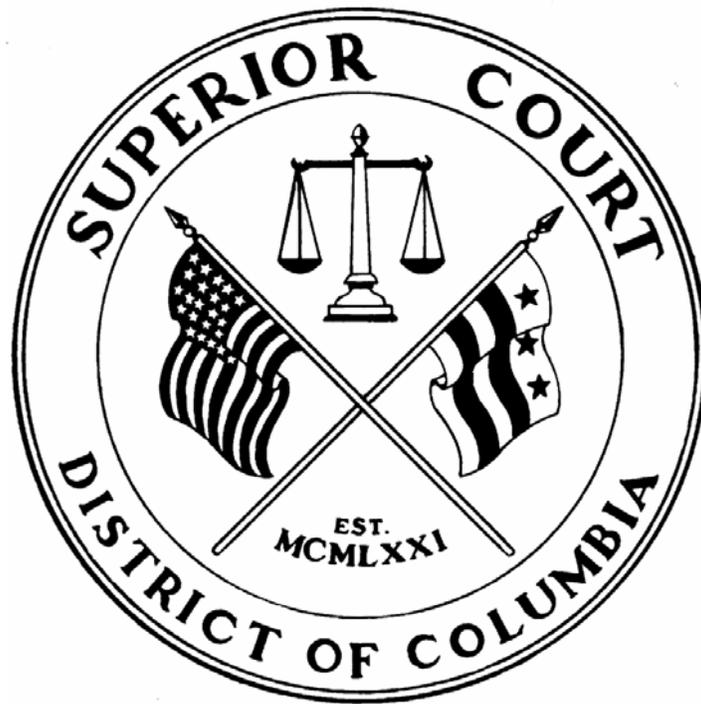


# **RE-OPENING A DECEDENT'S ESTATE IN THE DISTRICT OF COLUMBIA**



**Office of the Register of Wills, Probate Division  
515 5<sup>th</sup> Street, NW, Third Floor  
Washington, DC 20001**

All attached forms and documents are available through the division's website:  
<http://www.dccourts.gov/dccourts/superior/probate/index.jsp>

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## Re-Opening Estates in the District of Columbia

When an estate has been closed and a new asset is discovered or it is determined that an asset was not fully or properly administered, it is necessary to re-open the estate. Estates are re-opened in different ways. Completing the checklist below will provide guidance as to how the estate should be re-opened.

### Checklist for Re-Opening an Estate

1. The estate was a
  - Small estate - Go directly to section A.
  - Large estate – Continue checklist.
  
2. The decedent died\*
  - On or after January 1, 1981 through June 30, 1995 – Go directly to section B.
  - On or after July 1, 1995 – Continue checklist.
  
3. The person requesting appointment was not previously the Personal Representative. – Go directly to section C.
  
4. The estate was
  - Supervised – Go directly to section C.
  - Unsupervised – Continue checklist.
  
4. A Certificate of Completion was
  - Filed – Go directly to section C.
  - Not filed but three years from the date of the appointment of the Personal Representative have passed – Go directly to section D.

\*This publication does not address re-opening the estate of a person who died before January 1, 1981. It is recommended that you seek the assistance of an attorney if you need to re-open such an estate.

## **Section A Instructions: To re-open a small estate**

If assets are discovered after a final order has been issued, the petitioner must determine the total size of the estate, including the value of the after-discovered asset and all assets previously included in small estate proceedings for the decedent. If the total value is \$40,000.00 or less, a supplemental petition for a small estate proceeding must be filed pursuant to D.C. Code, section 20-355 as well as verification of the additional assets. If the total value is \$40,000.00 or more, then the small estate cannot be re-opened. Instead, a petition for probate of a large estate must be filed.

### **1. For a decedent who died on or after April 27, 2001**

File:

1. A petition for administration of a small estate, adding the word "supplemental" to the title and completing the petition with the correct current information (for example, the newly discovered asset and current addresses for the interested persons).
2. A written verification of the newly discovered asset.
3. A certificate showing service on the interested persons.
4. Additional court costs may be due at filing.
5. Publication of the Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs may also be required. Publication is not required when there is a spouse and/or minor children of the deceased person or if the heir(s) is the deceased adult's child(ren) and the estate assets remain under \$11,500.00. However, if no previous publication occurred, publication is required for all other petitioners if the assets exceed \$1,500.00.

### **2. For a decedent who died before April 27, 2001**

Please contact a small estate specialist for instructions. One can be reached at 202-879-9448.

## Section B Instructions:

### To re-open an estate for a person who died on or after January 1, 1981 through June 30, 1995 (i.e., when all estates were supervised)

File:

1. A petition for probate, adding the word “re-open” to the title and completing the petition with the correct current information (for example, the asset at issue and current addresses of the interested persons). If the petitioner is not the Personal Representative previously appointed, the petition should include an explanation as to why the Personal Representative previously appointed is not petitioning.
2. A general or nominal bond in accordance with D.C. Code, sec. 20-502 (1981 ed., 1989 repl. vol.).
3. A proposed order for the Court’s consideration.
4. A certificate showing service on the interested persons.

If the decedent died without a will, a copy of the petition for probate to re-open should be served on all **heirs**\* listed in the original petition for probate. A certificate of service listing the names and current addresses of those **heirs** must be filed with the other documents.

If the decedent died with a will that was admitted to probate, a copy of the petition for probate to re-open should be served on all **legatees** listed in the original petition for probate **except** any legatee whose bequest has been satisfied in full and for whom a receipt either (1) has been filed previously with the Office of the Register of Wills or (2) is being filed with the petition to re-open. A certificate of service listing the names and current addresses of the remaining **legatees** must be filed with the other documents.

If the estate is being re-opened because of the discovery of a new asset that was not included on the original petition for probate, additional Court costs may be due at filing and can be paid in cash or by check or money order payable to “Register of Wills.” A schedule of Court costs is included as Appendix A.

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\* The terms “heir” and “legatee” are defined on the Probate Division website in the definition section at the end of *After Death – A Guide to Probate in the District of Columbia*.

## Section C Instructions:

### To re-open an estate for a person who died on or after July 1, 1995 when the estate was supervised or when the person requesting appointment as Personal Representative was not the previous Personal Representative

File:

1. A petition for probate, adding the word "re-open" to the title and completing the petition with the correct current information (for example, the asset at issue and current addresses of the interested persons). If the petitioner is not the Personal Representative previously appointed, the petition should include an explanation as to why the Personal Representative previously appointed is not petitioning.
2. A bond or waivers of bond in accordance with D.C. Code, sec. 20-502 (1981 ed., 1997 repl. vol.).
3. A proposed order for the Court's consideration.
4. A certificate showing service on the interested persons.

If the decedent died without a will, a copy of the petition for probate to re-open should be served on all **heirs**\* listed in the original petition for probate. A certificate of service listing the names and current addresses of those **heirs** must be filed with the other documents.

If the decedent died with a will that was admitted to probate, a copy of the petition for probate to re-open should be served on all **legatees** listed in the original petition for probate **except** any legatee whose bequest has been satisfied in full and for whom a receipt (1) has been filed previously with the Office of the Register of Wills or (2) is being filed with the petition to re-open. A certificate of service listing the names and current addresses of those persons must be filed with the other documents.

If the estate is being re-opened because of the discovery of a new asset that was not included in the original petition for probate, additional Court costs may be due at filing and can be paid in cash or by check or money order payable to "Register of Wills." A schedule of Court costs is included as Appendix A.

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\* The terms "heir" and "legatee" are defined on the Probate Division website in the definition section at the end of "After Death – A Guide to Probate in the District of Columbia."

## **Section D Instructions:**

### **To re-open an estate for a person who died on or after July 1, 1995 that closed by operation of law in accordance with D.C. Code, sec. 20-1301**

There are two ways to re-open an estate when the request is being made by the previously appointed personal representative in an unsupervised estate: (1) a request for extension or (2) a petition for probate to re-open.

#### **1. Request for extension**

File:

- a. Request for Extension of Personal Representative's Appointment, \*
- b. Order Extending Appointment of Personal Representative(s), \*
- c. Envelopes or mailing labels for every interested person, and
- d. Filing fee of \$20.00 in cash or by check or money order payable to "Register of Wills."

#### **2. Petition for probate to re-open**

File:

All items listed in section C above.

\*These forms are available on the Probate Division website at [www.dccourts.gov/dccourts/superior/probate/index.jsp](http://www.dccourts.gov/dccourts/superior/probate/index.jsp). Click on "Information by Case Type, Including Forms" under the heading "Probate Division/Office of the Register of Wills" in the gray column on the left.

## Appendix A: Court Costs

### 1. Instructions for computing court costs for persons who died on or after January 1, 1981 through June 30, 1995

Court costs are based on the value of all personal property. They are assessed at the following rates pursuant to Superior Court, Probate Division Rule 125:

<u>Value of Probate Estate</u>	<u>Court Costs</u>
Less than \$500	No Cost
\$500.01 but less than \$2,500	\$15
\$2,500.01 but less than \$10,000	\$50
\$10,000.01 but less than \$25,000	\$100
\$25,000 but less than \$50,000	\$150
\$50,000 but less than \$75,000	\$250
\$75,000 but less than \$100,000	\$350
\$100,000 but less than \$500,000	\$575
\$500,000 but less than \$750,000	\$825
\$750,000 but less than \$1,000,000	\$1,275
\$1,000,000 but less than \$2,500,000	\$1,800
\$2,500,000 but less than \$5,000,000	\$2,300
\$5,000,000 and over	\$2,300 plus 0.02% of excess over \$5,000,000

Additional court costs totaling \$25.00 are assessed when real property in the District of Columbia, of whatever value, irrespective of the number of parcels, is carried as a probate asset.

Court costs are payable in cash or by check or money order made payable to "Register of Wills, D.C.," and should be dated within 30 days of presentation.

### 2. Instructions for computing court costs for persons who died on or after July 1, 1995

Court costs are based on the value of all personal property. They are assessed at the following rates pursuant to Superior Court, Probate Division 425:

<u>Value of Probate Estate</u>	<u>Court Costs</u>
Less than \$500	No Cost
\$500 to \$2,500	\$15
\$2,500.01 up to \$15,000	\$50
\$15,000.01 up to \$25,000	\$100
\$25,000.01 but less than \$50,000	\$150
\$50,000 but less than \$75,000	\$250

\$75,000	but less than	\$100,000	\$350
\$100,000	but less than	\$500,000	\$575
\$500,000	but less than	\$750,000	\$825
\$750,000	but less than	\$1,000,000	\$1,275
\$1,000,000	but less than	\$2,500,000	\$1,800
\$2,500,000	but less than	\$5,000,000	\$2,300
\$5,000,000	and over		\$2,300 plus 0.02% of excess over \$5,000,000

Additional court costs totaling \$25.00 are assessed when real property in the District of Columbia, of whatever value, irrespective of the number of parcels, is carried as a probate asset.

Court costs are payable in cash or by check or money order made payable to "Register of Wills, D.C.," and should be dated within 30 days of presentation.