

Rule 107. Proceedings in contested estate cases.

(a) Commencement of action.

An action to contest the validity of a will in accordance with *D.C. Code, § 20-305*, or to contest a petition for the appointment of a personal representative or to remove a personal representative who has been appointed, or to institute a plenary proceeding in accordance with *D.C. Code, § 16-3105*, or to construe a will prior to approval of the personal representative's final account, or any other complaint filed in the Probate Division, may be commenced by any party in interest by filing a verified complaint with the Register of Wills. Except as hereinafter provided the procedure in such actions, including service of process, shall be governed by the Superior Court Rules of Civil Procedure.

(b) Summons.

The Register of Wills shall issue a summons upon the request of the plaintiff in the action. In an action brought pursuant to this rule, to contest the validity of a will, to contest a petition for the appointment of a personal representative, to remove a personal representative, to institute a plenary proceeding pursuant to *D.C. Code § 16-3105*, or for the construction of a will, the summons shall be directed to all interested persons and all indispensable parties under Civil Rule 19. In any other action against the estate, the summons shall be directed to the personal representative and may be directed to others. In such actions against the estate wherein the interested persons are not named parties, the personal representative shall notify the interested persons of the pendency of the action and of the right to intervene. The notice shall be provided by first class mail within 20 days of the service of the action, and the personal representative shall file a certificate reflecting service of the notice at the time of filing a response.

(c) When a complaint is filed pursuant to this rule, the parties may proceed with discovery pursuant to Civil Rules 26 through 37.

(d) Within 60 days after a complaint has been filed, the Court shall conduct an initial scheduling and settlement conference pursuant to Civil Rule 16(b).

(e) All other contested matters which are not initiated by complaint, including exception, objection to reports or petitions filed with the Court shall be treated as motions pursuant to Civil Rule 12-I(d) through (n). The Court may permit discovery under this subsection upon a showing of good cause.

COMMENT:

Under subsection (b) in actions to contest the validity of a will, indispensable parties include each heir-at-law or next of kin of the deceased, the proponents of a will and all legatees named in wills of the decedent filed in the Office of the Register of Wills.

As used in subsection (e), "petitions" refers to all petitions for probate or petitions for guardianships.