

GENERAL INFORMATION CONCERNING SMALL ESTATES

The small estates procedure is used when assets in the decedent's name alone or as tenants in common have a gross value of \$40,000.00¹ or less.

To start the procedures to become the personal representative of a small estate, it is necessary to file a Petition for Administration of Small Estate. *See General Instructions for Completing Petition for Administration of Small Estates.*

The person appointed personal representative holds an important office, and has the responsibility of ensuring that all assets are collected and all debts are paid. The decedent's assets must be held separately from those of the person appointed personal representative, who must keep accurate records of all estate expenses and payments, which must be accounted for before the estate can be closed.

If the decedent owned tangible personal property, such as furnishings, automobiles, jewelry, etc., having an estimated value of more than \$1,000.00, the Court Appraisers must be contacted to appraise the property.

Once the Register of Wills determines, through examination of the petition, that a personal representative should be appointed, the Court appoints the personal representative and issues an order to that effect.

The Court's order appointing the personal representative of the small estate directs the immediate payment of the allowable funeral expenses and the homestead, family and exempt allowances, directs the sale of property if necessary to satisfy funeral expenses and applicable allowances, and if it appears that there will be any property remaining after payment of the funeral expenses and there are no allowances payable, admits the will, if any, to probate and may direct that notice be given. Notice is required when the assets are more than \$1,500.00 and there is no spouse or minor children, and/or real estate is located in a jurisdiction other than the District of Columbia.

If notice is required, the Register of Wills places the Notice of Appointment in one newspaper of general circulation selected by the personal representative. The Notice states that the estate is being administered as a small estate, announces the name of the personal representative, and instruct those who object to the appointment to file an objection. Said notice is mailed by the small estate specialist to all interested persons.

The Notice also serves as a notice to creditors who may have claims against the decedent's assets. The personal representative must also make diligent efforts to locate each creditor, and must mail a copy of the Notice of Appointment to ALL KNOWN creditors of the decedent, by register or certified mail, return receipt requested.

¹ If decedent died between July 1, 1995 and April 26, 2001, the value of the estate cannot exceed \$15,000.00. If decedent died between January 1, 1981 and June 30, 1995, the value of the estate cannot exceed \$10,000.00.

After the publication occurs and payment is made, the newspaper sends the personal representative a “proof” (affidavit) of the publication. The proof is returned by the personal representative to the small estate specialist in the Office of the Register of Wills for filing in the estate file.

MOTOR VEHICLES. If the only personal property of a decedent consists of up to two motor vehicles, of whatever value, titled in the District of Columbia, it is not necessary to open a small estate. Transfer can take place at the Department of Motor Vehicles, pursuant to D.C. Code §20-357 (1981 ed.).

COMPENSATION. Persons appointed to be personal representative are not entitled to compensation for acting as such.

FORMS. The forms for opening a small estate are available at the Office of the Register of Wills, Small Estates Branch, and must be typewritten. Photocopies of the petition are not acceptable for filing.