

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 20.
PROBATE AND ADMINISTRATION OF
DECEDENTS' ESTATES.

CHAPTER 13.
CLOSING THE ESTATE.

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CHAPTER 13. CLOSING THE ESTATE.

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CHAPTER 13. CLOSING THE ESTATE.

§ 20-1301. TERMINATION OF APPOINTMENT.

(a) *Supervised administration.* -- The approval of the final account shall automatically close the estate, and if the final account so requests and the Court approves, shall terminate the appointment of the personal representative. If the appointment is not terminated by the final account, a supervised personal representative may later petition the Court for an order terminating the appointment. The personal representative shall mail or deliver notice of such petition to all residuary legatees, if the decedent died testate, or heirs, if the decedent died intestate, and to any creditors who have presented their claims but not been paid in full. The Court may hold a hearing on the petition if any person receiving notice files, within 20 days of the mailing of such notice, a written request for a hearing with the Court. After a hearing or, if no hearing is requested, after the expiration of the 20 days, the Court may enter an order terminating the appointment of the personal representative.

(b) *Unsupervised administration; closing the estate.* -- Unless otherwise provided by an order of the Court for good cause shown in a particular case, an estate administered in an unsupervised administration shall be closed in one of 2 ways: (A) by the personal representative's filing with the Court a Certificate of Completion as described in section 20-735, and the appointment of the personal representative shall thereby be terminated if so elected by the personal representative in the Certificate of Completion; or (B) if no Certificate of Completion is filed, then by the termination of the appointment of the personal representative as provided in subsection (c) of this section.

(c) *Unsupervised administration; automatic termination of appointment.* -- If no Certificate of Completion is filed by a personal representative in an unsupervised administration, then the appointment of the personal representative shall terminate automatically on the date which is 3 years after the appointment of the personal representative, or on the later expiration of any extension of the appointment granted by the Court. Specifically, the Court shall extend the appointment for an additional 12 months upon the written request of the personal representative; there shall be no limit on the number of extensions granted.

(d) Neither the closing of the estate nor the termination of the personal representative's appointment shall prohibit the personal representative from thereafter performing whatever final administrative actions may be necessary to complete the affairs of the estate.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(ppp), 42 DCR 63; Apr. 9, 1997, D.C. Law 11-255, § 19(l), 44 DCR 1271.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1301.

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.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24,

1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

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.

§ 20-1302. LIABILITY OF HEIR OR LEGATEE TO CREDITOR.

After an estate has been closed, a claim not barred may be brought against one or more of the persons to whom property has been distributed. An heir or legatee shall not be liable to claimants for any amount in excess of the value of the property distributed to such heir or legatee, valued at the time of distribution or the time of filing suit, whichever is lower. An heir or legatee shall have a right of contribution against other heirs or legatees and, as between them, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied before distribution.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1302.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1301.

§ 20-1303. LIMITATIONS.

(a) *Proceedings against personal representative.* -- Unless otherwise barred, any claim of personal liability against a personal representative, except for fraud, and except as provided in section 20-736, shall be barred one year from the date of distribution of all the assets and satisfaction of all known claims against the estate. Unless shown by the personal representative to be earlier, the date of such distribution and satisfaction in an unsupervised administration shall be deemed to be the date of the filing of the Certificate of Completion or, if none, 3 months after the termination of the appointment of the personal representative.

(b)(1) *Claims against heirs and legatees.* -- Except as otherwise provided in section 20-1302, the right of any person seeking to recover improperly distributed property or its value from any person to whom property has been distributed shall be barred one year from the date of distribution of all the assets of the estate and satisfaction of all known claims against the estate.

(2) Where an action or proceeding is commenced against the personal representative within the time prescribed in subsection (a) of this section, the right of the personal representative to seek recovery pursuant to paragraph (1) of this subsection shall not be barred earlier than 3 months following the commencement of the action or proceeding.

(3) Nothing in this subsection shall bar the recovery of property or its value that was received as the result of the distributee's participation in a fraudulent distribution.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1303.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-1301.

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 § 20-1301.

§ 20-1304. SUBSEQUENT ADMINISTRATION.

If property is discovered after an estate has been closed and the appointment of the personal representative has been terminated pursuant to section 20- 1301, the Court, upon petition of any interested person and upon such notice as it may direct, may appoint the same or a successor personal representative and make any other appropriate order. Any further proceedings shall be conducted pursuant to the applicable provisions of this title but no claim previously barred may be asserted in the subsequent administration.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1304.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1301.

§ 20-1305. CONFIRMATORY ACTS.

Nothing in this title shall be deemed to affect the authority of a personal representative to perform ministerial or confirmatory acts after an estate is closed or the appointment of the personal representative is terminated.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-1305.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-1301.