

Rule 210. Joinder and representation of persons interested in estates.

(a) Applicability.

The provisions of this Rule shall apply in any proceeding in which all persons interested in the estate are required to be served with process. For the purposes of this Rule, the term "an interest in the estate" includes both interests in income and interests in principal.

(b) Representation of class interests.

(1) Where an interest in the estate has been limited as follows, it shall not be necessary to serve process on any other person than as herein provided:

(A) In any contingency to the persons who shall compose a certain class upon the happening of a future event, the persons in being who would constitute the class if such event had happened immediately before the commencement of the proceeding.

(B) To a person who is a party to the proceeding and the same interest has been further limited upon the happening of a future event to a class of persons described in terms of their relationship to such party, the party to the proceeding.

(C) To unborn or unascertained persons, none of such persons, but if it appears that there is no person in being or unascertained, having the same interest, the Court shall appoint a guardian ad litem to represent or protect the persons who eventually may become entitled to the interest.

(2) Where a party to the proceeding has a power of appointment, it shall not be necessary to serve the potential appointees and if it is a general power of appointment it shall not be necessary to serve the takers in default of the exercise thereof.

(c) Representation of contingent interest.

Where an interest in the estate has been limited to a person who is a party to the proceeding and the same interest has been further limited upon the happening of a future event to any other person, it shall not be necessary to serve such other person.

(d) Representation of persons under a disability.

If the instrument expressly so provides, where a party to the proceeding has the same interest as a person under a disability, it shall not be necessary to serve the person under a disability.

(e) The decree or order entered in any such proceeding shall be binding and conclusive on all persons upon whom service of process is not required.

(f) In any proceeding in which service of process upon persons interested in the estate may be dispensed with, the complaint shall set forth the nature of the interests of such persons and the basis upon which service of process may be dispensed with, and state whether the fiduciary or any other person has discretion to affect the present or future beneficial enjoyment of the estate and, if so, set forth the discretion possessed and, if exercised, the manner in which it has been exercised. Notwithstanding the provisions of this Rule and any provision of the instrument to the contrary, if the Court finds that the representation of a person's interest is or may be inadequate, it may require that that person be served or that a guardian ad litem be appointed pursuant to SCR-Probate 210.