

Rule 213. The assertion of claims against a revocable trust.

(a) The assertion of the claim may be made on the following form:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
PROBATE DIVISION

Estate of \_\_\_\_\_ Adm. No. \_\_\_\_\_  
Trust of \_\_\_\_\_ TR. No. \_\_\_\_\_

CLAIM AGAINST DECEDENT'S ESTATE and/or REVOCABLE TRUST

The claimant named below certifies that (check the applicable box[es])

The claimant makes claim for .....

The claimant makes claim for costs of administration of the settlor decedent's estate in the amount of ..... for .....

The claimant makes claim for the expenses of the settlor decedent's funeral and disposal of remains in the amount of .....

The claimant makes claim for the homestead allowance, or a portion thereof in the amount of ....., as provided by *D.C. Code § 19-101.02*.

The claimant makes claim for the exempt property allowance, or a portion thereof in the amount of ....., as provided by *D.C. Code § 19-101.03*.

The claimant makes claim for the family allowance, or a portion thereof in the amount of ....., as provided by *D. C. Code § 19-101.04*.

On behalf of the claimant named below, I do solemnly declare and affirm under penalty of law that the contents of the foregoing document are true and correct to the best of my knowledge and belief.

Decedent died on ..... and was a resident of .....

Name of Claimant \_\_\_\_\_ Signature of claimant or person  
authorized to make verification on  
behalf of Claimant

Address

.....  
.....

All claims presented to the Register of Wills must be accompanied by check or money order in the amount of \$ 5.00.

I hereby certify that I have delivered or mailed, return receipt requested, a copy hereof to the personal representative of the estate of ..... and/or ..... trustee of the revocable trust of ..... this ... day of ....., 200...

..... For Register of Wills Use Only  
Claimant Date Filed:  
By .....  
Deputy Register of Wills

(b) The Notice of Action on Claim may be in the following form which should be delivered to the claimant and a copy filed with the Register of Wills:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
PROBATE DIVISION

Trust of \_\_\_\_\_ Tr. No....

Settlor decedent

Notice of Action Taken on Claim

To: .....  
Claimant

You are hereby notified that your claim in the amount of \$ ..... for ..... against the above-entitled trust is: (check appropriate box)

Allowed in the stated amount.

Allowed in the amount of \$ .... and disallowed as to the balance.

Disallowed.

The Trustee does not know whether the residuary probate estate is insufficient to pay the claim and therefore the claim is disallowed without prejudice.

.....

Trustee

Date mailed or delivered .....

#### NOTICE

If your claim has been disallowed in whole or in part, with or without prejudice, the claim will be barred to the extent of its disallowance unless you file a Petition For Payment From Trust not later than 60 days after the mailing of this notice or such shorter period as might be allowed by the applicable statute of limitations.

(c) If the trustee takes no action on the claim, or having allowed the claim fails to pay it within a reasonable time after allowing it, the claimant may file a Petition For Payment From Trust. The failure of the trustee to respond shall in no way suspend the operation of any statute of limitations.

(d) Unless otherwise provided by the terms of the trust, the property of the trust may not be subjected to the reach of the personal representative, or if none by claimants, unless it is required for the purpose of paying the charges set forth in *D.C. Code § 19-1305.05(a)(3)* and, except where consents have been filed with the court as hereinafter provided, until the personal representative, or if none, the claimant demonstrates the deficiency of the probate residuary estate to pay them.

(e) Upon a proper showing by the personal representative of the settlor's estate, or if none the claimant, that the residuary probate estate is insufficient to meet all or a part of the charges set forth in *D.C. Code § 19-1305.05(a)(3)* and, that the property of the trust must be acquired to pay all or a part of said charges, the court may order the trustee to pay from the trust to the personal representative, or if none to the claimant, so much as may be necessary to pay all or a part of said charges, provided all persons whose interest in the trust would be affected by the sought payment shall have filed with the court their consents or their representative's consents to the payment.

(f) In the absence of consents the personal representative or claimant may file a Petition For Payment From Trust and for a determination of the insufficiency of the probate residuary estate to honor the claim. If the trustee disputes the validity of the claim, as distinguished from the issue of the adequacy of the residuary estate to pay it, the petitioner may convert the Petition For Payment From Trust into a complaint, provided the petitioner pays the complaint filing fee. The Court then may set a status conference and enter such other orders therein pertaining to interested persons and indispensable parties as are just in accordance with SCR-PD 208.