

## Rule 10.5 Notice to Beneficiaries and Intestate Heirs

(a) Within three ~~[(3)]~~ months after ~~[the] a~~ grant of letters or whenever there is a change in personal representative, ~~[the] a~~ 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:

...

(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]~~ each personal representative and ~~[his]~~ their counsel, notify the court of such delinquency.

...

**Note:** Rule 10.5 is ~~[substantively identical to]~~ derived from former Rule 5.6[.]. Subdivision (a) applies to an initial grant of letters and to all changes in personal representative, including a grant of letters to a successor personal representative or due to the death or resignation of a personal representative when there are other personal representatives who continue to serve. ~~[except that subparagraph]~~ Subdivision (d) of this Rule ~~[no longer]~~ does not prohibit[s] 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]~~ Subdivision (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.