

ADMINISTRATION OF TESTAMENATARY ESTATE

The initial step in the administration of the estate of a person who died testate – *i.e.*, leaving a will – is the filing of the petition for probate of the will and for issuance of letters testamentary, approving appointment of an executor or administrator authorized to administer the estate. Where a testator's will does not name any executor, or when the executor named is incompetent to act, is deceased, or refuses to act, and no successor executor has been named or is qualified to serve, the petition filed with the will attached shall be referred to as a petition seeking letters of administration *cum testamento annexo* (C.T.A.)(“with the will annexed”).

Estate of _____	Attorney _____
Probate No. _____	Telephone No. _____

Petition for Probate should contain

- ☐ Residence of Petitioner

- ☐ Citizenship of Petitioner

- ☐ Right of Petitioner to make application

- ☐ Decedent's date of death (with death certificate attached if available)

- ☐ Decedent's last domicile

- ☐ Decedent died _____ testate _____ intestate
- ☐ Location and character of estate (real and/or personal)

- ☐ Estimated value of estate (listing separately the total value of real property and the total value of personal property)
Real Property _____ Personal Property _____
- ☐ Estimated total amount of decedent's debts: \$ _____

- ☐ The names and addresses of the heirs and next of kin of the deceased, known to the petitioner, entitled to a share of the deceased's estate under the laws of intestacy and descent and distribution of this jurisdiction; the relation of each such person to the deceased; the proportion of the estate due each such heir or kin, and whether each such person is an adult or a minor;

<i>Name & Address</i>	<i>Relationship</i>	<i>Share</i>	<i>Adult/Minor</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- ☐ Whether all heirs and next of kin that have signed a waiver(s) consenting to the petition.
- ☐ The amount of bond required of the executor (or administrator C.T.A.), unless the will provides that no bond shall be required;

- ☐ The requirements of the deceased's spouse and children of the deceased for support from the estate, if any.

- ☐ **Prayers for** (if necessary):

- ☐ for citation against such heirs or next of kin for whom signed waivers have not been obtained prior to the filing of the petition;
- ☐ for appointment of a guardian or guardian *ad litem* for such heirs or next of kin as may be minors, persons with disabilities, incapacitated persons or protected persons, if necessary;
- ☐ for admission of the will to probate;
- ☐ for the issuance of letters testamentary or letters of administration C.T.A.;
- ☐ for the fixing or waiving of bond;
- ☐ for support of the deceased's spouse and children, if necessary;
- ☐ for such other special or general requests as the exigencies of the particular case may require.

- ☐ **Attachments.** The following documents shall be annexed to the petition the will of the deceased identified in the petition:

- ☐ The will of the deceased identified in the petition;
- ☐ an original or certified copy of the death certificate; and

- ☐ an unsworn declaration made under penalty of perjury, or a notarized affidavit, signed by an attorney or a relative of the deceased or some other interested person

Once the petition meets the above requirements the following must also be presented:

- ☐ Waiver(s) consenting to the probate of the tendered will and to the issuance of letters testamentary or letters of administration C.T.A., which waiver(s) of consent shall be affixed to the petition
- ☐ Request for Citation(s) against such heirs or next of kin for whom signed waivers have not been obtained prior to the filing of the petition
- ☐ Motion for appointment of a guardian or guardian *ad litem* for such heirs or next of kin as may be minors, persons with disabilities, incapacitated persons or protected persons, if necessary
 - ☐ Minor's consent required if fourteen (14) years or older
 - ☐ The guardian *ad litem* verified response to the original petition for probate of a will or administration
- ☐ Post bond (letters cannot issue until appropriate bond is furnished or waived)
- ☐ Offer proof that will was executed with formalities
 - _____ By sworn testimony attesting witnesses
 - _____ By deposition of attesting witnesses
 - _____ By affidavit of subscribing witnesses
 - _____ File exclusivity of will
- ☐ File order for probate and letters testamentary, or letters of administration C.T.A.
- ☐ File oath of administrator
- ☐ File proof of publication of Notice to Creditors and Debtors – once a week for four consecutive weeks
- ☐ Motion for appointment of two appraisers
 - ☐ may waive where inventory contains no property requiring appraisal, **if not**
 - ☐ clerk of court notifies appraisers of appointment
 - ☐ file oath of appraisers
 - ☐ make and promptly deliver preliminary inventory to appraiser
- ☐ File inventory and appraisal with Court (within one month after issuance of letters)
- ☐ File Quarterly Accounting(s)
(Every executor and administrator shall file successive, serially numbered quarterly accounts during the execution or administration of an estate for quarters ending March 31st, June 30th, September 30th, and December 31st of each year until the final account.
- ☐ Motion for support of widow and minor children

- ☐ Creditor's claims present
 - \$ _____ By: _____
 - \$ _____ By: _____
 - \$ _____ By: _____
- ☐ Creditor's claims approved or rejected
- ☐ File final accounting
- ☐ The Court to schedule a final account hearing (at least 60 days of order of hearing)
 - ☐ File proof of publication
 - ☐ File proof of posting of the notice
 - ☐ File proof of mailing to each heir, proposed distribute and each creditor with unsatisfied claims
- ☐ File petition for distribution and Order of Final Adjudication (all unpaid costs must be paid, including Five Hundred (\$500.00) adjudication fee to the court clerk.)
- ☐ File receipts of distribution – within 30 days of final adjudication order
- ☐ Registration of the adjudication or judgment in the office of the recorder of deeds
- ☐ Court discharges executor-administration and distribution complete

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