

GENERAL INSTRUCTIONS FOR COMPLETING PETITION
FOR ADMINISTRATION OF SMALL ESTATE

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.

On the line which starts – “Estate of”, enter the name of the decedent as it appears on any will or as it is shown on the assets which are the subject of the small estate.

On the line which starts – “Administration No.”, do not insert anything. The Register of Wills will provide the case number.

On the line which starts – “Name” – insert your name, age and address.

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Have you filed with the Register a declaration in writing renouncing the right to administer? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are you under the age of 18? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Do you have a mental illness as defined in D.C. Code §21-501 or are you under conservatorship as defined in §21-1501? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have you been convicted and not pardoned on the basis of innocence of a felony in the District of Columbia or of an offense in any other jurisdiction which, if committed in the District of Columbia, would be a felony and the sentence imposed for such conviction has not expired or has expired within the past ten years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Are you an alien who has not been lawfully admitted for permanent residence? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If yes, do you have a green card? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Are you a judge of any court established under the laws of the United States or are you an employee of the Superior Court of the District of Columbia, the District of Columbia Court of Appeals or the District of Columbia Court System? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If yes, are you the surviving spouse of the decedent or related to the decedent within the third degree? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Are you a nonresident of the District of Columbia? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If yes, you must file with the Register an irrevocable power of attorney designating the Register as the person upon whom all notices and process may be served. (See “Power of Attorney”, page 4). | | |

If any “yes” boxes are checked, (except 5a, 6a and 7a), do not proceed with completion of the petition.

Paragraph One. Line one – insert the name of the decedent. Line two – state the decedent’s domiciliary, that is the place where he or she paid taxes, voted, considered his/her home, or otherwise maintained legal residence. Line three – state the address of the decedent at the time of death. Line four – state the place where decedent died.

Paragraph Two. State the reason that you are entitled to be appointed personal representative of the decedent’s estate. NOTE: The D.C. Code sets forth the priority for appointment of a personal representative as follows and you are:

- 1. The personal representatives(s) named in a will admitted to probate
- 2. The surviving spouse or children of an intestate decedent (an intestate decedent is one who died without a will) or the surviving spouse of a testate decedent (a testate decedent is one who died with a will)
- 3. The residuary legatees
- 4. The children of a testate decedent
- 5. The grandchildren of a decedent
- 6. The parents of a decedent
- 7. The brothers and sisters of the decedent
- 8. The next of kin of the decedent
- 9. Other relations of the decedent
- 10. The largest creditor of the decedent who applies for administration
- 11. Any other person
- 12. There are no persons with higher priority or (see number 13)
- 13. There are persons with higher priority who have filed consent to my appointment

Further Note: Relations of whole blood shall be preferred to those of half blood in equal degree. Relations of half blood shall be preferred to those of whole blood in remoter degree. Relations descending shall be preferred to relations ascending in a collateral line. A nephew or niece shall be preferred to an uncle or aunt. A person may not be preferred in the ascending line beyond a parent or in the descending line below a grandchild.

PARAGRAPH THREE. State the reason that the small estate should be administered in this court by checking one of the two boxes provided. If the first box is checked, indicating domicile in the District of Columbia, do not check box 2. When box 2 is checked, state other reasons that the small estate should be administered in this Court.

PARAGRAPH FOUR. State whether or not any other probate proceedings have been started in this or any other court. If none, state “not applicable”.

PARAGRAPH FIVE. Your signature on page four of the petition will acknowledge that you have made a diligent search for any property and debts of the decedent, and that all property in the District of Columbia does not have a value of more than \$40,000.00, and decedent died on or after April 27, 2001. *

PARAGRAPH SIX. On lines one and two, provide the dates of any wills or codicils that you have located. (If none, state “not applicable”). They must be filed with this petition. Your signature, on page four, will acknowledge that to the best of your knowledge they are the decedent’s last will, and that you know of no later will or codicil. (On line three, state how you received the will and codicil. (If none, state “not applicable”).

PARAGRAPH SEVEN. State the reason that any of the information required in paragraphs one through six has not been supplied. If all information has been supplied, state “not applicable”.

PAGE TWO – Check the appropriate boxes to indicate the survivors of the decedent, following the instructions as shown on page two.

List of interested persons – Provide the names, addresses, relationships, and ages (if under 18) of heirs (if decedent died without a will); all heirs and legatees (if decedent died with a will), including trustees, and all personal representatives if decedent died with a will. If under age 18 or otherwise legally disabled, also list guardians or custodians.

Witnesses to wills and/or codicils – Provide the names of all witnesses to wills or codicils. (If none, state “not applicable”).

PAGE THREE - Character, location, and estimated value of property in decedent’s name. Provide a complete description, and the estimated value, of all real estate and personal property located in the District of Columbia or any other location.

PAGE THREE – Debts, Funeral Expenses, and Inheritance Taxes. List all debts owed by the decedent, and note whether or not the debts are secured by collateral. State who paid the funeral expenses, the amount, and whether the person who paid the funeral expenses seeks reimbursement.

PAGE FOUR – “Wherefore”. Line one – Provide the date of the will that you request be admitted to probate. Line two – provide the date of any codicil that you request be admitted to probate. Line three – state any additional request that you wish the Court to consider.

Declaration of Petitioner – By signing the declaration, you declare and affirm that the contents of the petition are true and correct to the best of your knowledge, information and belief. Provide a telephone number where you can be reached between the hours of 9:00 a.m. and 4:30p.m.

Acceptance and Consent of Each Personal Representative--By signing the acceptance and consent, you accept the duties of the office of personal representative of the estate and consent to personal jurisdiction in any action brought against you as personal representative or arising out of the duties of the office of personal representative.

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

POWER OF ATTORNEY – If you are not a resident of the District of Columbia, you should sign the power of attorney, which appoints the Register of Wills as the person upon who all notices and process issued by a competent court in the District of Columbia may be served in relation to all suits or matters pertaining to the estate.

Attach to the petition copies of the following (as applicable):

- Copy of your photo identification
- Date and Place of Death
- Funeral bill
- Receipts for funeral bill payments
- Written verification of ownership of real estate(such as copies of tax assessments)
- Automobile title or registration card
- Stock certificates or letters from holders of stock as to the redemption value
- Bonds (actual bonds and redemption values)
- Cancelled checks in support of payments
- Written verification in support of ownership and value of any other asset not listed above.
- Current Bank Statement(s) or letters from bank reflecting current balances.
- Court costs, based upon the following schedule:

Assets	\$.01	to	\$ 500.00	None
	\$ 500.01	to	\$ 2,500.00	\$ 15.00
	\$ 2,500.01	to	\$15,000.00	\$ 50.00
	\$ 15,000.01	to	\$25,000.00	\$100.00
	\$ 25,000.01	to	\$40,000.00	\$150.00

If costs are paid by check, checks should be made payable to Register of Wills, D.C.

Upon acceptance of the Petition by the court, a publication in a newspaper of general circulation in the District of Columbia may be required. Publication is required when there is no spouse and /or minor children, and/or real estate located in a jurisdiction other than the District of Columbia. If applicable, choose a newspaper from the list below:

- The Washington Afro-American \$50.00
- The Washington Blade \$.30 per word
- The District Weekly (Post) \$64.50
- The Washington Informer \$40.00
- The Jewish Week \$35.00
- The Washington New Observer \$10.50 per column inch
- The Washington Post \$107.00 - \$300.00
- The Washington Times \$85.00
- The Washington Law Reporter \$30.00
- The Legal Times \$28.00

(Rates are subject to change).

*Publication costs are to be submitted by check or money order made payable to the respective newspaper.

DEFINITIONS

PROBATE.....The legal process of gathering and distributing the property of the estate, paying creditors' claims, and formally transferring the possessions of the deceased to those persons who "inherit" them.

DECEASED OR DECEDENT.... The person who has died is often referred to as the deceased or the decedent.

ESTATEThe property, real and personal held by the decedent in his/her name alone, or as tenants in common at the time of death.

WILLA document representing the instructions of the deceased for distribution of the estate.

LEGATEE Anyone named in a will who is to receive property.

HEIR A person entitled to share in a decedent's estate where there is no will.

INTERESTED PERSON..... Any heir or legatee or creditor with a claim in excess of \$500.00 that has not been barred or discharged.

CREDITOR A person who has a claim against the estate.

PERSONAL REPRESENTATIVE The person appointed by the Court to administer an estate.

REAL PROPERTY Any real estate owned by the person who has died, such as a home, vacation cottage or vacant land.

PERSONAL PROPERTY Everything other than real property, such as a car, furniture, jewelry, stocks and bank accounts.

REGISTER OF WILLS The official of the Superior Court of the District of Columbia who assists the judge in overseeing the proper administration of the deceased person's estate.

TENANTS IN COMMON Generally, where more than one person owns or holds property and each person has an equal interest.