuant to D.C. Code §20-1301(b).

(I) (We) do solemnly declare and affirm under penalty of law that the contents of the foregoing Certificate of Completion are true and correct to the best of (my) (our) knowledge, information, and belief.

____

____

Personal Representative(s)

Dated: ____________________

CERTIFICATE OF SERVICE

I ____, (a) (the) personal representative of the estate of ______________________________, deceased, do hereby certify that I have caused to be mailed, postage prepaid, to each of the persons and entities listed below, on ____________________, 19_____, a copy of the final account and the corresponding notice described above, as well as a copy of this Certificate of Completion on _________________________, 19_____:

List Names And Addresses

Dated: ____________________

____

Personal Representative(s)

WASHINGTON LAW REPORTER FORM 714
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

____
Deceased

Administration No. ________________

WAIVER OF FILING INVENTORIES AND ACCOUNTS

☐ I ____, am an heir/legatee of the above-captioned estate. I am aware of my right to require the filing of inventories and accounts with the Court, but I waive this right, knowing that I may revoke this waiver and require the filing of an inventory and accounts by filing a written demand with the Register of Wills within 7 days of sending the final account to the interested persons. I further understand that if all heirs or legatees file Waivers of Filing Inventories and Accounts, this estate will be converted to unsupervised administration.

☐ I am the personal representative and the decedent's will waives the filing of Inventories and Accounts.

Date: ______________

____
Signature

☐ The Verification and Certificate Pursuant to Rule 402(b)(4) was filed ______________________________,
Insert Date

or

☐ The Verification and Certificate Pursuant to Rule 402(b)(4) is filed below.

VERIFICATION AND CERTIFICATE BY SUPERVISED PERSONAL REPRESENTATIVE PURSUANT TO SCR-PD 403(b)(4)

I do solemnly declare and affirm that I have mailed or caused to be mailed a copy of the notice of appointment and general information statement as required in D.C. Code §20-704 (a) and (b) on the ______________ day of ______________, 19_____, to the following persons:

Attach separate sheet with list of names and addresses of all heirs, legatees, and creditors referred to in D.C. Code §20-704(b)

I do further solemnly declare and affirm that I have previously filed or file herewith proofs of publication as required by SCR-PD 403 (b) (4).

Dated: ______________________________

Attorney: ______________________________

____
Personal Representative(s)

WASHINGTON LAW REPORTER FORM 710
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

____
Deceased

Administration No. ______________

Date of Death ______________

Date of Appointment of
Personal Representative ______________

❑ Supervised estate ❑ Unsupervised estate

NOTICE is hereby given that the supervised personal representative of the above estate will file the enclosed Inventory with the Court on or before ______________________________
(Fill in date within 3 months from date of appointment)

INVENTORY
Summary

Schedule	Type of Property	Appraised Value
A	Real property in the District of Columbia	$ ______________
B	Tangible personal	______________
C	Corporate Stocks	______________
D	Bonds, notes, mortgages, debts due to the decedent	______________
E	Bank accounts, building association shares, savings and loan accounts, cash	______________
F	Debts owed to the decedent by the personal representative	______________
G	All other interests	______________
	TOTAL $	______________

Instructions: Complete all pertinent schedules and summary. See D.C. Code §§20-711 and 712.

VERIFICATION

I do solemnly declare and affirm under penalty of law that the contents of this inventory are true and correct to the best of my knowledge, information, and belief, that it has been prepared by me or under my direction, and is to the best of my knowledge a complete inventory of all of the estate of the above named decedent, made in good faith pursuant to District of Columbia law.

____

____
Personal Representative(s)

CERTIFICATE

There has been mailed or delivered to all interested persons, within the 15 days previous to the filing of this inventory, a copy of the inventory and the appended notice that it would be filed on or before the date stated in said notice.

____

Date: ______________________________ _______________________________

Personal Representative(s)
or Attorney(s)

VERIFICATION AND CERTIFICATE PURSUANT TO SCR-PD 403 (b) (4)

I do solemnly declare and affirm that I have mailed or caused to be mailed a copy of the notice of appointment and general information statement as required in D.C. Code §20-704 (a) and (b) on the ____________ day of ______________________, 19______, to the following persons:

List of names and addresses of all heirs, legatees, and creditors referred to in D.C. Code §20-704(b)
Attach additional sheets if necessary

I do further solemnly declare and affirm that I have previously filed or file herewith proofs of publication as required by SCR-PD 403 (b) (4).

Dated: ______________________ _______________________________

Attorney: ______________________ _______________________________

Personal Representative(s)

INVENTORY SCHEDULE

WASHINGTON LAW REPORTER FORM 71CA
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

INVENTORY SCHEDULE (   )

USE A SEPARATE SHEET FOR EACH SCHEDULE

Include a description of the type and amount of any enumbrance but do not deduct it from value column.

Item No.	Description	Value

TOTAL $ ____________________

Appraiser's Verification

The property described above has been impartially appraised by me to the best of my skill and judgment and constitutes all of the property of the named decedent of the type encompassed by this schedule of which I have knowledge and with the appraisal of which I have been charged.

Appraiser ______________________________
(Print name)

Appraiser ______________________________
(Signature)

____
(Address)

PETITION FOR PROBATE

(For Decedents dying on or after
April 27, 2001)

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of ______________________ Age ________
Deceased

Administration No. ______________________

PETITION FOR PROBATE
(For decedents dying on or after April 27, 2001)

- ☐ Petition for Abbreviated Probate
  - ☐ Unsupervised Administration
  - ☐ Supervised Administration
- ☐ Appointment of Personal Representative(s)
- ☐ Appointment of Successor Personal Representative(s)
  - ☐ Unsupervised Administration
  - ☐ Supervised Administration
- ☐ Petition for Standard Probate
  - ☐ Unsupervised Administration
  - ☐ Supervised Administration
- ☐ Appointment of Co-Personal Representative(s) (each must sign)
- ☐ Appointment of Special Administrator(s)
- ☐ Admission as an International Will

NOTE: The appointment of a personal representative shall constitute an order for unsupervised administration unless the order specifically provides for supervised administration as provided in D.C. Code Section 20-402.

The Petition of:

______________________ Name Age ______________________ Address

______________________ Name Age ______________________ Address

______________________ Name Age ______________________ Address

hereinafter "petitioner" being a citizen of the United States or a lawfully admitted permanent resident thereof, of legal age, and not otherwise excluded from acting as personal representative pursuant to D.C. Code §20-303(b), shows:

1. ______________________, the decedent, a domiciliary of ______________________ (place)
residing at ______________________ died at ______________________
on ______________________ (with) (without) a will.

2. Petitioner is entitled to be appointed personal representative of the decedent's estate under D.C. Code §20-303 for the following reasons: ______________________

3. The court has jurisdiction in this matter because —
   - ☐ decedent died domiciled in the District of Columbia
   - ☐ other — please state basis for jurisdiction ______________________

4. There are no other proceedings regarding the administration of the estate except ______________________

4(a). If the decedent is survived by a spouse, state the names of any surviving descendants of the spouse who are not descendants of the decedent (delete if not applicable). ______________________

5. The petitioner has made a diligent search for wills and codicils of the decedent, and, to the best knowledge of th· ···tioner the will dated ____________ and codicils dated ____________ accompanying

this petition (is) (are) the decedent's last will, and petitioner knows of no later will or codicil, and said will and codicil(s), if any, came into petitioner's hands in the following manner: ____________________

If an international will, the certificate of the authorized person is/is not attached.

6. All information required pursuant to D.C. Code §20-304(a) has been furnished except ____________________

____

NOTE: Paragraphs 7- 9 may be completed at the option of the petitioner. (Attach additional sheets if necessary.)

7. It is requested that witnesses to the alleged will dated ____________________ and the authorized person, if an international will, appear and give testimony regarding its execution, (give reasons and complete names and addresses of witnesses): ____________________

____

____

8. It is requested that an individual having custody of the original will be directed to deliver same to the Court. (State reasons for this request including all demands made for delivery of the will): ____________________

____

____

9. It is requested that the Court issue an Order to Show Cause why the provisions of a lost or destroyed will should not be admitted to probate. (Set forth the reasons for this requested relief): ____________________

____

10. If supervised administration is (required) (requested) it is for the following reasons:

- ☐ Decedent's will directs supervised administration.
- ☐ Although decedent's will directs unsupervised administration, supervised administration is requested for the following reasons: ____________________

  ____
- ☐ Other ____________________

  ____

11. ☐ Bond is not required because (Note: Refer to D.C. Code Section 20-502 for bond provisions).
    - ☐ decedent's will waives bond.
    - ☐ a signed written waiver of each interested person has been filed.
    - ☐ the personal representative(s) (is/are) the sole heir(s)/legatee(s).
  - ☐ Bond is required and no reduction in bond is requested.
  - ☐ Bond is required in the amount of $ ____________ because some but less than all interested persons waive bond.
  - ☐ Bond is required but a reduction is requested in the amount of $ ____________________, being the value of any real or personal property, the sale or distribution of which will be restricted without prior court authorization.

  (If reduced bond is sought list cash accounts requiring Court order for withdrawal and/or other personal or real property for which prior court authorization for sale or distribution must be obtained). ____________________

  ____

  ____

  ____

Petitioner seeks the following limitation(s) on his/her powers - Refer to D.C. Code Sections 20-404, 20-406 and 20-741 with respect to powers. ____________________

____

The decedent was survived by - (please check appropriate boxes) and indicate below those who did not survive by at least 120 hours.

a. ☐ Spouse. ☐ No spouse. Check appropriate box and go to b.

b. ☐ Children. ☐ Descendants of predeceased children. If so, stop here; if not, go to c.

c. ☐ Grandchildren. ☐ Descendants of predeceased grandchildren. If so, stop here; if not, go to d.

d. ☐ Parents. If so, stop here; if not go to e unless there is a spouse

e. ☐ Brothers and/or Sisters. ☐ Descendants of predeceased brothers and/or sisters. If so, stop here; if not, go to f.

f. ☐ Nieces and/or Nephews. ☐ Descendants of predeceased nieces and/or nephews. If so, stop here; if not, go to g.

g. ☐ Uncles and/or Aunts. If so, stop here; if not, go to h.

h. ☐ First cousins. If so, stop here; if not, go to i.

i. ☐ Grandparents. If so, stop here; if not, go to j.

j. ☐ Other heirs. If none, go to k.

k. ☐ Notify Office of the Corporation Counsel, Special Litigation Section, 441 4th Street, N.W., 6th Floor, Washington, D.C. 20001

LIST OF INTERESTED PERSONS must include names of heirs if decedent died intestate; heirs and legatees, including trustees and all named Personal Representatives if the decedent died testate. Refer to D.C. Code §19-301 through 312 and §20-101(d)(1). Add additional sheets, if needed. Note: If each trustee is also a petitioning party or acting personal representative, list all beneficiaries under trust. Refer to D.C. Code §20-101 (g). Any creditor of the decedent, including those persons whose rights accrue at the time of death, *who has timely presented a claim in excess of $500* that has not been barred or discharged is also an interested person. Petitioner(s) should update list of interested persons or creditors with claims in excess of $500 as they become known.

Indicate, when applicable, grandchildren and nieces and nephews by family groups,

Name of Heir/Legatee/Creditor ($500)	Address	Relationship (Age, if under 18)

(Use continuation sheet if necessary)

(If under age of 18 or an adult who is legally disabled, also list as an interested person the judicially appointed guardian, conservator or committee for such person. If no judicially appointed representative exists then list the parent or custodian, or an attorney-in-fact, if any, for such person (subject to the terms of the power of attorney), or any other person with legal authority to act for such disabled person. Also, indicate when applicable, the dependency of any adult children.

WITNESSES TO WILLS/CODICILS (Names)

AUTHORIZED PERSON (Applicable only to an international will)

(Use continuation sheet if necessary)

Character, Location and Estimated Value of Property titled in decedent's name:

Real Property located in the District of Columbia — Estimated Value

Total $ ____________________

Personal Property located in the District of Columbia and other jurisdictions

Value of household furniture, automoblies, furnishings, appliances and personal effects

Value of all other personal property

Total $ ____________________

Debts and Funeral Expenses

Debts secured: Total $ ____________________

Debts Unsecured: Total $ ____________________

Funeral Expenses:

☐ Paid by ____________________ (name) — Amount paid $ ____________________

☐ Unpaid — Amou~ ~npaid $ ____________________

WHEREFORE, the petitioner prays that petitioner(s) be appointed (supervised) (unsupervised) personal representative(s) of the decedent's estate in (abbreviated) (standard) probate proceeding, and that the (court find that the decedent died intestate) (will dated ______________________________ and codicil(s) dated ______________________________, exhibited with the petition be admitted to probate and record) and that the additional relief be granted:

Check appropriate box(es)

- ☐ order witnesses to the alleged will dated ______________________________, to appear and give testimony regarding its execution;
- ☐ order ______________________________ who is alleged to have custody of will dated ______________________________, to deliver it to the Court;
- ☐ order any interested person to show cause why the provisions of the lost or destroyed will dated ______________, should not be admitted to probate;
- ☐ Other ______________________________

DECLARATION OF PETITIONER

I do solemnly declare and affirm under the penalty of law that the contents of the foregoing petition are true and correct to the best of my knowledge, information and belief.

______________________________ ______________________________

Signature of Attorney for Petitioner   Signature of Petitioner   (Tel. No.)

______________________________ ______________________________

Typed name of Attorney   Signature of Petitioner   (Tel. No.)

____

Attorney's Address

____

Signature of Petitioner   (Tel. No.)

____

Telephone No.

____

Unified Bar No.

ACCEPTANCE AND CONSENT OF EACH PERSONAL REPRESENTATIVE

I do hereby accept the duties of the office of personal representative of the estate of ______________________________ ______________________________ deceased, whether in a supervised or unsupervised administration, and consent to personal jurisdiction in any action brought in the District of Columbia against me as personal representative or arising out of the duties of the office of personal representative pursuant to D.C. Code §20-501.

______________________	______________________	______________________
Signature of Petitioner	Signature of Petitioner	Signature of Petitioner

POWER OF ATTORNEY

To be Executed By Each Non-resident Personal Representative

Pursuant to D.C. Code §20-303(b)(7), I do hereby irrevocably appoint the Register of Wills and successors in office as the person upon whom all notices and process issued by a competent court in the District of Columbia may be served with the same effect as personal service in relation to all suits or matters pertaining to the estate in which the letters are to issue.

______________________	______________________
(Signature)	(Address, may not be a P.O. Box)
______________________	______________________
(Signature)	(Address, may not be a P.O. Box)
______________________	______________________
(Signature)	(Address, may not be a P.O. Box)

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

____
Deceased

Administration No. ______________

Date of Death ______________

Date of Appointment of
Personal Representative ______________

☐ Supervised estate ☐ Unsupervised estate

NOTICE is hereby given that the supervised personal representative of the above estate will file the enclosed Inventory with the Court on or before ______________
(Fill in date within 3 months from date of appointment)

INVENTORY
Summary

Schedule	Type of Property	Appraised Value
A	Real property in the District of Columbia	$ ________
B	Tangible personal	________
C	Corporate Stocks	________
D	Bonds, notes, mortgages, debts due to the decedent	________
E	Bank accounts, building association shares, savings and loan accounts, cash	________
F	Debts owed to the decedent by the personal representative	________
G	All other interests	________
	TOTAL $	________

Instructions: Complete all pertinent schedules and summary. See D.C. Code §§20-711 and 712.

VERIFICATION

I do solemnly declare and affirm under penalty of law that the contents of this inventory are true and correct to the best of my knowledge, information, and belief, that it has been prepared by me or under my direction, and is to the best of my knowledge a complete inventory of all of the estate of the above named decedent, made in good faith pursuant to District of Columbia law.

____

____
Personal Representative(s)

CERTIFICATE

There has been mailed or delivered to all interested persons, within the 15 days previous to the filing of this inventory, a copy of the inventory and the appended notice that it would be filed on or before the date stated in said notice.

____

Date: ________________________________ ______________________________________

Personal Representative(s)
or Attorney(s)

VERIFICATION AND CERTIFICATE PURSUANT TO SCR-PD 403 (b) (4)

I do solemnly declare and affirm that I have mailed or caused to be mailed a copy of the notice of appointment and general information statement as required in D.C. Code §20-704 (a) and (b) on the ____________________ day of__________________________________, __________, to the following persons:

List of names and addresses of all heirs, legatees, and creditors referred to in D.C. Code §20-704(b)
(Attach additional sheets if necessary)

I do further solemnly declare and affirm that I have previously filed or file herewith proofs of publication as required by SCR-PD 403 (b) (4), and that to the best of my knowledge and belief the value of the probate estate (remains the same as) (increased/decreased in the following amount from) that set forth in the petition for probate previously filed with the Court. ($ _________________________); and that I have paid court cousts or tender herewith court costs pursuant to SCR-PD 425(a)(1) through (4) and in accordance with D.C. Code §15-707(a).

____

Dated: _______________________ ______________________________________

Attorney: ______________________ Personal Representative(s)

1001 Connecticut Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of Administration No. ____________________

___________________________________ Age _________
Deceased

Abbreviated Probate Order

(For estates of decedents dying on or after April 27, 2001)

Upon consideration of the petition for (supervised) (unsupervised) abbreviated probate, acceptance and consent of each personal representative, a power of attorney of each non-resident, and a bond, if applicable, in the amount of $ ___________________________ all having been filed herein, it is by the Court this _____________________ day of __________________________________, __________,

ORDERED, that administration of this estate is

- ❑ (unsupervised)
- ❑ (supervised) for the following reasons:
  - ❑ Decedent's will directs supervision.
  - ❑ Decedent's will directs unsupervised administration but supervised administration is required for the following reasons: ____
    ____
    ____
    ____
  - ❑ Other ____
    ____
    ____
    ____

and it is further,

ORDERED, that ____
____
____ (is) (are) appointed personal representative(s) of the estate of ____, deceased, and it is further,

ORDERED, that

- ☐ the Court finds that the decedent died intestate.
- ☐ the will dated ____________________ and codicil(s) dated ____________________ accompanying the petition (is) (are) admitted to probate and record as the last will and testament of the aforesaid decedent, and as an international will where applicable.
- ☐ that bond heretofore filed in the amount of $ ____________________ is approved.
- ☐ bond is not required.
- ☐ that the said personal representative(s) shall file an additional bond in an amount to be fixed by the Court before accepting assets in excess of the stated amount.
- ☐ Subject to D.C. Code §20-906, a homestead allowance in the sum of $15,000 is authorized out of the real or personal

  estate to ____________ as the surviving spouse and, if none, to ____________ as a custodian of a surviving minor child and to ____________ as a dependent child, to be divided equally between each of the children.
- ☐ Subject to the homestead allowance and as provided in D.C. Code § 20-906, a family allowance in a reasonable sum not to exceed $ 15,000 is authorized out of the personal estate to ____________ as surviving spouse and decedent's minor child(ren) whom the decedent was obligated to support and children who were in fact being supported by the decedent, in accordance with law.

The homestead and family allowances shall abate equally if applicable estate assets are insufficient to pay both in full.

- ☐ After payment of the homestead and the family allowance and as provided in D.C. Code § 20-906, tangible personalty or other personalty not exceeding the value of $10,000 is allowed to the surviving spouse and if none, to the decedent's surviving children jointly as exempt property.
- ☐ subject to any limitation of the will (if decedent died testate), D.C. Code Title 20, or by an order of Court, the personal representative(s) may, in addition to any power or authority contained in the will and to any other common-law or statutory power, properly exercise those general powers as enumerated in D.C. Code Section 20-741, subject to the following limitations which, if the administration is supervised, shall be endorsed on the letters of administration:

  ____

  ____

  ____

cc: Include Attorney of Record and P.R.

____
JUDGE

Superior Court of the District of Columbia
PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

______________________________________ Age _________
Deceased

Standard Probate Order
(For estates of decedents dying on or after April 27, 2001)

Upon consideration of the petition for (supervised) (unsupervised) standard probate, the acceptance and consent of each personal representative, a power of attorney by each non-resident, and a bond, if applicable, in the amount of $ __________________________ all having been filed herein, and it further appearing that publication of notice pursuant to SCR-PD 403(a)(1) has been effected and copies of the notice were timely mailed to all interested persons or that diligent effort has been made to do so as evidenced by the verified statement filed herein, and no adverse responses having been filed, it is this ____________________ day of __________________________________ , __________ ,

ORDERED, that administration of this estate is

- ☐ (unsupervised)
- ☐ (supervised) for the following reasons:
  - ☐ Decedent's will directs supervision.
  - ☐ Decedent's will directs unsupervised administration but supervised administration is required for the following reasons: ____
____
____
____
  - ☐ Other ____
____
____
____

and it is further,

ORDERED, that ____

____

_____________________________________ (is) (are) appointed personal representative(s) of the estate

of ____, deceased, and it is further,

ORDERED, that

- ☐ the Court finds that the decedent died intestate.
- ☐ the will dated ____ and codicil(s) dated ____ accompanying the petition (is) (are) admitted to probate and record as the last will and testament of the aforesaid decedent and as an international will where applicable.
- ☐ that bond heretofore filed in the amount of $ ______________________________ is approved.
- ☐ bond is not required.
- ☐ that the said personal representative(s) shall file an additional bond in an amount to be fixed by the Court before accepting assets in excess of the stated amount.
- ☐ Subject to D.C. Code §20-906, a homestead allowance in the sum of $15,000 is authorized out of the real or personal estate to ______________ as the surviving spouse and, if none, to ______________ as a custodian of a surviving minor child and to ______________ as a dependent child, to be divided equally between each of the children.
- ☐ Subject to the homestead allowance and as provided in D.C. Code § 20-906, a family allowance in a reasonable sum not to exceed $ 15,000 is authorized out of the personal estate to ________________ as surviving spouse and decedent's minor child(ren) whom the decedent was obligated to support and children who were in fact being supported by the decedent, in accordance with law.

  The homestead and family allowances shall abate equally if applicable estate assets are insufficient to pay both in full.
- ☐ After payment of the homestead and the family allowance and as provided in D.C. Code § 20-906, tangible personalty or other personalty not exceeding the value of $10,000 is authorized to the surviving spouse and if none, to the decedent's surviving children jointly as exempt property.
- ☐ subject to any limitation of the will (if decedent died testate), D.C. Code Title 20, or by an order of Court, the personal representative(s) may, in addition to any power or authority contained in the will and to any other common-law or statutory power, properly exercise those general powers as enumerated in D.C. Code Section 20-741, subject to the following limitations which, if the administration is supervised, shall be endorsed on the letters of administration:

cc: Include Attorney of Record and P.R.

____

JUDGE

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of ______________________________ Deceased

Administration No. ____________________

CONSENT TO APPOINTMENT OF PERSONAL REPRESENTATIVE

I ______________________________, being a competent adult heir and/or legatee of ______________________________ deceased, and being familiar with the petition of ______________________________ for Letters of Administration, do hereby consent to the appointment of petitioner(s).

____
Witness

____
(Signature of heir or legatee)

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of ______________________ Administration No. ______________________

Deceased

BOND OF PERSONAL REPRESENTATIVE PURSUANT TO D.C. CODE §20-502(a)

KNOW ALL BY THESE PRESENTS: That I/we ______________________ ______________________ as principal and ______________________ as surety, are held and firmly bound to the District of Columbia in the sum of ______________________ dollars.

The condition of the above obligation is such that if the said ______________________ shall well and truly perform the office of the personal representative(s) of the estate of ______________________ ______________________, deceased, late of ______________________ ______________________, according to law, and shall in all respects discharge the duties required of the personal representative(s) by law without any injury or damage to any interested person or creditor (other than those excluded below, if any) the above obligation shall be void; otherwise it shall be in full force and effect.

The foregoing notwithstanding, this bond shall not cover the following: ______________________ ______________________

- ☐ the interest of the following interested persons who have filed written waivers: ______________________ ______________________
- ☐ the cash on deposit in an account expressly subject to withdrawal only in a manner that is approved by the Court: ______________________ ______________________
- ☐ the value of the following real or personal property which cannot be sold or distributed without Court authorization: ______________________ ______________________

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

______________________ (Seal)
____

______________________ (Seal)
____

______________________ (Seal)
____

Dated this ____________ day of
______________________, __________

Surety ______________________
By: ______________________ (Seal)

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

WAIVER OF PERSONAL REPRESENTATIVE'S BOND

I, ____, being a competent

❑ adult heir and/or legatee of ____________________________________, deceased, or

❑ a creditor of the decedent whose claim in excess of $500.00 has not been barred or discharged,

and being familiar with the petition of ____ for Letters of Administration, do hereby waive protection of any bond so far as my interest in said estate is concerned.

______________________________________ Witness

______________________________________ Signature

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of   Administration No. ____________________

____
Deceased

NOTICE OF ACTION TAKEN ON CLAIM

To: ____
Claimant

You are hereby notified that your claim in the amount of $ ____________________________ against the above-entitled estate is: (check appropriate box)

- ☐ Allowed in the stated amount.
- ☐ Allowed in the amount of $ ______________________________
- ☐ Disallowed.
- ☐ Undetermined, and will be presented to the Court for determination.

____
Personal Representative(s)

Date mailed or delivered: ______________________

NOTICE

If your claim has been disallowed in whole or in part, it will be barred to the extent of its disallowance unless you file a verified complaint with the appropriate Division of this Court or other court of competent jurisdiction within 60 days after the date of mailing or delivery of this notice or such shorter period as might be allowed by the regular statute of limitations.

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of   Administration No. ____________________

____
Deceased

REQUEST FOR EXTENSION OF PERSONAL REPRESENTATIVE'S APPOINTMENT (Unsupervised)

(I) (We), ____,
the personal representative(s) of the estate of ______________________________ deceased, hereby represent(s) to the Court as follows:

(a) No Certificate of Completion has been filed herein;

(b) Said unsupervised personal representative(s) (was) (were) so appointed by the Court on ______________ ______________________________ and said appointment, as most recently extended (if at all), will expire on ____________________________ unless (further) extended by the Court; and

(c) The administration of said decedent's estate will not have been completed by such termination date because ____
____
____

Accordingly, the personal representative(s) request(s) that (his) (her) (its) (their) appointment be extended for an additional twelve months, beginning on the expiration date as shown in paragraph (b) above.

____

____
Personal Representative(s)

Dated: ______________________

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of Administration No. ____________________

____
Deceased

ORDER EXTENDING APPOINTMENT OF PERSONAL REPRESENTATIVE(S) (Unsupervised)

Upon consideration of the written request filed herein by ____
____, personal representative(s) of the estate of ____, deceased, for an extension of the appointment of the personal representative(s), it is by the Court this ______________ day of ________________________,
____________,

ORDERED, that the appointment of____ as the unsupervised personal representative(s) of the estate of ____,
deceased, be and hereby is

☐ extended, and the estate shall remain open, for a period of twelve months from______________________
____, unless otherwise terminated hereafter.
former date of termination

or

☐ extended, for a period of twelve months from the date of this order unless otherwise terminated hereafter, nunc pro tunc from ____, and the estate
former date of termination
shall be deemed to have remained open continuously from that date.

____
JUDGE

Copies to:
(Insert list of names and addresses of all interested persons. Attach additional sheet if necessary.)

____

____

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

NOTICE ACCOMPANYING FINAL ACCOUNT OF :

Check Appropriate Box

☐ **SUPERVISED PERSONAL REPRESENTATIVE**

Enclosed with this notice is a copy of the final account of the supervised personal representative(s) of the above captioned decedent's estate.

You should understand that:

1. You have a right to object to this account within thirty days after the date on which this account was sent to you, by mailing or delivering the Probate Division of the Superior Court of the District of Columbia and a copy to the personal representative within that 30-day period a written statement specifying your particular objections to the account as stated; and
2. If you do not make such an objection within the time prescribed, all claims (other than for fraud) which you may have against the personal representative(s) or any distributee shall be barred.

☐ **UNSUPERVISED PERSONAL REPRESENTATIVE**

Enclosed with this notice is a copy of the final account of the unsupervised personal representative(s) of the above captioned decedent's estate.

You should understand that:

1. You have a right to object to this account within sixty days after the date on which this account was sent to you, by mailing or delivering to the personal representative or the Probate Division of the Superior Court of the District of Columbia within that 60-day period a written statement specifying your particular objections to the account as stated; and
2. If you do not make such an objection within the time prescribed, all claims (other than for fraud) which you may have against the personal representative(s) or any distributee shall be barred.

Dated: ____________________________

____
Personal Representative(s) or Counsel for Personal Representative(s)

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

CONSENT TO ACCOUNT
IN UNSUPERVISED ADMINISTRATION

I, ____, am entitled to receive a share of the above estate. I have received a copy of the ________________________________ account of the estate.
(first, second and final, etc.)

I am aware that I have the right to object to the account within sixty days after the date on which the account was sent to me.

I am also aware that if I do not make such an objection within the sixty day period, all claims (other than fraud) which I may have against the personal representative(s) or any distributee shall be barred.

I hereby waive my right to file objections to the account, and do consent to the account as stated..

Witness:
(one required)

________________________________ ________________________________

________________________________ Dated: ________________________________
(Signature)

____
(Address)

1001 Connecticut Ave., N.W., #238, Wash., D.C. 20036-5504

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Estate of

Administration No. ____________________

____
Deceased

CERTIFICATE OF COMPLETION
(Unsupervised)

(I) (We), ____, personal representative(s) of the estate of the above captioned decedent's estate, do hereby certify that:

1. The time for the presentation of creditors' claims has expired;
2. All interested persons have been sent a copy of the final account and a notice (a copy of which notice is attached hereto) of each one's right to object within 60 days after such account was sent, and that all claims of that interested person against the personal representative shall be barred unless such an objection is made;
3. Either each interested person has consented in writing to the account as stated, or there was no written objection within the 60-day period described above;
4. Distribution has been made in accordance with such account;
5. ☐ All known claims of creditors which are not barred have been fully satisfied or otherwise settled; or

   ☐ If any claim remains undischarged, attach a description of each such claim (including the name and address of the creditor, and the nature and amount of the claim), and indicate for each that either:

   (a) The personal representative has distributed the estate subject to possible liability on the part of the distributees with the agreement of those distributees; or

   (b) Other arrangements have been made to accommodate all such outstanding liabilities, as set forth in the following detailed explanation: ______________________________________

   ____

   ____

   ____

6. The personal representative has satisfied all administration expenses and other obligations of the estate incurred or authorized by the personal representative, and has otherwise fully administered the estate; and
7. Federal and D.C. estate tax returns are:

   ☐ Not required to be filed; or

   ☐ Required and have been filed, and the taxes shown on those returns, including all applicable interest, either:

   ☐ are not due; or ☐ Have been paid in full;

and the Internal Revenue Service closing letter:

☐ has ☐ has not been received;

and the Certificate of D.C. Department of Finance and Revenue:

☐ has ☐ has not been received; or

(I) (We) (do) (do not) hereby request termination of (my) (our) appointment as personal representatives(s) of said decedent's estate pursuant to D.C. Code §20-1301(b).

(I) (We) do solemnly declare and affirm under penalty of law that the contents of the foregoing Certificate of Completion are true and correct to the best of (my) (our) knowledge, information, and belief.

____

____

Personal Representative(s)

Dated: ____________________

CERTIFICATE OF SERVICE

I ______________________________, (a) (the) personal representative of the estate of ____________________, deceased, do hereby certify that I have caused to be mailed, postage prepaid, to each of the persons and entities listed below, on ____________________, ________, a copy of the final account and the corresponding notice described above, as well as a copy of this Certificate of Completion on ____________________, ________:

List Names And Addresses

____

Personal Representative(s)

Dated: ____________________

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

Administration No. ____________________

____
Name of decedent

____

____

____
Name and Address of Attorney

NOTICE OF APPOINTMENT, NOTICE TO CREDITORS AND NOTICE TO UNKNOWN HEIRS

____, whose address(es) (is/are) ____ ____, (was/were) appointed personal representative(s) of the estate of ____, who died on ______________________________ (with/without) a will, and will serve (with/without) Court supervision. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before ______________________________. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or filed with the Register of Wills with a copy to the undersigned, on or before ______________________________, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship.

Date of first publication:

____

____

____
To be signed by Personal Representative(s)

____
Telephone number of Personal Representative(s)

Name of newspaper:

____

____

TRUE TEST COPY

____
REGISTER OF WILLS

Superior Court of the District of Columbia

PROBATE DIVISION
Washington, D.C. 20001-2131

NOTICE OF STANDARD PROBATE

Estate of ______________________ Deceased

Administration No. ______________

Notice is hereby given that a petition has been filed in this Court by ______________________ ______________________ for standard probate, including the appointment of one or more personal representatives. Unless a complaint or an objection in accordance with Superior Court Probate Division Rule 407 is filed in this Court within 30 days from the date of first publication of this notice, the Court may take the action hereinafter set forth.

(Delete all which do not apply)

- ❑ admit to probate the will dated ______________________ exhibited with the petition upon proof satisfactory to the Court of due execution by affidavit of witnesses
- ❑ order witnesses to the alleged will dated ______________ to appear and give testimony regarding its execution
- ❑ order ______________________ who is alleged to have custody of the will dated ______________ to deliver it to the Court
- ❑ order any interested person to show cause why the provisions of the lost or destroyed will dated ______________________ should not be admitted to probate as expressed in the petition
- ❑ in the absence of a will or proof satisfactory to the Court of due execution, enter an order determining that the decedent died intestate
  - ❑ appoint an unsupervised personal representative
  - ❑ appoint a supervised personal representative
  - ❑ (other) ______________________

Date of first publication: ______________

Names of newspapers: ______________

____

____
Signature of Petitioner/Attorney

____

____
Address & Phone No.

____
Register of Wills
Clerk of the Probate Division