

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 20.
PROBATE AND ADMINISTRATION OF
DECEDENTS' ESTATES.

CHAPTER 11.
SPECIAL PROVISIONS RELATING TO
DISTRIBUTION.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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DISTRIBUTION.

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CHAPTER 11. SPECIAL PROVISIONS

RELATING TO DISTRIBUTION.

§ 20-1101. RENUNCIATION; LEGATEE OR HEIR.[REPEALED]

(Mar. 6, 1991, D.C. Law 8-204, § 10, 37 DCR 8439.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1101.

Legislative History of Laws

Law 8-204, the "District of Columbia Uniform Disclaimer of Property Interest Act of 1990," was introduced in Council and assigned Bill No. 8-84, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 20, 1990, and December 4, 1990, respectively. Signed by the Mayor on December 14, 1990, it was assigned Act No. 8-279 and transmitted to both Houses of Congress for its review.

Miscellaneous Notes

Uniform Disclaimer of Property Interests: See § 19-1501 et seq.

§ 20-1102. DISTRIBUTION IN KIND; VALUATION; METHOD.

Subject to the terms of any will and the needs of administration, the personal representative shall distribute the assets of a decedent's estate in kind to the extent possible through application of the following provisions:

- (a) A specific legatee shall receive distribution of the legacy given to such legatee;
- (b) Any family allowance, or legacy payable in money may be satisfied by value in kind provided:
 - (1) the person entitled to the payment has not demanded payment in cash;
 - (2) the property distributed in kind is valued at fair market value as of the date of its distribution;
and
 - (3) no residuary legatee has requested that the asset in question remain a part of the residue of the estate.
- (c) The residuary estate shall be distributed in kind when there is no objection to the proposed distribution and it is practicable to distribute undivided interests. In other cases, residuary property may be converted into cash for distribution.
 - (c-1) For the purpose of valuation under subsection (b)(2) of this section, securities regularly traded on recognized exchanges, if distributed in kind, are valued at the price for the last sale of like securities traded on the business day prior to distribution, or if there was no sale on that day, at the median between amounts bid and offered at the close of that day. Assets consisting of sums owed the decedent or the estate by solvent debtors as to which there is no known dispute or defense are valued at the sum due with accrued interest or discounted to the date of distribution. For assets which do not have readily ascertainable values, a valuation as of a date not more than 30 days prior to the date of distribution, if otherwise reasonable, controls. For purposes of facilitating distribution, the personal representative may ascertain the value of the assets as of the time of the proposed distribution in any reasonable way, including the employment of qualified appraisers, even if the assets may have been previously appraised.
 - (d) After the probable claims against the estate are known, the personal representative may mail or deliver a proposal for distribution to all persons who have a right to object to the proposed distribution. The right of any such person to object to the proposed distribution terminates if such person fails to

object in writing received by the personal representative within 30 days after mailing or delivery of the proposal.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(mmm), 42 DCR 63.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1102.

Emergency Act Amendments

For temporary amendment of § 4 of D.C. Law 10-241, see § 2 of the Probate Reform Act of 1994 Emergency Amendment Act of 1995 (D.C. Act 11-79, June 28, 1995, 42 DCR 3452).

Legislative History of Laws

Law 3-72, the "District of Columbia Probate Reform Act of 1980," was introduced in Council and assigned Bill No. 3-91, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 1, 1980, and April 22, 1980, respectively. Signed by the Mayor on May 7, 1980, it was assigned Act No. 3-181 and transmitted to both Houses of Congress for its review.

Law 10-241, the "Probate Reform Act of 1994," was introduced in Council and assigned Bill No. 10-649, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-386 and transmitted to both Houses of Congress for its review. D.C. Law 10-241 became effective on March 21, 1995.

Miscellaneous Notes

Application of Law 10-241: Section 4 of D.C. Law 10-241, as amended by § 2 of D.C. Law 11-54, provided that the act shall be applicable to estates of decedents who died on or after July 1, 1995.

§ 20-1103. DISTRIBUTION IN KIND; ASSIGNMENT, TRANSFER AND RELEASE OF PROPERTY.

If distribution in kind is made, the personal representative shall, upon the request of the distributee, execute and deliver an instrument of distribution assigning, transferring, or releasing property to the distributee as evidence of the distributee's title to the property. Distribution of real property may be effected by quit claim deed. The personal representative shall pay all costs of deed recordation as a cost of administration of the estate. In addition to any other indexing, a deed distributed under this section shall be recorded among the land records as required by law and shall be indexed in the grantor index under the decedent's name.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1103.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1102.

§ 20-1104. DISTRIBUTION; EFFECT.

(a) *Title of distributees.* -- Proof that a distributee has received an instrument or deed of distribution of assets in kind from the personal representative is conclusive evidence that the distributee has succeeded to the interest of the estate in the distributed assets, as against all interested persons, except that the personal representative shall recover the assets or their value if the distribution was improper in accordance with subsection (b) of this section.

(b) *Improper distribution; liability of distributee.* -- A distributee of property improperly distributed who has not disposed of the property shall return the property received to the personal representative unless the distribution can no longer be questioned because of adjudication or limitations. If a distributee has disposed of any property improperly distributed, such distributee shall be liable to the personal representative for the value of the property on the date of distribution or the date of disposition, whichever is lower, unless the distribution can no longer be questioned because of adjudication or limitations.

(c) *Purchasers from distributees protected.* -- If property distributed in kind or a security interest therein is

acquired for value by a purchaser from, or lender to, a distributee who has received an instrument or deed of distribution from the personal representative, or is so acquired by a purchaser from, or lender to, a transferee from such distributee, the purchaser or lender takes good title free of any claims or rights of any interested person in the estate and incurs no personal liability to the estate, or to any interested person, whether or not the distribution was proper or supported by court order or the authority of the personal representative was terminated before execution of the instrument or deed. This section protects a purchaser from, or lender to, a distributee (or a distributee's transferee) even when the distributee, who, as personal representative, has executed such deed of distribution. To be protected under this provision, a purchaser or lender need not inquire whether a personal representative acted properly in making the distribution in kind, even if the personal representative and the distributee are the same person, or whether the authority of the personal representative had terminated before the distribution. Any recorded instrument described in this section on which a state documentary fee is noted shall be prima facie evidence that such transfer was made for value.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(nnn), 42 DCR 63; Mar. 24, 1998, D.C. Law 12-81, § 13(g), 45 DCR 745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1104.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1102.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-1102.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-1102.

§ 20-1105. PETITION FOR PURPOSE OF DISTRIBUTION.

When two or more heirs or legatees are entitled to distribution of undivided interests in any property of the estate, the personal representative or one or more of the heirs or legatees may petition the Court, prior to the closing of the estate, to make partition. After notice to the heirs or legatees interested in the property being partitioned, the Court may partition the property, in accordance with the provisions of sections 16-2901 through 16-2925. The Court may direct the personal representative to sell any property which cannot be partitioned without prejudice to the owners and which cannot conveniently be allotted to any one party.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1105.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1102.

§ 20-1106. DISTRIBUTION TO A MINOR.

(a) If a personal representative is required to distribute assets of an estate to a minor, and if the will contains a direction or grants discretion to the personal representative with regard to the manner of making such a distribution, then the personal representative shall make distribution in accordance with that direction or discretion without the need for any order of the Court.

(b) If a personal representative is required to distribute assets of an estate to a minor, and if there is no will or if the will does not give any direction or discretion to the personal representative with regard to such a distribution, then the personal representative may make such distribution as follows:

(1) without the need for any order of the Court, in the following order of priority:

(A) to the guardian of the minor if the guardian has filed with the Court a copy of the guardian's

appointment as guardian and an order authorizing such guardian to receive such distribution authenticated pursuant to 28 U.S.C. § 1738; or

(B) to the custodian selected or approved by the personal representative for the minor under the Uniform Gifts (or Transfers) to Minors Act of any jurisdiction, subject to the limits, if any, under such applicable act on the property which may be received and held by such custodian; or

(2) in any other manner approved by the Court.

(c) When a personal representative distributes assets in accordance with this section, the personal representative shall obtain a voucher, signed by the distributee, indicating receipt of the property distributed.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 12, 1986, D.C. Law 6-87, § 3(b), 33 DCR 278; Mar. 21, 1995, D.C. Law 10-241, § 3(ooo), 42 DCR 63.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1106.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1102.

Law 6-87, the "District of Columbia Uniform Transfers to Minors Act," was introduced in Council and assigned Bill No. 6-58, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 19, 1985, and December 3, 1985, respectively. Signed by the Mayor on December 30, 1985, it was assigned Act No. 6-115 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-1102.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-1102.

§ 20-1107. DISTRIBUTION TO FIDUCIARY FOR NONRESIDENT PERSON UNDER LEGAL DISABILITY OTHER THAN MINORITY.

If a fiduciary has been appointed for a nonresident person under a legal disability other than minority and if such fiduciary has filed copies of such appointment and an order authorizing such fiduciary to receive such distribution authenticated pursuant to 28 U.S.C. sec. 1738, the personal representative may distribute the share of an estate of the person with a disability to such fiduciary.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Apr. 24, 2007, D.C. Law 16-305, § 34(c), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1107.

Effect of Amendments

D.C. Law 16-305 substituted "share of an estate of the person with a disability" for "disabled person's share of an estate".

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1102.

For Law 16-305, see notes following § 20-108.

§ 20-1108. CERTAIN FORMULA CLAUSES TO BE CONSTRUED TO REFER TO FEDERAL ESTATE AND GENERATION-SKIPPING TRANSFER TAX RULES APPLICABLE TO ESTATES OF DECEDENTS DYING ON DECEMBER 31, 2009.

(a)(1) A will or trust of a decedent who dies after December 31, 2009 and before January 1, 2011, that contains a formula referring to the "unified credit," "estate tax exemption," "applicable exemption amount," "applicable credit amount," "applicable exclusion amount," "generation-skipping transfer tax exemption," "GST exemption," "marital deduction," "maximum marital deduction," or "unlimited marital deduction," or

that measures a share of an estate or trust based on the amount that can pass free of Federal estate taxes or the amount that can pass free of Federal generation-skipping transfer taxes, or that is otherwise based on a similar provision of Federal estate tax or generation-skipping transfer tax law, shall be deemed to refer to the Federal estate and generation-skipping transfer tax laws as they applied with respect to estates of decedents dying on December 31, 2009.

(2) This subsection shall not apply with respect to a will or trust that is executed or amended after December 31, 2009, or that manifests an intent that a contrary rule shall apply if the decedent dies on a date on which there is no then-applicable Federal estate or generation-skipping transfer tax.

(3) The reference to January 1, 2011 in this subsection shall, if the Federal estate and generation-skipping transfer tax becomes effective before that date, refer instead to the first date on which the tax shall become legally effective.

(b) The personal representative or any affected beneficiary under the will or other instrument may bring a proceeding to determine whether the decedent intended that the references under subsection (a) of this section be construed with respect to the law as it existed after December 31, 2009. The proceeding shall be commenced within 12 months following the death of the testator or grantor, and not thereafter.

(Sept. 24, 2010, D.C. Law 18-223, § 7102(b), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see §§ 7102(b) and 7103 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Miscellaneous Notes

Short title: Section 7101 of D.C. Law 18-223 provided that subtitle K of title VII of the act may be cited as the "Estate Tax Clarification Act of 2010".

Section 7103 of D.C. Law 18-223 provides:

"Sec. 7103. Applicability date.

"Section 7102 shall apply as of January 1, 2010."