

ORPHANS' COURT DIVISION RULE 12.16B

RULE 12.16B SALES OF REAL ESTATE; ADDITIONAL SECURITY OR WAIVER THEREOF

Sec. 1. In the case of a personal representative who has been required to give bond, the petition for an order requiring additional security or excusing such personal representative from entering additional security under the applicable provisions of the PEF Code, shall set forth the following:

- (a) the name, residence, and date of death of decedent; whether the decedent died testate or intestate; the name of the personal representative and the date of appointment;
- (b) the amount of the bond filed with the Register and the name of the surety thereon;
- (c) a description adequate to identify the real estate to be sold and the improvements thereon;
- (d) the name and address of the purchaser and the price to be paid;
- (e) the names of all parties in interest and whether or not they are *sui juris*.

When an order excusing the entry of additional security is requested, or when security previously entered is to be used to secure in whole or in part the proceeds of the sale referred to in the petition, there shall be attached to the petition a stipulation signed by the surety on the existing bond accepting liability for the proceeds of the real estate to be sold.

Sec. 2. Exhibits.

Exhibits to such petitions shall be attached in the following order:

- (a) a copy of the will, if any;
- (b) a copy of the inventory, if filed;
- (c) a copy of the agreement of sale; and
- (d) consents, if any, of the parties in interest.

Sec. 3. Surety.

Except for cause shown, the surety on the bond of the personal representative at the time of appointment shall be surety on any additional bond.

Sec. 4. Form of Additional Bond.

When an additional bond is required, or a personal representative is excused from entering additional security, an order of Court in substantially the following form shall be annexed to the petition:

And now, this ____ day of _____, 20____, upon consideration of the annexed petition and on motion of _____, it is ordered, adjudged, and decreed that _____,

_____ of the estate of _____
(Personal Representative)

_____, deceased, enter in the office of the Register of Wills additional security in the amount of \$_____, with _____ as surety and, upon the entry of the same, the said _____

_____ (Personal Representative) is authorized to receive the proceeds of the sale of the real estate known as _____, Pennsylvania as the same

(Number, Street and Municipality)
is more fully described in the Petition.

Sec. 5. Petition of Trustees.

Petitions of trustees relating to the posting or excusing of security or additional security under the applicable provisions of the PEF Code shall conform substantially to the foregoing provisions of this rule.