

Attachment J – Sample Court Brochure – Filing for the Administration of a Small Estate

For a more extensive list of court forms, brochures, and documents, please visit the D.C. Courts' website at <http://www.dccourts.gov/internet/formlocator.jsf>

**FILING FOR THE
ADMINISTRATION OF A
SMALL ESTATE (SEB)
IN THE DISTRICT OF COLUMBIA**



(VALUED AT \$40,000 OR LESS)

**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/internet/public/aud_probate/small.jsf

May 2015

Probate Division—SMALL ESTATES (SEB)

When a person dies after April 26, 2001, with assets having a gross value of \$40,000.00 or less,* a small estate proceeding may be opened to appoint a personal representative, pay claims, and make distribution of estate assets. More information and the forms required to open a small estate can be found at http://www.dccourts.gov/internet/public/aud_probate/small.jsf

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

FILING THE PETITION

The *Petition for Administration of a Small Estate* should be completed prior to seeing a small estate specialist. The small estate specialist will then review the petition to make sure that it complies with the law and will, if necessary, assist with any corrections necessary for its completion. The specialist will also determine whether sufficient documents verifying the assets and/or liabilities have been supplied, whether further information is needed before the Court can act on the petition, and whether publication is required.

After the petition is accepted for filing, the small estate specialist will prepare an order for the judge's signature. In most cases, the order will appoint a personal representative. The order may be a preliminary one, directing publication against creditors or that the personal representative file a *Verification of Assets*, or it may be a final order in which the Court decides who is entitled to receive monies from the estate and what amounts each individual will receive.

Publication is sometimes required in a small estate. Publication may be required if (1) the decedent is survived by adult children and the assets are valued at over \$11,550.00, (2) the decedent is survived by heirs who are not children and the assets are valued at over \$1,515.00, or (3) the decedent owned real estate in another jurisdiction. If publication is required by the Court's order, the Probate Division will send the *Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs* form to a newspaper of general circulation selected by the personal representative. The cost of publication 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 gives creditors and unknown heirs 30 days to file claims against the estate or to object to the appointment of a personal representative. The notice is

published only once. The notice is mailed to all interested persons and to known creditors by registered or certified mail, return receipt requested. The personal representative must make diligent efforts to locate each creditor. After the publication occurs and payment is made, the newspaper will issue a proof of publication, which is filed with the small estate specialist in the Legal Branch of the Probate Division.

ROLE AND DUTIES OF THE PERSONAL REPRESENTATIVE

The personal representative has an important role and is responsible for ensuring that all assets are collected, all debts are paid, and distributions of estate assets are made in accordance with the order of the Court. Very often, the person appointed by the Court is one of the closest living relatives of the decedent. The decedent's assets must be held separately from those of the personal representative, and the personal representative must keep accurate records of all estate expenses and payments.

CLOSING THE ESTATE

A final order signed by the Court will close the estate. The order gives directions to the personal representative concerning the collection of estate property, the payment of debts, and the distribution of the remaining estate assets to heirs or legatees.

COMPENSATION

Persons, including attorneys, appointed to be personal representatives in small estates are not entitled to be paid a commission for acting as personal representatives. Attorneys for personal representatives in small estates can receive up to \$1,000.00 as a priority payment under D.C. Code, sec. 20-906(a)(3) depending on the size of the estate and other priority payments.

AFTER-DISCOVERED ASSETS

If assets are discovered after a Final Order has issued, a petition for administration of a small estate, marked "Re-Open" should be filed.

ITEMS NEEDED TO OPEN A SMALL ESTATE (Checklist)

- Petition for Administration of a Small Estate
- Decedent's will (if any) and Certificate of Filing Will
- Photo identification with signature from the petitioner(s)
- Date and place of death verified by a death certificate
- Funeral bill(s) and receipts
- Written verification of assets, including, but not limited to:
 - _____ Real estate (anywhere), including tax assessed value for the fiscal year in which the decedent died

- ___ Current financial statement(s) for bank and credit union accounts and securities
- ___ Automobile title (preferable) or registration card and written confirmation of the value of the vehicle. A quote from an on-line source as to trade-in value is acceptable.
- ___ Statement showing value of stocks and/or bonds
- ___ Uncashed checks of the decedent
- ___ Letter from Unclaimed Property (if any) with value stated.
- ___ Letter from insurance company stating value of insurance proceeds/death benefits payable to the estate.
- ___ Letter from nursing home facility stating value of resident funds payable to the estate.
- ___ Notarized affidavit concerning personal effects of value owned solely by the decedent, if any. The affidavit must specifically identify the item(s) and state the value of the item(s) with a total value of everything. (NOTE: Does not include clothing.)

- Names and addresses of heirs-at-law/next of kin and legatees named in will (if any). See Page 2 of the petition for further instructions.
- Personal Identification Information Form (Form 26)
- Financial Account Information Form (Form 27) (if necessary)
- Court Costs: Check or money order payable to "Register of Wills" or cash (please bring exact amount). The cost depends on the value of the assets:

\$.01 - \$ 499.99	no cost
\$ 500.00 - \$ 2,500.00	\$ 15.00
\$ 2,500.01 - \$15,000.00	\$ 50.00
\$15,000.01 - \$25,000.00	\$100.00
\$25,000.01 - \$40,000.00	\$150.00

- Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs (typed) and Publication Costs (if applicable): Check or money order payable to the newspaper company of your choice.
- Statement of Claims (if Notice of Appointment is required)

For preliminary questions, please call
 Probate Division, 202-879-9460, extension 4, or use the Probate
 Division Live Chat, located at
http://www.dccourts.gov/internet/public/aud_probate/small.jsf

FORMS

This packet includes the following forms, which are generally needed to open a small estate case:

- Petition for Administration of Small Estate
- Personal Identification Information Form (Form 26)
- Financial Account Information Form (Form 27)
- Certificate of Filing Will
- Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs
- Statement of Claims
- Renunciation
- Verification of Assets

Other forms that may be filed in a small estate case are available on the Probate Division website at

http://www.dccourts.gov/internet/public/aud_probate/main.jsf

**GENERAL INSTRUCTIONS FOR COMPLETING A
PETITION FOR ADMINISTRATION OF SMALL ESTATE**

Answer the following questions, "yes" or "no."

1. Have you filed with the Probate Division a declaration in writing renouncing the right to administer?
2. Are you under the age of 18?
3. Do you have a mental illness as defined in D.C. Code, sec. 21-501 or are you under conservatorship or guardianship as defined in sec. 21-2011?
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 has the sentence imposed for such conviction either not expired or expired within the past ten years?
5. Are you an alien who has not been lawfully admitted for permanent residence?
 - a. If yes, do you have a green card?
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?
 - a. If yes, are you the surviving spouse of the decedent or related to the decedent within the third degree?
7. Are you a nonresident of the District of Columbia?
 - a. If yes, you must file with the Probate Division an irrevocable power of attorney designating the Register of Wills as the person upon whom all notices and process may be served. (See "Power of Attorney", page 4.)

If you answered "yes" to any of these questions except 5a, 6a and 7a, do not complete this petition.

PAGE ONE

On the line which starts "Estate of," enter the name of the decedent as it is signed on any will *and/or* as it is shown on the assets which are the subject of the small estate proceeding.

On the line which starts "____SEB____," do not insert anything. The Probate Division will provide the case number.

On the line which starts "Name," insert your name, age, and complete address, including zip code.

Paragraph One. On line one, insert the name of the decedent and state the decedent's domicile, i.e., where he/she paid taxes or voted, the place that he/she considered to be home or otherwise maintained legal residence. Line two – state the complete address of the decedent at the time of death including zip code and where the decedent died.

Paragraph Two. State the reason that you are entitled to be appointed personal representative of the decedent's estate. The D.C. Code sets forth the priority for appointment of a personal representative as follows. If you are not the person with the highest priority in the list below, consult a small estate specialist before proceeding (telephone no. 202-879-9448).

1. The personal representative named in the decedent's will (if any)
2. The surviving spouse, registered domestic partner, or children of the intestate decedent (that is, the person who died without a will) or the surviving spouse or domestic partner of a testate decedent (meaning, a person who died with a will)
3. The residuary legatee in the decedent's will
4. The children of the testate decedent
5. The grandchildren of the 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.

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 any other probate proceedings have been started in this Court 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, that all property in the District of Columbia does not have a value of more than \$40,000.00, and that the decedent died on or after April 27, 2001.*

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

Paragraph Six. On lines one and two, list 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 any.

Paragraph Seven. State the reason that any of the information required in this petition 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 shown on page two of the petition. List of interested persons – Provide the names, complete addresses including zip codes, relationships, and ages (if under 18) of heirs, legatees (if decedent died with a will), including trustees, and all petitioners. If under age 18 or otherwise legally disabled, also list guardians or custodians. Please refer to the example in the instructions.

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

PAGE THREE

Real Property: List any real estate the decedent owned in any jurisdiction, including the District of Columbia, if appropriate. Please use the property description given on your proof of ownership (e.g. property tax bill).

Personal Property: List all other assets the decedent owned. Please list bank accounts separately, even if they are from the same bank. Use a separate sheet of paper, if necessary.

Debts: "Secured" debts are those which the asset is collateral for the debt, such as a car loan. "Unsecured" debts are all other debts. Please use a separate sheet of paper to list all debts, if necessary.

Funeral Expenses: Please state the name of the person who paid the funeral expenses, the amount paid, whether the person wishes to be repaid, and whether there is an unpaid balance. DO NOT list burial expenses.

PAGE FOUR

Line two – Provide the date(s) of the will and any codicils to be admitted to probate.

Line four – 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 8:30 a.m. and 5:00p.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.

Power of Attorney – If you are not a resident of the District of Columbia, you must sign the power of attorney appointing the Register of Wills as the person upon whom 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.

Please review the "Items Needed to Open a Small Estate" checklist for the additional items required as attachments to your petition.

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.

Estate - The property (both real and personal) held by the decedent in his/her name alone or as tenants in common at the time of death.

Will - A 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.

Intestate - Died without a will.

Creditor - A person who has a claim against the estate.

Personal Representative - The person appointed by the Court to administer (i.e., to be in charge of) an estate.

Asset - Any property owned by the decedent alone. This includes all real property and personal property.

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 and no right of survivorship has been established.

Testate - Died with a will which has been admitted to probate by the Court.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ SEB _____
(Linked to _____ WIL _____)

Estate of _____

Deceased

PETITION FOR ADMINISTRATION OF SMALL ESTATE

_____ 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 _____
Place Date

(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 _____

5. Petitioner has made a diligent search to discover all property and debts of the decedent. All assets subject to administration in the District of Columbia do not exceed \$40,000.00, effective April 27, 2001.

6. 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(s), and said will and codicil(s), if any, came into petitioner's hands in the following manner _____

7. All information required pursuant to D.C. Code, sec. 20-304(a) has been furnished except _____

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

Estimated Value

Real Property located in the District of Columbia and other jurisdictions

Total \$ _____

Personal Property located in the District of Columbia and other jurisdictions

Total \$ _____

Debts, Funeral Expenses, Inheritance, Taxes

Debts secured: _____

Total \$ _____

Debt, unsecured: _____

Total \$ _____

Funeral Expenses: _____

Paid by _____
(Insert name)

Total \$ _____

Unpaid _____

Total \$ _____

If the decedent died prior to April 1, 1987, inheritance taxes
only on personal property under control of personal representative

Total \$ _____

WHEREFORE, the petitioner(s) pray(s) for appointment as personal representative(s) of the decedent's estate and that the will dated _____ and codicil(s) dated _____, be admitted to probate and record, and that the additional relief be granted: _____.

DECLARATION OF PETITIONER

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.

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

Signature of Petitioner (Tel No.) Signature of Petitioner (Tel 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, 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, sec. 20-501.

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 of Petitioner Address

Signature of Petitioner Address

FILE IN RED (Confidential/Sealed) JACKET

Financial Account Information (Form 27)

Estate of _____
decedent/minor/adult ward/custodian

_____ ADM _____
_____ INT/IDD _____
_____ SEB _____
_____ GDN _____
_____ CON _____

Name on Account	Name and Address of Bank/Financial Institution	Account Number

This report will be maintained under seal pursuant to SCR-PD 5.1, recorded in a secure Court database, and available only to authorized Court personnel, unless otherwise included in the public record.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ SEB _____

Name of Decedent

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. 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 to 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 publication shall so inform the Register of Wills, including name, address and relationship.

Date of first publication:

Name of newspaper and/or periodical:

Signature of Petitioner/Attorney

Register of Wills
Clerk of the Probate Division

Address & Phone Number

Clerk

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ SEB _____

Estate of

Deceased

STATEMENT OF CLAIMS

The *Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs* has been duly published in the _____ as shown by the attached Affidavit of Publication; the time for filing claims has expired; funeral expenses in the amount of \$_____ have been paid; and all creditors now known to the undersigned, including contingent and disputed claims are as follows:

<u>Name of Creditor</u>	<u>Nature of Claim</u>	<u>Amount</u>
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I do solemnly declare and affirm under penalty of law that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

Personal Representative(s)

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

Estate of _____

_____ SEB _____

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

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ SEB _____

Estate of

_____ Deceased

VERIFICATION OF ASSETS

(To be filed when required by Preliminary Order)

The Personal Representative of the above-listed estate hereby verifies that the assets of the estate are as follows:

Asset	Value
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total value of assets: \$ _____	

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

Signature of personal representative

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20____, a copy of the foregoing Verification of Assets was served by first class mail, postage prepaid, on the following: (list names and addresses of interested persons)

Signature





**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY DIVISION
COMMISSION ON MENTAL HEALTH**

In the Matter of:

Mental Health Case No. _____

Respondent

AFFIDAVIT OF PETITIONER

District of Columbia:

The undersigned, being first duly sworn on oath according to law, deposes and says that the statements made herein are of my own personal knowledge and are true and correct, that the undersigned has good reason to believe that the above-named respondent is mentally ill, and because of the illness is likely to injure himself/herself if allowed to remain at liberty based upon the following reasons:

Check appropriate boxes:

Respondent has received psychiatric treatment at

St. Elizabeth's Hospital

D.C. General Hospital

Other Hospital (Specify) _____

Respondent has stopped taking medicine.

Respondent's general appearance is:

Good

Poor

Extremely Poor

Respondent's Speech is:

Normal

Incoherent

Rambling

Mute

Loud

Profane

Respondent's present condition and general behavior can be described as:

- | | | |
|------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> Confused | <input type="checkbox"/> Withdrawn | <input type="checkbox"/> Unpredictable |
| <input type="checkbox"/> Depressed | <input type="checkbox"/> Agitated | <input type="checkbox"/> Provocative |
| <input type="checkbox"/> Impulsive | <input type="checkbox"/> Hostile | <input type="checkbox"/> Easily excited |
| <input type="checkbox"/> Alcoholic | <input type="checkbox"/> Suspicious | <input type="checkbox"/> Refuses to eat |
-
- | | |
|---|---|
| <input type="checkbox"/> Used drugs in the past | <input type="checkbox"/> Using drugs at present time |
| <input type="checkbox"/> Wanders in the streets | <input type="checkbox"/> Laughs or talks to self |
| <input type="checkbox"/> Delusional - explain | <input type="checkbox"/> Up all hours of the night |
| <input type="checkbox"/> Assaultive - explain | <input type="checkbox"/> Sees things that are not there |
| <input type="checkbox"/> Threatening - explain | <input type="checkbox"/> Stays in room most of the time |
-
- Unable to get along with family
 - Unable to care for self - explain
 - Destructive of property - explain
 - Made previous attempts to take own life - explain

AFFIDAVIT OF PETITIONER – CONTINUED

Explanation of foregoing behavior and other relevant behavior:

Petitioner

Subscribed and sworn to before me this ____ day of _____, 20

JAMES MCGINLEY, CLERK OF THE SUPERIOR COURT OF THE
DISTRICT OF CLOUMBIA

By.

Deputy Clerk