

**RULE 10. [Reserved]**

- Rule
- 10.1. [Reserved].
- 10.2. [Reserved].

**Source**

The provisions of this Rule 10 amended April 26, 1979, effective August 1, 1979, 9 Pa.B. 1514, unless otherwise noted.

**Rule 10.1. [Reserved].**

**Source**

The provisions of this Rule 10.1 adopted April 26, 1979, effective August 1, 1979, 9 Pa.B. 1514; amended October 16, 2006, effective 30 days from the date of entry of this order, 36 Pa.B. 6760; reserved December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial page (323257).

**Rule 10.2. [Reserved].**

**Source**

The provisions of this Rule 10.2 adopted April 26, 1979, effective August 1, 1979, 9 Pa.B. 1514; reserved December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial page (323257).

**CHAPTER X. REGISTER OF WILLS**

- Rule
- 10.1. Forms.
- 10.2. Petition Practice.
- 10.3. Hearings.
- 10.4. Appeals from the Register of Wills.
- 10.5. Notice to Beneficiaries and Intestate Heirs.
- 10.6. Status Report by Personal Representative.

**Source**

The provisions of this Chapter X adopted December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098, unless otherwise noted.

**Rule 10.1. Forms.**

The forms approved by the Supreme Court for statewide practice before the Register as set forth in the Appendix shall be used. No other forms shall be allowed or required by local rule or practice in such instances.

**Note:** Rule 10.1 is new, but is derived from former Rule 10.1.

**Explanatory Comment:** Rule 10.1 has been modified from former Rule 10.1 by now mandating the exclusive use of statewide forms promulgated by the Supreme Court. *See* Rule 1.8.

### **Rule 10.2. Petition Practice.**

When a matter requires the Register to exercise discretion or decide an issue of fact or law, the pleading and practice shall conform as near as practical to the practice and procedure before the court as provided by Chapter III of these Rules and 20 Pa.C.S. § 906 (relating to caveats). The Register may issue a citation if appropriate and may require a party to prepare the form of citation. Service of citations issued by the Register shall be the responsibility of the party requesting the issuance of the citation.

**Note:** Rule 10.2 is new.

### **Rule 10.3. Hearings.**

(a) Evidentiary hearings before the Register shall be recorded by stenographic or electronic means when directed by the Register or requested by an interested party, the cost of which shall be allocated as directed by the Register.

(b) The Register may issue subpoenas to compel attendance at evidentiary hearings as provided in 20 Pa.C.S. § 903(1).

(c) The Pennsylvania Rules of Evidence shall apply in all evidentiary hearings before the Register.

(d) The Register may require parties to submit memoranda and/or proposed findings of fact and conclusions of law.

(e) The Register shall promptly decide the matter at issue by written order or decree. The order or decree may, but need not, contain a brief opinion or recitation of relevant facts and legal conclusions as found by the Register.

**Note:** Rule 10.3 is new.

**Explanatory Comment:** In any matter, the Register or the Register's designee may hold an informal conference to narrow or define the issues, consider the necessity or desirability of amendments to the pleadings, obtain admissions of fact and stipulations as to documents, or to otherwise aid in the disposition of the matter.

### **Rule 10.4. Appeals from the Register of Wills.**

Appeals to the court from an order or decree of the Register shall be by petition and governed by Chapter III of these Rules and any applicable local rules.

**Note:** Rule 10.4 is new, but is derived from former Rule 10.2.

**Rule 10.5. Notice to Beneficiaries and Intestate Heirs.**

(a) Within three (3) months after the grant of letters, the personal representative to whom original letters have been granted or the personal representative's counsel shall send a written notice of estate administration in the form approved by the Supreme Court to:

- (1) every person, corporation, association, entity or other party named in decedent's will as an outright beneficiary whether individually or as a class member;
- (2) the decedent's spouse and children, whether or not they are named in, or have an interest under, the will;
- (3) where there is an intestacy in whole or in part, to every person entitled to inherit as an intestate heir under Chapter 21 of Title 20;
- (4) the appointed guardian of the estate, parent or legal custodian of any beneficiary who is a minor;
- (5) the appointed guardian of the estate or, in the absence of such appointment, the institution or person with custody of any beneficiary who is an adjudicated incapacitated person;
- (6) the Attorney General on behalf of any charitable beneficiary (i) which is a residuary beneficiary, including as a beneficiary of a residuary testamentary trust; (ii) whose legacy exceeds \$25,000; or (iii) whose interest in a legacy will not be paid in full;
- (7) the Attorney General on behalf of any governmental beneficiary;
- (8) the trustee of any trust which is a beneficiary; and
- (9) such other persons and in such manner as may be required by local rule.

(b) A "beneficiary" shall be deemed to include any person who may have an interest by virtue of the Pennsylvania anti-lapse statute, 20 Pa.C.S. § 2514.

(c) Notice shall be given by personal service or by first-class, prepaid mail to each person and entity entitled to notice under subparagraph (a)(1)—(9) whose address is known or reasonably available to the personal representative.

(d) Within ten (10) days after giving the notice required by paragraph (a) of this Rule, the personal representative or the personal representative's counsel shall file with the Register a certification that notice has been given as required by this Rule.

(e) Upon the failure of the personal representative or the personal representative's counsel to file the certification on a timely basis, the Register shall, after ten (10) days subsequent to providing written notice to the delinquent personal representative and his counsel, notify the court of such delinquency.

(f) This Rule shall not alter or diminish existing rights or confer new rights.

(g) The Register shall deliver a copy of Rule 10.5 and the forms of notice and certification approved by the Supreme Court to each personal representative not represented by counsel at the time letters are granted.

**Note:** Rule 10.5 is substantively identical to former Rule 5.6, except that subparagraph (d) of this Rule no longer prohibits the Register from charging a fee for filing this certification. The form of notice and certification of notice required by Rule 10.5 is set forth in the Appendix. Subparagraph (e) of this Rule is not intended to limit the inherent power of the court to impose sanctions upon a delinquent personal representative or counsel.

**Explanatory Comment:** It is not the intention of this Rule to require notice beyond the degree of consanguinity entitling a person to inherit under Chapter 21 of Title 20.

**Rule 10.6. Status Report by Personal Representative.**

(a) *Report of Uncompleted Administration.* If administration of an estate has not been completed within two years of the decedent's death, the personal representative or counsel shall file at such time, and annually thereafter until the administration is completed, a report with the Register showing the date by which the personal representative or his, her, or its counsel reasonably believes administration will be completed.

(b) *Report of Completed Administration.* Upon completion of the administration of an estate, the personal representative or his, her or its counsel shall file with the Register a report showing:

- (1) completion of administration of the estate;
- (2) whether a formal Account was filed with the Orphans' Court;
- (3) whether a complete Account was informally stated to all parties in interest;
- (4) whether final distribution has been completed; and
- (5) whether approvals of the Account, receipts, joinders and releases have been filed with the clerk.

(c) *Form of Status Report.* The report required by this Rule shall be in the form approved by the Supreme Court.

(d) *Copy of Rule.* Upon the grant of letters, the Register shall give a copy of Rule 10.6 to each personal representative not represented by counsel.

(e) *Failure to File a Status Report.* After at least ten (10) days subsequent to providing written notice to a delinquent personal representative and counsel, the Register shall inform the court of the failure to file the report required by this Rule with a request that the court conduct a hearing to determine what sanctions, if any, should be imposed.

**Note:** Rule 10.6 is based upon former Rule 6.12, except that this Rule no longer includes former subparagraph (d) that prohibited the Register from charging a fee for filing the status report. The form of status report required by Rule 10.6 is set forth in the Appendix.

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