

# Decedent's Estate

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Court of Common Pleas of  
Philadelphia County, Pennsylvania  
Orphans' Court Division

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Estate of \_\_\_\_\_, Deceased  
No. \_\_\_\_\_ of \_\_\_\_\_

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PETITION FOR ADJUDICATION AND STATEMENT  
OF PROPOSED DISTRIBUTION IN CONFORMITY WITH  
PHILADELPHIA ORPHANS' COURT DIVISION RULES

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This form shall be used in all cases involving the audit of the account of a Decedent's Estate. All information shall be supplied or a re-audit may be required. If space is insufficient, riders may be attached. To be submitted herewith shall be the Account Filing checklist and all items required to be submitted as shown thereon; the spouse's election, if any; the papers required under items 7-17 inclusive; and any instrument pertinent to the adjudication.

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**FASTEN ATTACHMENTS TO THE BACK OF THIS FORM.  
SUBMIT APPEARANCE SLIP AT THE AUDIT.**

Name of Counsel: \_\_\_\_\_

Attorney I.D. No.: \_\_\_\_\_

Name of Law Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

1. Name(s), address(es) and capacity(ies) of petitioner(s):

who aver:

2. Decedent died on \_\_\_\_\_. Letters were granted to petitioners on \_\_\_\_\_.

*For testate decedent:*

Date of Will: \_\_\_\_\_

Date(s) of codicil(s) if any: \_\_\_\_\_

Date of probate (*if different from date Letters granted*): \_\_\_\_\_

3. Was decedent survived by a spouse?  Yes  No

If yes, name of the surviving spouse: \_\_\_\_\_

4. Has the surviving spouse filed to take an elective share?  Yes  No

*(See Section 2201 et seq. of the Probate, Estates and Fiduciaries Code)*

If yes, date of election: \_\_\_\_\_

5. The decedent's surviving children or surviving issue of deceased children are (*if none, so state*):

6. Did decedent marry after execution of Will?  Yes  No

Did decedent marry after execution of codicil(s)?  Yes  No

Were any children born to decedent after execution of decedent's will or codicil?  Yes  No

If yes, give names and dates of birth:

7. Written notice of the audit as required by Rule 6.3 and Local Rule 6.3.A. has been or will be given to all parties in interest listed in item 8 below, all unpaid creditors and all claimants listed in item 10 below. In addition, notice of any questions requiring adjudication as discussed in item 15 below has been or will be given to all persons affected thereby.

A. If notice has been given, attach a copy of the notice as well as a list of the names and addresses of the parties receiving such notice.

- B. If notice is yet to be given, a copy of the notice as well as a list of the names and addresses of the parties receiving such notice shall be submitted at the audit together with a statement executed by petitioner or petitioner's counsel certifying that such notice has been given.
- C. If any person entitled to notice is not sui juris (e.g., minors or incapacitated persons), notice of the audit has been or will be given to the appropriate representative on such party's behalf as required by Rule 5.2 and Local Rule 5.2.A.
- D. If any charitable interest is involved, notice of the audit has been or will also be given to the Attorney General as required under Rule 5.5 (see form notice of charitable gift authorized by the Court of Common Pleas of Philadelphia County, Orphans' Court Division). In addition, the Attorney General's clearance certificate (or proof of service of notice and a copy of such notice) must be submitted herewith or at the audit.

8. List all parties (charitable and non-charitable) of whom petitioner has notice or knowledge, having or claiming any interest in the estate. This list shall:

- A. State each party's relationship to the decedent and the nature of each party's interest(s);
- B. Identify each party who is not sui juris (e.g., minors or incapacitated persons). For each such party, give date of birth, the name of each guardian and how each guardian was appointed. If no guardian has been appointed, identify the next of kin of such party, giving the name, address and relationship of each; and
- C. If distribution is to be made to the personal representative of a deceased party, state date of death, date and place of grant of Letters and type of Letters granted.

<i>Name and Address of Each Party in Interest</i>	<i>Relationship and Comments (If Any)</i>	<i>Interest</i>
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.....		
.....		
.....		

- 9. If any party entitled to distribution is a non-resident, foreign or unknown distributee subject to the provisions of Local Rules 6.9.D., and 13.3.A., explain and attach or submit at audit the additional documentation required under the applicable Local Rules.
- 10. The names and addresses of the claimants (other than any family exemption claimant under item 12 below), and the amounts of their claims, in the order of preference under Section 3392 of the Probate, Estates and Fiduciaries Code (with a notation whether or not preference is claimed and whether or not the claim and preference are admitted), are as follows (*if none, so state*):

11. A. State why a petition for guardian/trustee ad litem has or has not been filed for this audit (see Rule 12.4 and Local Rule 12.4.A.):

B. If a waiver of the appointment of a guardian/trustee ad litem is requested, state whether confirmation of the account will be accepted in whole or in part without prejudice (see Rule 12.4 and Local Rule 12.4.A.):

12. Was family exemption claimed?  Yes  No Allowed?  Yes  No

Family exemption claimant's name and relationship: \_\_\_\_\_

13. The amount of Pennsylvania Transfer Inheritance Tax and additional Pennsylvania Estate Tax paid, the date(s) of payment(s), and the interest(s) upon which paid, are as follows:

14. On the date of death, the decedent was not a fiduciary of another estate, nor surety on the bond of a fiduciary, except as stated (*if so, state caption of estate and indicate whether account has been confirmed absolutely and all awards performed; if not state "no exceptions"*):

15. Describe any questions requiring adjudication:

16. If petitioner has knowledge that a share has been assigned, renounced, disclaimed or attached, provide a copy of the assignment, renunciation, disclaimer or attachment, together with any relevant supporting documentation.

17. Was decedent adjudicated an incapacitated person?  Yes  No

If yes, attach a copy of the Order if available; otherwise state Court, term, number, date, and name of Hearing Judge:

18. If a reserve is requested, state amount and purpose: \_\_\_\_\_

19. Is a schedule of distribution requested?  Yes  No

As to real estate only?  Yes  No

Wherefore, your petitioner asks that distribution be awarded to the persons entitled and suggests that the distributive shares of income and principal (residuary shares being stated in proportions, not amounts) are as follows:

A. Income:

<u>Proposed Distributee(s)</u>	<u>Amount/Proportion</u>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

B. Principal:

<u>Proposed Distributee(s)</u>	<u>Amount/Proportion</u>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

Submitted By:

\_\_\_\_\_

Name of Petitioner: \_\_\_\_\_

## **Verification of Petitioner**

*(Verification must be by at least one petitioner. Local Rule 6.9B.)*

The undersigned hereby verified [that (s)he is \_\_\_\_\_ of the above-named \_\_\_\_\_ and]\* that the facts set forth in the foregoing Petition for Adjudication and Statement of Proposed Distribution which are within the personal knowledge of the petitioner are true, and as to facts based on the information of others, the petitioner, after diligent inquiry, believes them to be true; and that any false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

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*Signature of Petitioner*

*\*Corporate petitioners must complete bracketed information.*

## **Certification of Counsel**

The undersigned counsel hereby certifies that the foregoing Petition for Adjudication and Statement of Proposed Distribution is a true and accurate reproduction of the form petition authorized by the Court of Common Pleas of Philadelphia County, Orphans' Court Division, and that no changes to the form have been made beyond the responses herein.

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*Signature of Counsel for Petitioner(s)*