

Rule 207. Irregularity or default; sanctions.

(a) Irregularity.

Failure of a fiduciary to obtain prior Court authority for expenditures, other than those provided by statute and court costs, shall constitute an irregularity in the administration of the estate and such expenditures shall be disallowed as a charge to the estate upon any accounting except for good cause shown.

(b) Failure to account.

If an appraisal, inventory or account is not filed within the prescribed time or authorized extension of time, such failure shall constitute a default by the fiduciary.

(c) Action by Court.

Whenever the Register of Wills finds an irregularity or default in the administration of a proceeding under these rules, including but not limited to the matters specified in subsections (a) and (b) above, or that there is an insufficiency in the amount or security of an undertaking, the Register of Wills shall promptly notify the fiduciary responsible that unless the irregularity or default is corrected forthwith, the fiduciary so notified may be removed from office. If the irregularity or default is not remedied, the Register of Wills shall report it to the Court which, after notice to the person and a hearing, shall either remove the fiduciary and appoint a successor or excuse the irregularity or default or take other appropriate action.

(1) In extraordinary cases, the Court, either sua sponte or at the request of the Register of Wills, may order a summary hearing without giving the fiduciary prior notice to correct an irregularity or default. After such a hearing, the Court may take any appropriate action including excusing the irregularity or default.

(2) Whenever an irregularity or default in the administration of an estate exists, but no party or affected person appears to be materially and adversely affected, the Register of Wills may request the Court to close the case unless a party or affected person shows cause why the Court should take further action.

(3) Notice of any hearing held hereunder shall be sent by first class mail to the address of record of the fiduciary, the surety, counsel of record, each party and affected person and each creditor with a docketed claim.