

Rule 117. Waiver of formal audit of account.

(a) Form of waiver.

A waiver of a formal audit of an account by an heir or legatee pursuant to *D.C. Code § 20-732(a)* shall be substantially in the following format:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

Estate of:)
) Admin. No.
.....)
Deceased)

WAIVER OF FORMAL AUDIT OF ACCOUNT
AND CONSENT TO ACCOUNT AS STATED

I,, am entitled to receive a share of the above estate. I have received a copy of the account of the estate.
(first, second and final, etc.)

I am aware that I am entitled to have a complete audit by the Court of said account whereby all the books and records of the Personal Representative would be examined.

I hereby waive my right to a formal audit and my right to file exceptions to the account within 30 days. I authorize the Court to conduct an informal and cursory review of limited records submitted by the Personal Representative.

I am aware that I may later request a formal and complete Court audit by filing a written demand with the Register of Wills within 20 days of the approval of the final account.

Witness:
(one required)

.....
(Signature)

.....
Dated:
(Address)

.....
This Waiver does not constitute a consent to the commission or fee requested, if any.

(b) Interpretation of "heir or legatee".

For purposes of *D.C. Code § 20-732(a)*, "heir or legatee" shall refer to intestate or testate cases, as appropriate, and shall not require the waiver by heirs for a testate distribution.

(c) Fiduciaries who may waive.

A guardian or conservator appointed by a court, a guardian or trustee nominated by will or other document or any other person acting in a fiduciary capacity may execute a waiver under *D.C. Code § 20-732* for and on behalf of such person's principal. A waiver signed by one acting in any such capacity must be accompanied by a certified copy of a court appointment, if any, or if none, by a verified statement (i) indicating such person's status, (ii) setting forth the nature and date of the instrument creating such fiduciary relationship and the relevant portions thereof and, (iii) representing that the instrument is still in full force and effect.

(d) Effect of a receipt.

A receipt signed by an heir or legatee acknowledging payment in full of his or her interest in the estate shall be deemed to be a waiver for purposes of *D.C. Code § 20-732(a)*.

(e) Waiver of right to file exceptions.

An heir or legatee may waive the right to a formal audit under *D.C. Code § 20-732(a)* and the right to file an exception to the account within 30 days of its filing under *D.C. Code § 20-726* as provided in paragraph (a) of this rule. An heir or legatee who waives these rights may nevertheless demand a formal audit within 20 days of approval of the final account under *D.C. § 20-732(c)*.