

Rule 1.3. Forms

The Supreme Court hereby adopts forms for practice and procedure before the Registers of Wills and Orphans' Court Divisions of this Commonwealth which shall be acceptable in all jurisdictions in addition to forms otherwise approved or mandated for use pursuant to local rules. These forms for statewide practice are set forth in an Appendix to these rules. The forms may be revised and supplemented from time to time. The forms shall also be maintained for public access at a website designated by the Supreme Court.

Committee Comment – 2006: A number of forms previously recommended by the Committee for use before the Register of Wills, but not formally adopted by the Court, had appeared following Rule 10.1. Most of those forms have now been consolidated or revised and set forth in the Appendix hereto. However, certain forms have been deleted because they are properly generated by the Register of Wills rather than counsel. The forms formerly set forth in the body of Rules 5.7, 6.12, 14.5, 16.11 and 16.12, some with minor revisions, have been moved to the Appendix as well. In addition, a number of new forms for use in the Orphans' Court have been adopted by the Court. The current website for electronic access to the forms is found at <http://www.aopc.org./Index/Forms/IndexForms.asp>. The forms posted on the website are capable of on-line completion.

Rule 5.5. Charities; Notice to the Attorney General

Explanatory Note:

Committee Comment – 2006: See Appendix for form of notice under Rule 5.5.

Rule 5.6. Notice to beneficiaries and intestate heirs

(a) Requirement of Notice. 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 [set forth in Rule 5.7] 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 the Probate, Estate and Fiduciaries Code;
- (4) the appointed guardian of the estate, parent or legal custodian of any beneficiary who is a minor child under the age of eighteen (18) years;
- (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 whose interest exceeds \$25,000 or which 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 any local rule of court.

(b) Definition of Beneficiary. "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) Manner of Notice. Notice shall be given by personal service or by first-class, prepaid mail to each person and entity entitled to notice under subdivision (a)(1)–(9) whose address is known or reasonably available to the personal representative.

(d) Certification of Notice. Within ten (10) days after giving the notice required by subdivision (a) of this Rule, the personal representative or the personal representative's counsel shall file with the Register or Clerk a certification [in the form set forth in Rule 5.7(b)] that notice has been given as required by this Rule. No fee shall be charged by the Register or Clerk for filing the certification required by this subdivision.

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

Explanatory Note: The 1998 amendment to subdivision (e) is not intended to limit the inherent power of the Court to impose sanctions upon a delinquent personal representative or counsel.

(f) Effect of Notice. This Rule shall not alter or diminish [or confer] existing rights or confer new rights.

(g) Copies of Rule. The Register shall deliver a copy of Rule[s] 5.6 [and 5.7] and the forms of notice and certification approved by the Supreme Court to each personal representative and counsel at the time letters are granted.

Explanatory Note: It is not the intention of the Rule to require notice beyond the degree of consanguinity entitling a person to inherit under Chapter 21 of the Probate, Estates and Fiduciaries Code.

Committee Comment – 2006: The form of notice and certification of notice required by Rule 5.6 and formerly set forth in Rule 5.7 have been revised and moved to the Appendix. Subparagraph (f) has been restated to correct a typographical error in the prior version of the rule.

Rule 5.7. Form of notice and certification of notice to beneficiaries and intestate heirs Repealed

[(a) Form of Notice to Beneficiaries and Intestate Heirs.

IMPORTANT NOTICE

NOTICE OF ESTATE ADMINISTRATION

THIS NOTICE DOES NOT MEAN THAT YOU WILL RECEIVE ANY MONEY OR PROPERTY FROM THIS ESTATE OR OTHERWISE.

Whether you will receive any money or property will be determined wholly or partly by the decedent's will. If the decedent died without a will, whether you will receive any money or property will be determined by the intestacy laws of Pennsylvania.

BEFORE THE REGISTER OF WILLS, COUNTY OF _____,
PENNSYLVANIA

In re Estate of _____, deceased,

No. _____ of _____

TO: _____

(Name and Address)

Please take notice of the death of decedent and the grant of letters to the personal representative(s) named below.

The Decedent _____, died on the _____ day of _____, 19____, at _____ County, Pennsylvania.

The Decedent died testate (with a Will); or

The Decedent died intestate (without a Will).

The personal representative of the Decedent is _____ (name, address and telephone number).

If the Decedent died testate, the will has been filed with the Office of the Register of Wills of _____ County (address and telephone number).

If the Decedent died intestate, a Petition for the Grant of Letters of Administration was filed with the Office of the Register of Wills of _____ County (address and telephone number).

A copy of the Will or Petition may be obtained by contacting the Register of Wills and paying the charges for duplication.

Date: _____

Signature

Name

Address

Telephone ()

Capacity

Personal Representative

Counsel for Personal Representative

(b) Form of Certification of Notice.

CERTIFICATION OF NOTICE UNDER RULE 5.6(A)

Name of Decedent:

Date of Death:

Will No. Adm. No.

To the Register:

I certify that notice of estate administration required by Rule 5.6(a) of the Orphans' Court Rules was served on or mailed to the following beneficiaries of the above-captioned estate on:

Name Address

Notice has now been given to all persons entitled thereto under Rule 5.6(a) except

Date: _____ Signature
Name
Address
Telephone ()
Capacity Personal Representative
Counsel for Personal Representative]

Committee Comment – 2006: The form of notice and certification of notice required by Rule 5.6 and formerly set forth in Rule 5.7 have been revised and moved to the Appendix.

Rule 6.9. Statement of proposed distribution

(a) A fiduciary filing an account shall file a statement of proposed distribution, or, as local rules may prescribe, a request that distribution be determined by the court or an auditor.

(b) The statement of proposed distribution shall be filed at such place and time, shall be in such form and shall be accompanied by such papers, and shall be advertised or such notice thereof shall be given [as local rules shall prescribe], as prescribed by rules adopted by the Supreme Court or, in the absence thereof, the local Orphans' Court Division.

Committee Comment – 2006: Form petitions for adjudication of a decedent's estate, trust, guardianship of an incapacitated person, guardianship of a minor and estate of a principal to be stated by an agent under a power of attorney have been adopted and appear in the Appendix.

Rule 6.12. 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 of Wills showing the date by which the personal representative or 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 of Wills 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 of the Orphans' Court.

(c) Form of report. The report required by this Rule shall be in substantially the [prescribed] form adopted by the Supreme Court.

(d) No fee. No fee shall be charged for filing the report required by this Rule.

(e) Copy of rule. Upon the grant of letters, the Register shall give a copy of this Rule to each personal representative and his, her or its counsel.

(f) Failure to file a report. After at least ten (10) days prior notice to a delinquent personal representative and counsel, the Clerk of the Orphans' Court 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.

[STATUS REPORT UNDER RULE 6.12

Name of Decedent: _____

Date of Death: _____

Will No. _____ Admin. No. _____

Pursuant to Rule 6.12 of the Supreme Court Orphans' Court Rules, I report the following with respect to completion of the administration of the above-captioned estate:

1. State whether administration of the estate is complete:

Yes ___ No. ___

2. If the answer is No, state when the personal representative reasonably believes that the administration will be complete: _____

3. If the answer to No. 1 is Yes, state the following:

a. Did the personal representative file a final account with the Court?

Yes ___ No ___

b. The separate Orphans' Court No. (if any) for the personal representative's account is:

c. Did the personal representative state an account informally to the parties in interest? Yes ___ No. ___

d. Copies of receipts, releases, joinders and approvals of formal or informal accounts may be filed with the Clerk of the Orphans' Court and may be attached to this report.

Date: _____

Signature

Name (Please type or print)

Address

() _____

Tel. No.

Capacity: _____ Personal Representative
_____ Counsel for personal representative]

Committee Comment – 2006: The form of status report has been revised and moved to the Appendix.

Rule 10.1. Procedure and forms

The practice, procedure and forms used before a Register of Wills shall be in substantial conformity with the practice, procedure and forms approved by the Supreme Court of this Commonwealth or, in the absence thereof, the practice, procedure and forms approved by the local Orphans' Court Division.

[*Explanatory Note:* The Committee has prepared and filed currently herewith recommended forms.]

Committee Comment – 2006: The forms adopted by the Supreme Court appear in the Appendix. The forms previously recommended by the Committee, which followed Rule 10, have been revised. Certain forms previously recommended by the Committee, but which are generated by the Register of Wills instead of counsel, have been eliminated.

Rule 14.2. Adjudication of incapacity and appointment of a guardian of the person and/or estate of an incapacitated person

A petition to adjudicate incapacity shall meet all requirements set forth at 20 Pa.C.S. § 5511. A citation and notice in the form [set forth in Rule 14.5] approved by the Supreme Court shall be attached to and served with a petition. The procedure for

determination of incapacity and for appointment of a guardian shall meet all requirements set forth at 20 Pa.C.S. § 5512 and 5512.1.

Committee Comment – 2006: The form of citation and notice formerly found in the body of Rule 14.5 has been moved to the Appendix.

Rule 14.5. Form of citation and notice

The citation and notice to be attached to and served with a petition for adjudication of incapacity and appointment of guardian shall be substantially in the [following] form[:] approved by the Supreme Court.

[COURT OF COMMON PLEAS
OF _____ COUNTY,
PENNSYLVANIA
ORPHANS' COURT DIVISION
TO _____

IMPORTANT NOTICE
CITATION WITH NOTICE

A petition has been filed with this Court to have you declared an Incapacitated Person. If the Court finds you to be an Incapacitated Person, your rights will be affected, including your right to manage money and property and to make decisions. A copy of the petition which has been filed by _____ is attached.

You are hereby ordered to appear at a hearing to be held in Courtroom No. ____, ____, Pennsylvania, on ____ at ____ M. to tell the court why it should not find you to be an Incapacitated Person and appoint a Guardian to act on your behalf.

To be an Incapacitated Person means that you are not able to receive and effectively evaluate information and communicate decisions and that you are unable to manage your money and/or other property, or to make necessary decisions about where you will live, what medical care you will get, or how your money will be spent. At the hearing, you have the right to appear, to be represented by an attorney, and to request a jury trial. If you do not have an attorney, you have the right to request the Court to appoint an attorney to represent you and to have the attorney's fees paid for you if you cannot afford to pay them yourself. You also have the right to request that the Court order that an independent evaluation be conducted as to your alleged incapacity.

If the Court decides that you are an Incapacitated Person, the Court may appoint a Guardian for you, based on the nature of any condition or disability and your capacity to make and communicate decisions. The Guardian will be of your person and/or your money and other property and will have either limited or full powers to act for you.

If the Court finds you are totally incapacitated, your legal rights will be affected and you will not be able to make a contract or gift of your money or other property. If the Court finds that you are partially incapacitated, your legal rights will also be limited as directed by the Court.

If you do not appear at the hearing (either in person or by an attorney representing you) the Court will still hold the hearing in your absence and may appoint the Guardian requested.

By: _____

Clerk, Orphans' Court]

[Explanatory Note: Rule 14.5 prescribes the form of the uniform citation and notice to be served with a petition for adjudication of incapacity and appointment of guardian as required by Section 5511 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. §5511.

The rule is part of an ongoing process by which all existing subdivisions of Rule 14 are being revised to reflect current requirements.]

Committee Comment – 2006: The form of citation and notice formerly found in the body of Rule 14.5 has been moved to the Appendix.

Rule 16.5. Application, Contents, Form of Verification, Assistance in Preparation

(a) The application shall set forth the following:

(1) the initials of the applicant;

(2) the age of the applicant;

(3) the names and addresses of each parent, guardian or, if the petitioner is a minor whose parents are deceased and no guardian has been appointed, any other person standing in loco parentis to the applicant;

[Explanatory Note: The names and addresses may be included in the separate unsworn verifications, form of which is provided by Rule 16.12, which shall be incorporated by reference in the application.]

(4) a statement that the applicant has been fully informed of the risks and consequences of the abortion;

(5) a statement whether the applicant is of sound mind and has sufficient intellectual capacity to consent to the abortion;

(6) a prayer for relief asking the court to enter an order authorizing a physician to perform an abortion upon applicant;

(7) an unsworn verification by the applicant stating that the information therein is true and correct and that the applicant is aware that any false statements made in the application are [punishable by law] subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities. [The verification may be substantially in the form prescribed by subdivision (b)]; and

(8) the signature of the applicant, which may consist of the applicant's initials.

[*Explanatory Note*: See Rule 16.11 and Rule 16.12 for a suggested form of application when the applicant is a minor.]

[(b) The verification required by subdivision (a)(7) may be substantially in the following form.

I verify that the statements made in this application are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of Section 4904 of the Crimes Code, 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.]

[(c)] (b) Where necessary to serve the interest of justice, the court shall refer the applicant to the appropriate personnel for assistance in preparing the application.

Committee Comment – 2006: The form of unsworn verification previously found in subdivision (b) has been deleted. This unsworn verification required by subdivision (a)(7) is the standard form of verification made subject to the penalties of Section 4904 of the Crimes Code, 18 Pa.C.S. § 4904.

Forms formerly found in Rule 16.11 and 16.12 for applications and separate unsworn verifications by minors have been moved to the Appendix.

Rule 16.10. Form; Generally

The form of application by a minor and form of separate unsworn verification shall be prepared and filed in substantial conformity with [:(i) The forms set forth in Rules 16.11 and 16.12; or (ii)] the forms approved by the [local court – whichever the minor shall elect] Supreme Court.

CONFIDENTIAL VERIFICATION

1. I, ___(initials only), am the applicant in a separate application for an abortion under Section 3206 of the Abortion Control Act.

2. The name and address of each of my parents, guardian or person standing in loco parentis is as follows (Please print):

_____	_____	_____
Father's Name	Mother's Name	Guardian's Name
_____	_____	_____
Street	Street	Street
_____	_____	_____
City, State	City, State	City, State

3. I verify that the statements made in the separate application and in this unsworn verification are true and correct to the best of my personal knowledge or information and belief.

I understand that false statements herein are made subject to penalties of Section 4904 of the Crimes Code, 19 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Applicant's Signature
(Initials may be used as signature)

Applicant's Date of Birth

Date]

Committee Comment – 2006: The form formerly found in Rule 16.12 for unsworn verification by a minor has been moved to the Appendix.