

## ORPHANS' COURT DIVISION RULE 12.16A

### RULE 12.16A      SMALL ESTATES

Any petition for settlement of a small estate as authorized by the PEF Code shall set forth the following:

**Sec. 1.      Personality Only.** When the estate of the decedent consists of personalty only, the petition shall set forth the following:

- (a)      The name, date of death and domicile of the decedent; whether the decedent died testate or intestate; if testate, whether the will was probated; whether letters have been granted, and if so, on what date and to whom;
- (b)      The items of personal property owned by decedent and their values at the date of death;
- (c)      The names of all beneficiaries under the will, if any, as well as the names of decedent's next of kin if not named as beneficiaries under the will;
- (d)      The names of the surviving spouse and next of kin if decedent died intestate as to any personalty;
- (e)      The names of any persons entitled to distribution who are not *sui juris*, with the names of their trustees or guardians and a reference to their appointment;
- (f)      When a family exemption is claimed:
  - (1)      by whom the exemption is claimed;
  - (2)      the name of the surviving spouse, if any, whether the family relationship was maintained, and whether the spouse has forfeited his or her rights;
  - (3)      if children of the decedent are claiming the exemption, then the names of all children and whether such children were members of the same household as the decedent at death, indicating any who are not *sui juris*, or if there are no such children, the names of the parent or parents of the decedent who were members of the same household as decedent at death;

- (4) a description of the property claimed and the gross value thereof;
- (5) whether there is any objection to the claim, and if so, by whom;
- (g) An itemized list of unpaid administrative expenses, preferred debts, and taxes, including those due to the Commonwealth;
- (h) An itemized list of all claims and whether or not admitted;
- (i) The names of all next of kin and legatees under the will, if any, not joining in the petition.

Exhibits shall be attached in the following order:

- (1) A copy of the will, if any;
- (2) The joinder of all next of kin, legatees, creditors, sureties on any administrator's bond, and any others interested in the decedent's estate, who consent to the granting of the petition;
- (3) A receipt or statement from the agent of the Commonwealth showing that the Pennsylvania inheritance tax has been paid in full, or such agent's consent to the granting of the petition; and
- (4) An itemized list of all disbursements made prior to filing the petition, specifying the date, amount, payee and purpose of each disbursement.

**Sec. 2. Realty.** When the estate of the decedent consists of personalty and realty or realty only, then in addition to the information required by Section 1 of this Rule, the petition shall set forth the following:

- (a) The date of the first complete advertisement of the letters, and the amount of bond, if any; and
- (b) The names of all devisees under the will, if any.

In addition to the exhibits required by Section 1 of this Rule, the petitioner shall attach proof of advertising as an exhibit to the petition.