

## **APPENDIX B. ESTATES OF DECEDENTS DYING ON OR AFTER JANUARY 1, 1981 THROUGH JUNE 30, 1995**

Estates of decedents dying on or after January 1, 1981 and before July 1, 1995 are generally governed by the provisions of the District of Columbia Probate Reform Act of 1980, which can be found in the 1981 edition of the D.C. Code. D.C. Code citations in this appendix note where the 1981 version may control. (Any D.C. Code citations without a year refer to current law.) However, the statutory history of each section of Title 20 of the D.C. Code should be reviewed to determine whether the section was changed by any subsequent legislation, including the Probate Reform Act of 1994, and the applicability date of the changes. The rules in Chapter 1 govern to the extent that they are not inconsistent with the relevant statutory provisions and the rules in this appendix.

### **Rule B-1. Petition for Probate**

The petition for probate must be typed and filed in compliance with D.C. Code §§ 20-304 and -352 on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form. When the form provides alternatives, the inappropriate alternatives must be deleted.

### **Rule B-2. Notice; Filing Requirements and Procedures**

#### **(a) STANDARD PROBATE.**

(1) *Form of Notice.* The notice required for standard probate must be on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

(2) *Filing of Notice.* Any person entitled to request standard probate must present to the Register of Wills an original of the form in Rule B-2(a)(1). The Register of Wills must forthwith forward copies thereof to the designated newspapers in accordance with D.C. Code § 20-323.

(3) Within 14 days from the date of first publication, the person seeking standard probate must mail a copy of the notice to all interested persons by certified or registered mail, return receipt requested, with delivery restricted to the addressee only.

(4) The person seeking standard probate or such person's representative must file proofs of publication and a verified statement evidencing that a copy of the notice was timely mailed to all interested persons. If, after diligent effort, the person seeking standard probate has been unable to ascertain the address of any interested person, that fact must be made known in the verified statement filed. If unknown heirs at law are interested persons, the current status of their identity and/or whereabouts must be alleged in the verified statement.

(5) In lieu of the notice prescribed by this rule, proof of actual notice or personal service will suffice.

(b) NOTICE OF APPOINTMENT (ABBREVIATED AND STANDARD PROBATE).

(1) The petitioner must file, at the time of filing the petition for probate, an original of the notice of appointment on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form, signed by each person seeking appointment and completed to the extent possible (excluding the date of first publication and the deadline for filing objections and claims). Upon appointment of the personal representative, the Register of Wills must complete the publication form and forward copies to the designated newspapers for publication.

(2) No later than 20 days after appointment, the personal representative must send by certified or registered mail to all heirs and legatees copies of the text of the Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs, and the general information statement on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form, unless the Notice of Appointment has already been given. The personal representative must file with the Register of Wills at the time of filing the inventory and appraisal proofs of publication and a certification specifying the date of mailing and the persons to whom mailed.

(3) When discovery of a new or later will necessitates republication under D.C. Code § 20-704(c) (1981), the personal representative must file with the Register of Wills a notice of appointment or reappointment, typed or electronically printed on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form. The Register of Wills must promptly forward copies of the completed form to the designated newspapers for publication.

**Rule B-3. Bond**

(a) NOMINAL BOND. If the will of the decedent excuses the filing of a bond, or if all interested persons file written waivers to the filing of a bond, the personal representative must, nevertheless, file a nominal bond pursuant to D.C. Code § 20-502 (1981) at the time of the filing of the petition for probate, on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

(b) GENERAL BOND. If the will of the decedent does not excuse the filing of a bond, and if all interested persons do not file written waivers to the filing of a bond pursuant to D.C. Code § 20-502 (1981), a bond must be filed at the time of the filing of the petition for probate, on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

#### **Rule B-4. Special Administrators**

All the powers and duties applicable to personal representatives are applicable to special administrators, except as otherwise provided by statute or court rule.

#### **Rule B-5. Proceedings in Contested Estate Cases**

##### **(a) TYPE OF PROCEEDING.**

(1) *When Required.* The following actions are commenced by filing a verified complaint:

(A) an action to contest the validity of a will in accordance with D.C. Code § 20-305 (1981); or

(B) an action for payment of a claim that was denied in whole or in part in accordance with D.C. Code § 20-908.

(2) *By Court Order.* Unless a statute provides otherwise, on request of an interested person or on its own initiative, the court may order that a petition be treated as a complaint commencing a contested proceeding or that a complaint be filed.

##### **(b) APPLYING CIVIL RULES.**

(1) *In General.* Except as modified in Rule B-5(b)(2)-(3) or as otherwise ordered by the court, the Superior Court Rules of Civil Procedure apply to a contested proceeding commenced by a complaint under Rule B-5(a)(1) or (2).

(2) *Summons.* Together with the complaint, the plaintiff must complete and file a summons for each defendant on the form maintained by the Register of Wills. On filing of the complaint and summons, the clerk must issue the summons and an initial order to be served with the complaint in accordance with the civil rules.

(3) *Initial Scheduling and Settlement Conference.* The court must schedule an initial scheduling and settlement conference to be held within 120 days after the complaint is filed.

##### **(c) REQUIRED DEFENDANTS.**

(1) *Complaint to Contest Validity of Will.* In a complaint to contest the validity of a will, the defendants must include:

(A) all interested persons, excluding creditors; and

(B) all persons needed for just adjudication under Civil Rule 19.

(2) *Any Other Complaint.* In any other complaint, the defendants must include:

(A) the personal representative; and

(B) any other persons needed for just adjudication under Civil Rule 19.

(d) NOTICE TO CREDITORS. In a proceeding to contest the validity of a will, the plaintiff must give notice under D.C. Code § 20-103 (1981) to creditors who are interested persons and must prove service of the notice by certificate of service.

## **COMMENT**

A plenary proceeding provided for in D.C. Code § 16-3105 is a process that existed largely for decedent's estate administration pursuant to now-repealed statutes, and it is no longer used in current practice. Relief formerly requested in a plenary proceeding may be requested in a petition, which, if appropriate, may be treated as a complaint commencing a contested proceeding.

## **Rule B-6. Distributions to Minors**

(a) PETITIONS. In all cases where the personal representative is required to distribute estate assets to a minor for whom no guardian has been appointed, or to a minor in accordance with the provisions of a decedent's will, where the will provides for distribution to a person other than the court-appointed guardian, the personal representative must request authority from the court by verified petition which sets forth the following information:

(1) The name, residence and date of birth of each minor for whom authority to distribute is sought, as well as the basis for the minor's entitlement to share in the estate.

(2) The total value of the estate assets to be distributed to each minor.

(3) The method of distribution proposed. State if under D.C. Code § 20-1106(a)(2) or (b) (1981), and the basis for electing this method.

(4) If authority is requested under D.C. Code § 20-1106(b)(1), (4), or (5) (1981), to distribute to a custodian on behalf of a minor, provide:

(A) the name, place of residence and relationship to the minor of the person proposed as custodian;

(B) the consent of the minor if the minor is 14 years of age or older, to the appointment of the proposed custodian; and

(C) the consent of the proposed custodian to act as custodian and hold the assets on behalf of the minor.

(5) If authority is requested under D.C. Code § 20-1106(b)(3) (1981) to distribute estate assets under the Uniform Transfers to Minors Act, in addition to Rule B-6(a)(1) - (4), provide facts to show:

(A) the transfer is in the best interests of the minor (D.C. Code § 21-306(c)(1));

(B) the transfer is not prohibited by or inconsistent with the provisions of the will (D.C. Code § 21-306(c)(2)); and

(C) the personal representative will effect the transfer in accordance with D.C. Code § 21-309, and in particular, where the custodial property is money, by payment or delivery to the broker or the financial institution for credit in the custodial account.

(6) If authority is requested under D.C. Code § 20-1106(b)(2) (1981), to establish a restricted account, provide the name and location of the financial institution.

(b) RECEIPT. The personal representative must file within 30 days after the entry of the court order approving the distribution of estate assets on behalf of a minor, proof of the distribution approved by the court as follows:

(1) if distribution is made under D.C. Code § 20-1106(a)(2) or (b)(1), (3), (4), or (5) (1981), a receipt signed by the custodian, and in the case of a financial institution or broker, documentation evidencing the transaction; or

(2) if distribution is made under D.C. Code § 20-1106(b)(2) (1981), documentation evidencing the establishment of a restricted account.

The court may extend the time for filing a receipt upon the showing of good cause.

## **COMMENT**

*Subsection (a)(3).* Where the personal representative petitions for authority to distribute estate assets to a minor under D.C. Code § 20-1106(a)(2) or (b) (1981), the fiduciary must be aware of the following characteristics unique to each method of distribution in order to set forth the basis for the selection of the method proposed, i.e., court-supervised vs. unsupervised arrangement, custodial distribution vs. non-custodial distribution, and accessible assets vs. non-accessible assets:

*Distributions of money or property with a value of \$ 1,000 or less (D.C. Code § 20-1106(b)(1) (1981)) and distributions of tangibles (D.C. Code § 20-1106(b)(4) (1981)).* Distributions may be made to a custodian of the minor designated by the court, and if tangibles are valued in excess of \$1,000, the court may impose such conditions as it deems appropriate. The arrangement is unsupervised. If the tangible personal property

is of significant value, distribution under the Uniform Transfers to Minors Act (see below) should be considered. It will provide more safeguards, as the custodian will be subject to statutory fiduciary standards of care.

*Distribution of money to a restricted bank account (D.C. Code § 20-1106(b)(2) (1981)).* The court must approve the bank, the account is held in the name of the minor, there is no ongoing supervision of the arrangements, and the money may be withdrawn only upon court approval. Restricted accounts appear appropriate for small sums of money where there may be no need to invade the principal to meet the needs of the child. It is advisable if the restricted account is the selected method of distribution (i) to arrange for the bank statements to be forwarded to the minor in whose name the account is established, regardless of age, so that the minor will remain informed, and to the parent of the minor or the custodian of the minor; and (ii) to consult the financial institution to verify that restricted accounts are permissible.

*Distributions under the Uniform Transfers to Minors Act (D.C. Code § 20-1106(b)(3) (1981)).* The estate assets are held by a court-designated custodian on behalf of the minor in an unsupervised arrangement. Expenditures and investments may be made without court authority on behalf of the minor. The designated custodian under this act is accountable as a fiduciary under D.C. Code §§ 21-312 and -313. In this regard, care in the selection of the custodian is important because of the foregoing standards imposed.

*Distributions of real estate to a custodian designated by the court (D.C. Code § 20-1106(b)(5) (1981)).* Distribution is made in the name of the minor to a custodian designated by the court. Although it is an unsupervised arrangement, the property may be sold only with court approval.

*Court-appointed guardians (D.C. Code § 21-106).* This is a supervised arrangement where the guardian serves under bond and files annual accountings. Court costs are assessed based on the estate value, and the guardian is responsible for annual bond premiums. The guardian must petition for authority to expend and invest estate assets on behalf of the minor. If small sums of money are involved, the guardianship of the estate of the minor may not be cost effective because of bond premium costs and the need to file petitions for court authority to make expenditures. Restricted accounts may be preferable. If significant assets are involved, one may wish to consider whether the minor's interest would be better served by the selection of a financial institution as the guardian, as opposed to an individual, in light of bond premium costs, since a financial institution may not be required to execute a bond if authorized under D.C. law to act as a fiduciary.

## **Rule B-7. Inventory and Appraisals**

(a) **USE OF APPRAISERS.** Unless the personal representative is excused from filing an inventory pursuant to D.C. Code § 20-731 (1981), the Register of Wills, upon the granting of letters of administration, must issue a directive to the personal

representative, requiring the personal representative to make an appointment with the standing appraisers or arrange for the use of special appraisers in preparation for the filing of an inventory.

(b) VALUATION OF REAL ESTATE. The personal representative may inventory real property at the value placed thereon by the District of Columbia Department of Tax and Revenue for purposes of assessment and taxation for the fiscal year in which the decedent died. If the personal representative determines that any real property should be independently appraised, the fair market value must be determined by an appraiser who is selected by the personal representative and who is licensed by the District of Columbia.

(c) VALUATION OF SECURITIES. Appraisal of securities must be made as of the date of decedent's death in accordance with principles set forth in federal estate tax regulations governing the valuation of securities for federal estate tax purposes.

(d) SPECIAL APPRAISERS. The personal representative must select qualified special appraisers to appraise a decedent's interests in joint ventures, partnerships, business enterprises, cooperative apartments, coins and stamps and any other assets as to which the Register of Wills has informed the personal representative that the standing appraisers do not ordinarily appraise. In addition, the court may approve the use of qualified special appraisers to appraise any other assets that the standing appraisers do not ordinarily appraise, for which they cannot provide an expeditious appraisal or for other good cause shown.

(e) INVENTORY FORM. The inventory must be typed or electronically printed on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form. The inventory must comply with the general Probate Division rule governing privacy requirements and must be accompanied by the form for reporting complete account numbers required by that rule.

(f) NOTICE OF FILING. The notice prescribed by D.C. Code § 20-711(b) (1981), which may be mailed or delivered to all interested persons in lieu of a copy of the inventory, must be on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

#### **Rule B-8. Claims Against Estate**

(a) PETITION. Petitions for payment of claims prescribed by D.C. Code § 20-909(a) (1981) must be on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

(b) RESPONSE TO PETITION. The personal representative must file and serve the claimant with a response to the petition no later than 14 days after the petition was mailed or delivered.

### **Rule B-9. Action on Claims**

(a) NOTICE OF ACTION. Notice of action taken by the personal representative, pursuant to D.C. Code § 20-908(a), must be on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

(b) SERVICE OF NOTICE OF ACTION. Notice given pursuant to D.C. Code § 20-908(a) and this rule must be signed by the personal representative, and will be deemed to have been mailed or delivered by the personal representative if mailed or delivered either by the personal representative or an agent of the personal representative.

### **Rule B-10. Sale of Estate Assets**

(a) PERSONAL PROPERTY. Sales of personal property when made pursuant to an order of court must be upon such terms and conditions as may be prescribed in the order.

(b) REAL PROPERTY IN THE DISTRICT OF COLUMBIA. When acting upon real property in accordance with D.C. Code § 20-742(b) (1981), the personal representative must file a petition explaining the type of transaction (such as sale, lease, or other) and certifying that the bond has been expanded by an amount equal to the fair market value of the real estate as appraised, or that the bond has been waived. Upon the filing of the petition, the court must enter an order confirming the bond. Unless the bond is waived, the personal representative must obtain and file with the Register of Wills an appraisal report by an appraiser who is selected by the personal representative and who is licensed by the District of Columbia.

(c) SALE OF REAL PROPERTY FOR PURPOSES OF DISTRIBUTION. Sales of real property made pursuant to D.C. Code § 20-1105 must conform to Rule B-10(b).

### **COMMENT**

If the petition referenced in section (b) is filed accompanied by written consents of all interested persons, the court will immediately act on the petition, otherwise the petition will be held by the Register of Wills until expiration of the time for response.

### **Rule B-11. Accounts of Personal Representative**

(a) REQUIREMENT TO ACCOUNT.

(1) *Preparation.* D.C. Code § 20-721 (1981) requires a personal representative to prepare verified written accounts of the administration of the estate.

(2) *Filing.* Unless excused pursuant to D.C. Code § 20-731 (1981), all personal representatives must file accounts in accordance with the provisions of D.C. Code §§ 20-721 to -724 (1981).



(b) **FORM OF ACCOUNT.** The first accounting period of the estate must begin at the date of death of the decedent. All accounts must be typed or electronically printed on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form. The accounts must comply with Rule 109 governing privacy requirements and must be accompanied by the form for reporting complete account numbers required by that rule.

(c) **TAX CERTIFICATION.** All final accounts in estates of decedents dying after March 31, 1987 must contain a certification in a form prescribed by the court that the personal representative is or is not required to file a federal estate tax return and, if a federal estate tax return is required, a further certification that the District of Columbia estate transfer tax, including applicable interest, has been paid in full or that no such tax is due.

## **COMMENT**

The Uniform Fiduciary Accounting Principles and accompanying commentaries and illustrations recommended by the Committee on National Fiduciary Accounting Standards in collaboration with the National Center for State Courts are approved as an elaboration of the requirements of this rule. Reference may be made to them for determination of the adequacy of a particular account. The Model Account Formats attached thereto together with the certification applicable to final accounts of estates of decedents dying after March 31, 1987 are deemed consistent with the prescribed forms.

### **Rule B-12. Waiver of Filing Inventories and Accounts by All Personal Representatives**

(a) **FORM OF WAIVER.** A waiver of filing inventories and accounts by all personal representatives pursuant to D.C. Code § 20-731 (1981) must be on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

(b) **INTERPRETATION OF “HEIR OR LEGATEE.”** For purposes of D.C. Code § 20-731(a) (1981), an “heir or legatee” refers to intestate or testate cases, as appropriate. Waivers by heirs are not required in a testate case.

### **Rule B-13. Notice of Filing of Account**

(a) **FORM OF NOTICE.** The notice prescribed by D.C. Code § 20-721 (1981), which may be mailed or delivered to all interested persons in lieu of a copy of an account, must be on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

(b) TIME OF FILING OF ACCOUNT. If the personal representative gives notice to interested persons of the filing of an account, the account may not be filed earlier than 7 days preceding the last date set forth in the notice for the filing of such account.

(c) DISTRICT OF COLUMBIA ESTATE TRANSFER TAX FINDING. The court may make the District of Columbia estate transfer tax finding required by District of Columbia law with respect to the estates of decedents dying after March 31, 1987, as follows:

(1) upon the filing of a certificate of the District of Columbia government that the District of Columbia estate transfer tax has been fully discharged or provided for, or that no such tax is due; or

(2) upon certification by the personal representative that the personal representative is not required to file a federal estate tax return.

#### **Rule B-14. Waiver of Formal Audit of Account**

(a) FORM OF WAIVER. A waiver of a formal audit of an account by an heir or legatee pursuant to D.C. Code § 20-732(a) (1981) must be on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form.

(b) INTERPRETATION OF "HEIR OR LEGATEE." For purposes of D.C. Code § 20-732(a) (1981), an "heir or legatee" refers to intestate or testate cases, as appropriate. Waivers by heirs are not required in a testate case.

(c) EFFECT OF A RECEIPT. A receipt signed by an heir or legatee acknowledging payment in full of his or her interest in the estate will be deemed to be a waiver for purposes of D.C. Code § 20-732(a) (1981).

(d) WAIVER OF RIGHT TO FILE OBJECTIONS. An heir or legatee may waive the right to a formal audit under D.C. Code § 20-732(a) (1981) and the right to file an objection to the account within 30 days of its filing as provided in Rule B-14(a). An heir or legatee who waives these rights may nevertheless demand a formal audit within 20 days of approval of the final account.

#### **Rule B-15. Audit of Accounts**

(a) COMPLETE COURT AUDIT. Unless waivers have been filed with the account pursuant to D.C. Code § 20-732 (1981), the personal representative, at the time of filing the account, must:

(1) exhibit all checking account bank statements and cancelled checks or vouchers evidencing cash or electronic transactions during the accounting period;

(2) exhibit all passbooks, ledger sheets, statements, or similar documents issued by a bank, trust company, savings and loan association, brokerage firm or similar institution,

reflecting the assets of the estate on deposit or on account therein, and evidencing the transactions in such assets during the accounting period;

(3) where not otherwise ascertained in accordance with Rule B-15(a)(1), (2), and (4), file a written statement by each depository of cash balances on deposit therein and of all other assets (except tangibles) carried in the account as of closing date of the accounting period;

(4) exhibit certificates or other statements of account of a custodian other than the personal representative evidencing ownership of all securities held for future accounting; in those fiduciary cases in which a bank is acting as fiduciary. In lieu of exhibiting certificates, the bank may submit an affidavit executed by an officer of the bank, other than the officer signing the account, verifying the correctness of the securities and cash accounts held for future accounting and the bank's custody thereof; and

(5) if the account is a final account in the estate of a decedent dying before April 1, 1987, file a certificate of satisfaction of payment of District of Columbia inheritance and/or estate taxes.

(b) CURSORY REVIEW OF ACCOUNT. If the account is to be reviewed pursuant to D.C. Code § 20-732 (1981), the personal representative must, at the time of filing the account:

(1) note on the face of the account a request for cursory review;

(2) file with the account waivers or receipts as provided in Rule B-14;

(3) file vouchers or cancelled checks for all funeral expenses and each other disbursement in excess of \$1,000 claimed in the account;

(4) if the account is final, file a statement that all claims filed with the court or otherwise presented to the personal representative have been paid or rejected;

(5) if the account is a final account in the estate of a decedent dying before April 1, 1987, file a certificate of satisfaction of payment of District of Columbia inheritance and/or estate taxes;

(6) if the pending account reflects a proposed disbursement of estate funds for compensation to the personal representative or the attorney for the personal representative, comply with the requirements of Rule B-19 governing requests for compensation; and

(7) submit a check in payment of outstanding court costs.

(c) RECOMMENDATION OF THE REGISTER OF WILLS. If the Register of Wills is satisfied that there has been submitted with a pending account for which cursory review is requested the requirements set forth in Rule B-15(b), and all applicable time periods have expired, the Register of Wills must, forthwith, submit such account to the court for its approval.

**Rule B-16. Accounts of Special Administrator**

Special administrators must account to the court in the same manner as personal representatives, and such accounts must be subject to a formal and complete audit.

**Rule B-17. Assignment of Rights**

When a party who claims to have a right to share as an heir or legatee of a deceased person assigns all or part of such right in a probate proceeding, the assignee must promptly file the assignment in the probate proceeding. Any further proceedings to protect or enforce the assignment, or any claim based thereon, must be prosecuted or presented in the name of the assignee and not in the name of the assignor. The assignment must be verified. Unless approved by order of this court, counsel for the assignee must not appear for or represent the assignor.

**Rule B-18. Termination of Appointment**

A petition for termination of the appointment of the personal representative pursuant to D.C. Code § 20-1301 (1981), along with a proposed order, must be filed on the form maintained by the Register of Wills or a form that is substantially similar in content and format to that form. The petition must have attached to it all receipts not previously filed evidencing proper distribution of assets of the estate.

**Rule B-19. Request for Compensation**

(a) A request for compensation as required by D.C. Code § 20-751 (1981) must be by typewritten verified documentation, executed by the personal representative and the attorney for the personal representative, and be in the following format:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Probate Division

Estate of:            )  
                          )       Administration No.  
.....                )  
                          )  
Deceased.          )

REQUEST FOR COMPENSATION FOR SERVICES

Value of:

Tangible personal property .....  
Intangible personal property .....  
Real property in the  
District of Columbia .....  
Estate Income .....

....., personal representative of the captioned estate, requests compensation for services as personal representative in the amount of \$ ....., and compensation for ....., attorney for the personal representative, in the amount of \$ ....., in accordance with D.C. Code § 20-751 (1981).

(1) That the consents of all interested persons have (have not) been filed.

(2) That the relationship between the compensation sought and the nature of the work performed is reasonable and that the fees sought by the personal representative and by the attorney for the personal representative represent ..... /% and ..... /%, respectively, for a total of ..... /% of the estate's assets and income.

[NOTE]: Usually, the compensation sought will be considered reasonable if the aggregate amounts requested by the personal representative and by the attorney for the personal representative are reasonable or if the number of hours spent and the hourly compensation rate are reasonable.

(3) That the time spent by the personal representative to date is ..... hours, and it is anticipated that an additional ..... hours will be required to complete the estate administration.

(A) The personal representative's usual hourly compensation for work of this nature is \$ ..... Please provide a brief explanation of how this rate was determined:

(B) The personal representative does not have a usual hourly compensation for work of this nature.

[NOTE]: In lieu of stating hours spent and hourly rates, a trust company may file a copy of its current fee schedule.

[NOTE]: If a personal representative is not an attorney or a trust company, he or she may not have an hourly rate for rendering estate administration services. If this should be the case, the personal representative should so state in the request for compensation. See Rule B-19(a)(3)(B). If an hourly rate is given for such services, a brief explanation should be furnished as to how the rate was determined. It would be useful, in any event, for the personal representative to state the number of hours spent to date and the number of additional hours anticipated to be spent. If the personal representative deems it relevant, he or she should indicate any professional or personal

relationship he or she had with the deceased, and his or her usual occupation and earnings.

(4) That the time spent by the attorney for the personal representative (or the attorney's firm) is ..... hours and it is anticipated that an additional ..... hours will be required to complete the estate administration.

(A) The attorney's usual hourly compensation for work of this nature is \$ .....

(B) An hourly rate of compensation is not furnished because:

[NOTE]: If a flat fee is charged, explain the basis therefor. If a flat fee is stated in unequivocal terms, the attorney should state any limitations on the services to be performed (e.g., that there are no more than x number of hours to be expended).

(5) That the attorney for the personal representative as soon as feasible gave to the personal representative an estimate of the fees and any change in fees for work to be performed with respect to the administration of the estate.

[NOTE]: The usual and ordinary work to be performed by an attorney in the administration of the estate is set forth in The Role and Function of the Estate Attorney, 12 A.B.A., Real Property, Probate and Trust Journal, 12:223 (Spring, 1977).

(6) That all of the results required to be achieved in order to complete the estate administration have been or will be accomplished and that the administration of the estate involved the following:

[NOTE]: A brief summary of the work involved in the administration of the estate should be provided.\* If under any other provision of this rule additional documentation is required to describe more fully the work performed or the results achieved, such additional documentation should be included here.

\* For example:

"The personal representative diligently marshalled the assets of the estate, invested the same and collected the income therefrom, paid all just debts, claims, and expenses of administration, established and maintained books and records of assets received and disbursements made, caused to be completed final Federal and District of Columbia tax returns, filed necessary inventories and appraisals, and [state number] Accounts (including the Final Account), caused to have prepared and filed the Federal Estate Tax Return, the District of Columbia inheritance or estate transfer tax return, as applicable, and the District and Federal fiduciary income tax returns, and will, following the approval of the Final Account, complete distribution of assets in accordance with the decedent's Last Will. The personal representative will also, at the end of the final fiduciary income tax year, cause to be prepared and filed the final Federal and District of Columbia fiduciary income tax returns for the estate."

(7) That all time limitations imposed by the provisions of the Act or by the rules, including any timely requested extensions thereof, were met.

[NOTE]: If all time limitations were not met, state the date the compliance was due, the actual date for compliance and the reasons for the delay.

(8) The personal representative herewith certifies that on the ..... day of ....., 20....., a copy of this request, the appended notice to interested persons, and copies of all accompanying statements were sent by certified (or registered) mail, return receipt requested, to all interested persons.

Respectfully submitted,

.....  
Personal Representative

#### VERIFICATION BY PERSONAL REPRESENTATIVE

....., personal representative of the estate of ....., deceased, do solemnly declare and affirm under penalty of law that the contents of the foregoing document with respect to services performed by the personal representative are true and correct to the best of the personal representative's knowledge, information, and belief.

.....  
Personal Representative

#### VERIFICATION BY ATTORNEY FOR PERSONAL REPRESENTATIVE

....., attorney for the personal representative of the estate of ....., deceased, do solemnly declare and affirm under penalty of law that the contents of the foregoing document with respect to the services rendered by me or by my firm are true and correct to the best of my knowledge, information, and belief.

.....  
Attorney for  
Personal Representative

.....  
Bar Number  
Address and Telephone No.

.....  
.....

NOTICE TO INTERESTED PERSONS

You are hereby notified that you may file written objections with the Register of Wills and serve a copy thereof on the personal representative and the personal representative's attorney within 20 days of the mailing to you of this Notice of Request for Compensation for Services. Reasons for your objections should be stated.

If you execute a Consent to the Request for Compensation for Services, you will waive your statutory right to file objections thereto.

(b) Consents to the request for compensation must be substantially in accordance with the following format:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Probate Division

Estate of:            )  
                          )  
.....                )  
                          )  
Deceased.         )           Administration No.

CONSENT BY INTERESTED PERSON TO REQUEST FOR  
COMPENSATION FOR SERVICES AND WAIVER

I, ....., am entitled to receive a share of the above estate. I have received a copy of the REQUEST FOR COMPENSATION FOR SERVICES.

I am aware that compensation is being requested by the personal representative in the amount of \$ ....., and by the attorney for the personal representative in the amount of \$ ....., for a total of \$ .....

I am aware that compensation requests are generally carefully reviewed by the court in the absence of a Consent and Waiver signed by each interested person. I am aware that this Consent and Waiver will be filed with the Register of Wills and that, if a Consent and Waiver is filed on behalf of every other interested person, the court may approve the compensation requested, based solely on the request as filed.

I am aware that I have the statutory right to file with the Register of Wills written objections to the compensation request within 20 days of the mailing of the Notice thereof to me and that my execution of this Consent and Waiver constitutes a waiver of that right.



I hereby consent and agree to the payment of the amounts requested and I hereby waive my statutory right to file objections to the Request for Compensation.

.....  
Signature

Dated:.....

(c) The court may act upon the request for compensation based solely upon the documentation required by Rule B-19(a)(1) - (8) and by either Rule B-19(c)(1) or (2) if:

(1) a consent and waiver in the form set forth in Rule B-19(b) is signed by each interested person and filed; or

(2) no objections to the request for compensation are filed and the total compensation requested is reasonable.

(d) If a personal representative or the attorney for the personal representative claims expenses of litigation pursuant to D.C. Code § 20-752, the claiming party must demonstrate the necessity of the litigation. If the attorney is someone other than the attorney handling the estate administration, the reason for his or her retention as litigation counsel (for example, special expertise, situs of the litigation, and the like) should be set forth.

(e) Additional verified documentation to show the reasonableness of the compensation sought must be filed if:

(1) any interested person files an objection to the request for compensation; or

(2) for any other reason the court requests such documentation.

Such additional documentation must describe any special services performed or any special circumstances encountered.

[NOTE]: Unusual or complicating factors, such as a will contest, disputes among interested persons, difficulties in locating assets, operating or disposing of a closely held business, and tax audits, should be described in detail. Information should also be provided with respect to the retention of any agents such as accountants, investment advisors, or other attorneys, including the reason for the retention, the tasks they performed, the amounts they were paid, and the basis for their compensation (flat fee, hourly rate, etc.).

(f) Any personal representative or attorney for the personal representative who is unwilling to join in or unable to obtain the joint execution of a request for compensation by all parties may submit a separate request for compensation. The separate request must contain all of the documentation required by Rule B-19(a), including the

verification and notice to interested persons, and additional documentation required by Rule B-19(e) if applicable. The separate request also must set forth the efforts made to seek joint participation and, to the extent known, the reasons for nonparticipation in a joint request by all personal representatives and their attorneys. Each attorney for a personal representative shall be an interested person for purposes of Rule B-19(f).

(g) The court has the authority to award a fee consistent with its assessment of the services rendered, based on the request for compensation as filed. The court may at any time request such additional information as it may determine to aid it in assessing appropriate compensation in any case.