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## Probate Division - Large Estates (ADM)



To view the forms on this page, you will need Adobe Acrobat Reader. If you do not have Acrobat Reader [click on this link](#) for a free copy.

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### General Information

For people who die owning real property located in the District of Columbia and/or other assets of any value (such as bank accounts, stocks, and personal belongings), a decedent's estate (also known as a large estate) may be opened to appoint a personal representative, pay debts, and make distribution of estate assets to those person(s) who inherit them (either through a will or through the laws of intestate succession).

The person who died is the "decedent." If the decedent died with a will, the person who is named in the will to handle the decedent's estate is called the personal representative. The personal representative (or whoever has possession of the will) must file the will with the Court. If the decedent had assets, the nominated personal representative should file a petition for probate of the will and for appointment as the personal representative. If the decedent had assets but died without a will, his or her estate will still have to be probated by a court-appointed personal representative, and the decedent's next-of-kin has priority to file a petition for probate and serve as personal representative.

Much more detail regarding the process of administering an estate in the District of Columbia, including definitions of terms and a case diary of important deadlines, is included in "[After Death - A Guide to Probate in the District of Columbia.](#)" Please read it carefully.

Although the law does not require a person to have a lawyer to probate an estate, the process is complicated, and an experienced probate lawyer is helpful, particularly since Probate Division staff cannot provide legal advice.

[Definitions](#) - A list of definitions of special words and phrases used in the Probate Division.

[After Death - A Guide to Probate in the District of Columbia](#)

### Items Needed to Open a Large Estate Case

The forms necessary to open a large estate differ depending upon the date of death of the decedent. Two sets of forms are available: those for [deaths on and after July 1, 1995, to the present](#) and those for [deaths on and after January 1, 1981, through June 30, 1995](#). If the date of death is before January 1, 1981, there are no pre-printed forms available. Please consult an experienced probate attorney to prepare the proper paperwork and carefully review Superior Court, Probate Division Rule 10.

Included in each set of forms (organized by date of death) are (1) forms to open an abbreviated probate estate, (2) forms to open a standard probate estate, (3) other general forms, and (4) inventory and accounting forms.

### Forms

#### Filing the Petition

When the petition for probate is filed, it is reviewed by the Probate Division's Legal Branch to ensure that all of the necessary documents have been submitted and that the filings comply with minimum legal requirements. After the petition is accepted for filing, the petition and any attachments, including a draft order, are transmitted to a judge. An order signed by a judge is needed to admit the will to probate, appoint the personal representative, determine whether the administration of the estate is to be supervised or unsupervised, approve or waive bond, and

order payment of the allowances provided for by law. A copy of the signed order will be mailed to the personal representative and his or her attorney with letters of administration and a *Schedule of Mandatory Filings*.

The Probate Division will send the document called *Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs* to the two newspapers chosen by the personal representative for publication. The notice must be published once a week for three consecutive weeks concurrently in both of the publications. This publication serves as notice of the personal representative's appointment and establishes the deadline for filing a claim against the decedent's estate or an objection to the proceedings. Publication of this notice is very important, and the personal representative is responsible for making sure that the publication occurs as directed. The proofs of publication and the document called *Verification and Certificate of Notice* must be filed with the Probate Division within 90 days of appointment of the personal representative. Other duties of the personal representative are set forth in [After Death - A Guide to Probate in the District of Columbia](#). Please read it carefully if you are considering becoming a personal representative.

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 Once a final account has been approved, how long does it take to receive distributions from the estate?  
 Is there a fee for filing an objection to an account or inventory?  
 Can I distribute to the beneficiaries before Court approval of the final account?  
 What do I file as receipts if the bank does not return checks?

### Compensation

Does a request for compensation have to be filed for persons dying on or after July 1, 1995?  
 How much can I claim for payment as personal representative of an estate?

### What are the court costs for filing a large estate?

Court costs are set forth in Superior Court, Probate Division Rules 125 and 425. In general, there is a \$25.00 fee if there is real estate owned by the decedent in the District of Columbia, plus an additional fee depending on the value of all other assets/personal property:

\$0.01 - \$499.99	no cost
\$500.00 - \$2,500.00	\$15.00
\$2,500.01 - \$15,000.00	\$50.00
\$15,000.01 - \$25,000.00	\$100.00
\$25,000.01 - \$49,999.99	\$150.00
\$50,000.00 - \$74,999.99	\$250.00
\$75,000.00 - \$99,999.00	\$350.00
\$100,000.00 - \$499,999.99	\$575.00
\$500,000.00 - \$749,999.99	\$825.00
\$750,000.00 - \$999,999.99	\$1,275.00
\$1,000,000.00 - \$2,499,999.99	\$1,800.00

\$2,500,000.00 - \$4,999,999.99	\$2,300.00
\$5,000,000.00 and over	\$2,300.00 plus 0.02% of amount in excess of \$5,000,000.00

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#### **What does "probating an estate" mean?**

"Probating an estate" is the process of collecting the assets of a decedent, paying any claims or bills of the decedent and the costs of administration, and distributing what is left to the heirs if the decedent had no will and to persons named in a will to receive assets if the decedent had a will. To begin this process, a petition for probate and supporting documents must be filed at the Probate Division's Legal Branch, 515 5th Street, NW, 3rd Floor, Room 312, Washington, D.C. A judge will then review the documents to determine whether an estate should be opened and, if so, appoint a personal representative who will be responsible for probating the estate.

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#### **Is an attorney required to file for probate?**

No. Any person can file a petition for probate. That person may wish to hire an attorney to assist him/her.

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#### **Where are the law and rules regarding probate?**

1. The rules are available on the [Probate homepage](#). Click on "Superior Court Rules for the Probate Division."
2. The law is contained in D.C. Code, Title 21 and is available online on the [Council of the District of Columbia's website](#). Click at "View DC Official Code: click here."

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#### **What is *pro bono*? Do you offer legal services; if not, can you tell me where to find legal aid?**

*Pro bono* means "for free." Neither the Probate Division judges nor the Probate Division staff can offer legal services to the public. Some *pro bono* assistance is offered by the Legal Aid Society of the District of Columbia (202-628-1161), Neighborhood Legal Services (202-678-2000 or 202-269-5100), University Legal Services (202-547-0198), and the District of Columbia *Pro Bono* Project (202-737-4700). If you are age 60 or older, Legal Counsel for the Elderly may be able to provide assistance (202-434-2277).

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#### **If a power of attorney was granted before the death of the decedent, is the probate process necessary?**

The authority granted in a power of attorney ends the minute that the person who signed the power of attorney dies. The person named as attorney-of-fact in the power of attorney must immediately stop using the power of attorney or will be subject to potential personal liability. If the decedent owned assets in his or her sole name, an estate proceeding must be opened to collect and distribute those assets.

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#### **If my name is already on the deed to my house, or if I held or owned property jointly with the decedent, is probate necessary?**

If your name is already on a deed to real estate as a joint owner and the deed has already been filed at the Recorder of Deeds, that real estate passes automatically to you at the death of the co-owner, and no probate proceeding is necessary. If your name is already on a deed but as a part owner (that is, a tenant in common), a probate proceeding will be necessary to transfer the decedent's share of the property to you. If the asset is a joint bank account, it may or may not be subject to a probate proceeding depending upon when the account was established and the intent of the decedent.

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#### **The decedent died without issue (children or descendants of children). Who inherits the decedent's property?**

The decedent's spouse and parents.

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#### **How can I determine if there is an estate already on file?**

You can do the following: (1) Search the decedent's name in the public computers available in the Probate Division, 515 5th Street, NW, 3rd Floor, Washington, DC 20001; (2) Search for the decedent by name from your home computer via the [Court's Remote Access to Superior Court Dockets \(RASCD\)](#) (3) Send a search request form, available on the Probate Division's website, to the Probate Division with a check or money order for \$10.00 payable to "Register of Wills."

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#### **What if the decedent used different names during his or her life?**

An estate proceeding is opened in the name that the decedent used to sign a will if there is one. Any other version of the decedent's name typed in the will is listed as an "aka." If there is no will and the decedent owned assets in different names during life, the name used most often should be first and other versions can be listed as "aka's." For example, January Howard signed his will January Q. Howard, but both versions of his name are included in his will. The estate is opened as "January Q. Howard aka January Howard."

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#### **What is a personal representative?**

A decedent can nominate a personal representative in his or her will, but that person is not officially the personal representative until the Court issues an order appointing that person as personal representative. Once appointed, the personal representative is responsible for settling the decedent's estate. Until the Court has appointed someone, no one has the authority to deal with the decedent's affairs.

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#### **How do I remove a personal representative?**

A personal representative may be removed from a case by order of a judge. The process of removing a personal representative is begun with the filing of either a complaint for removal in the LIT case type (LIT means Major Litigation) or a petition for removal in the estate case (ADM). It is recommended that any person considering removal of a personal representative seek legal advice as needed from an attorney.

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#### **How do I file a complaint against a personal representative?**

A complaint is a lawsuit, and it is recommended that you seek legal advice from an attorney. Complaints filed in the Probate Division must be verified (sworn to), pursuant to Superior Court, Probate Division Rules 107 and 407. When the complaint is presented for filing, it should be accompanied by a summons addressed to each defendant and the filing fee of \$120.00 payable by cash, check or money order made payable to the "Register of Wills."

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#### **Why do I need letters of administration?**

Letters of administration are evidence that the Court has appointed a personal representative. They are needed to support the authority of the personal representative to collect the decedent's assets and transact any business on behalf of the estate.

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#### **Are the forms available in your office?**

No. The forms are [available online](#). These forms are interactive and should be typed and printed out for filing in person.

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#### **Are consents sufficient when another person has higher priority to serve as personal representative?**

No. Any person who has higher priority to serve and is choosing not to do so must sign a Renunciation (not a consent). The renunciation states that the person knows that he or she has higher priority to serve and is still choosing not to do so. The consent does not contain that language.

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**What is bond?**

Bond is a type of insurance. If the personal representative misappropriates or otherwise mishandles estate assets, the bonding company will repay the estate the amount lost or the amount of the bond, whichever is less.

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**My relative just died, how long do I have to open an estate?**

Although wills must be filed within ninety days of the person's death, there is no required time within which the documents needed to open an estate must be filed. However, no one has authority to act for a decedent until an estate is opened and a personal representative is appointed by the Court.

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**How long does it take for a personal representative to get appointed?**

Once all the required documents have been filed, an order appointing a personal representative is generally issued within 10 to 14 days.

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**What is the difference between a large and small estate?**

The assets of a small estate cannot exceed \$40,000.00. In addition, a small estate can be opened if the only asset is real estate located outside the District of Columbia. In contrast, the assets of a large estate may include real estate located in the District of Columbia and other assets of any value. A large estate can be opened for litigation purposes, but a small estate cannot.

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**What is the difference between an unsupervised and supervised estate administration?**

Most estate administrations for decedents dying since July 1, 1995, are unsupervised by order of the Court. Some are supervised, generally at the request of the bonding company or an interested person. In a supervised administration, an inventory and accounts are filed at the Probate Division, audited by Probate Division staff, and approved by the Court. In an unsupervised estate, those documents are prepared and sent to the interested persons but not filed at the Probate Division. There are also differences in how the estates are closed. Unsupervised estates are closed by the filing of a *Certificate of Completion* or automatically three years from the date of the appointment of the personal representative. Supervised estates close upon approval of the final account.

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**What is the difference between standard and abbreviated probate?**

An abbreviated probate proceeding may be filed by a person having priority to serve as personal representative. Most estate administrations are abbreviated probates. Unusual estates, such as those in which the person seeking appointment does not have priority to be appointed or someone is seeking admission of a copy of a will or exclusion of an original will, require a standard probate proceeding. See D.C. Code, sec. 20-321, *et seq.* In standard probate proceedings, there are additional filing requirements and an additional set of publications before a personal representative is appointed. Once a personal representative is appointed, the estate is either supervised or unsupervised.

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**What is the difference between an heir and legatee?**

When there is no will, the persons who are entitled to receive the assets of the estate are set forth in the law of the District of Columbia and are called "heirs." When there is a will, the persons to whom the assets are given under the will are called "legatees" or "beneficiaries."

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**What are my responsibilities as personal representative?**

The personal representative is responsible for collecting the assets; paying or dealing with any claims, debts, or bills with the decedent's funds; filing the decedent's final income tax return and any missing returns; filing any tax returns required of the estate; keeping the interested persons informed of the progress of the estate; and distributing the remaining assets to those entitled to receive them.

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**How long are letters of administration valid?**

Letters of administration are valid as long as the estate is open. However, many financial institutions want letters that have been issued within sixty days of the date of whatever transaction is being made. Updated letters for open estates can be purchased for \$1.00 each at the Probate Division, 515 5th Street, NW, 3rd Floor, Room 314, Washington, DC 20001, or requested by mail.

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**How does one obtain additional Letters?**

Additional or updated Letters can be purchased for \$1.00 each at the Probate Division, 515 5th Street, NW, Room 314, Washington, DC 20001, or ordered by mail. To order by mail, complete the [Copy Request Form](#) and mail with check payable to "Register of Wills."

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**How do I re-open an estate?**

To re-open an estate, an unsupervised personal representative may file a *Request for Extension of Personal Representative's Appointment* or a petition to re-open. A supervised personal representative must file a petition to re-open. If an estate needs to be re-opened, but the personal representative is no longer available to serve, then a petition to re-open and appoint a successor personal representative should be filed. Please see [Re-opening a Decedent's Estate in the District of Columbia](#).

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**What happens when claims are filed against the estate?**

The personal representative is responsible for responding to those who file claims by sending a Notice of Action on Claim, which says (1) whether the claim has been allowed for the requested amount, (2) whether the claim has been disallowed or allowed for an amount less than the amount requested and advising the claimant of the procedures and time limits for contesting the disallowance or reduction, or (3) whether the personal representative will petition the Court to decide whether the claim should be allowed. If a personal representative is allowing a claim in whole, in part, or in a stated amount, the personal representative should send a check for that amount to the claimant from the estate bank account.

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**I have a claim against a decedent's estate. When does the claim period end?**

In large estates, the claims period expires six months after the first date of publication of the *Notice of Appointment*, *Notice to Creditors* and *Notice to Unknown Heirs*. However, if the personal representative is aware of the existence of a debt, the personal representative must take action with regard to the debt even if no claim has been filed.

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**Can a claim be filed after the six-month claim period expires?**

Yes, but the acceptance of your claim for filing by the Probate Division is not a guarantee that it will be paid.

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**When will the estate be closed?**

Unsupervised estates close three years from the date of appointment of the personal representative unless ordered otherwise by the Court or unless the personal representative chooses to file a *Certificate of Completion* to close the estate sooner. Supervised estates close when the final account is approved by the Court.

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**Does the Court distribute the funds from the estate to the heirs?**

No, the personal representative holds the estate assets and makes the distributions to the persons entitled to receive them.

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**When will the money/assets be distributed?**

The decision to distribute assets in a supervised estate depends upon the assets of the estate and the claims against it, the expiration of the six-month creditor claim period, and the decision of the personal representative. Although all or some of the assets may be distributed sooner, in a

supervised estate any assets remaining are distributed after the Court has approved the final account. In an unsupervised estate, any assets remaining are generally distributed sixty days after the final account is mailed to all remaining interested persons.

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**As personal representative, I have distributed everything except the house. How do I do that?**

By preparing and executing a deed from you as personal representative of the estate to the person entitled to receive it and filing the deed at the Recorder of Deeds. The Recorder of Deeds is located at 1101 4th Street, S.W., 5th Floor, Washington, DC 20024, (202) 727-5374. The Recorder of Deeds is part of the Office of Tax and Revenue of the District of Columbia.

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**Can a Living Trust be created or filed in the Probate Division?**

No.

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**Where do I obtain a tax I.D. number for the estate?**

Apply for an Employer Identification Number (EIN), a special tax identification number for an estate, by contacting the Internal Revenue Service at (800) 829-4933.

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**How do I open an estate account?**

Once an Employer Identification Number (EIN) is obtained from the Internal Revenue Service, the personal representative should take that number, a copy of the order appointing personal representative, an original of the letters of administration, the decedent's death certificate, and the check or cash that needs to be deposited to the bank of his or her choosing. The personal representative can then open an account titled "Estate of \_\_\_\_\_, your name, Personal Representative." It is best to open an account that returns cancelled checks or provides copies with the bank account statements, so it will be easier for the personal representative to keep records of all transactions. The bank account statements and canceled checks will be needed to prepare the Statement of Account filed with the Court in supervised probate estates.

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**Where can I find information regarding taxes for the estate?**

Tax information regarding an estate may be obtained at both the IRS and the D.C. Office of Tax and Revenue, Inheritance Tax and Estate Tax Information and Real Property Tax Information Offices, 941 North Capitol Street, NE, Washington, D.C. 20002; Phone Number: (202) 727-4829.

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**What documents need to be verified to be filed in the Probate Division?**

The following pleadings must be verified to be filed in the Probate Division:

1. All Petitions - SCR-PD 2(b) and 3
2. Complaints filed in Probate Matters - SCR-PD 107(a), and 208(a)
3. Accounts - D.C. Code 20-721
4. Inventories - D.C. Code 20-711
5. Guardian Reports - SCR-PD 328
6. Assignments - SCR-PD 120 and 420
7. Claims - D.C. Code 20-905(a)
8. Affidavits of Mailing and Non-Mailing in Standard Probate - SCR-PD 403(a)(8)
9. Any Affidavit - SCR-CIV 9
10. Verification and Certificate of Notice - SCR-PD 403(b)(3)
11. Certificate of Completion - SCR-PD 426

According to SCR-CIV 11, no other pleadings need be verified. Accordingly, motions, answers, responses and oppositions do not need to be verified.

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**How do I complete the Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs?**

If you have an attorney, that attorney will prepare the notice for your signature. If you are not represented by an attorney, type the decedent's name in the top line and on line 3 in the body of



the notice exactly as it appears in the petition for probate. Type the name(s) of the persons who are asking to be appointed in the first line in the body of the notice and their addresses in the second line. Type the decedent's date of death in the third line. Do not type anything else in the body of the notice. The Probate Division staff will insert the dates.

All persons asking to be appointed as Personal Representative should sign the bottom of the notice and list their telephone numbers. The names of two District of Columbia newspapers must be inserted on the two lines on the bottom left. One of the newspapers must be a legal newspaper of general circulation. Currently, the only legal newspaper of general circulation known to the Court is the *Daily Washington Law Reporter*.

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#### **What does it mean to waive bond?**

In all decedent's estates in which there is no will or the will does not waive bond, the law of the District of Columbia requires that any person who wishes to serve as personal representative either obtain a signed, written waiver of bond from each interested person or buy a bond from a bonding company. Assets of the estate are used to pay the bond premium. Bond is a type of insurance. If the personal representative misappropriates or otherwise mishandles estate assets, the bonding company will repay the estate the amount lost or the amount of the bond, whichever is less. The amount of the bond purchased by the person who wishes to serve as personal representative does not include the share of anyone who has waived bond, so if the personal representative does misappropriate or otherwise mishandle estate assets and the bonding company has to pay off, anyone who waived bond does not receive a share of the bond.

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#### **What is the procedure for obtaining a foreign subpoena from the Probate Division?**

Submit a copy of the foreign subpoena, a completed Probate Division PBM subpoena form [http://www.dccourts.gov/dccourts/superior/probate/case\\_type\\_adm\\_forms\\_after\\_1995.jsp](http://www.dccourts.gov/dccourts/superior/probate/case_type_adm_forms_after_1995.jsp) or [http://www.dccourts.gov/dccourts/superior/probate/case\\_type\\_adm\\_forms\\_after\\_1981.jsp](http://www.dccourts.gov/dccourts/superior/probate/case_type_adm_forms_after_1981.jsp), and a \$10.00 fee for each subpoena requested to the Probate Clerk's Office in the Probate Division on the third floor at 515 5th Street, NW, Washington, DC. Make sure that the names, addresses, and telephone numbers of all counsel of record and of all parties not represented by counsel are included either in the foreign subpoena or on the second page of the PBM subpoena form. If medical records are being requested, the copy of the foreign subpoena must be certified, and the filer will be referred to Judge-in-Chambers for issuance of the subpoena.

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#### **How can I obtain an appraisal, and can I hire my own appraiser?**

The personal representative may make an appointment with the court appraiser by calling 202-879-9445. The services of the court appraiser are free of charge, so if the personal representative chooses to use a private appraiser, the personal representative will have to pay for that appraiser from the estate's funds or from the personal representative's own funds if the estate is insolvent. Please note that the court appraiser does not appraise real property, coin collections, stamp collections, or clothing except for fur coats.

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#### **Where can I obtain information regarding real estate appraisers?**

The Probate Division does not maintain a list of real estate appraisers. Consult the yellow pages of the phone book or the Internet for listings of real estate appraisers licensed in the District of Columbia.

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#### **Is the appraisal of real property required?**

An appraisal of real property is not required for accounting purposes. Rather, a tax-assessed value from the D.C. Office of Tax and Revenue may be used for accounting purposes in lieu of an appraisal of real property. If, however, you are filing a petition for sale of real property, an appraisal is required under Superior Court, Probate Division Rule 112(b) (for estates of decedents who died before July 1, 1995).

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#### **In an unsupervised estate, when is an account due?**

In an unsupervised estate, the personal representative has a duty to provide an account under D.C. Code, sec. 20-734, to the interested persons at reasonable intervals or on reasonable

demand, and the personal representative may be compelled to account to the Court in a proceeding initiated by an interested person, following notice and hearing. However, because the estate is unsupervised, there is no duty to file the account with the Court unless the Court orders an account to be filed or an estate to be converted to supervised probate. In a supervised estate, the first account is due for filing with the Court one year plus one day from the first date of publication of the *Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs*. Subsequent accounts are due every nine months thereafter.

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**If the *Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs* was republished, when is the first account due in a supervised estate?**

Pursuant to D.C. Code, sec. 20-724 (a)(1), a first account is due within one year and one day after the first publication of notice pursuant to section 20-704. Accordingly, if the first attempt at publication was improper, then the first account is not due until one year and one day from the date of the successful republication.

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**If a supervised estate is re-opened, when are the inventory and the first account filed?**

An inventory is due within 90 days of the date of the order re-opening the estate, and a first account is due no later than nine months from the date of the order re-opening the estate. Subsequent accounts are due every nine months afterwards.

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**How do you obtain extensions of time or permission to late file accounts and inventories?**

By filing a motion that explains to the Court the reasons why you must file late.

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**Is a special administrator required to file an inventory and an account?**

A special administrator is not required to file an inventory. However, pursuant to D.C. Code, sec. 20-533, a special administrator is required to account for the property of a decedent upon the appointment of a personal representative. The Court may also authorize other duties and powers for a special administrator pursuant to D.C. Code, sec. 20-533, which may require a special administrator to file an inventory and an account or a report on the status of the estate.

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**What forms do I need to prepare an account?**

The forms needed are: (1) Statement of Account; (2) Schedules A - L; (3) Probate Form 27 (for confidential information under Superior Court, Probate Division Rule 5.1); (4) copies of bank statements; and (5) copies of canceled checks, receipts, or vouchers in support of all transactions. At times, the original bank statements or canceled checks may be requested during the account audit. The Statement of Account, Schedules A - L, and Probate Form 27 can be found on the [Court website](#).

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**How do I prepare an account?**

Fill in the information as appropriate on the correct forms, provide documentation in support of all transactions listed, and file at the Probate Division's Duty Auditor station located at 515 5th Street, NW, Room 313, Washington, DC 20001. All accounts must be machine-printed or typewritten. Accounts may be filed by mail.

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**Is there a checklist of items to ensure that the account will be accepted for filing?**

Yes. A checklist is available and can be found on pages 6-11 of the *Inventory And Accounting Guide* or on the [Probate Division's Website](#).

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**What is the Court's audit time frame once an account is filed?**

Generally, the account is audited within 30 to 45 days from the date that it is filed. If no initial audit notice has been received after 60 days, you may contact the Auditing Branch Manager at 202-879-9429 to inquire about the status of the audit.

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**Once an accounting is filed, how do I find out which auditor has been assigned to the account?**

Call the Duty Auditor at 202-879-9447 or 202-879-9434 for the name and telephone number of the assigned auditor two (2) days after the account is filed. The name of the assigned auditor is entered on the docket, which is available through the [Court's Remote Access to Superior Court Dockets \(RASCD\)](#).

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**Why do audit inquiries from auditors sometimes differ on similar situations?**

Audits are conducted on a case-by-case basis. Inquiries may differ depending upon the circumstances of the case. If matters are not resolved with the auditor to your satisfaction, please write either P. Allen Butler, III, Auditing Branch Manager, or Anne Meister, Esq., Register of Wills, and request an administrative review. Please note that a request for administrative review will not stay the response period.

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**If I cannot fully comply with the audit requirements within the time prescribed, what should I do?**

File a motion for an extension of time to comply with the audit requirements providing the reason why an extension is needed.

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**If a summary hearing has been set and compliance is met prior to the scheduled summary hearing date, will the hearing be cancelled so that appearance at the hearing is not required?**

No. The summary hearing can only be cancelled by the Court either at the hearing, or by an order pursuant to a motion filed by the personal representative with the Probate Division. Once a summary hearing is scheduled by the Court, the Judge will expect you to be present. If you cannot attend, you must file a motion to continue or vacate the hearing as soon as possible, explaining why you cannot be present. The Judge may, or may not, grant such a motion.

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**Once audit requirements to the account are submitted, how long does it take for the auditor to review the requirements?**

Generally, requirements are reviewed within 2 weeks of submission. However, on complex matters or accounts with extensive audit requirements, the process may take longer.

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**Once a final account has been approved, how long does it take to receive distributions from the estate?**

The personal representative of an estate has up to 30 days to file a final receipt with the Probate Division, which shows that he or she distributed the assets to the appropriate persons.

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**Is there a fee for filing an objection to an account or inventory?**

There is a \$20.00 fee for filing an objection to an account in an administration proceeding.

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**Can I distribute to the beneficiaries before Court approval of the final account?**

Yes. A personal representative may choose to distribute estate assets as soon as the personal representative is appointed. However, the personal representative is responsible if there are not enough assets to satisfy any valid remaining claims of creditors or to make proper distribution to estate beneficiaries. Otherwise, a personal representative may choose to wait until approval of the final account to make final distribution of the decedent's assets.

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**What do I file as receipts if the bank does not return checks?**

You must file a written statement signed by each person who received the distribution stating that the person received the distribution and listing specifically the monetary amount of the final payment received by that person.

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**Does a request for compensation have to be filed for persons dying on or after July 1, 1995?**

A petition for compensation is not required to be filed in estates where persons have died on or after July 1, 1995. Instead, a person who has a problem with the compensation paid or to be paid must file an objection with the Court and ask the Court to review the reasonableness of compensation claimed or paid. A form for filing an objection is on the Probate Division website.

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**How much can I claim for payment as personal representative of an estate?**

There is no set rate of compensation for a personal representative in the District of Columbia. For estates of decedents dying on or after July 1, 1995, the standard is "reasonable" compensation. For estates of decedent's dying before July 1, 1995, Superior Court, Probate Division Rule 125 set a guideline of 4.5 to 8% of the assets and income of the estate for the combined fee of the personal representative and the attorney for the personal representative.

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**How does one contest a will? Are there time limits for doing so?**

One contests a will by filing a verified complaint to contest the will within 6 months after the first date of publication of the Notice of Appointment, Notice to Creditors, and Notice to Unknown Heirs. The procedure for contesting a will can be found in Superior Court, Probate Division Rule 407.

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**What is the procedure for transferring a will that should not have been filed in the District of Columbia to the correct state?**

File a verified petition to transfer the will to the state in which the decedent was domiciled, which is where the will should have been filed. The petition must contain (1) facts supporting the argument that the will was filed in the District of Columbia in error and that the other state was the decedent's domicile at death and (2) the name, address, and telephone number of the Clerk of the Court of the other state who is authorized to accept the transferred will. Include a proposed order authorizing the transfer. If the petition is granted, the Probate Division will mail the will directly to the Court official authorized to receive it in the other state.

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