

Orphans' Court Procedural Rules Committee Report

Amendment of the Note to Pa. O.C. Rule 2.4 and Adoption of Pa. O.C. Rule 5.50

The Orphans' Court Procedural Rules Committee ("Committee") recommended to the Supreme Court the amendment of the Note to Rule 2.4 of the Pennsylvania Orphans' Court Rules ("Rules") and the adoption of Rule 5.50 governing petitions filed pursuant to 20 Pa.C.S. § 3102 pertaining to the settlement of small estates. A small estate is one with a gross value not exceeding \$50,000 "exclusive of real estate and property payable under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) but including property claimed as the family exemption." See 20 Pa.C.S. § 3102.

The Committee became aware of numerous counties with local rules governing petitions for the settlement of small estates. When a decedent is of modest means or insolvent, proceeding via a small estate petition may be a cost-effective alternative to the conventional administration and settlement process. The Committee recommended a statewide rule addressing this type of petition and identified certain information and exhibits that should be included in petitions for the settlement of small estates. The petition for the settlement of a small estate will require information about the petitioner and decedent, beneficiaries of the decedent, the decedent's assets, liabilities, distributions, and taxes, and will require the attachment of supporting exhibits. The petition is also subject to the general requirements for petitions set forth in Chapter III of these Rules. The amendment of the Note to Rule 2.4 adds a cross-reference to new Rule 5.50.