

**FILING FOR THE
ADMINISTRATION OF A
DECEDENT'S ESTATE (ADM)
IN THE DISTRICT OF COLUMBIA**

(VALUED AT MORE THAN \$40,000)

Office of the Register of Wills, Probate Division
515 5th Street, NW, Third Floor
Washington, DC 20001

All attached forms and documents are available through the division's website:
<http://www.dccourts.gov/dccourts/superior/probate/index.jsp>

General Information for Large Estates

If a person died who lived in the District of Columbia, a decedent's large estate can be opened in the Probate Division of the Superior Court of the District of Columbia when the decedent owned real estate in the District of Columbia or other assets of any value. The assets must have been owned in just the decedent's name (that is, the assets must not have joint owners or designated beneficiaries). The forms that will be needed are located on the Probate Division website at

www.dccourts.gov/dccourts/superior/probate/index.jsp. The forms must be typewritten, and all the required forms should be filed at one time in person. The Probate Division is located on the Third Floor at 515 5th Street, N.W., Washington, D.C.

The person who is nominated in the decedent's will or who is the decedent's next of kin has priority to open the decedent's estate and serve as Personal Representative.

The following forms are always required to open an estate:

1. The will (if there is one) and the Certificate of Filing Will
2. A petition for probate
3. An abbreviated probate order
4. A Notice of Appointment of Personal Representative, Notice to Creditors and Notice to Unknown Heirs.
5. (a) Bond, or
(b) If all heirs waive bond, a waiver of bond form from each heir, or
(c) If the will waives bond as to the petitioner (that is, states that the petitioner can serve without bond or undertaking), no bond or waivers of bond are required.
6. Court costs - payable either by money order or check payable to "Register of Wills" or in cash.

For more complicated estates, for petitions by a person who is not named in the will or is not the decedent's next of kin, or when legal advice is otherwise necessary or desirable, the Office of the Register of Wills recommends that you consult an attorney of your choosing.

Details regarding the process of administering an estate in the District of Columbia, including definitions of terms and a case diary of important deadlines, are included in "After Death – A Guide to Probate in the District of Columbia" at <http://www.dccourts.gov/dccourts/superior/index.jsp>. If you are considering filing a petition for probate to become a personal representative, please read it carefully.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

PROBATE DIVISION

GENERAL INFORMATION FOR HEIRS, LEGATEES, AND CREDITORS (For estates of decedents dying on or after July 1, 1995)

INTRODUCTION

Pursuant to the provisions of D.C. Code, sec. 20-704(b), the Personal Representative of a decedent's estate is required to send this statement of general information to each heir, legatee, and known creditor. The law requires that this statement contain the following information:

- (1) the typical duties of a Personal Representative, including a description of the essential steps in both supervised and unsupervised estates;
- (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 attorney's 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 of Wills;
- (4) if the Personal Representative is not subject to continuing court supervision, the right of any interested person, on petition to the Court duly presented and filed with the Register, to begin a proceeding requiring notice to interested persons and a hearing to impose Court supervision on the estate, or to seek any other court order necessary for protection of rights of the interested person.

This information is intended only to highlight certain aspects of this process and is not intended to be a detailed and complete legal guide for the administration 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. 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, refer to Title 20 of the District of Columbia Code, court decisions relating thereto, and the Court Rules, and consult an attorney.

The following definitions are provided to help understand this information:

Creditor: A person or organization owed money by the decedent at the time of the decedent's death.

Heir: A relative of a decedent who inherits property if the decedent had no will.

Interested Person: An heir, legatee, or creditor who timely presents a claim of \$500 or more.

Legatee: A person who receives property under the terms of a will.

Personal Representative: The person appointed by the D.C. Superior Court to settle the financial affairs of someone who has died.

Supervised Administration: An estate administration wherein the actions of the personal representative are supervised by the court, in that an inventory and accounts are filed and the accounts are audited by the Court.

Unsupervised Administration: An estate administration wherein the actions of the personal representative generally are not supervised by the court.

As an heir, legatee, or creditor, it is important that you understand your rights, what to expect during the administration of the estate, and how to protect your interests in the estate. An administration begins with the appointment of the personal representative by order of the Court. The administration will be unsupervised unless the court order of appointment specifically provides for supervised administration.

An unsupervised personal representative is not required to file an inventory or accounts with the Court and is not subject to continuing court supervision. If the estate is supervised, the personal representative will be required to file an inventory and accounts, which are audited by the Court.

Each time an account or other notice from the personal representative is provided to you, it will state how and when you may oppose or object to that document. Note carefully that you must make any such objection within the stated time period or you will lose the right to do so. Because of these time limits, you should carefully and promptly review all documents received from the personal representative.

I. TYPICAL DUTIES OF A PERSONAL REPRESENTATIVE

(a) Both supervised and unsupervised Personal Representatives must:

- (1) determine the kind, amount, and location of all assets of the decedent and, where feasible, bring them into the Personal Representative's possession;
- (2) determine the whereabouts of all of the decedent's heirs and legatees and make reasonable efforts to identify creditors of the decedent;
- (3) file a bond to protect the interests of all interested persons and creditors unless excused by the testator in a will or excused by the interested persons;
- (4) within 20 days after appointment, publish a notice in the newspaper advising persons who have claims against the decedent to file claims with the Court, and after the expiration of this publication period (which is 6 months), pay the valid claims in accordance with the law;
- (5) within three months after appointment, prepare and deliver or mail to each interested person a detailed inventory and appraisal of all estate assets;
- (6) within 90 days after appointment, file both original proofs of publication and a verification and certificate of notice with the Register of Wills, certifying that notices required under D.C. Code, sec. 20-704(b) have been given;
- (7) prepare and file 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.

(b) An unsupervised Personal Representative:

- (1) may file the inventory with the Court at his or her option;
- (2) shall account to interested persons for all receipts, disbursements and distributions of estate assets at reasonable intervals or on reasonable demand. These accounts are not filed with the Court;
- (3) may make full distribution and close the estate by filing a Certificate of Completion at any time after expiration of the time for filing creditors' claims against the estate. If no Certificate is filed, the appointment of the unsupervised Personal Representative will terminate automatically 3 years after appointment, unless a Request for Extension is filed and granted by the Court.

(c) A supervised Personal Representative:

- (1) must file the inventory with the Court within three months of appointment of the personal representative;
- (2) within one year and one day of the first date of publication of the Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs, prepare, deliver to interested persons and file with the Court an account setting forth all assets of the decedent's estate, all transactions made (such as purchases, sales, leases, etc.), all disbursements, 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;
- (3) continue to prepare, deliver to interested persons, and file accounts every 9 months after the first account until a final account is filed;
- (4) within 30 days after approval by the Court of a final account, distribute remaining assets to the heirs or legatees. Approval of a final account automatically closes the estate and terminates the appointment of the Personal Representative if requested in the final account and approved by the Court. If termination of appointment is not approved, the Personal Representative may file a Petition to Terminate accompanied by all receipts not previously filed.

II. DETERMINATION OF FEES

- (a) The Personal Representative and any other agent employed by the Personal Representative are each entitled to reasonable compensation for services rendered.
- (b) As soon as feasible, employees or agents providing services for estate administration must provide an estimate to the Personal Representative of the fees expected to be charged.
- (c) The reasonableness of the compensation may be reviewed by the Court only upon request of an interested person and after notice and hearing.
- (d) The Personal Representative and any agent employed by the estate should maintain accurate records of the date, time, and nature of the services rendered, as well as the results achieved in order to justify the reasonableness of the fees upon request of an interested person or the Court.

III. RIGHTS OF INTERESTED PERSONS

(An INTERESTED PERSON means an heir, legatee or a creditor who has timely presented a claim in excess of \$500 that has not been barred or discharged.)

- (a) In the absence of a waiver in a decedent's will, any interested person has the right to require the personal representative to give bond with surety approved by the Court to protect his or her interest in the estate. If a bond is waived in a decedent's will, any interested person whose interest exceeds \$1,000 has the right to request a bond.
- (b) An interested person may at any time petition the Court for an Order protecting his or her rights or to resolve questions arising in the course of a supervised or unsupervised administration.
- (c) In an unsupervised administration, an interested person may, at any time before the termination of a probate proceeding, petition the Court for supervised administration or any other court order necessary to protect the rights of the interested parties. The change from unsupervised to supervised will be prospective only.
- (d) An heir or legatee has the right to contest the validity of a will within six months of the first date of the notice of publication.
- (e) In a supervised administration, an interested person 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.
- (f) In an unsupervised administration, an interested person is entitled to accountings by the personal representative at reasonable intervals and may request same upon reasonable notice to the

personal representative. An interested person may also petition to compel an unsupervised Personal Representative to account to the Court.

- (g) An interested person has the right to file written objections with the Court as to:
 - (1) the contents of or value stated in any inventory;
 - (2) the contents of any account; and
 - (3) the amounts stated for compensation for services rendered by a Personal Representative or any agent employed by the Personal Representative.
- (h) An interested person has the right to receive a copy of all documents identified in (g) above and to request justification for fees and other actions of the personal representative and agents employed by the personal representative.
- (i) 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.
- (j) A person in possession of property that the 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.
- (k) An interested person has a duty to inform the Personal Representative of all matters which will aid in the administration of the estate.
- (l) Creditors must present claims within six months of the first notice of publication. See Chapter 9, Title 20 of the D.C. Code.

IV. ROLE OF THE REGISTER OF WILLS

- (a) The Register of Wills is the administrative officer of the Court who serves as Clerk of the Probate Division.
- (b) In a supervised administration, it is the duty of the Register of Wills to ensure that prompt and accurate reports and accounts are filed, creditors are paid, and distribution is made to the proper persons. In an unsupervised administration, the Register of Wills generally will not monitor the administration.
- (c) Any questions or information concerning the estate administration should be addressed to the Personal Representative. If an interested person is not satisfied with the response or action of the Personal Representative, the matter may be brought to the attention of the Court by filing a petition with the Register of Wills, 515 5th St, N.W., 3rd Floor, Washington, D.C. 20001.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ WIL _____
(Link to: _____)

In re Estate of

Deceased

CERTIFICATE OF FILING WILL

I, _____, on this _____ day of _____, 20____, hereby submit for filing the following paper-writing(s) purporting to be the Last Will and Testament and/or Codicil(s) of _____

(insert all name(s) of decedent as reflected in the will(s) and/or codicil(s))

who died on or about the _____ day of _____, 20____, domiciled in the District of Columbia.

Date of document(s): _____

Unusual attributes (if any): _____

Name of nominated personal representative: _____

Address of nominated personal representative (if known): _____

The same (was) (were) received from _____.

Case No: _____ADM/SEB_____ is open or is being opened.

No estate is open.

Name: _____

(signature)

Address: _____

Telephone No.: _____

FOR OFFICE USE ONLY

Reviewed by _____

(signature)

Comments: _____

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

PROBATE DIVISION

_____ ADM _____

Estate of _____ (Link to _____ WIL _____)

_____ Age _____

Deceased

PETITION FOR PROBATE

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

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Petition for Abbreviated Probate
<input type="checkbox"/> Unsupervised Administration
<input type="checkbox"/> Supervised Administration | <input type="checkbox"/> Petition for Standard Probate
<input type="checkbox"/> Unsupervised Administration
<input type="checkbox"/> Supervised Administration |
| <input type="checkbox"/> Appointment of Personal Representative | <input type="checkbox"/> Appointment of Co-Personal Representative(s)
(each must sign) |
| <input type="checkbox"/> Appointment of Successor Personal Representative(s)
<input type="checkbox"/> Unsupervised Administration
<input type="checkbox"/> Supervised Administration | <input type="checkbox"/> Appointment of Special Administrator(s)

<input type="checkbox"/> 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, sec. 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, sec. 20-303(b), shows:

1. _____, the decedent, a domiciliary of _____ 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, sec. 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/domestic partner, state the names of any surviving descendants of the spouse/domestic partner 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 the petitioner the will dated _____ and codicil(s) 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, sec. 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, sec. 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, secs. 20-404, 20-406 and 20-741 with respect to powers. _____

Character, Location and Estimated Value of Property Titled in Decedent's Name:

A. Real Property located in the District of Columbia	Estimated Value
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total \$ _____

B. Personal Property located in the District of Columbia and other jurisdictions

B1. Value of household furniture, automobiles, furnishings, appliances and personal effects \$ _____

B2. Value of all other personal property \$ _____

Personal Property Total **Total \$** _____

C. (A+B) **Total \$** _____

D. Debts and Funeral Expenses

Debts secured: _____ **Total \$** _____

Debts unsecured: _____ **Total \$** _____

Funeral Expenses:
 Paid by _____ **Amount paid \$** _____
name

Unpaid **Amount unpaid \$** _____

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 from the duties of
the office of personal representative pursuant to D.C. Code, sec. 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, sec. 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 P.O. Box)
_____ (Signature)	_____ (Address, may not be P.O. Box)
_____ (Signature)	_____ (Address, may not be P.O. Box)

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ ADM _____
(Linked to _____ WIL _____)

Estate of

_____ Age _____
Deceased

Abbreviated Probate Order

(For estates of 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 _____, 20_____,

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.
- bond heretofore filed in the amount of \$ _____ is approved.
- bond is not required.
- the 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 from the personal estate of _____ as surviving spouse and/or custodian of decedent's minor child(ren) in accordance with law (for estates before April 27, 2001 only).
- Subject to D.C. Code, sec. 20-906, a homestead allowance in the sum of \$15,000 is authorized from the real or personal estate to _____ as the surviving spouse/domestic partner 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, sec. 20-905, a family allowance in a reasonable sum not to exceed \$15,000 is authorized from the personal estate to _____ as surviving spouse /domestic partner 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.
- After payment of the homestead and the family allowance and as provided in D.C. Code, sec. 20-906, tangible personalty or other personalty not exceeding the value of \$10,000 is allowed to the surviving spouse/domestic partner 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, sec. 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.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ ADM _____

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., 515 5th Street, N.W., 3rd Floor, 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: _____

Name of newspaper and/or periodical: _____

To be signed by Personal Representative

Telephone Number of Personal Representative

TRUE TEST COPY

Register of Wills

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ ADM _____

Estate of

Deceased

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

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

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

_____ ADM _____

Estate of

Deceased

WAIVER OF PERSONAL REPRESENTATIVE'S BOND

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

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

Date

Date

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

Estate of

_____ ADM _____

Deceased

RENUNCIATION

I, _____, being a competent adult, and being familiar with the petition of _____, for Letters of Administration, and being aware of the fact that according to D.C. Code, sec. 20-303, I have priority to serve as personal representative of the instant estate in that I am the _____ (relationship to decedent such as heir, legatee, personal representative or alternate personal representative nominated in the will) of the deceased, hereby renounce my right to serve as the personal representative of this estate.

Date

Signature

Address

Telephone Number