

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 20.**  
**PROBATE AND ADMINISTRATION OF**  
**DECEDENTS' ESTATES.**

**CHAPTER 3.**  
**OPENING THE ESTATE.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 3. OPENING THE ESTATE.

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# CHAPTER 3. OPENING THE ESTATE.

## SUBCHAPTER I. GENERAL PROVISIONS.

### § 20-301. SCOPE.

This chapter applies to the opening of an estate which begins with the filing of a petition for probate by an interested person as provided in section 20- 304 and results in the probate of a will or the determination of a decedent's intestacy and the appointment of a personal representative. Probate may occur either:

- (a) As an abbreviated probate proceeding as provided in subchapter II of this chapter;
- (b) As a standard probate proceeding as provided in subchapter III of this chapter;
- (c) As a small estates proceeding as provided in subchapter VI of this chapter.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-301.

##### *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.

### § 20-302. NECESSITY FOR PROBATE.

- (a) A will is ineffective to transfer property or to nominate a personal representative unless it is admitted to probate or recorded as provided in section 20-341 (b).
- (b) Except for foreign personal representatives, no person shall exercise the powers or assume the duties of a personal representative unless he has been appointed by the Court.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-302.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

### § 20-303. ORDER OF PRIORITY FOR APPOINTMENT OF PERSONAL REPRESENTATIVE; PERSONS EXCLUDED.

(a)(1) *General.* -- The Court shall, except as provided in subsections (b) and (d), appoint personal representatives, successor personal representatives, and special administrators according to the following order of priority, with all persons in any one of the following paragraphs considered as a class:

- (A) the personal representative or representatives named in a will admitted to probate;
- (B) the surviving spouse, domestic partner, or children of an intestate decedent or the surviving spouse or domestic partner of a testate decedent;
- (C) the residuary legatees;

- (D) the children of a testate decedent;
- (E) the grandchildren of the decedent;
- (F) the parents of the decedent;
- (G) the brothers and sisters of the decedent;
- (H) the next of kin of the decedent;
- (I) other relations of the decedent;
- (J) the largest creditor of the decedent who applies for administration;
- (K) any other person.

(2)(A) Relations of whole blood shall be preferred to those of half-blood in equal degree. Relations of half-blood shall be preferred to those of whole blood in a remoter degree.

(B) Relations descending shall be preferred to relations ascending in a collateral line. A nephew or niece shall be preferred to an uncle or aunt.

(C) A person may not be preferred in the ascending line beyond a parent or in the descending line below a grandchild.

(b) *Exclusions.* -- Letters shall not be granted to a person who, at the time any determination of priority is made:

- (1) has filed with the Register a declaration in writing renouncing the right to administer;
- (2) is under the age of 18;
- (3) has a mental illness as defined in section 21-501 or is under conservatorship as defined in section 21-1501;
- (4) has been convicted and not pardoned on the basis of innocence of a felony in the District of Columbia or of an offense in any other jurisdiction which, if committed in the District of Columbia, would be a felony and the sentence imposed for such conviction has not expired or has expired within the past 10 years;
- (5) is an alien who has not been lawfully admitted for permanent residence;
- (6) is a judge of any court established under the laws of the United States or is an employee of the Superior Court of the District of Columbia, the District of Columbia Court of Appeals or the District of Columbia Court System, unless such person is the surviving spouse or surviving domestic partner of the decedent or is related to the decedent within the third degree; or
- (7) is a nonresident of the District of Columbia, unless such person files an irrevocable power of attorney with the Register designating the Register and the Register's successors in office as the person upon whom all notices and process issued by a competent court in the District of Columbia may be served with the same effect as personal service, in relation to all suits or matters pertaining to the estate in which the letters are to be issued; in such cases the Register shall forward by registered or certified mail to the address of the personal representative, which shall be stated in the power of attorney, all notices and process served upon the Register pursuant to such designation.

(c) *Appointment within class.* -- When there are several persons in a class eligible to receive letters, the Court may grant letters to one or more of them, as necessary or convenient for the proper administration of the estate; except that, subject to subsections (b) and (d), all personal representatives named in a will admitted to probate are entitled to letters.

(d) *Exception.* -- The Court may, for good cause shown, vary from the order of priority to letters set forth in subsection (a).

(e) *Definitions.* -- For the purposes of this section, the term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Apr. 4, 2006, D.C. Law 16-79, § 6, 53 DCR 1035; Mar. 2, 2007, D.C. Law 16-191, § 133, 53 DCR 6794.)

#### HISTORICAL AND STATUTORY NOTES

##### *Prior Codifications*

1981 Ed., § 20-303.

##### *Effect of Amendments*

D.C. Law 16-79, in subsec. (b)(6), substituted "surviving spouse or surviving domestic partner" for "surviving spouse"; added subsec. (e); and rewrote subsec. (a)(1)(B), which had read as follows:

"(B) the surviving spouse or children of an intestate decedent or the surviving spouse of a testate decedent;"

D.C. Law 16-191, in subsec. (e), inserted the subsection heading.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

Law 16-79, the "Domestic Partnership Equality Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-52 which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on December 6, 2005, and January 4, 2006, respectively. Signed by the Mayor on January 26, 2006, it was assigned Act No. 16-265 and transmitted to both Houses of Congress for its review. D.C. Law 16-79 became effective on April 4, 2006.

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

## **§ 20-304. PETITION FOR PROBATE.**

(a) *General.* -- The petition for probate shall contain all knowledge or information of the petitioner with respect to:

- (1) the name, domicile, and place and date of death of the decedent;
- (2) the petitioner's name, address, age, citizenship, relationship to the decedent, interest in the estate, if any, and legal disability, if any;
- (3) facts necessary to confer jurisdiction upon the Court;
- (4) any other proceeding filed elsewhere regarding the decedent's estate;
- (5) the character, location, and estimated value of the decedent's real and personal property and the total estimated debts and funeral expenses of the decedent;
- (6) the names and addresses of all interested persons, and the names of all persons who are witnesses to any will referred to in subsection (c); and
- (7) whether the decedent died intestate or testate with disclosure of further information pursuant to subsection (b) or (c), as appropriate.

(b) *Intestate.* -- If the decedent died intestate, the petition shall state that a diligent search for a will has been made.

(c) *Testate.* -- If the decedent died testate, the petitioner shall: (1) exhibit the original of the will with the petition, or exhibit a copy of the will if the original has already been filed; and (2) state whether the petitioner knows of any later will. If the petitioner is filing or has filed the original of the will, the petition shall state the manner in which the petitioner obtained the original of the will.

(d) *Explanation for lack of information.* -- The petition shall state the reasons why any information required by subsection (a) cannot be furnished by the petitioner.

(e) *Request for abbreviated or standard probate or small estates proceeding.* -- The petition shall indicate whether the petitioner requests an abbreviated probate, small estates or standard probate proceeding.

(f) *Request for court action.* -- The petition may contain, as appropriate, and shall (without the need for the filing of any complaint) be sufficient to obtain the Court's action on, a request for one or more of the following:

- (1) the admission to probate of any will exhibited with the petition;
- (2) an order directing witnesses to an alleged will to appear and give testimony regarding its execution;
- (3) an order requiring any person alleged to have custody of a will to deliver it to the Court;
- (4) an order directing any interested person to show cause why the provisions of any lost or destroyed will should not be admitted to probate as expressed in the petition;
- (5) a finding that the decedent died intestate;
- (6) a request for the appointment of a supervised personal representative if the requirements of section 20-402 are met and supervision is desired, or for the appointment of an unsupervised personal representative in other cases and, in each case, for the issuance of appropriate letters;
- (7) any other relief that the petitioner may deem appropriate.

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

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 20-304.

### *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*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

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.

## **§ 20-305. COMPLAINT TO CONTEST THE VALIDITY OF A WILL.**

Except as provided in section 20-353(b), any person may file a verified complaint to contest the validity of a will within 6 months following notice by publication of the appointment or reappointment of a personal representative under section 20-704. The person filing the complaint shall give notice to all interested persons.

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

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 20-305.

### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-304.

## **SUBCHAPTER II. ABBREVIATED PROBATE PROCEEDING.**

## **§ 20-311. NATURE OF PROCEEDING.**

(a) An abbreviated probate proceeding is a proceeding for the probate of a will or a determination of a decedent's intestacy and for the appointment of a personal representative. This proceeding is instituted when an interested person files a petition for an abbreviated probate proceeding with the Court in accordance with the provisions of section 20-304. This proceeding may be conducted without the prior notice required for standard probate under section 20-323.

(b) The finality of abbreviated probate shall be governed by section 20-331.

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

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 20-311.

### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-304.

## **§ 20-312. ACTION ON PETITION.**

(a) *General.* -- Upon a request for abbreviated probate filed in accordance with section 20-304, the Court shall appoint one or more personal representatives, except as provided in section 20-322. The appointment of a personal representative shall constitute an Order for unsupervised administration, unless the Order specifically provides for supervised administration as provided in section 20-402. In no event, however, shall the appointment of a personal representative be delayed pending the Court's decision with regard to whether the administration will be supervised or unsupervised.

(b) *Wills.* -- In the case of a petition to admit a will to abbreviated probate, due execution of the will shall be presumed and the Court may admit a will to probate either: (1) if the will appears to have been duly executed and contains a recital by attesting witnesses of facts constituting due execution; or (2) upon the verified statement of any person with personal knowledge of the circumstances of execution, whether or not the person was in fact an attesting witness, reciting facts showing due execution of the will.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-312.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-304.

## **SUBCHAPTER III. STANDARD PROBATE PROCEEDING.**

### **§ 20-321. NATURE OF PROCEEDING.**

A standard probate proceeding is a proceeding for the probate of a will or a determination of the decedent's intestacy, particularly when due execution of a will cannot be presumed under section 20-312, and for the appointment of a personal representative. This proceeding is instituted when an interested person or creditor files a petition for a standard probate proceeding with the Court in accordance with the provisions of section 20-304; and the filing of a complaint shall not be required for these purposes. This proceeding is conducted after notice as provided in section 20-323. If no petition for abbreviated or standard probate is filed within a reasonable time, the Register, with the approval of the Court, may file a petition for standard probate.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-321.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

*Miscellaneous Notes*

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

**§ 20-322. WHEN MANDATORY.**

A proceeding for standard probate shall be instituted:

(a) if, at any time before abbreviated probate,

(1) an interested person or creditor makes a request; or

(2) it appears to the Court that the petition for abbreviated probate is materially incomplete or incorrect in any respect; or

(b) in accordance with the provisions of section 20-331.

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

*HISTORICAL AND STATUTORY NOTES**Prior Codifications*

1981 Ed., § 20-322.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

**§ 20-323. NOTICE OF REQUEST FOR STANDARD PROBATE; FORM.**

(a) *When given.* -- A person filing a petition for standard probate shall promptly give notice to all known interested persons. In addition, the petitioner shall publish a notice once a week for 2 successive weeks in a newspaper of general circulation in the District of Columbia and in any other publication the Court may provide by Rule.

(b) *Form of notice.* -- The notice required by this section shall be in the form prescribed by the Rules.

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

*HISTORICAL AND STATUTORY NOTES**Prior Codifications*

1981 Ed., § 20-323.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

**§ 20-324. ACTION ON PETITION.**

In a standard probate proceeding:

(1) Proof of due execution shall be made by affidavit of the witnesses as provided in paragraph (3) of this section unless the Court orders otherwise.

(2) After proof of due execution, the Court shall enter an order admitting the will to probate or determining that the decedent died intestate. At this time, the Court shall also appoint or reappoint one or more personal representatives, may order that the administration will be supervised as provided in section 20-402, and, if appropriate, revoke, modify, or confirm any action taken at any prior abbreviated probate, small estates or standard probate proceeding.

(3) Affidavits of due execution shall be in substantially the following form:

On this ... day of ..... 19..., ..... personally appeared and, under oath answered the following questions as follows:

1. Were you one of the witnesses who signed the attached written document

which is dated \_\_\_\_\_ and is said to be the last will and

testament of \_\_\_\_\_ of the District of Columbia who is now dead?

(Please initial appropriate box.)

\_\_\_\_ Yes \_\_\_\_ No

2. Did \_\_\_\_\_ (the testator) sign the attached document while in

your presence?

\_\_\_\_ Yes \_\_\_\_ No

3. Did \_\_\_\_\_ (the testator) say the attached document was to be a part of his will?

\_\_\_\_ Yes \_\_\_\_ No

4. At the time he signed the attached document, did \_\_\_\_\_ (the testator) seem to you to be of sound mind and aware of what he was doing?

\_\_\_\_ Yes \_\_\_\_ No

5. Did \_\_\_\_\_ (the testator) ask you to sign the attached document as a witness?

\_\_\_\_ Yes \_\_\_\_ No

6. When you signed the attached document as a witness, were \_\_\_\_\_ (the testator) and all of the other witnesses who signed the document present?

\_\_\_\_ Yes \_\_\_\_ No

7. Were you present when each of the other witnesses signed the attached document?

\_\_\_\_ Yes \_\_\_\_ No

8. Did \_\_\_\_\_ (the testator) ask the other people who signed the attached document to do so as witnesses?

\_\_\_\_ Yes \_\_\_\_ No

9. Was \_\_\_\_\_ (the testator) present when each of the witnesses signed the attached document?

\_\_\_\_ Yes \_\_\_\_ No

10. What is your date of birth? \_\_\_\_\_

11. Do you know of any will or codicil of \_\_\_\_\_ (the testator) other than the attached document?

\_\_\_\_ Yes \_\_\_\_ No

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-324.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

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 April 9, 1997.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-304.

## **SUBCHAPTER IV. FINALITY.**

### **§ 20-331. FINALITY OF ABBREVIATED AND STANDARD PROBATE PROCEEDINGS.**

- (a) An abbreviated probate proceeding shall be set aside if, within 6 months after notice of the appointment of the personal representative pursuant to section 20-704, an interested person makes a request for a standard probate proceeding.
- (b) A standard probate proceeding may be reopened if, within 6 months after the notice of appointment of the personal representative pursuant to section 20- 704: (1) An interested person makes a request; and (2) the Court finds that:
  - (A) the notice provided in section 20-704 was not given to such interested person and such interested person did not have actual notice of the petition for probate;
  - (B) there was a material mistake or substantial irregularity in the prior probate proceeding; or
  - (C) the proponent of a later offered will, in spite of the exercise of reasonable diligence, was actually unaware of such will's existence at the time of the prior probate proceeding.
- (c) Except as provided in section 20-305 and this section, an abbreviated probate proceeding shall be final and binding as to all interested persons.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-331.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-304.

## **SUBCHAPTER V. FOREIGN PERSONAL REPRESENTATIVES.**

### **§ 20-341. REQUIREMENTS.**

- (a) A foreign personal representative of a nondomiciliary shall not be required to obtain letters in the District of Columbia for any purpose.
- (b) A foreign personal representative administering an estate which has property located in the District of Columbia shall file with the Register a copy of the appointment as personal representative and a copy of the decedent's will, if any, authenticated pursuant to 28 U.S.C. sec. 1738.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-341.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

**§ 20-342. POWERS OF FOREIGN PERSONAL REPRESENTATIVE.**

A foreign personal representative may exercise all the powers of such office and may sue and be sued in the District of Columbia, subject to any statute or rule relating to nonresidents.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-342.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

**§ 20-343. PUBLICATION AND CLAIMS OF CREDITORS.**

(a) *Publication.* -- A foreign personal representative of a decedent who owned any property located in the District of Columbia shall publish once a week for 3 successive weeks a notice in a newspaper of general circulation in the District of Columbia and any other publication as the Court may provide by Rule. This notice shall include an announcement of such representative's appointment, name and address, agent's name and address in the District of Columbia for service of process on file with the Register, the name of the court that made such appointment, a brief description of all real property owned by the decedent in the District of Columbia and, if appropriate, a statement that the decedent owned personal property in the District. If the property located in the District of Columbia is real property (not leasehold), the notice shall also state that claims against the estate may be filed with the Register at any time within 6 months from the date of first publication. The foreign personal representative shall record in the Register's office a certification that such notice was published.

(b) *Personal or leasehold property.* -- With regard to personal or leasehold property located in the District of Columbia, a foreign personal representative may remove, lease, or transfer the property:

(1) upon the first publication of notice pursuant to subsection (a) if such representative holds letters from:

(A) a jurisdiction within the Metropolitan Area; or

(B) a jurisdiction outside the Metropolitan Area and such representative posts a bond with a penalty amount equal to the value of the property to extend for the 6 months during which a creditor may file a claim; or

(2) six months after the first publication of notice pursuant to subsection (a) if:

(A) no claims are filed with the Register during this time; or

(B) all claims of creditors have been released or finally determined in favor of the personal representative.

(c) *Real property.* -- With regard to real property located in the District of Columbia, a foreign personal representative may lease or transfer the property if such representative:

(1) posts bond with a penalty amount equal to the value of the property and makes first publication of notice pursuant to subsection (a); or

(2) allows 6 months to pass after the first publication required by subsection (a) and (A) no claims are filed with the Register during this time or (B) all claims of creditors have been released or finally determined in favor of the personal representative.

(d) *Statement of claim.* -- Any creditor may, within 6 months from the date of the first publication of notice, file a written statement of claim, pursuant to section 20-905, with the Register and deliver or mail a copy of the statement to the personal representative. The Register shall record all such claims and releases. Unless a release of a validly recorded claim has been recorded or the claim has finally been

determined in favor of the personal representative, such claim shall constitute a lien against all real property owned by the decedent in the District of Columbia at death for a period of 12 years from date of death: Except, that if the personal representative is empowered to sell the property such claim shall constitute a lien against the net proceeds from the sale.

(e) *No other action necessary.* -- It shall not be necessary for the foreign personal representative to institute any other proceedings before the Register with respect to any assets subject to the jurisdiction of the District of Columbia.

(f) *Responsibility for payment of death taxes.* -- This section shall not be construed to relieve the foreign personal representative of the responsibility for paying all death taxes due the District of Columbia.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Oct. 16, 2006, 120 Stat. 2024, Pub. L. 109-356, § 111(c).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-343.

##### *Effect of Amendments*

Pub. L. 109-356, in subsec. (d), substituted "The Register shall record all such claims and releases." for "The Register shall maintain a book known as the 'Claims Against Nonresident Decedents' in which all such claims and releases thereof shall be recorded."

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

## **§ 20-344. RIGHT OF HEIR OR LEGATEE.**

In the event a foreign personal representative fails to transfer the title to real or leasehold property located in the District of Columbia to the person or persons legally entitled to such property, within a reasonable time, the Court may direct the transfer of title to such person or persons if: (a) the will, if any, or a copy authenticated pursuant to 28 U.S.C. sec. 1738, is filed in the Register's office; (b) notice, approved by the Court, has been published indicating that the decedent died owning the real or leasehold property; and (c) all claims of creditors, if any, have been satisfied.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-344.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

## **SUBCHAPTER VI. SMALL ESTATES.**

## **§ 20-351. GENERAL.**

If the property of a decedent subject to administration in the District of Columbia has a value of \$40,000 or less, the property may be administered as a small estate in accordance with the provisions of this subchapter.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(q), 42 DCR 63; Apr. 27, 2001, D.C. Law 13-292, § 901, 48 DCR 2087.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-351.

##### *Effect of Amendments*

D.C. Law 13-292 substituted "\$40,00" for "\$15,000".

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

Law 13-292, the "Omnibus Trusts and Estates Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-298, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 26, 2001, it was assigned Act No. 13-599 and transmitted to both Houses of Congress for its review. D.C. Law 13-292 became effective on April 27, 2001.

#### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-304.

Section 1102 of D.C. Law 13-292 provides:

"Sec. 1102. Applicability.

"For the purposes of Title 5 and Title 9 and sections 801(b), 805, and 806 of Title 8 [of this act], the provisions relating to the administration of decedents' estates shall apply only to the estates of decedents who die on or after the effective date of this act."

### **§ 20-352. PETITION.**

Any person eligible for appointment as the personal representative of an estate pursuant to section 20-303 may file a verified petition for administration of a small estate. Such petition shall contain, in addition to the information required by section 20-304:

- (a) A statement that the petitioner has made a diligent search to discover all property and debts of the decedent;
- (b) A list of the known creditors of the decedent, with the amount of each claim, including contingent and disputed claim; and
- (c) A statement of any legal proceedings pending in which the decedent was a party.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-352.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

### **§ 20-353. PROCEEDINGS AFTER PETITION.**

(a) *Determinations on petition.* -- If the Court finds that the petition and any additional information filed under this subchapter is accurate, it shall:

- (1) appoint a personal representative of the small estate;
- (2) direct the immediate payment of the allowable funeral expenses as provided in section 20-906 and the family allowance as provided in section 19-101;
- (3) direct the sale of property as may be necessary to satisfy funeral expenses and the family allowance; and
- (4) if it appears that there will be any property remaining after payment of funeral expenses and there is no family allowance payable, admit the will, if any, to probate and direct that notice be given in accordance with subsection (b).

(b) *Notice.* -- If the Court directs that notice be given, notice shall be given once in the form required by section 20-704; except, that the period within which claims must be filed or objection must be made to contest the validity of the will or the small estates proceeding or the appointment of the personal representative shall be 30 days from the date of publication of notice.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-353.

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

## **§ 20-354. DUTIES OF PERSONAL REPRESENTATIVES.**

(a) *Attorney; bond; compensation.* – No person appointed as a personal representative in accordance with section 20-353 shall be required to be represented by an attorney or to give bond or be entitled to receive any commission for the performance of duties as personal representative.

(b) *Distribution.* – If notice is required and 30 days have expired since the publication of notice as provided in section 20-353(b), the personal representative shall file proof of publication of the notice and a verified list of all claims, including contingent and disputed claims, and the amount of the claims filed since the original petition. The Court shall hear any objections filed pursuant to the notice and, if satisfied that all action taken pursuant to this subchapter is proper, shall direct the personal representative to pay all proper claims and expenses and to distribute the net estate either in accordance with the will or, if the decedent died intestate, to the decedent's heirs.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-354.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

## **§ 20-355. AFTER-DISCOVERED PROPERTY.**

The personal representative shall report to the Court immediately, by verified supplemental petition, any property of the decedent discovered after the filing of the petition. If the after-discovered property increases the value of all property of the decedent to an amount greater than the allowable funeral expenses (and there is no family allowance payable) but less than \$15,000, the Court shall admit the will, if any, to probate and direct that notice be given in accordance with section 20-353(b). If the after-discovered property increases the value of all property of the decedent to more than \$15,000, there shall be no further proceedings under this subchapter, and administration shall proceed under the other provisions of this title.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-355.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-304.

#### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-304.

## **§ 20-356. APPLICABILITY OF OTHER PROVISIONS OF TITLE.**

Except to the extent inconsistent with this subchapter, all the other provisions of this title shall apply to small estates.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-356.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.

### **§ 20-357. EXCEPTION FOR MOTOR VEHICLES.**

If the only property of a decedent is not more than 2 motor vehicles, the Mayor may transfer title to the motor vehicles in accordance with section 50- 1501.02(d). If title is transferred under this section, administration of the estate of the decedent is not necessary.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-357.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-301.