

## **Small Estate Proceedings in the Superior Court of D.C.**

When a person dies in the District of Columbia with assets subject to administration having a gross value of \$40,000.00 or less, the process of transferring those assets to the person or persons who inherit them is referred to as a Small Estate Proceeding.

Definitions of frequently used terms in the administration of a small estate are provided below.

**Deceased/Decedent:** The person who has died.

**Estate:** Property that the deceased owned at time of death.

**Probate:** The process of formally transferring the property of the deceased to those persons who inherit it.

**Small Estate:** An estate in which the assets of the deceased are \$40,000.00 or less.

**Will:** A document in which the deceased instructs how his or her estate will be distributed.

**Legatee:** If the deceased had a will, anyone named to receive property is called a legatee.

**Heir:** When there is no will, an heir is a person entitled to inherit property under District of Columbia law.

**Creditor:** A person or organization to which the decedent owes money.

**Interested Person:** An heir, legatee or personal representative. A creditor is not an interested person.

**Property:** Property is either real or personal. Real property may be land, home(s) or buildings. Personal property consists of items such as bank accounts, cash, stocks, bonds, cars, furs, jewelry or furniture.

**Personal Representative:** The individual named in a will or appointed by the court to oversee the distribution of the property of the deceased after payment of debts, expenses and taxes.

**Petitioner:** The person filing a Petition for Probate.

**Notice of Appointment:** Publication in a newspaper of the appointment of a personal representative. The notice also gives creditors and unknown heirs 30 days to file claims against the estate or to object the appointment of a personal representative. Claims and objections are filed with the Register of Wills.

### **HOW TO APPLY FOR APPOINTMENT AS PERSONAL REPRESENTATIVE**

To begin the procedure to become the personal representative in a small estate, an interested person must file a Petition for Administration of a Small Estate. If a will exists, the original document must be filed with the Probate Division.

The petitioner must have the following information in order to start the Small Estate Proceeding:

1. Date and place of death of the deceased.
2. Itemized funeral bill. (If funeral bill is paid, then receipts for funeral are also required.)
3. Written verification of assets, i.e.:
  - a) Real estate (in the District of Columbia and elsewhere)
  - b) Current bank statement(s)
  - c) Automobile title or registration card
  - d) Statement of stocks/bonds
  - e) Any uncashed checks of the deceased
4. Original will (if one exists).
5. Names and addresses of heirs at law and legatees named in will, if any.

There may be court costs involved with the administration of a small estate. These costs are due at the time the petition is filed.

The Small Estate Proceeding is very informal and is made extremely simple with the help and assistance of the Small Estate Specialist. Small Estate Specialists assist petitioners in reviewing their completed petitions. The forms for opening a small estate are available at the Office of the Register of Wills, Small Estates Section, and must be typewritten, or may be downloaded from this site by clicking on [Small Estate Forms](#).

The Small Estate Section is open Monday through Friday from 8:30 a.m. to 5:00 p.m. It is located in the Probate Division of the D.C. Superior Court, 500 Indiana Avenue, N.W. on the 5th floor, in Room 5000.

### **THE ROLE AND DUTIES OF THE PERSONAL REPRESENTATIVE**

The personal representative has an important role, and is responsible for ensuring that all assets are collected and all debts paid. Very often the person appointed by the court is one of the nearest living relatives of the decedent. The decedent's assets must be held separately from those of the person appointed personal representative. The personal representative 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 personal property such as household furnishings and effects, jewelry, furs, etc., worth more than \$1,000.00, the Court Appraisers must be contacted to appraise the property. With the assistance of a Small Estates Specialist, the Petition for Small Estate Proceeding is completed. Once the Register of Wills determines, through examination of the petition, that a personal representative should be appointed, the petition is forwarded to the court for approval and the court appoints the personal representative and issues an order to that effect.

In addition to appointing the personal representative, the court's order may direct the immediate payment of the allowable funeral expenses and the family allowance. If necessary, the sale of property may be directed by the order to pay either of these expenses. If it appears that there will be any property remaining after payment of the funeral expenses and there is no spouse or minor children who would receive the family allowance, the court will admit the decedent's will, if any, to probate and may direct that a notice concerning the will be published in a newspaper. A published notice may be required when the assets are more than

\$1,500.00 and there is no spouse, minor or adult children, and/or real estate located in a jurisdiction other than the District of Columbia.

### **PUBLICATION OF APPOINTMENT TO HEIRS AND CREDITORS AND PROOF OF COMPLIANCE**

Where a published notice is required, the Register of Wills sends the Notice of Appointment form to a newspaper of general circulation selected by the personal representative. The cost of publication in a court certified newspaper is determined by the current rates charged by the publisher. The notice states that the estate is being administered as a small estate, announces the name of the personal representative, and instructs those who object to the appointment to file an objection. The Small Estate Specialist mails the notice to all interested persons. The notice is published in the newspaper only once. The notice is also directed 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 registered or certified mail, return receipt requested. After the publication occurs and payment is made, the newspaper sends to the personal representative a proof (affidavit) of the publication. The personal representative returns the proof to the Small Estate Specialist in the Office of the Register of Wills for filing in the estate file.

### **CLOSING THE ESTATE**

A Final Order signed by the Probate Judge will close the estate. The order gives directions to the personal representative concerning the collection of estate property, the payment of debts and distribution of the remaining estate property to heirs or legatees. The personal representative has 30 days to carry out the Final Order.

### **COMPENSATION**

Persons appointed to be personal representatives in small estates are not entitled to compensation for acting as such.