

ORPHANS' COURT DIVISION RULE 10.2

RULE 10.2 APPEALS FROM THE REGISTER OF WILLS

(a) Form and Notice of Appeal

An appeal from a decree of the Register shall be made to the Court in a form substantially similar to Form A of this rule or on any substantially similar form.

Notice of such appeal shall be served on all interested parties or their counsel.

(b) Form of Petition

After an appeal has been taken to the Court from any decree of the Register, the appellant shall present a petition to the Court within thirty days after filing the appeal. Such petition shall specify the grounds upon which the appeal is based; shall set forth the names and addresses of all interested parties and the necessary jurisdictional facts; shall be signed by the appellant or appellant's counsel of record; and shall be filed with the Clerk. A copy of the decree of the Register and a copy of the appeal form shall be annexed to the petition. Thereupon the Court will award a citation to all interested parties to show cause why the appeal should not be sustained and the decision complained of set aside.

(c) Action Upon Default

When on appeal no petition is filed within thirty days, the appeal may be dismissed by the Court upon petition of any party in interest.

If the respondent fails to comply with the requirements of any citation or notice, the Court, upon proof of service thereof, shall make such order as may be just and necessary.