

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 3-72

"District of Columbia Probate Reform Act of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia Adopted Bill No. 3-91, on first and Second readings, April 1, 1980 and April 22, 1980 respectively. Following the signature of the Mayor on May 7, 1980, this legislation was assigned Act No. 3-181, published in the May 23, 1980, edition of the D.C. Register, (Vol. 27 page 2155) and transmitted to Congress on May 8, 1980 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites the following legislation as D.C. Law 3-72, effective June 24, 1980.

  
ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

May 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 28, 29, 30

June 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23

D.C. LAW 3-72  
EFFECTIVE DATE JUN 24 1980

AN ACT

D.C. ACT 3-181

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 7 1980

To amend the District of Columbia Code to revise and modernize procedure relating to the administration and distribution of decedents' estates and for the proof of wills.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA.

That this act may be cited as the "District of Columbia Probate Reform Act of 1980".

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## TITLE I -- Revision Of Title 20

Sec. 101. Title 20 of the District of Columbia Code, is amended to read as follows:

### "TITLE 20.--PROBATE AND ADMINISTRATION OF DECEDENTS' ESTATES

"Chap		Sec.
"1.	General Provisions_____	20-101
"3.	Opening the Estate_____	20-301
"5.	The Personal Representative and Special Administrator: Appointment, Control and Termination of Authority_____	20-501
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#### "Chapter 1--GENERAL PROVISIONS

##### "Section 20-101. Definitions.

"When used in this title, unless otherwise apparent from the context the term:

"(a) 'Abbreviated probate proceeding' means the type of proceeding defined in section 20-311.

"(b) 'Court' means the Probate Division of the Superior Court of the District of Columbia.

"(c) 'Heir' means a person entitled to property of an intestate decedent pursuant to chapter 3 of title 19.

"(d)(1) 'Interested person' means (A) any person named in the will to serve as personal representative, until the appointment of a personal representative; (B) a personal representative; (C) any legatee in being, whether such legatee's interest is vested or contingent, until the legacy

is paid in full; and (D) an heir, except that an heir ceases to be an interested person once a will has been admitted to probate: PROVIDED, That, an heir is an interested person for the purpose of any proceeding to contest the validity of the will and following any determination that the decedent died intestate.

(2)(A) If an interested person, as described in paragraph (1), is legally disabled, the following persons shall also be interested persons unless the Court has appointed a guardian ad litem:

(i) the judicially appointed guardian, committee or conservator for such person, if any; or

(ii) if there is no judicially appointed guardian, committee or conservator, then the parent or other person having assumed responsibility for such person.

(B) If the Court has appointed a guardian ad litem under section 20-108, the guardian ad litem shall be an interested person.

(3) An heir or legatee whose interest is contingent solely on whether some other heir or legatee survives the decedent or survives by a stated period shall not be an interested person unless and until the other heir or legatee dies within such period.

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"(e) 'Intestate decedent' means a person who dies without leaving a valid will.

"(f) 'Legacy' means a disposition of property made in a will.

"(g) 'Legatee' means the surviving spouse of the decedent or a person who under the terms of a will would receive a legacy. Legatee includes a trustee of a trust created under or referred to in the decedent's will but not a beneficiary of the trust unless each trustee is also a petitioning party or acting personal representative.

"(h) 'Letters' means the official instrument by which a personal representative is appointed by the Court to administer the estate of a decedent.

"(i) 'Metropolitan area' means Prince Georges County, and Montgomery County, Maryland; Arlington County, Fairfax County, the City of Fairfax, the City of Falls Church, and the City of Alexandria, Virginia.

"(j) 'Personal representative' means a person, other than a special administrator, who has been appointed by the Court to administer the estate of a decedent.

"(k) 'Probate' means the admission to record of a decedent's will or the determination of a decedent's intestacy.

"(l) 'Property' means both real and personal property and any interest in such property that is owned by the decedent and that does not pass at the time of the decedent's death to another person by the terms of the instrument under which it is held, or by operation of law.

"(m) 'Register' means the Register of Wills.

"(n) 'Residuary legatee' means the person to whom a testate decedent bequeaths the surplus of such decedent's estate, subject to all debts and other legacies specifically mentioned in the will.

"(o) 'Rules' means the rules promulgated by the Superior Court of the District of Columbia applicable to the Probate Division of that Court.

"(p) 'Special administrator' means an administrator appointed as provided in section 20-531.

"(q) 'Special appraiser' means an appraiser who is not an employee of the Office of the Register.

"(r) 'Standard probate proceeding' means the type of proceeding defined in section 20-321.

"(s) 'Standing appraiser' means an appraiser who is an employee of the Office of the Register.

"(t) 'Testate decedent' means a person who dies leaving a valid will.

"Section 20-102. Verification.

"(a) When a writing is required by this title to be verified, verification shall be sufficient if the writing is signed by the person required to make the verification and contains the following representation:

"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, information, and belief."

"(b) Any person who in making a verification under this section willfully and contrary to the verification states any material matter that such person does not believe to be true shall be guilty of an offense. Any person convicted of this offense shall be punished by imprisonment for not less than 2 or more than 10 years.

"Section 20-103. Notice.

"(a) First Notice. Unless personal service or notice by publication is expressly required by this title or by the Rules, the first notice required or permitted to be given to any person under this title shall be sufficient if deposited as registered or certified mail, postage prepaid, return receipt requested, addressed to the addressee at the address last known to the sender, with delivery restricted to the addressee.

"(c) Subsequent Notice. Any subsequent notice to such person in accordance with this title shall be sufficient if deposited as ordinary mail, postage prepaid, addressed either to the same address at which the first notice was received, as evidenced by return receipt from the post office or, if the sender has received written notice from the addressee of a change of address, to the new address.

"(c) Failure of Notice. If no return receipt is received apparently signed by the addressee, and there is no proof of actual notice, no action taken in any proceeding under this title shall prejudice the rights of the person entitled to notice unless the sender verifies, to the satisfaction of the Court, that reasonable efforts to locate and warn the addressee of the pendency of the action have been made.

"(d) Notice to Personal Representative. A personal representative or special administrator is not required to give self notice.

"(e) Notice for Contingent Interests. If the interest of an heir or legatee is solely contingent on whether some other heir or legatee survives the decedent or survives by a stated period, any notice given before the contingent interest vests shall conclusively be deemed to have been

given to the heir or legatee whose interest has been contingent.

"Section 20-104. Presumption.

"Unless otherwise expressly provided, whenever this title states that a fact shall be presumed, the presumption is rebuttable.

"Section 20-105. Devolution of property at death.

"Except as provided in section 20-357, all property of a decedent shall be subject to this title and, upon the decedent's death, shall pass directly to the personal representative, who shall hold the legal title for administration and distribution of the estate.

"Section 20-106. Preference.

"Except as provided in sections 20-343, 20-703, and 20-742 of this title, there shall be no preference or priority between real and personal property.

"Section 20-107. Right to seek Court resolution.

"An interested person, the beneficiary of a trust or the Register may, at any time, apply to the Court to resolve questions concerning the estate or its administration.

"Section 20-108. Appointment of guardian ad litem.

"If it appears to the Court that there is an apparent conflict between an interested person under a legal disability and a person described in section 20-

101(1)(2)(A), the Court may, in its discretion, appoint a guardian ad litem for the legally disabled person.

### "Chapter 3--OPENING THE ESTATE

#### "SUBCHAPTER I.-- GENERAL PROVISIONS.

##### "Section 20-301. Scope.

"This chapter applies to the opening of an estate which begins with the filing of a petition for probate by an interested person as provided in section 20-304 and results in the probate of a will or the determination of a decedent's intestacy and the appointment of a personal representative. Probate may occur either:

"(a) As an abbreviated probate proceeding as provided in subchapter II of this chapter;

"(b) As a standard probate proceeding as provided in subchapter III of this chapter;

"(c) As a small estates proceeding as provided in subchapter VI of this chapter.

##### "Section 20-302. Necessity for probate.

"(a) A will is ineffective to transfer property or to nominate a personal representative unless it is admitted to probate or recorded as provided in section 20-341(b).

"(b) Except for foreign personal representatives, no person shall exercise the powers or assume the duties of a

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personal representative unless he has been appointed by the Court.

"Section 20-303. Order of priority for appointment of personal representative; persons excluded.

"(a)(1) General. The Court shall, except as provided in subsections (b) and (d), appoint personal representatives, successor personal representatives, and special administrators according to the following order of priority, with all persons in any one of the following paragraphs considered as a class:

"(A) the personal representative or representatives named in a will admitted to probate;

"(B) the surviving spouse or children of an intestate decedent or the surviving spouse of a testate decedent;

"(C) the residuary legatees;

"(D) the children of a testate decedent;

"(E) the grandchildren of the decedent;

"(F) the parents of the decedent;

"(G) the brothers and sisters of the decedent;

"(H) the next of kin of the decedent;

"(I) other relations of the decedent;

"(J) the largest creditor of the decedent who applies for administration;

"(K) any other person.

"(2)(A) Relations of whole blood shall be preferred to those of half-blood in equal degree. Relations of half-blood shall be preferred to those of whole blood in a remoter degree.

"(B) Relations descending shall be preferred to relations ascending in a collateral line. A nephew or niece shall be preferred to an uncle or aunt.

"(C) A person may not be preferred in the ascending line beyond a parent or in the descending line below a grandchild.

"(D) Exclusions. Letters shall not be granted to a person who, at the time any determination of priority is made:

"(1) has filed with the Register a declaration in writing renouncing the right to administer;

"(2) is under the age of 18;

"(3) has a mental illness as defined in section 21-501 or is under conservatorship as defined in section 21-1501;

"(4) has been convicted and not pardoned on the basis of innocence of a felony in the District of Columbia

or of an offense in any other jurisdiction which, if committed in the District of Columbia, would be a felony and the sentence imposed for such conviction has not expired or has expired within the past 10 years;

"(5) is an alien who has not been lawfully admitted for permanent residence;

"(6) is a judge of any court established under the laws of the United States or is an employee of the Superior Court of the District of Columbia, the District of Columbia Court of Appeals or the District of Columbia Court System, unless such person is the surviving spouse of the decedent or is related to the decedent within the third degree; or

"(7) is a nonresident of the District of Columbia, unless such person files an irrevocable power of attorney with the Register designating the Register and the Register's successors in office as the person upon whom all notices and process issued by a competent court in the District of Columbia may be served with the same effect as personal service, in relation to all suits or matters pertaining to the estate in which the letters are to be issued; in such cases the Register shall forward by registered or certified mail to the address of the personal representative, which shall be stated in the power of

attorney, all notices and process served upon the Register pursuant to such designation.

"(c) Appointment within Class. When there are several persons in a class eligible to receive letters, the Court may grant letters to one or more of them, as necessary or convenient for the proper administration of the estate; except that, subject to subsections (b) and (d), all personal representatives named in a will admitted to probate are entitled to letters.

"(d) Exception. The Court may, for good cause shown, vary from the order of priority to letters set forth in subsection (a).

"Section 20-304. Petition for probate.

"(a). General. The petition for probate shall contain all knowledge or information of the petitioner with respect to:

"(1) the name, domicile, and place and date of death of the decedent;

"(2) the petitioner's name, address, age, citizenship, relationship to the decedent, interest in the estate, if any, and legal disability, if any;

"(3) facts necessary to confer jurisdiction upon the Court;

"(4) any other proceeding filed elsewhere regarding the decedent's estate;

"(5) the character, location, and estimated value of the decedent's real and personal property and the total estimated debts and funeral expenses of the decedent;

"(6) the names and addresses of all interested persons, and the names of all persons who are witnesses to any will referred to in subsection (c); and

"(7) whether the decedent died intestate or testate with disclosure of further information pursuant to subsections (b) or (c), as appropriate.

"(b) Intestate. If the decedent died intestate, the petition shall state that a diligent search for a will has been made.

"(c) Testate. If the decedent died testate, the petitioner shall: (1) exhibit the original of the will with the petition, or exhibit a copy of the will if the original has already been filed; and (2) state whether the petitioner knows of any later will. If the petitioner is filing or has filed the original of the will, the petition shall state the manner in which the petitioner obtained the original of the will.

\* "(d) Explanation for Lack of Information. The petition shall state the reasons why any information required by subsection (a) cannot be furnished by the petitioner.

"(e) Request for Abbreviated or Standard Probate or Small Estates Proceeding. The petition shall indicate whether the petitioner requests an abbreviated probate, small estates or standard probate proceeding.

"(f) Request for Court Action. The petition may contain, as appropriate, a request for one or more of the following:

"(1) the admission to probate of any will exhibited with the petition;

"(2) an order directing witnesses to an alleged will to appear and give testimony regarding its execution;

"(3) an order requiring any person alleged to have custody of a will to deliver it to the Court;

"(4) an order directing any interested person to show cause why the provisions of any lost or destroyed will should not be admitted to probate as expressed in the petition;

"(5) a finding that the decedent died intestate;

"(6) a request for the appointment of a personal representative and the issuance of appropriate letters;

"(7) any other relief that the petitioner may deem appropriate.

\*Section 20-305. Complaint to contest the validity of a will.

"Except as provided in section 20-353(b), any person may file a verified complaint to contest the validity of a will within 6 months following notice by publication of the appointment or reappointment of a personal representative under section 20-704. The person filing the complaint shall give notice to all interested persons. The Court shall then determine the validity of the will.

"SUBCHAPTER II.-- ABBREVIATED PROBATE PROCEEDING.

\*Section 20-311. Nature of proceeding.

"An abbreviated probate proceeding is a proceeding for the probate of a will or a determination of a decedent's intestacy and for the appointment of a personal representative. This proceeding is instituted when an interested person files a petition for an abbreviated probate proceeding with the Court in accordance with the provisions of section 20-304. This proceeding may be conducted without the prior notice required for standard probate under section 20-323. The finality of abbreviated probate shall be governed by section 20-331.

\*Section 20-312. Action on petition.

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"(a) General. Upon a request for abbreviated probate filed in accordance with section 20-304, the Court shall appoint one or more personal representatives, except as provided in section 20-322.

"(b) Wills. In the case of a petition to admit a will to abbreviated probate, due execution of the will shall be presumed and the Court may admit a will to probate either: (1) if the will appears to have been duly executed and contains a recital by attesting witnesses of facts constituting due execution; or (2) upon the verified statement of any person with personal knowledge of the circumstances of execution, whether or not the person was in fact an attesting witness, reciting facts showing due execution of the will.

#### "SUBCHAPTER III--STANDARD PROBATE PROCEEDING

"Section 20-321. Nature of proceeding.

"(a) A standard probate proceeding is a proceeding for the probate of a will or a determination of the decedent's intestacy and for the appointment of a personal representative. This proceeding is instituted when an interested person or creditor files a petition for a standard probate proceeding with the Court in accordance with the provisions of section 20-304. This proceeding is conducted after notice as provided in section 20-323. It no

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petition for abbreviated or standard probate is filed within a reasonable time, the Register, with the approval of the Court, may file a petition for standard probate.

"Section 20-322. When mandatory.

"A proceeding for standard probate shall be instituted:

"(a) if, at any time before abbreviated probate,

"(1) an interested person or creditor makes a request; or

"(2) it appears to the Court that the petition for abbreviated probate is materially incomplete or incorrect in any respect; or

"(b) in accordance with the provisions of section 20-331.

"Section 20-323. Notice of request for standard probate; form.

"(a) When Given. A person filing a petition for standard probate shall promptly give notice to all known interested persons. In addition, the petitioner shall publish a notice once a week for 2 successive weeks in a newspaper of general circulation in the District of Columbia and in any other publication the Court may provide by Rule.

"(b) Form of Notice. The notice required by this section shall be in the form prescribed by the Rules.

"Sec. 20-324. Action on petition.

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"(a) Proof of due execution shall be made by affidavit of the witnesses as provided in subsection (c) unless the Court orders otherwise.

"(b) After proof of due execution, the Court shall enter an order admitting the will to probate or determining that the decedent died intestate. At this time, the Court shall also appoint or reappoint one or more personal representatives and, if appropriate, revoke, modify, or confirm any action taken at any prior abbreviated probate, small estates or standard probate proceeding.

"(c) Affidavits of due execution shall be in substantially the following form:

"On this \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_ personally appeared and, under oath answered the following questions as follows:

"1. Were you one of the witnesses who signed the attached written document which is dated \_\_\_\_\_ and is said to be the last will and testament of \_\_\_\_\_ of the District of Columbia who is now dead? (Please initial appropriate box.)

\_\_Yes \_\_No

"2. Did \_\_\_\_\_ sign the attached document while in your presence  
(the testator)

\_\_Yes \_\_No

"3. Did \_\_\_\_\_ say the attached document was to be a  
(the testator)  
part of his will? \_\_Yes \_\_No

"4. At the time he signed the attached document, did  
\_\_\_\_\_  
(the testator)  
seem to you to be of sound mind and aware of what he was  
doing?

\_\_Yes \_\_No

"5. Did \_\_\_\_\_ ask you to sign the attached  
document  
(the testator)  
as a witness?

\_\_Yes \_\_No

"6. When you signed the attached document as a witness,  
were \_\_\_\_\_ and all of the other witnesses who  
signed the  
(the testator)  
document present?

\_\_Yes \_\_No

"7. Were you present when each of the other witnesses  
signed  
the attached document? \_\_Yes \_\_No

"8. Did \_\_\_\_\_ ask the other people who signed the  
(the testator)  
attached document to do so as witnesses?

\_\_Yes \_\_No

"9. Was \_\_\_\_\_ present when each of the witnesses  
(the testator)  
signed the attached document?

\_\_Yes \_\_No

"10. What is your date of birth? \_\_\_\_\_

"11. Do you know of any will or codicil of \_\_\_\_\_  
(the testator)  
other than the attached document?

\_\_Yes \_\_No

"Section 20-331. Finality of abbreviated and standard probate proceedings.

"(a) An abbreviated probate proceeding shall be set aside and a proceeding for standard probate instituted if, within 6 months of abbreviated probate, (1) an interested person makes a request; or (2) it appears to the Court that the petition for abbreviated probate is materially incomplete or incorrect in any respect.

"(b) A standard probate proceeding may be reopened or an abbreviated probate proceeding set aside and a standard probate proceeding instituted if, within 6 months after the notice of appointment of the personal representative pursuant to section 20-704, (1) an interested person makes a request; and (2) the Court finds that:

"(A) the notice provided in section 20-704 was not given to such interested person and such interested person did not have actual notice of the petition for probate; or

"(B) there was a material mistake or substantial irregularity in the prior probate proceeding; or

"(C) the proponent of a later offered will, in spite of the exercise of reasonable diligence, was actually unaware of such will's existence at the time of the prior probate proceeding.

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"(c) Except as provided in section 20-305 and subsections (a) and (b), an abbreviated probate proceeding shall be final and binding as to all interested persons in the absence of fraud.

"SUBCHAPTER V--FOREIGN PERSONAL REPRESENTATIVES

"Section 20-341. Requirements.

"(a) A foreign personal representative of a nondomiciliary shall not be required to obtain letters in the District of Columbia for any purpose.

"(b) A foreign personal representative administering an estate which has property located in the District of Columbia shall file with the Register a copy of the appointment as personal representative and a copy of the decedent's will, if any, authenticated pursuant to 28 U.S.C. sec. 1738.

"Section 20-342. Powers of foreign personal representative.

"A foreign personal representative may exercise all the powers of such office and may sue and be sued in the District of Columbia, subject to any statute or rule relating to nonresidents.

"Section 20-343. Publication and claims of creditors.

"(a) Publication. A foreign personal representative of a decedent who owned any property located in the District of Columbia shall publish once a week for 3 successive weeks a

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notice in a newspaper of general circulation in the District of Columbia and another publication as the Court may provide by Rule. This notice shall include an announcement of such representative's appointment, name and address, agent's name and address in the District of Columbia for service of process on file with the Register, the name of the court that made such appointment, a brief description of all real property owned by the decedent in the District of Columbia and, if appropriate, a statement that the decedent owned personal property in the District. If the property located in the District of Columbia is real property (not leasehold), the notice shall also state that claims against the estate may be filed with the Register at any time within 5 months from the date of first publication. The foreign personal representative shall record in the Register's office a certification that such notice was published.

"(c) Personal or Leasehold Property. With regard to personal or leasehold property located in the District of Columbia, a foreign personal representative may remove, lease, or transfer the property:

"(1) upon the first publication of notice pursuant to subsection (a) if such representative holds letters from:

"(A) a jurisdiction within the Metropolitan Area; or

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"(B) a jurisdiction outside the Metropolitan Area and such representative posts a bond with a penalty amount equal to the value of the property to extend for the 6 months during which a creditor may file a claim; or

"(2) 6 months after the first publication of notice pursuant to subsection (a) if:

"(A) no claims are filed with the Register during this time; or

"(3) all claims of creditors have been released or finally determined in favor of the personal representative.

"(c) Real Property. With regard to real property located in the District of Columbia, a foreign personal representative may lease or transfer the property if such representative:

"(1) posts bond with a penalty amount equal to the value of the property and makes first publication of notice pursuant to subsection (a); or

"(2) allows 6 months to pass after the first publication required by subsection (a) and (A) no claims are filed with the Register during this time or (B) all claims of creditors have been released or finally determined in favor of the personal representative.

"(d) Statement of Claim. Any creditor may, within 5 months from the date of the first publication of notice, file a written statement of claim pursuant to section 20-905, with the Register and deliver or mail a copy of the statement to the personal representative. The Register shall maintain a book known as the "Claims Against Nonresident Decedents" in which all such claims and releases thereof shall be recorded. Unless a release of a validly recorded claim has been recorded or the claim has finally been determined in favor of the personal representative, such claim shall constitute a lien against all real property owned by the decedent in the District of Columbia at death for a period of 12 years from date of death: EXCEPT, That if the personal representative is empowered to sell the property such claim shall constitute a lien against the net proceeds from the sale.

"(e) No Other Action Necessary. It shall not be necessary for the foreign personal representative to institute any other proceedings before the Register with respect to any assets subject to the jurisdiction of the District of Columbia.

"(f) Responsibility for Payment of Death Taxes. This section shall not be construed to relieve the foreign personal

representative of the responsibility for paying all death taxes due the District of Columbia.

"Section 20-344. Right of heir or legatee.

"In the event a foreign personal representative fails to transfer the title to real or leasehold property located in the District of Columbia to the person or persons legally entitled to such property, within a reasonable time, the Court may direct the transfer of title to such person or persons if: (a) the will, if any, or a copy authenticated pursuant to 28 U.S.C. sec. 1738, is filed in the Register's office; (b) notice, approved by the Court, has been published indicating that the decedent died owning the real or leasehold property; and (c) all claims of creditors, if any, have been satisfied.

"SUBCHAPTER VI.--SMALL ESTATES.

"Section 20-351. General.

"If the property of a decedent subject to administration in the District of Columbia has a value of \$10,000 or less, the property may be administered as a small estate in accordance with the provisions of this subchapter.

"Section 20-352. Petition.

"Any person eligible for appointment as the personal representative of an estate pursuant to section 20-303 may file a verified petition for administration of a small

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estate. Such petition shall contain, in addition to the information required by section 20-304:

"(a) A statement that the petitioner has made a diligent search to discover all property and debts of the decedent;

"(b) A list of the known creditors of the decedent, with the amount of each claim, including contingent and disputed claims; and

"(c) A statement of any legal proceedings pending in which the decedent was a party.

**"Section 20-353. Proceedings after petition.**

"(a) Determinations on Petition. If the Court finds that the petition and any additional information filed under this subchapter is accurate, it shall:

"(1) appoint a personal representative of the small estate;

"(2) direct the immediate payment of the allowable funeral expenses as provided in section 20-906 and the family allowance as provided in section 19-101;

"(3) direct the sale of property as may be necessary to satisfy funeral expenses and the family allowance; and

"(4) if it appears that there will be any property remaining after payment of funeral expenses and there is no

family allowance payable, admit the will, if any, to probate and direct that notice be given in accordance with subsection (c).

"(c) Notice. If the Court directs that notice be given, notice shall be given once in the form required by section 20-704: EXCEPT, that the period within which claims must be filed or objection must be made to contest the validity of the will or the small estates proceeding or the appointment of the personal representative shall be 30 days from the date of publication of notice.

"Section 20-354. Duties of personal representatives.

"(a) Attorney; Bond; Compensation. No person appointed as a personal representative in accordance with section 20-353 shall be required to be represented by an attorney or to give bond or be entitled to receive any commission for the performance of duties as personal representative.

"(b) Distribution. If notice is required and 30 days have expired since the publication of notice as provided in section 20-353(b), the personal representative shall file proof of publication of the notice and a verified list of all claims, including contingent and disputed claims, and the amount of the claims filed since the original petition. The Court shall hear any objections filed pursuant to the notice and, if satisfied that all action taken pursuant to

this subchapter is proper, shall direct the personal representative to pay all proper claims and expenses and to distribute the net estate either in accordance with the will or, if the decedent died intestate, to the decedent's heirs.

"Section 20-355. After-discovered property.

"The personal representative shall report to the Court immediately, by verified supplemental petition, any property of the decedent discovered after the filing of the petition. If the after-discovered property increases the value of all property of the decedent to an amount greater than the allowable funeral expenses (and there is no family allowance payable) but less than \$10,000, the Court shall admit the will, if any, to probate and direct that notice be given in accordance with section 20-353(b). If the after-discovered property increases the value of all property of the decedent to more than \$10,000, there shall be no further proceedings under this subchapter, and administration shall proceed under the other provisions of this title.

"Section 20-356. Applicability of other provisions of title.

"Except to the extent inconsistent with this subchapter, all the other provisions of this title shall apply to small estates.

"Section 20-357. Exception for Motor Vehicles.

"If the only property of a decedent is not more than 2 motor vehicles, the Mayor may transfer title to the motor vehicles in accordance with section 2 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 580; D.C. Code, sec. 40-102(d)). If title is transferred under this section, administration of the estate of the decedent is not necessary.

"CHAPTER 5.--THE PERSONAL REPRESENTATIVE AND SPECIAL ADMINISTRATOR: APPOINTMENT, CONTROL AND TERMINATION OF AUTHORITY

"SUBCHAPTER I.--APPOINTMENT AND ISSUANCE OF LETTERS; BOND; ACCRUAL OF DUTIES AND POWERS

"Section 20-501. Conditions of appointment.

"As a condition to appointment, a personal representative shall file (a) a statement of acceptance of the duties of the office, (b) any required bond, and (c) a written consent to personal jurisdiction in any action brought in the District of Columbia against such personal representative, where service of process is effected pursuant to the rules of the Court at such representative's address shown in the proceedings or, in the case of a nonresident personal representative, pursuant to the provisions of section 20-303(b)(7).

"Section 20-502. Bond; form.

"(3) When Required. Unless excused from giving bond by the decedent's will or written waiver of all interested persons, each personal representative shall execute a bond to the District of Columbia for the benefit of interested persons and creditors with a surety or sureties approved by the Court. Whenever a personal representative is excused from giving a bond by the decedent's will, by the written waiver of one or more interested persons, a bond shall nevertheless be given in an amount which the Court considers sufficient to secure the payment of the debts which are not adequately secured and District of Columbia inheritance taxes payable with respect to property under the control of the personal representative. In the absence of a waiver by the testator, the interest of any interested person who does not waive bond shall be protected but no waiver of bond shall be permitted on behalf of a person who is not a competent adult.

"(5) When Not Required.

"(1) Notwithstanding the provisions of subsection (a), no bond shall be required of banks and trust companies authorized under District of Columbia laws to act as personal representatives and national banks, except as otherwise provided by law or Court Rule.

"(2) No bond shall be required for any period following the distribution of all known assets and satisfaction of all known claims.

"(c) Surety. The surety on any bond required by subsection (a) may be any corporation authorized to act as a surety in the District of Columbia. All sureties and the personal representative shall be jointly and severally liable on the bond, unless otherwise ordered by the Court.

"(d) Penalty. (1) The penalty sum of any bond required by subsection (a) shall be fixed by the Court in an amount not exceeding the probable maximum value of the personal property of the estate at any time during administration.

"(2) Unless directed otherwise by the Court, the penalty sum of the bond shall not include the value of any real property which the personal representative lacks power to sell or exchange without prior court authorization pursuant to section 20-742.

"(3) The Court may permit the penalty sum of the bond to be reduced by the amount of cash belonging to the estate that is deposited with a bank, trust company, savings and loan association, building association, building and loan association, or federal savings and loan association approved by the Court in an account expressly made subject

to withdrawal only in a manner that is approved by the Court.

"(4) The penalty sum may be increased or decreased by the Court at its discretion for good cause at any time during administration.

"(e) Filing; Certified Copy. Every bond executed by a personal representative shall be filed in the office of the Register. Any person may obtain from the Register a certified copy of such bond.

"(f) Premium Payable Out of Estate. Bond premiums shall be chargeable against the property of the estate.

"(g) Form of Bond. A bond shall be in the form prescribed by the Rules.

"Section 20-503. Issuance and content of letters.

"After appointment, letters shall be issued to the personal representative by the Register. Letters shall contain:

"(a) the name and address of the Court;

"(b) the name of the decedent and the personal representative;

"(c) the date of appointment of the personal representative;

"(d) the date the will, if any, was admitted to probate;

"(e) the signature of the Register and the seal of the Court and

"(f) the date the letters were issued.

"Section 20-504. Form of letters.

"Letters of administration shall be in substantially the following form:

"\*LETTERS OF ADMINISTRATION

"To all persons who may be interested in the estate of \_\_\_\_\_ deceased:

"Administration of the estate of the deceased has been granted on \_\_\_\_\_ to \_\_\_\_\_ (and the will of the deceased was probated on \_\_\_\_\_). The appointment is in full force and effect as of this date.

"\*(SEAL)

"\*WITNESS:

-----

"\*Dated: -----

"\*Register of Wills".

"Section 20-505. Time of accrual of duties and powers.

"The duties and powers of a personal representative commence upon the issuance of the letters. Acts which by statute are authorized to be done without prior Court approval after the issuance of letters but which in fact were committed by the personal representative prior to

issuance of letters, when done in good faith, shall have the same effect as acts occurring after the issuance of letters. A personal representative may ratify acts done on behalf of the estate by others if the personal representative is authorized to perform such acts.

"SUBCHAPTER 2.--SEVERAL PERSONAL REPRESENTATIVES

"Section 20-511. Powers and duties of successor personal representative.

"A successor personal representative shall have the same powers and duties as the original personal representative including the powers granted in the will but excluding any power that the will expressly made personal to the personal representative named in the will.

"Section 20-512. Copersonal representatives; when joint action required; liability.

"(1) When two or more persons are appointed copersonal representatives, the concurrence of all is required on all acts connected with the administration and distribution of the estate: EXCEPT, FOR: (1) giving receipts for or receiving property due the estate; (2) in emergency situations, when all personal representatives cannot reasonably be consulted in the time available; (3) when a personal representative has validly delegated power to act

to a copersonal representative; and (4) when the will or a statute provides otherwise.

"(b) Persons dealing with a copersonal representative without knowledge that such representative is not the sole personal representative shall be as fully protected as if the person with whom they dealt had been the sole personal representative.

"(c) If a personal representative delegates power to act to a copersonal representative, such delegation shall not reduce such representative's fiduciary responsibility.

"Section 20-513. Powers of surviving copersonal representative.

"Unless the will otherwise provides: (a) when the appointment of a copersonal representative is terminated, the remaining copersonal representative or representatives may exercise all powers previously exercised by the copersonal representatives; and (b), when one of two or more persons nominated by the will as copersonal representatives is not appointed by the Court, those appointed may exercise all the powers of the office.

"SUBCHAPTER III.--SUSPENSION AND TERMINATION OF POWERS

"Section 20-521. Suspension.

"Upon written application of any interested person the Court may suspend any of the powers and duties of a personal representative for good cause shown.

"**Section 20-522. Termination; general.**

"The appointment of a personal representative shall be terminated in accordance with chapter 13 of this title (Closing the Estate) or by the personal representative's death, disability, resignation, or removal as provided in sections 20-524 through 20-527.

"**Section 20-523. Termination; effect.**

"(a) **Powers and Duties.** Termination ends the rights and powers of the personal representative as conferred by will or by this title. Except as provided in section 20-524, a personal representative whose appointment has been terminated shall: (1) unless otherwise ordered by the Court, perform acts necessary to protect property belonging to the estate; and (2) deliver such property to the special administrator or the successor personal representative, if any.

"(b) **Liability.** Termination does not discharge a personal representative from liability for transactions or omissions occurring before termination or reduce the personal representative's duty to protect property subject to such representative's control, to account for such

property and to deliver such property to the special administrator or successor representative. Termination does not affect the personal jurisdiction consented to pursuant to section 20-501 in proceedings which may be commenced against such representative arising out of the performance of duties as personal representative. If the personal representative fails to account for and deliver the property belonging to the estate to the successor personal representative or special administrator, as required by subsection (3), the Court may enter judgment against the personal representative and the personal representative's surety.

"(c) Acts Prior to Termination. All lawful acts of a personal representative prior to the termination of appointment shall remain valid and effective.

"Section 20-524. Termination; death or disability.

"The appointment of a personal representative shall be terminated by his death or by a judicial determination of his disability. Upon the death or a judicial determination of disability of a personal representative, any interested person (including a person indicated in the decedent's will as the successor personal representative to the deceased or disabled personal representative) may apply to the court for the appointment of a special administrator or successor

personal representative. Unless there is a surviving copersonal representative, the personal representative of a deceased personal representative or the person appointed to protect the estate of a personal representative under legal disability shall: (a) have the duty to protect property belonging to the estate that was being administered by the deceased or disabled personal representative; (b) have the power to perform acts necessary for the protection of property of such estate; (c) immediately apply to the Court for the appointment of a special administrator or successor personal representative to carry on the administration of the estate which was being administered by the deceased or disabled personal representative; and (d) immediately account for and deliver the property of such estate to a successor personal representative or special administrator. If the personal representative of a deceased personal representative or the person appointed to protect the estate of a personal representative under legal disability fails to account to and deliver the property belonging to the estate as required by this section, the Court may enter judgment against the estate of the deceased or the disabled personal representative and the deceased or disabled personal representative's surety.

"Section 20-525. Termination; resignation.

"A personal representative may resign by filing a written statement of resignation with the Register after giving at least 15 days written notice to all interested persons of intention to resign. If, within such 15 days, no one applies for the appointment of a successor personal representative or special administrator and no appointment is made, the resigning personal representative may apply to the Court for the appointment of a successor. Upon the appointment of such successor, the resigning personal representative shall immediately account for and deliver the property belonging to the estate to the successor personal representative or special administrator. The resignation of a personal representative shall be effective upon approval by the Court.

"Section 20-525. Termination; removal.

"(a) Cause for Removal. A personal representative shall be removed from office upon a finding by the Court that such representative: (1) misrepresented material facts in the proceedings leading to the appointment; (2) willfully disregarded an order of the Court; (3) is unable, for any reason, to discharge the duties and powers effectively; (4) has mismanaged property; or (5) has failed, with out reasonable excuse, to perform any material duty of such office: PROVIDED, That the Court may continue the personal

representative in office following a finding in accordance with paragraph (5) if the Court finds that such continuance would be in the best interests of the estate and would not adversely affect the rights of interested persons or creditors.

"(b) Hearing. The Court shall conduct a hearing prior to the removal of a personal representative. Such hearing may be held on the Court's own motion, on motion of the Register, or on the written petition of any interested person. The Register shall give notice of such hearing to all interested persons and the Court shall conduct the hearing within a reasonable time thereafter. Upon receipt of such notice, the personal representative may exercise only the powers of a special administrator, as provided in section 20-533.

"(c) Appointment of Successor. At the time of removal of a personal representative, the Court shall appoint a successor personal representative or a special administrator.

"(d) Duty of Removed Personal Representative. A personal representative who has been removed from office shall immediately account for and deliver the property belonging to the estate to the successor personal representative or special administrator.

"Section 20-527. Termination; change in proceeding.

"Upon a timely request for standard probate, a personal representative previously appointed shall have only the powers and duties of a special administrator until the appointment of a personal representative in the standard probate proceeding, subject to any order in the standard probate proceeding. Nothing in this section shall be construed to prohibit the reappointment of a person who was previously appointed in an abbreviated probate proceeding or a small estates proceeding.

"SUBCHAPTER IV.--SPECIAL ADMINISTRATOR

"Section 20-531. Appointment; qualifications.

"(a) Appointment. Upon the filing of a petition by an interested party, a creditor, or the Register, or upon the motion of the Court, the Court may appoint a special administrator: (1) when the appointment is necessary to protect property prior to the appointment and qualification of a personal representative; or (2) upon the termination of appointment of a personal representative and prior to the appointment of a successor personal representative.

"(b) Qualifications. The Court may appoint any suitable person as a special administrator. In making such appointment, the Court shall give special consideration to any person who is likely to be appointed as the personal

representative in accordance with section 20-303 and who is immediately available for appointment.

"Section 20-532. Bond.

"A special administrator shall satisfy the requirements of section 20-502 relating to the bond of a personal representative.

"Section 20-533. Powers and duties.

"A special administrator shall have the duty and all powers necessary to collect, manage, and preserve the property, in addition to any other duties and powers authorized by the Court. Upon the appointment of a personal representative, the special administrator shall account for the property of the decedent.

"Section 20-534. Termination of appointment.

"The appointment of a special administrator terminates either upon the appointment of a personal representative or in the same manner provided in subchapter III of this chapter for the suspension and termination of a personal representative.

"Chapter 7.--ADMINISTRATION OF THE ESTATE

"SUBCHAPTER I.--DUTIES OF PERSONAL REPRESENTATIVE; NOTICE OF APPOINTMENT TO HEIRS, LEGATEES, AND CREDITORS

"Section 20-701. Duties of personal representative; general; time for distribution of assets.

"(3) Fiduciary Responsibility. A personal representative is a fiduciary who, in addition to the specific duties expressed in this title, is under a general duty to settle and distribute the estate of the decedent in accordance with the terms of the will or laws relating to intestacy and this title as would a prudent person in such matters. Such representative shall use the authority conferred by this title, by the terms of the will, if any, by any order in proceedings to which such representative is party, and by the equitable principles generally applicable to fiduciaries, fairly considering the interests of all interested persons and creditors.

"(4) Time for Distribution. Unless the time of distribution is extended by the Court for good cause shown, the personal representative shall distribute all the assets of the estate in such representative's possession or control within 30 days of the approval of the final account.

"Section 20-702. Duties of personal representative; possession and control of estate.

"A personal representative has a right to and shall take possession or control of the decedent's estate: EXCEPT, That property in the possession of the person presumptively entitled to such property as heir or legatee shall be possessed by the personal representative only when such

possession is reasonably necessary for purposes of administration. When there is a request by a personal representative for delivery of any property possessed by the heir or legatee, it shall be presumed in any action against the heir or legatee for possession of such property, that the possession of the property by the personal representative is reasonably necessary for purposes of administration. The personal representative may maintain an action to recover possession of any property of the estate or to determine the title to any property of the decedent's estate.

"Sec. 20-703. Preferences; sale of estate property.

"Any interested person may move the Court to have a priority placed on the sale or transfer of any property of the estate, both real and personal, prior to the sale or transfer of that property. Upon the filing of such a motion, no sale or transfer of such estate property shall be undertaken by the personal representative until (1) all interested persons have been given notice by the personal representative of the motion; and (2) the Court, after a hearing, has determined the order in which certain property in the estate shall be sold or transferred.

"Section 20-704. Notice of appointment to interested persons, creditors and unknown heirs.

"(a) Within 20 days after appointment, the personal representative shall, unless notice has already been given under this subsection, publish a notice of the appointment in a newspaper of general circulation of the District of Columbia and any other publication the Court may order or provide by Rule once a week for 3 successive weeks. This notice shall announce the appointment and address of the personal representative and notify creditors of the estate to present their claims. The personal representative shall file with the Register a certification specifying the date and content of the published notice. The notice shall be substantially in the following form:

"To all persons interested in the estate  
of \_\_\_\_\_

"This is to give notice that the undersigned,  
\_\_\_\_\_, whose address is  
\_\_\_\_\_, was, on \_\_\_\_\_  
appointed personal representative of the estate of  
\_\_\_\_\_, who died on \_\_\_\_\_.  
(with) (without) a will.

"All persons having any objection to such appointment  
(or to the probate of the decedent's will) shall file an  
objection with the Register of Wills on or

before \_\_\_\_\_ (6 months from the date of the first publication of notice under this section).

"All persons having claims against the decedent shall present their claims to the undersigned or file their claims with the Register of Wills on or before 6 months from the date of the first publication of this notice.

"Any claim not so filed on or before such date, shall be unenforceable thereafter.

"Any person who is related to the decedent and who does not receive notice of this appointment by mail within 25 days shall so inform the Register of Wills including such person's name, address, and relationship to the decedent.

-----  
"Personal representative

"Date of first publication:

  
-----

"(b) Not later than 20 days after appointment, a personal representative (except when notice under this subsection has already been given) shall send by registered or certified mail to the heirs and legatees of the decedent, the text of the first newspaper notice of the appointment of such representative, and the following general information in a form developed by the Court:

(1) the typical duties of a personal representative in estate administration, including a description of the essential steps of estate administration;

(2) how fees for estate administration are determined in this jurisdiction and that the personal representative is to be provided as soon as feasible with an estimate of fees to be claimed against the estate;

(3) the rights of heirs and legatees, the assistance an heir or legatee may provide to the personal representative and the role of the Register. The personal representative shall certify to the Register that notices under this subsection have been given.

"(c) If a will is admitted to probate after notice has been given under subsections (a) and (b), the personal representative shall give notice of appointment or reappointment in the manner provided in subsections (a) and (b); EXCEPT, That ordinary mail may be substituted for registered or certified mail in accordance with section 20-103.

"Section 20-705. Filing revised and corrected documents.

"If a personal representative discovers that any document previously filed by such representative or by any predecessor personal representative is incomplete or erroneous in any material respect, such representative shall

promptly file a revised and corrected document with the Register, stating the correct information, if known:  
PROVIDED, HOWEVER, That statements contained in the petition for probate need not be revised or corrected if the incomplete or erroneous information will be reflected accurately in inventories or accounts later filed with the Register.

"SUBCHAPTER II.--INVENTORY AND APPRAISAL

"Section 20-711. Inventory; general.

"(a) Subject to the provisions of section 20-715, a personal representative shall, within 3 months of appointment, prepare a verified inventory of property owned by the decedent at the time of his death. The inventory shall: list each item of property, describe each item of property in reasonable detail, indicate the fair market value of each item of property on the date of the decedent's death, and indicate the type and amount of the encumbrances if any, for each item of property. The personal representative shall include the following items in the inventory of property:

"(1) real property;

"(2) tangible personal property, excluding (A) wearing apparel, other than furs and jewelry, and (B) food

for consumation by the family, and (C) family pictures, and (D) family Bibles;

"(3) corporate stocks;

"(4) debts owed to the decedent, including bonds and notes;

"(5) bank accounts, building association shares, savings and loan association accounts, and money;

"(6) debts owed to the decedent by the personal representative; and

"(7) any other interest in property, tangible or intangible, that passes by the terms of a valid will or the law of intestate succession.

"(c) Except as provided in section 20-731, the personal representative shall file with the Court the verified inventory with a certificate that there has been mailed or delivered to all interested persons, within the previous 15 days, a copy of the inventory or a notice that the inventory will be filed on or before a stated date.

"Section 20-712. Appraisal; general.

"(a) The fair market value of each item listed in the inventory, as of the date of death of the decedent, shall be determined by an appraisal. Except as specifically provided by this subsection, the personal representative shall use the standing appraisers or, for good cause shown, special

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appraisers. The personal representative may appraise the following items listed in section 20-711(a):

"(1) items listed in paragraphs (4), (5), and (6);  
and

"(2) items listed in paragraph (3) that are listed on any national or regional exchange or are sold in the over-the counter market for which bid and asked prices are regularly published.

"(3) An appraisal shall be in columnar form, shall describe generally each item that has been appraised, shall assign a value to each item that has been appraised, and shall be verified by the appraiser. A verification under this section shall certify that the appraiser has impartially valued the property described in the appraisal to the best of the appraiser's skill and judgment. Any appraisal not performed by the personal representative shall be delivered to the personal representative immediately upon completion and verification. The name and address of any appraiser shall be indicated on the inventory with the item or items appraised.

"(4) An appraisal fee shall be payable only to a person making an appraisal at the request of the personal representative.

"Section 20-713. Supplemental inventory; reappraisal.

"(a) Except as provided in section 20-731, the personal representative shall report to the Court any property discovered after the filing of the original inventory by filing a supplemental inventory. For each item of after-discovered property, the supplemental inventory shall satisfy the requirements of section 20-711(a) and shall be certified in accordance with subsection (c).

"(b) A personal representative shall have any item reappraised upon discovering that the original appraisal was erroneous or misleading. The personal representative shall file the reappraisal and certification required by subsection (c) with the Court.

"(c) A supplemental inventory or reappraisal filed with the Court shall be accompanied by a certification by the personal representative that there has been mailed or delivered to all interested persons within the previous 15 days a notice of the supplemental inventory or reappraisal.

**Section 20-714. Revision of inventory.**

"Any interested person may, at any time before the estate is closed, petition the Court for revision of any value assigned to any item in the inventory. Unless the personal representative has filed the petition, the Court shall hold a hearing on the petition. The Court may require such revision as it deems appropriate.

"Section 20-715. Inventory of successor personal representative.

"Except as provided in section 20-731, within 3 months of appointment, a successor personal representative shall either file a new inventory to replace the inventory filed by a previous personal representative or file a written consent to the items as listed and valued in such previous inventory.

"SUBCHAPTER III.--ACCOUNTING

"Section 20-721. Duty to account.

"Except as provided in section 20-731, a personal representative shall prepare verified written accounts of the management and distribution of the decedent's property at the times and in the manner prescribed in this subchapter. The personal representative shall file the account with a certificate that there has been mailed or delivered to all interested persons, within the previous 15 days, a copy of the account or a notice that the account will be filed on or before a stated date.

"Section 20-722. Initial account.

"A personal representative's initial account of the administration of the decedent's property shall contain:

"(a) the total value of property as shown in all inventories made prior to the date of the account;

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"(b) all receipts of the estate made prior to the date of the account;

"(c) each purchase, sale, lease, transfer, compromise, settlement, disbursement and distribution of assets of the estate, a description of each such transaction, and a statement of the amount by which it affects the amounts referred to in paragraphs (a) and (b); and

"(d) the value of any remaining assets in the possession or control of the personal representative.

**"Section 20-723. Subsequent accounts.**

"After an initial account has been rendered, subsequent accounts, whether filed by the same personal representative or by a successor, shall contain:

"(a) the value of any assets in the possession or control of the personal representative as shown in the previous account;

"(b) the value of assets as shown in any inventory made since the previous account;

"(c) all receipts of the estate since the date of the previous account;

"(d) each purchase, sale, lease, transfer, compromise, settlement, disbursement and distribution of assets since the previous account, a description of each

such transaction, and a statement of the amount by which it affects the amounts referred to in paragraphs (a), (b), and (c); and

"(e) the value of any remaining assets in the possession or control of the personal representative.

"Section 20-724. When to render accounts.

"(a) General. Except as provided in section 20-731, a personal representative shall render accounts:

"(1) within one year and one day of the first publication of notice pursuant to section 20-704;

"(2) within 9 months after the account referred to in paragraph (1) and within 9 months of each subsequent account until the filing of the final account or the termination of the personal representative's appointment;

"(3) upon termination of the personal representative's appointment, as provided in subchapter III of chapter 5; and

"(4) at such other times as may be ordered by the Court.

"(b) Extensions. Upon written application of the personal representative stating reasons for the request, the Court may, for good cause shown, extend the time for rendering an account to a specified date.

"Section 20-725. Failure to render account.

"A personal representative may be removed as provided in section 20-527 upon failure to file an account or the accompanying certificate as required by section 20-721.

"Section 20-726. Exceptions to account.

"Any interested person may file an exception to an account with the Register within 30 days of the filing of the account. Such person shall mail a copy of the exception to the personal representative.

"SUBCHAPTER IV. -- WAIVER OF INVENTORIES AND ACCOUNTS

"Section 20-731. Waiver of filing.

"(a) A personal representative shall be excused from filing with the Court the inventories required by sections 20-711 and 20-713, and the accounts required by sections 20-721, 20-722, and 20-723 if each heir or legatee is a personal or copersonal representative for the estate and each heir or legatee signs a written waiver filed with the Register. A waiver under this section shall state that the heirs or legatees are aware of their right to require the filing of inventories and accounts and of their right to revoke the waiver under subsection (b). Unless the will specifically provides otherwise, a trustee as legatee may authorize a waiver under this section.

"(b) Any heir or legatee, including a trustee as legatee, who has signed a waiver under subsection (a) may

require the filing of inventories and accounts as provided in subchapters II and III by filing a written demand with the Register within 7 days of sending the final account to interested persons.

"Section 20-732. Waiver of formal Court audit.

"(a) A personal representative shall be excused from a formal Court audit of the accounts required by sections 20-721, 20-722, and 20-723 if authorized by written waiver signed by each heir or legatee and filed with the Register. A waiver under this section shall state that the heirs or legatees are aware of their right to require a formal Court audit of accounts and of their right to revoke the waiver under subsection (c). Unless the will specifically provides otherwise, a trustee as legatee may authorize a waiver under this section.

"(b) Upon the filing of a waiver under this section, the Court shall conduct a cursory review to determine if the accounts appear regular on their face and are supported by reasonable documentation.

"(c) Any heir or legatee, including a trustee as legatee, who has signed a waiver under subsection (a), may require a formal Court audit of accounts by filing a written demand with the Register within 20 days of the approval of the final account under section 20-1301.

"Section 20-733. Right of heir or legatee.

"Nothing shall excuse a personal representative from the duty to mail or deliver inventories and accounts to each interested person as provided in sections 20-711, 20-713, and 20-721.

"SUBCHAPTER V.--POWERS OF PERSONAL REPRESENTATIVE

"Section 20-741. General powers.

"Except as otherwise validly limited by the will, this title, or by an order of Court, a personal representative may, in addition to any power or authority contained in the will and to any other common law or statutory power, properly:

"(a) take possession of and hold assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment;

"(b) receive assets from fiduciaries or other sources;

"(c) perform the decedent's contracts that continue as obligations of the estate, and execute and deliver such deeds or other documents under such circumstances as the contract may provide, unless the personal representative personally is a party by the terms of the contract;

"(d) satisfy written charitable pledges of the decedent, which by their terms survive the death of the decedent;

"(e) deposit funds for the account of the estate, including moneys received from the sale of other assets, in federally insured checking accounts, in federally insured interest-bearing accounts or in federally insured short-term loan arrangements, or in accounts or short-term investment trusts administered pursuant to or in compliance with the regulations of the United States Comptroller of the Currency, or agree to deposit any of the assets of the estate with any financial institution in such a manner that the assets cannot be withdrawn or transferred without (1) the written consent of the surety on the bonds or (2) an order of Court. Deposits under this subsection shall be made in financial institutions within the District of Columbia or in any state that permits personal representatives to make deposits in the District of Columbia;

"(f) vote stocks or other securities in person or by general or limited proxy;

"(g) hold a security in bearer form or in the name of a nominee, but, in such case, the personal representative

shall be liable for any act of the nominee in connection with the security so held;

"(h) obtain insurance to protect the property of the estate against damage, loss, and liability, and to protect the personal representative against liability to third persons;

"(i) effect a fair and reasonable compromise with any creditor or obligee;

"(j) pay taxes, assessments, and other expenses incident to the administration of the estate;

"(k) sell or exercise stock subscription, conversion or option rights; consent to or oppose, directly or through a committee or other agent, the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

"(l) pay the decedent's funeral expenses including the cost of burial sauce and a suitable tombstone or marker not exceeding \$750;

"(m) employ, for reasonable compensation, auditors, investment advisors, or other persons with special skills to advise or assist the personal representative in the performance of such representative's administrative duties;

"(n) prosecute or defend, or submit to arbitration actions, claims, or proceedings in any appropriate

jurisdiction for the benefit of the estate, including the commencement of any personal action that the decedent might have commenced;

"(c) continue unincorporated businesses or ventures in which the decedent was engaged at the time of death (1) in the same business form for a period of not more than 4 months after the representative's appointment if continuation is a reasonable means of preserving the value of the business including goodwill: PROVIDED, That the personal representative shall file a bimonthly statement of income and expenses and a balance sheet with the Register; and (2) throughout the period of administration if the business is incorporated after the death of the decedent in accordance with subsection (b).

"(d) incorporate businesses or ventures in which the decedent was engaged at the time of death if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate;

"(e) exercise options, rights, and privileges contained in any life insurance policy, annuity, or endorsement contract constituting property of the estate, including the right to obtain the cash surrender value, convert any such policy to any other type of policy, revoke any mode of

settlement, and pay any part or all of the premiums on any such policy or contract;

"(r) pay valid claims and distribute the estate as provided in this title;

"(s) release or terminate mortgages or security interests, if the obligation secured by the mortgage or security interest was fully satisfied during the decedent's lifetime or during the administration of the estate;

"(t) make partial distributions, in cash, in kind, or both, from time to time during the administration;

"(u) invest in, sell, exchange, or lease personal property; and borrow money for the purpose of protecting real or personal property (and pledge property as security for such loan);

"(v) terminate, sublet, or assign a leasehold estate of the decedent which was the decedent's actual residence; and

"(w) designate the personal representative on any document as an executor, if the decedent died testate, or as an administrator, if the decedent died intestate.

**"Section 20-742. Court order.**

"(a) A personal representative may at any time petition the Court for permission to act in any matter relating to the administration of the estate.

"(c) In order to invest in, sell, exchange, or lease real property, the personal representative shall obtain a Court order. The Court shall give this order upon certification by the personal representative that the penalty amount of the bond has been expended by an amount equal to the fair market value of the real estate as appraised pursuant to subchapter II of chapter 7. Adjustments to the expended penalty amount may be made by the Court after the proposed transaction.

"Section 20-743. Improper exercise of power; breach of fiduciary duty.

"If any personal representative's exercise of power concerning the estate is improper, such representative is liable for breach of fiduciary duty to interested persons for resulting damage or loss to the same extent as a trustee of an express trust. The exercise of power in violation of a Court order, or contrary to the provisions of the will may be a breach of duty. The rights of purchasers and others dealing with a personal representative are determined as provided in section 20-744 and are not necessarily affected by the fact that the personal representative breached a fiduciary duty in the transaction.

"Section 20-744. Protection of person dealing with personal representative.

"(a) In the absence of actual knowledge or of reasonable cause to inquire as to whether a personal representative is improperly exercising power a person dealing with a personal representative: (1) is not bound to inquire whether the personal representative is properly exercising power; and (2) is protected as if the personal representative properly exercised the power; and

"(b) A person is not bound to see to the proper application of estate assets paid or delivered to a personal representative.

"SUBCHAPTER VI.--CLAIMS BY PERSONAL REPRESENTATIVES AND ATTORNEYS

"Section 20-751. Compensation.

"(a) Reasonable compensation for work performed by a personal representative, special administrator or attorney with respect to administration of the estate pursuant to this title may be paid upon approval by the Court of a request filed as provided in subsections (c) through (q).

"(b) If a will provides a stated compensation for the personal representative, additional compensation may be paid if approved pursuant to subsections (c) through (q).

"(c) Each personal representative or special administrator shall submit a written request to the Court for compensation for services performed by such personal

representative or administrator or any attorney employed by either of them. This request shall be accompanied by verified documentation of the following:

"(1) the reasonable relationship of proposed compensation to the nature of the work performed;

"(2) a statement by any attorney employed by the personal representative that as soon as feasible the attorney gave to the personal representative an estimate of costs and any change in costs for work to be performed with respect to administration of the estate;

"(3) the reasonableness of the time spent, including the number of hours spent and the usual hourly compensation for the work performed;

"(4) the results achieved; and

"(5) a statement by the personal representative or special administrator that all of the time limitations imposed by the provisions of this act or by the Rules have been met, or, in the event that all of the time limitations were not met, the dates such compliance was due, the actual date of compliance and the reasons for delay.

"(d) At the time a request for compensation is submitted to the Court, the personal representative or special administrator shall send a copy of the request and the accompanying documentation by certified or registered mail

(return receipt requested) to all interested persons. The copy sent to an interested person shall also indicate the manner and time allotted for filing an exception under this section. The personal representative or special administrator shall file with the Register a certification specifying the date and content of this notice.

"(e) Within 20 days of mailing of this notice, interested persons may file with the Register a written exception to the request for compensation. The written exception shall include the grounds for contesting the request for compensation.

"(f) The Court shall consider the factors set forth in subsection (c), as well as any exception filed to the request for compensation, prior to authorizing such compensation.

"(g) Authorization and payment of compensation pursuant to this section may be made in whole or in part before or after the period for presentation of claims has expired but prior to approval of the final account.

**"Section 20-752. Expenses of estate litigation.**

"Without regard to the provisions of section 20-751, when a personal representative or a person nominated as personal representative defends or prosecutes in good faith and with just cause any proceeding relating to the

decedent's estate, whether successful or not, such personal representative shall be entitled to receive from the estate any necessary expenses and disbursements relating to such proceeding.

#### "CHAPTER IX.--CLAIMS

"Section 20-901. Claim not paid in normal course of administration.

"No proceeding to enforce a claim against a decedent's estate may be revived or commenced before the appointment of a personal representative. After appointment, and until the estate is closed, the procedures prescribed by this chapter shall be followed. After the estate is closed, a creditor whose claim has not been barred may recover directly from the persons to whom property has been distributed as provided in sections 20-1302 and 20-1303 or from a personal representative individually as provided in section 20-1303.

"Section 20-902. Effect of statute of limitations.

"Unless a contrary intent is expressly indicated in the will, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid. In an action against the estate of a deceased person, the interval between the death of the deceased and 6 months after the date of the first publication of notice of the appointment of a personal

representative (not to exceed 2 years) shall not be computed as a part of the period within which the action must be brought.

"Section 20-903. Limitation on presentation of claims against the estate.

"(a) Requirement of Presentation; Time; Limitation. Except as otherwise expressly provided by statute with respect to claims of the United States and the District of Columbia, (1) all claims against a decedent's estate, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract or other legal basis, shall be barred against the estate, the personal representative, and the heirs and legatees, unless presented within 6 months after the date of the first publication of notice of the appointment of a personal representative; and (2) all claims against the estate based on the conduct of or a contract with a personal representative shall be barred unless an action is commenced against the estate within 6 months of the date the claim arose.

"(b) Liens Not Affected. Nothing in this section shall affect or prevent any action or proceeding to enforce any mortgage, pledge, judgment, or other recorded or otherwise perfected security interest on property of the estate.

"(c) Action Instituted Before Death. Nothing in this section shall affect any action that was commenced against the decedent if the decedent had been duly served with process before death: PROVIDED, HOWEVER, That the personal representative shall not be personally liable on account of having paid a claim or distributed assets without taking into consideration claims prosecuted in accordance with his subsection if, at the time of payment or distribution (1) the personal representative had no actual knowledge of such claim, and (2) the claimant had not timely presented such claim in accordance with section 20-905.

"(d) Claims Covered by Insurance. Notwithstanding the provisions of this section, no claim that survives death shall be barred if: (1) the claimant commences an action against the estate within the period of limitations generally applicable to such causes of action; (2) the decedent was covered by a liability insurance policy at the time of the occurrence on which the claim is based; and (3) the subject matter of the claim is within the scope of that policy: PROVIDED, That in that cause of action recovery shall be limited to amounts payable under such liability insurance policy.

\*Section 20-904. Exempt assets.

"Where the decedent was the head of the family or a householder the property exempt under sections 15-501 through 15-503 shall continue to be exempt from all claims against the decedent.

"Section 20-905. Manner of presentation of claim.

"(a) A claimant shall present a claim against a decedent's estate by delivering or mailing, return receipt requested, a statement of the claim, verified in accordance with section 20-102:

"(1) to the personal representative with a copy to the Register; or

"(2) to the Register with a copy to the personal representative.

For purposes of presenting a claim within the 5 month time limits provided in section 20-903, a claim shall be deemed presented if inadvertently it is only sent either to the personal representative or to the Register pursuant to this section.

"(b) A statement of a claim shall state:

"(1) the name and address of the claimant;

"(2) the basis of the claim;

"(3) the amount claimed;

"(4) if the claim is not yet due, when the claim will become due;

"(5) if the claim is contingent, the nature of the contingency; and

"(6) if the claim is secured, a description of the security.

"(c) The Court may, in its discretion, disallow a claim, in whole or in part, if the claimant fails to comply with subsections (a) and (b) or with the personal representative's reasonable requests for additional information.

"Section 20-905. Order of payment.

"(a) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment in the following order:

"(1) funeral expenses, not exceeding \$750;

"(2) family allowance, not exceeding \$10,000;

"(3) claims for rent in arrears for which an attachment might be levied by law;

"(4) judgments and decrees of courts in the District of Columbia;

"(5) all other just claims.

"(b) No preference shall be given in the payment of any claim over any other claim of the same class. No preference shall be given to claims due and payable over claims not yet due.

"Section 20-907. Funeral expenses.

"Where an estate is solvent and the will expressly empowers a personal representative to pay funeral expenses in an amount left to the personal representative's discretion, then no allowance from the Court shall be required. In all other cases, the Court may allow, in its discretion, funeral expenses of the decedent in excess of \$750 according to the condition and circumstances of the decedent, but in no event shall such allowance exceed \$1,750.

"Section 20-908. Action on claims; remedy for failure to act.

"(a) For claims presented as provided in section 20-905 within the time limit prescribed by section 20-903, the personal representative shall mail a notice to each claimant stating (1) that the claim has been allowed in a stated amount; (2) that the claim has been disallowed in whole or in part and advising the claimant of the procedures and time limitations for contesting such disallowance; or (3) that the personal representative will petition the Court to determine whether the claim should be allowed. In allowing a claim, the personal representative may deduct any counterclaim that the estate has against the claimant. If the personal representative notifies a claimant of allowance

of a claim, the personal representative may rescind the allowance only within 5 months after the date of the first publication of notice of the appointment of a personal representative, but, in such case the personal representative shall notify the claimant of the extent of the rescission. If the claim is disallowed in whole or in part, the claim is forever barred to the extent of the disallowance unless the claimant files a verified complaint in the Court, not later than 60 days after the mailing of the notice disallowing the claim.

"(c) If no action is taken by the personal representative under subsection (a), the claimant may file a verified complaint in the Court.

"(c) Failure of a personal representative to respond to a presented claim shall in no way suspend the operation of any statute of limitation.

"Section 20-909. Payment of claim.

"(a) No later than 8 months from the date of the first publication of notice of the appointment of a personal representative, the personal representative shall, unless the Court extends the time for good cause shown, proceed to pay the claims allowed against the estate in the order of priority prescribed in section 20-905. Any person with a valid unbarred claim or with a valid unbarred judgment who

has not been paid may petition the Court for an order directing the personal representative to pay the claim to the extent that funds of the estate are available for such payment. If the Court extends the time for the personal representative to pay a claim under this subsection, the statutory limit for filing a suit on the claim shall be suspended during the extension of time plus 60 days.

"(a) The personal representative may, at any time, pay any just claim which has not been barred, with or without formal presentation, but the personal representative is personally liable to any other claimant whose claim is allowed and who is injured by such payment if:

"(1) the payment was made before the expiration of 5 months from the date of the first publication of notice of the personal representative's appointment and the personal representative failed to require the payee to give adequate security to refund any of the payment necessary to pay other claimants; or

"(2) the payment was made, due to the negligence or willful fault of the personal representative.

"Section 20-910. Meeting of creditors.

"A personal representative may convene, on a day designated by the Court, a meeting of all creditors whose claims have been duly presented pursuant to section 20-905.

The personal representative shall give written notice to all such creditors of the time, date, place and purpose of the meeting which shall be held not less than 10 days from the date of the notice. The Court shall deny or approve any claim in whole or in part at the meeting. The payment of any claim as approved by Court order shall hold harmless the personal representative acting in obedience to it, subject to any perfected appeal.

\*Section 20-911. Claim not yet due.

"Upon proof of an unsecured claim which will become due at some future time and which has not been compromised pursuant to section 20-741(i) or authority conferred by the will, the Court shall direct the investment of an amount which will provide for the payment of the claim when it becomes due or direct the payment of the claim. A creditor who holds security for an allowable claim due at some future time, may rely on such security under section 20-912 or may file the claim as an unsecured claim not yet due, with the right of withdrawing the claim prior to the taking of any action thereon, and, after such withdrawal, rely on such security rights as provided in section 20-912.

\*Section 20-912. Secured claim.

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"(a) A creditor having a secured claim who surrenders the security shall be paid on the basis of the full amount of the claim.

"(b) A creditor having a secured claim who does not surrender the security shall be paid on the basis of one of the following:

"(1) the full amount of the claim allowed less the amount realized upon exhausting the security, if the creditor, during the course of administration, exhausted the security before receiving payment; or

"(2) the full amount of the claim allowed, less the value of the security determined by agreement or by the Court, if the creditor did not exhaust, or did not at the time have the right to exhaust, such security.

"Section 20-913. Contingent claim.

"If a contingent claim becomes absolute before the distribution of the estate, it shall be paid in the same manner as an absolute claim. If the personal representative or claimant files a petition with the Court, the Court may provide for payment of uncompromised contingent claims as follows:

"(a) the Court may allow the payment of the claim in the same manner as an absolute claim, if the creditor and personal representative determine, by agreement, arbitration

or compromise, the value of the claim based upon its probable present worth;

"(b) the Court may order the personal representative to retain sufficient funds to pay the claim if the claim becomes absolute and to distribute the remainder of the estate;

"(c) the Court may order distribution of the estate without requiring the personal representative to retain sufficient funds to pay the claim. If such distribution is ordered and the claim becomes absolute, the distributees shall be liable to the extent of their portion of the estate and the Court may require the distributees to give bond for the satisfaction of their liability to the contingent creditor; or

"(d) the Court may order payment by another method.

**"Section 20-914. Execution and Levy prohibited.**

"No execution shall issue upon nor shall any levy be made against any property of the estate under any judgment against a decedent or a personal representative, but the provisions of this section shall not be construed to prevent the enforcement of mortgages, deeds of trust, pledges, liens, or other security interests upon property in an appropriate proceeding.

"CHAPTER 11.--SPECIAL PROVISIONS RELATING TO DISTRIBUTION  
"Section 20-1101. Renunciation; legatee or heir.

"(a) A person who is an heir or legatee may renounce, in whole or in part, the succession to any property or interest in property, if such person has not accepted possession as legatee or heir, by filing a written renunciation with the Register within 9 months of the date of the decedent's death. The person renouncing shall mail or deliver a copy of the renunciation to the personal representative. The renunciation shall: (1) describe the property or part of or interest in the property being renounced; (2) be signed by the person renouncing; and (3) declare the renunciation and the extent of the renunciation.

"(b) Unless the decedent or donee of a power of appointment has otherwise indicated by will, the interest renounced, and any future interest which is to take effect in possession or enjoyment at or after the termination of the interest renounced, passes as if the person renouncing had predeceased the decedent, or if the person renouncing is one designated to take pursuant to a power of appointment exercised by a testamentary instrument, as if the person renouncing had predeceased the donee of the power. In every case the renunciation relates back for all purposes to the date of death of the decedent or donee, as the case may be.

Creditors of the renouncing legatee or heir have no interest in the property renounced.

"Section 20-1102. Distribution in kind; valuation; method.

"Subject to the terms of any will and the needs of administration, the personal representative shall distribute the assets of a decedent's estate in kind to the extent possible through application of the following provisions:

"(a) A specific legatee shall receive distribution of the legacy given to such legatee;

"(b) Any family allowance, or legacy payable in money may be satisfied by value in kind provided;

"(1) the person entitled to the payment has not demanded payment in cash;

"(2) the property distributed in kind is valued at fair market value as of the date of its distribution; and

"(3) no residuary legatee has requested that the asset in question remain a part of the residue of the estate.

"(c) The residuary estate shall be distributed in kind when there is no objection to the proposed distribution and it is practicable to distribute undivided interests. In other cases, residuary property may be converted into cash for distribution.

"(d) After the probable claims against the estate are known, the personal representative may mail or deliver a proposal for distribution to all persons who have a right to object to the proposed distribution. The right of any such person to object to the proposed distribution terminates if such person fails to object in writing received by the personal representative within 30 days after mailing or delivery of the proposal.

"Section 20-1103. Distribution in kind; assignment, transfer and release of property.

"If distribution in kind is made, the personal representative shall, upon the request of the distributee, execute and deliver an instrument of distribution assigning, transferring, or releasing property to the distributee as evidence of the distributee's title to the property. Distribution of real property may be effected by quit claim deed. The personal representative shall pay all costs of deed recordation as a cost of administration of the estate. In addition to any other indexing, a deed distributed under this section shall be recorded among the land records as required by law and shall be indexed in the grantor index under the decedent's name.

"Section 20-1104. Distribution; effect.

"(a) Title of Distributees. Proof that a distributee has received an instrument or deed of distribution of assets in kind from the personal representative is conclusive evidence that the distributee has succeeded to the interest of the estate in the distributed assets, as against all interested persons, except that the personal representative shall recover the assets or their value if the distribution was improper in accordance with subsection (b).

"(b) Improper Distribution; Liability of Distributee. A distributee of property improperly distributed who has not disposed of the property shall return the property received to the personal representative unless the distribution can no longer be questioned because of adjudication or limitations. If a distributee has disposed of any property improperly distributed, such distributee shall be liable to the personal representative for the value of the property on the date of distribution or the date of disposition, whichever is lower, unless the distribution can no longer be questioned because of adjudication or limitations.

"(c) Purchasers from Distributees Protected. If property distributed in kind is sold to a purchaser for value by a distributee who has received an instrument or deed of distribution from the personal representative, the purchaser takes good title free of any claims of the estate

and incurs no personal liability to the estate. To be protected under this provision, a purchaser need not inquire whether a personal representative acted properly in making the distribution in kind.

"Section 20-1105. Petition for purpose of distribution.

"When two or more heirs or legatees are entitled to distribution of undivided interests in any property of the estate, the personal representative or one or more of the heirs or legatees may petition the Court, prior to the closing of the estate, to make partition. After notice to the heirs or legatees interested in the property being partitioned, the Court may partition the property, in accordance with the provisions of sections 15-2901 through 16-2925. The Court may direct the personal representative to sell any property which cannot be partitioned without prejudice to the owners and which cannot conveniently be allotted to any one party.

"Section 20-1106. Distribution to a minor.

"(a) If a personal representative is required to distribute assets of an estate to a minor and a guardian has been appointed for the minor, the personal representative shall make distribution either:

"(1) to the guardian if the guardian has filed with the Court copies of appointment as guardian and an

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order authorizing such guardian to receive such distribution  
authenticated pursuant to 28 U.S.C. sec. 1738; or

"(2) in accordance with the provisions of the will  
if the will provides for distribution on behalf of the minor  
to a person other than the judicially appointed guardian and  
the Court approves such distribution.

"(3) If a personal representative is required to  
distribute assets of an estate to a minor and a guardian has  
not been appointed for the minor, distribution shall be made  
as follows:

"(1) if the distributive share consists of money  
or personal property valued at \$1,000 or less, the personal  
representative may deliver such share to the custodian of  
the minor, designated by the Court;

"(2) if the distributive share consists of money,  
the personal representative may, in accordance with an order  
of the Court, deposit such money with a bank, trust company,  
savings and loan association, or federal savings and loan  
association approved by the Court in an account in the name  
of the minor. The money deposited may be withdrawn only in  
a manner approved by the Court;

"(3) if the distributive share consists of  
property included within the definition of custodial  
property in section 21-301(5) and if the Court approves, the

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personal representative may transfer such share to a custodian designated by the Court. Such custodian shall hold or dispose of the custodial property in accordance with sections 21-301 through 21-311;

"(4) if the distributive share consists of tangible personal property, the personal representative may distribute such share to a person designated by the Court under the conditions the Court deems appropriate;

"(5) if the distributive share consists of real property, the personal representative may make distribution in the name of the minor to a custodian designated by the Court. Until the minor attains the age of majority, the real property distributed may be sold only with the approval of the Court; or

"(6) if the Court approves, the personal representative may make distribution in accordance with the provisions of the will.

"(c) When a personal representative distributes assets in accordance with this section, the personal representative shall obtain a voucher, signed by the distributee, indicating receipt of the property distributed.

"Section 20-1107. Distribution to fiduciary for nonresident person under legal disability other than minority.

"If a fiduciary has been appointed for a nonresident person under a legal disability other than minority and if such fiduciary has filed copies of such appointment and an order authorizing such fiduciary to receive such distribution authenticated pursuant to 28 J.S.C. sec. 1738, the personal representative may distribute the disabled person's share of an estate to such fiduciary.

"Chapter 13.--CLOSING THE ESTATE

"Section 20-1301. Termination of appointment.

"The approval of the final account shall automatically close the estate, and if the final account so requests and the Court approves, shall terminate the appointment of the personal representative. If the appointment is not terminated by the final account, a personal representative may, later petition the Court for an order terminating such appointment as personal representative. The personal representative shall mail or deliver notice of such petition to all residuary legatees, if the decedent died testate, or heirs, if the decedent died intestate, and to any creditors who have presented their claims but not been paid in full. The Court shall hold a hearing on the petition if any person receiving notice files, within 20 days of the receipt of such notice, a written request for a hearing with the Court. After a hearing or, if no hearing is requested, after the

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expiration of the 20 days, the Court may enter an order terminating the appointment of the personal representative.

"Section 20-1302. Liability of heir or legatee to creditor.

"After an estate has been closed, a claim not barred may be brought against one or more of the persons to whom property has been distributed. An heir or legatee shall not be liable to claimants for any amount in excess of the value of the property distributed to such heir or legatee, valued at the time of distribution or the time of filing suit, whichever is lower. An heir or legatee shall have a right of contribution against other heirs or legatees and, as between them, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied before distribution.

"Section 20-1303. Limitations.

"(a) Proceedings against Personal Representative.  
Unless otherwise barred, any claim of personal liability against a personal representative, except for fraud, shall be barred one year from the date of distribution of all the assets and satisfaction of all known claims against the estate.

"(b) Claims against Heirs and Legatees.

"(1) Except as otherwise provided in section 20-1302, the right of any person seeking to recover improperly

distributed property or its value from any person to whom property has been distributed shall be barred one year from the date of distribution of all the assets of the estate and satisfaction of all known claims against the estate.

"(2) Where an action or proceeding is commenced against the personal representative within the time prescribed in subsection (a), the right of the personal representative to seek recovery pursuant to paragraph (1) shall not be barred earlier than 3 months following the commencement of the action or proceeding.

"(3) Nothing in this subsection shall bar the recovery of property or its value that was received as the result of the distributee's participation in a fraudulent distribution.

"Section 20-1304. Subsequent administration.

"If property is discovered after an estate has been closed and the appointment of the personal representative has been terminated pursuant to section 20-1301, the Court, upon petition of any interested person and upon such notice as it may direct, may appoint the same or a successor personal representative and make any other appropriate order. Any further proceedings shall be conducted pursuant to the applicable provisions of this title but no claim

previously barred may be asserted in the subsequent administration.

"Section 20-1305. Confirmatory acts.

"Nothing in this title shall be deemed to affect the authority of a personal representative to perform ministerial or confirmatory acts after an estate is closed or the appointment of the personal representative is terminated.".

TITLE II -- Amendments

Sec. 201. Chapter 23 of title 20 of the District of Columbia Code (relating to estates of absentees and absconders) is transferred to title 21 of the District of Columbia Code and redesignated as chapter 19, and sections 20-2301 through 20-2315 are renumbered as sections 21-1901 through 21-1915, inclusive.

Sec. 202. Chapter 3 of title 12 of the District of Columbia Code is amended as follows:

- (a) by striking "and the granting of letters testamentary or of administration" in section 12-305 and inserting the phrase "and 6 months after the date of the first publication of notice of the appointment of a personal representative under section 20-704" in lieu thereof; and
- (b) by striking section 12-305.

Sec. 203. Title 18 of the District of Columbia Code is amended as follows:

- (a) the title heading for title 18 is amended to read: "WILLS";
- (b) section 18-302 is repealed; and
- (c) chapter 5 of title 18 is repealed.

Sec. 204. Title 19 of the District of Columbia Code is amended as follows:

- (a) Section 19-101(a) is amended by striking "\$2.500" and inserting in lieu thereof "\$10.000" and by striking "\$500" and inserting in lieu thereof "\$750".
- (b) Section 19-301 is amended by striking subsection (b) and the designation "a".
- (c) Section 19-315 is amended by striking the phrase "illegitimate children" whenever it appears and inserting the phrase "children born out of wedlock" in lieu thereof.

Sec. 205. Section 2 of title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 580; D.C. Code, sec. 40-102(d)) is amended by striking the words following the word "nominee" in the fifth sentence and inserting a period in lieu thereof.

Sec. 206. Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (75 Stat. 11;

D.C. Code, sec. 45-722) is amended by adding the following new section at the end thereof:

"10. Deeds of personal representatives of decedents, acting under the provisions of title 20, transferring to a distributee without additional consideration real property of a decedent.".

Sec. 207. An Act To establish a code of law for the District of Columbia, approved March 3, 1901, (31 Stat. 1189; D.C. Code, secs. 25-101 to 416) is amended as follows:

(a) Section 721 (D.C. Code, sec. 26-309) is amended by striking the phrase "executor, administrator, collector of estate or property of any decedent," and inserting the phrase "personal representative, special administrator," in lieu thereof.

(b) Section 722 (D.C. Code, sec. 26-310) is amended by striking the phrase "administrator, collector," wherever it appears and inserting the phrase "personal representative, special administrator," in lieu thereof.

(c) Section 723 (D.C. Code, sec. 26-311) is amended by striking the phrase "executor, administrator, collector," and inserting the phrase "personal representative, special administrator," in lieu thereof.

(d) Section 724 (D.C. Code, sec. 26-312) is amended by striking the phrase "administrator, collector," and

inserting the phrase "personal representative, special administrator," in lieu thereof.

(e) Section 728 (D.C. Code, sec. 20-316) is amended by striking the phrase "administrator, executor," and inserting the phrase "personal representative."

(f) Section 742 (D.C. Code, sec. 26-330) is amended by striking the phrase "executor, administrator," wherever it appears and inserting the phrase "personal representative," in lieu thereof.

(g) Section 745 (D.C. Code, sec. 26-333) is amended as follows:

(1) by striking the phrase "executor, or administrator with or without the will annexed, collector," and inserting the phrase "personal representative, special administrator,";

(2) by striking the phrase "executor, administrator, collector," and inserting the phrase "personal representative, special administrator," in lieu thereof.

(h) Section 746 (D.C. Code, sec. 26-334) is amended by striking the phrase "executor, administrator with or without the will annexed, collector," wherever it appears and inserting the phrase "personal representative, special administrator," in lieu thereof.

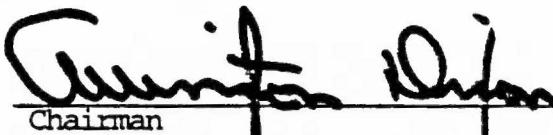
### TITLE III--SEVERABILITY

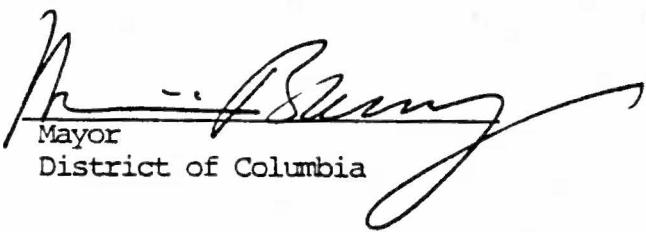
Sec. 301. If any provision of this act, or application thereof, to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

### TITLE IV--EFFECTIVE DATE

Sec. 401. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).

Sec. 402. This act shall apply only to an estate of a decedent who died on or after January 1, 1981.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED: May 7, 1980

## COUNCIL OF THE DISTRICT OF COLUMBIA

## RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: Bill 3-91

ACTION: To Adopt (4-1-80) First Reading

 VOICE VOTE: By Majority

Absent: Jarvis and Winter

 ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	ABST.	COUNCIL MEMBER	AYE	NAY	N.V.	ABST.	COUNCIL MEMBER	AYE	NAY	N.V.	ABST.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WTTLSON				
HARDY					RAY									
JARVIS					ROTARY									

X - Absentee Vote      A - Present      N. V. - Non Voting

CERTIFICATION OF RECORD


  
John P. Brown  
Secretary to the Council

ACTION: To Adopt (4-22-80) Final Reading

 VOICE VOTE: Unanimous

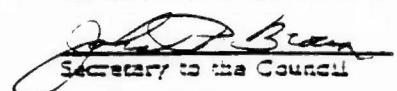
Absent: All Present

 ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	ABST.	COUNCIL MEMBER	AYE	NAY	N.V.	ABST.	COUNCIL MEMBER	AYE	NAY	N.V.	ABST.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WTTLSON				
HARDY					RAY									
JARVIS					ROTARY									

X - Absentee Vote      A - Present      N. V. - Non Voting

CERTIFICATION OF RECORD


  
John P. Brown  
Secretary to the Council

ACTION:

 VOICE VOTE:

Absent:

 ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	ABST.	COUNCIL MEMBER	AYE	NAY	N.V.	ABST.	COUNCIL MEMBER	AYE	NAY	N.V.	ABST.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WTTLSON				
HARDY					RAY									
JARVIS					ROTARY									

X - Absentee Vote      A - Present      N. V. - Non Voting

CERTIFICATION OF RECORD

Secretary to the Council