

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

The forms for opening a small estate are available at Probate Division's Legal Branch or on the Court's website at [www.dccourts.gov](http://www.dccourts.gov).

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

1. Have you filed with the Probate Division a declaration in writing renouncing the right to serve as personal representative?
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 do you have a conservator or a guardian as defined in D.C. Code, 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 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 are you 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 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.** Line one – insert the name of the decedent and where the decedent was domiciled, 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 – insert the complete address of the decedent at the time of death including zip code and where the decedent died.

**Paragraph Two.** State why 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, 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 why a small estate should be opened 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 why 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.** Lines one and two—list the dates of any wills or codicils that you have located. These wills and/or codicils must be filed with this petition. (If none, state “not applicable.”) Your signature, on page four, will acknowledge that to the best of your knowledge the documents are the decedent’s last will and that you know of no later will or codicil. Line three—state how you received the will and codicil if any.

**Paragraph Seven.** State why 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 these instructions. 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), trustees, and all petitioners. If under age 18 or otherwise legally disabled, 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**

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. List all debts owed by the decedent and note whether the debts are secured by collateral. State the name of the person who paid the funeral expenses, the amount, and whether that person wants to be repaid.

## **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 5:00 p.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 processes 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 (i.e., a copy of the death certificate)
- 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 and written confirmation of the value of the vehicle. A quote from an on-line source for the trade-in value is acceptable.
- Stock certificates or letters from holders of stocks 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) and/or credit union statements or letters from bank or credit union reflecting current balances.
- Letter from Unclaimed Property office that provides the amount being held for the decedent.

- Court costs: check or money order payable to “Register of Wills” or cash (see Frequently Asked Questions for schedule of Court costs.)

Upon acceptance of the petition by the Court, a publication in a newspaper of general circulation in the District of Columbia may be required if there is no spouse and/or minor child and/or real estate located in a jurisdiction other than the District of Columbia.

*\*Publication costs are to be submitted by check or money order made payable to the respective newspaper at the time of filing.*

## 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.

**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.

**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.

**Joint Tenants** - Generally, where more than one person owns or holds property and each person has an equal interest and a right of survivorship, i.e. when one owner dies, his or her share passes automatically to the remaining surviving owners.