

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

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

**CHAPTER 7.**  
**ADMINISTRATION OF THE ESTATE.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 7. ADMINISTRATION OF THE ESTATE.

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### TABLE OF CONTENTS

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#### **Subchapter I. Duties of Personal Representative; Notice of Appointment to Heirs, Legatees, and Creditors.**

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- § 20-701. Status and duties of personal representative.
- § 20-701.01. Personal representative to proceed without court order; exception.
- § 20-702. Duties of personal representative; possession and control of estate.
- § 20-703. Preferences; sale of estate property.
- § 20-704. Notice of appointment to interested persons, creditors and unknown heirs.
- § 20-705. Filing revised and corrected documents.

#### **Subchapter II. Inventory and Appraisal.**

---

- § 20-711. Inventory; general.
- § 20-712. Appraisal; supervised administration.
- § 20-713. Supervised administration; supplemental inventory; reappraisal.
- § 20-713.01. Unsupervised administration; inventory and appraisal duties of unsupervised personal representative.
- § 20-714. Revision of inventory.
- § 20-715. Inventory of successor personal representative.

#### **Subchapter III. Accounting.**

---

- § 20-721. Duty to account; supervised administration.
- § 20-722. Initial account; supervised administration.
- § 20-723. Subsequent account; supervised administration.
- § 20-724. When to render accounts; supervised administration.
- § 20-725. Failure to render account.
- § 20-726. Exceptions to account; supervised administration.

#### **Subchapter IV. Waiver of Inventories and Accounts.**

---

- § 20-731. Waiver of filing; supervised administration.
- § 20-732. Waiver of formal Court audit; supervised administration.
- § 20-733. Right of heir or legatee.
- § 20-734. Duty to account; unsupervised administration.
- § 20-735. Optional proceedings, terminating unsupervised administration; testate or intestate; Certificate of Completion.
- § 20-736. Finality.

#### **Subchapter V. Powers of Personal Representative.**

---

- § 20-741. General powers.
- § 20-742. Court order.
- § 20-743. Improper exercise of power; breach of fiduciary duty.
- § 20-743.01. Sale, encumbrance, or transaction involving conflict of interest; voidable; exceptions.
- § 20-744. Protection of person dealing with personal representative.

## **Subchapter VI. Claims by Personal Representatives and Attorneys.**

---

- § 20-751. Compensation.
- § 20-752. Expenses of estate litigation.
- § 20-753. Proceedings for review of employment of agents and compensation of personal representatives and employees of estate.

# **CHAPTER 7. ADMINISTRATION OF THE ESTATE.**

## **SUBCHAPTER I. DUTIES OF PERSONAL REPRESENTATIVE; NOTICE OF APPOINTMENT TO HEIRS, LEGATEES, AND CREDITORS.**

### **§ 20-701. STATUS AND DUTIES OF PERSONAL REPRESENTATIVE.**

(a) A personal representative, whether supervised or unsupervised, is a fiduciary who, in addition to the specific duties expressed in this title, is under a general duty to settle and distribute the estate of the decedent in accordance with the terms of the will or laws relating to intestacy and this title, as expeditiously and efficiently as is prudent and consistent with the best interests of the persons interested in the estate. Such representative shall use the authority conferred by this title, by the terms of the will, if any, by any order in proceedings to which such representative is a party, and by the equitable principles generally applicable to fiduciaries, fairly considering the interests of all interested persons and creditors whose claims have been allowed.

(b) A personal representative shall not be surcharged for acts of administration or distribution if the conduct in question was authorized at the time. Subject to other obligations of administration and to special duties applicable in cases of supervised administration, a will probated in abbreviated or standard probate proceedings is authority to administer and distribute the estate according to its terms. An order of appointment of a personal representative, whether issued in abbreviated or standard probate proceedings, is authority to distribute apparently intestate assets to the heirs of the decedent if, at the time of distribution, the personal representative is not aware of a pending probate proceeding, a proceeding to vacate an order entered in an earlier probate proceeding, a proceeding questioning his appointment or fitness to continue, or a supervised administration proceeding. Nothing in this section affects the duty of the personal representative to administer and distribute the estate in accordance with the rights of claimants of an allowed claim, the surviving spouse, any minor and dependent children, and any pretermitted child of the decedent as described elsewhere in this title.

(c) Except as to proceedings which do not survive the death of the decedent, a personal representative of a decedent domiciled in the District of Columbia at his death has the same standing to sue and be sued in the courts of this and any other jurisdiction as the decedent had immediately prior to death.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-701.

##### *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.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-701.01. PERSONAL REPRESENTATIVE TO PROCEED WITHOUT COURT ORDER; EXCEPTION.**

(a) A personal representative shall proceed expeditiously with the settlement and distribution of a decedent's estate and, except as may be otherwise specified or ordered by the Court in a particular proceeding, do so without adjudication, order, or direction of the Court, but the personal representative may invoke the jurisdiction of the Court, in proceedings authorized by this title, to resolve questions concerning the estate or its administration.

(b) Unless the time of distribution is extended by the Court for good cause shown, the supervised personal representative shall distribute all the assets of the estate in such representative's possession or control within 30 days of the approval of the final account.

(Mar. 21, 1995, D.C. Law 10-241, § 3(dd), 42 DCR 63; Apr. 9, 1997, D.C. Law 11-255, § 19(c), 44 DCR 1271.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-701.1.

#### *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 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.

Section 32(c) of D.C. Law 15-354 provides that the section designation of § 20-701.1 of the District of Columbia Official Code is redesignated as § 20-701.01.

## **§ 20-702. DUTIES OF PERSONAL REPRESENTATIVE; POSSESSION AND CONTROL OF ESTATE.**

A personal representative has a right to and shall take possession or control of the decedent's estate: except, that property in the possession of the person presumptively entitled to such property as heir or legatee shall be possessed by the personal representative only when such possession is reasonably necessary for purposes of administration. When there is a request by a personal representative for delivery of any property possessed by the heir or legatee, it shall be presumed, in any action against the heir or legatee for possession of such property, that the possession of the property by the personal representative is reasonably necessary for purposes of administration. The personal representative shall pay taxes on, and take all steps reasonably necessary for the management, protection, and preservation of, the estate in the personal representative's possession. The personal representative may maintain an action to recover possession of any property of the estate or to determine the title to any property of the decedent's estate.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-702.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

### **§ 20-703. PREFERENCES; SALE OF ESTATE PROPERTY.**

Any interested person may move the Court to have a priority placed on the sale or transfer of any property of the estate, both real and personal, prior to the sale or transfer of that property. Upon the filing of such a motion, no sale or transfer of such estate property shall be undertaken by the personal representative until (1) all interested persons have been given notice by the personal representative of the motion; and (2) the Court, after a hearing, has determined the order in which certain property in the estate shall be sold or transferred.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-703.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

### **§ 20-704. NOTICE OF APPOINTMENT TO INTERESTED PERSONS, CREDITORS AND UNKNOWN HEIRS.**

(a) Within 20 days after appointment, the personal representative shall, unless notice has already been given under this subsection, publish a notice of the appointment in a newspaper of general circulation of the District of Columbia and any other publication the Court may order or provide by Rule once a week for 3 successive weeks. This notice shall announce the appointment and address of the personal representative, state whether administration is supervised or unsupervised, and notify creditors of the estate to present their claims. The personal representative shall file with the Register a certification specifying the date and content of the published notice. The notice shall be substantially in the following form:

To all persons interested in the estate of .....

This is to give notice that the undersigned, ..... whose address is ..... was, on ..... appointed personal representative of the estate of ..... who died on ....., (with) (without) a will, and that the personal representative will serve in (supervised) (unsupervised) administration.

All persons having any objection to such appointment (or to the probate of the decedent's will) shall file an objection with the Register of Wills on or before ..... (6 months from the date of the first publication of notice under this section).

All persons having claims against the decedent shall present their claims to the undersigned or file their claims with the Register of Wills on or before 6 months from the date of the first publication of this notice.

Any claim not so filed on or before such date shall be unenforceable thereafter.

Any person who is related to the decedent and who does not receive notice of this appointment by mail within 25 days shall so inform the Register of Wills including such person's name, address, and relationship to the decedent.

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Personal representative

Date of first publication: \_\_\_\_\_

(b) Not later than 20 days after appointment, a personal representative (except when notice under this subsection has already been given) shall send, by registered or certified mail to the heirs and legatees of the decedent and to all creditors whose identities are known or whose identities are reasonably ascertainable by reasonably diligent efforts, the text of the first newspaper notice of the appointment of such representative, and the following general information in a form developed by the Court:

(1) the typical duties of a personal representative in estate administration, including a description of the essential steps of estate administration, whether the personal representative is subject to continuing court supervision as provided in section 20-401 et seq., or is an unsupervised personal

representative;

(2) how fees for estate administration are determined in this jurisdiction and that the personal representative is to be provided as soon as feasible with an estimate of fees to be claimed against the estate;

(3) the rights of heirs or legatees, the assistance an heir or legatee may provide to the personal representative, and the role of the Register, whether the personal representative is subject to continuing court supervision as provided in section 20-401 et seq., or is an unsupervised personal representative. The personal representative shall certify to the Register that notices under this subsection have been given, whether the personal representative is subject to continuing court supervision as provided in section 20-401 et seq., or is an unsupervised personal representative; and

(4) if the personal representative is not subject to continuing court supervision, the right of any interested person, on petition to the Court duly presented and filed with the Register, to initiate a proceeding involving notice to interested persons and a hearing to impose Court supervision on the estate, or to seek any other court order necessary for protection of rights of the interested person.

(b-1) The personal representative shall certify to the Register that notices under subsection (b) of this section have been given.

(b-2) Within 90 days after the appointment of the personal representative, the personal representative (whether supervised or unsupervised) shall certify to the Register that the notices required under subsection (b) of this section above have been given.

(c) If a will is admitted to probate after notice has been given under subsections (a) and (b) of this section, the personal representative shall give notice of appointment or reappointment as provided in subsections (a) and (b) of this section: except, that ordinary mail may be substituted for registered or certified mail in accordance with section 20-103.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(ff), 42 DCR 63; Apr. 18, 1996, D.C. Law 11-110, § 67, 43 DCR 530; Apr. 9, 1997, D.C. Law 11-255, § 19(d), 44 DCR 1271.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-704.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-707.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-705. FILING REVISED AND CORRECTED DOCUMENTS.**

If a personal representative discovers that any document previously filed or given to interested persons by such representative or by any predecessor personal representative is incomplete or erroneous in any material respect, such representative shall promptly file with the Register or give to the interested persons a revised and corrected document, stating the correct information, if known; provided, however, that statements contained in the petition for probate need not be revised or corrected if the incomplete or erroneous information will be reflected accurately in inventories or accounts later filed with the Register or given to the interested persons.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-705.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **SUBCHAPTER II. INVENTORY AND APPRAISAL.**

### **§ 20-711. INVENTORY; GENERAL.**

(a) Subject to the provisions of section 20-715, a personal representative shall, within 3 months of appointment, prepare a verified inventory of property owned by the decedent at the time of his death. The inventory shall list each item of property, describe each item of property in reasonable detail, indicate the fair market value of each item of property on the date of the decedent's death, and indicate the type and amount of the encumbrances if any, for each item of property. The personal representative shall include the following items in the inventory of property:

- (1) real property;
- (2) tangible personal property, excluding (A) wearing apparel, other than furs and jewelry, and (B) food for consumption by the family, and (C) family pictures, and (D) family Bibles;
- (3) corporate stocks;
- (4) debts owed to the decedent, including bonds and notes;
- (5) bank accounts, building association shares, savings and loan association accounts, and money;
- (6) debts owed to the decedent by the personal representative; and
- (7) any other interest in property, tangible or intangible, that passes by the terms of a valid will or the law of intestate succession.

(b) If the administration is supervised as provided in section 20-401 et seq., and except as provided in section 20-731, the personal representative shall file with the Court the verified inventory with a certificate that there has been mailed or delivered to all interested persons, within the previous 15 days, a copy of the inventory with a notice that the inventory will be filed on or before a stated date. If the administration is not supervised, section 20-713.01 controls.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-711.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

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.

### **§ 20-712. APPRAISAL; SUPERVISED ADMINISTRATION.**

(a) In a supervised administration, the fair market value of each item listed in the inventory, as of the date of death of the decedent, shall be determined by an appraisal. Except as specifically provided by this subsection, the supervised personal representative may use either the standing appraisers or special appraisers, as the personal representative deems appropriate. The supervised personal representative may appraise the following items listed in section 20-711(a):

- (1) items listed in paragraphs (4), (5), and (6); and
- (2) items listed in paragraph (3) that are listed on any national or regional exchange or are sold in the over-the-counter market for which bid and asked prices are regularly published.



(b) An appraisal shall be in columnar form, shall describe generally each item that has been appraised, shall assign a value to each item that has been appraised, and shall be verified by the appraiser. A verification under this section shall certify that the appraiser has impartially valued the property described in the appraisal to the best of the appraiser's skill and judgment. Any appraisal not performed by the personal representative shall be delivered to the personal representative immediately upon completion and verification. The name and address of any appraiser shall be indicated on the inventory with the item or items appraised.

(c) An appraisal fee shall be payable only to a person making an appraisal at the request of the personal representative.

(d) If the filing of the inventory was not required within 3 months after the appointment of the personal representative, either because the administration was at that time unsupervised or because it was waived pursuant to section 20-731, and if the inventory is subsequently required to be filed, the requirement for appraisals in that event shall be excused unless otherwise ordered by the Court for good cause shown.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-712.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

### **§ 20-713. SUPERVISED ADMINISTRATION; SUPPLEMENTAL INVENTORY; REAPPRAISAL.**

(a) Except as provided in section 20-731, the supervised personal representative shall report to the Court any property discovered after the filing of the original inventory by filing a supplemental inventory. For each item of after-discovered property, the supplemental inventory shall satisfy the requirements of section 20-711(a) and shall be certified in accordance with subsection (c) of this section.

(b) A supervised personal representative shall have any item reappraised upon discovering that the original appraisal was erroneous or misleading. The supervised personal representative shall file the reappraisal and certification required by subsection (c) with the Court.

(c) A supplemental inventory or reappraisal filed with the Court shall be accompanied by a certification by the supervised personal representative that there has been mailed or delivered to all interested persons within the previous 15 days a copy of the supplemental inventory or reappraisal.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-713.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

### **§ 20-713.01. UNSUPERVISED ADMINISTRATION; INVENTORY AND APPRAISAL DUTIES OF UNSUPERVISED PERSONAL REPRESENTATIVE.**

(a) If the administration is unsupervised, the personal representative, if not a special administrator or a successor to another representative who has previously discharged this duty, shall, within 3 months after appointment, prepare and deliver or mail to each interested person an inventory of property owned by the decedent at the time of death, listing each item of such property with reasonable detail, and indicating as to each listed item, its fair market value as of the date of the decedent's death, and the type and amount of any encumbrance that may exist with reference to any item.

(b) The personal representative may also file the verified original of the inventory for record with the Court.

(c) The personal representative may use the standing appraisers or may employ any other qualified and disinterested appraiser to assist in ascertaining the fair market value as of the date of the decedent's death of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The names and addresses of any appraiser shall be indicated on the inventory with the item or items appraised.

(d) If any property not included in the original inventory comes to the knowledge of a personal representative or if the personal representative learns that the value or description indicated in the original inventory for any item is erroneous or misleading, the personal representative shall make a supplementary inventory or appraisal showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions, and the appraisers or other data relied upon, if any, and file it with the Court if the original inventory was filed, and mail or deliver copies thereof to the interested persons.

(Mar. 21, 1995, D.C. Law 10-241, § 3(kk), 42 DCR 63.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-713.1.

##### *Legislative History of Laws*

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

Section 32(d) of D.C. Law 15-354 provides that the section designation of § 20-713.1 of the District of Columbia Official Code is redesignated as § 20-713.01.

## **§ 20-714. REVISION OF INVENTORY.**

Whether the administration is or is not supervised, any interested person may, at any time before the estate is closed, petition the Court for revision of any value assigned to any item in the inventory and for inclusion or exclusion of any item erroneously omitted or listed in the inventory. After due notice and hearing, the Court may require such revision as it deems appropriate.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-714.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-715. INVENTORY OF SUCCESSOR PERSONAL REPRESENTATIVE.**

Except as provided in section 20-731, within 3 months of appointment, a supervised successor personal representative shall either file a new inventory to replace the inventory filed by a previous personal representative or file a written consent to the items as listed and valued in such previous inventory.

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

*HISTORICAL AND STATUTORY NOTES**Prior Codifications*

1981 Ed., § 20-715.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **SUBCHAPTER III. ACCOUNTING.**

### **§ 20-721. DUTY TO ACCOUNT; SUPERVISED ADMINISTRATION.**

Except as provided in section 20-731, a supervised personal representative shall prepare verified written accounts of the management and distribution of the decedent's property at the times and in the manner prescribed in this subchapter. The personal representative shall file the account with a certificate that there has been mailed or delivered to all interested persons, within the previous 15 days, a copy of the account with a notice that the account will be filed on or before a stated date.

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

*HISTORICAL AND STATUTORY NOTES**Prior Codifications*

1981 Ed., § 20-721.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

### **§ 20-722. INITIAL ACCOUNT; SUPERVISED ADMINISTRATION.**

A supervised personal representative's initial account of the administration of the decedent's property shall contain:

- (a) the total value of property as shown in all inventories made prior to the date of the account;
- (b) all receipts of the estate made prior to the date of the account;
- (c) each purchase, sale, lease, transfer, compromise, settlement, disbursement and distribution of assets of the estate, a description of each such transaction, and a statement of the amount by which it affects the amounts referred to in paragraphs (a) and (b); and
- (d) the value of any remaining assets in the possession or control of the personal representative.

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

*HISTORICAL AND STATUTORY NOTES**Prior Codifications*

1981 Ed., § 20-722.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

### **§ 20-723. SUBSEQUENT ACCOUNT; SUPERVISED ADMINISTRATION.**

After an initial account has been rendered, subsequent accounts, whether filed by the same supervised personal representative or by a successor, shall contain:

- (a) the value of any assets in the possession or control of the personal representative as shown in the previous account;
- (b) the value of assets as shown in any inventory made since the previous account;
- (c) all receipts of the estate since the date of the previous account;
- (d) each purchase, sale, lease, transfer, compromise, settlement, disbursement and distribution of assets since the previous account, a description of each such transaction, and a statement of the amount by which it affects the amounts referred to in paragraphs (a), (b), and (c); and
- (e) the value of any remaining assets in the possession or control of the personal representative.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-723.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

### **§ 20-724. WHEN TO RENDER ACCOUNTS; SUPERVISED ADMINISTRATION.**

(a) *General.* -- Except as provided in section 20-731, a supervised personal representative shall render accounts:

- (1) within one year and one day of the first publication of notice pursuant to section 20-704;
- (2) within 9 months after the account referred to in paragraph (1) of this subsection and within 9 months of each subsequent account until the filing of the final account or the termination of the supervised personal representative's appointment;
- (3) upon termination of the supervised personal representative's appointment, as provided in subchapter III of Chapter 5; and
- (4) at such other times as may be ordered by the Court.

(b) *Extensions.* -- Upon written application of the supervised personal representative stating reasons for the request, the Court may, for good cause shown, extend the time for rendering an account to a specified date.

(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; Apr. 9, 1997, D.C. Law 11-255, § 19(f), 44 DCR 1271.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-724.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-725. FAILURE TO RENDER ACCOUNT.**

A supervised personal representative may be removed as provided in section 20-527 upon failure to file an account or the accompanying certificate as required by section 20-721.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-725.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

#### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-726. EXCEPTIONS TO ACCOUNT; SUPERVISED ADMINISTRATION.**

Any interested person may file an exception to an account with the Register within 30 days of the filing of the account. Such person shall mail a copy of the exception to the personal representative.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-726.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-707.01.

#### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **SUBCHAPTER IV. WAIVER OF INVENTORIES AND ACCOUNTS.**

### **§ 20-731. WAIVER OF FILING; SUPERVISED ADMINISTRATION.**

(a) A supervised personal representative shall be excused from filing with the Court the inventories required by sections 20-711 and 20-713, and the accounts required by sections 20-721, 20-722, and 20-723 if each heir or legatee signs a written waiver filed with the Register. A waiver under this section shall state that the heirs or legatees are aware of their right to require the filing of inventories and accounts and of their right to revoke the waiver under subsection (b) of this section. Unless the will specifically provides otherwise, a trustee as legatee may authorize and sign a waiver under this section.

(b) Any heir or legatee, including a trustee as legatee, who has signed a waiver under subsection (a) of this section may require the filing of inventories and accounts as provided in subchapters II and III of this chapter by filing a written demand with the Register within 7 days of sending the final account to interested persons.

(c) If the will waives the filing of inventories and accounts, the supervised personal representative shall similarly be excused from filing with the Court such inventories and accounts. In that event, the Court may order the filing of inventories or accounts only after a hearing and for good cause shown.

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

Apr. 9, 1997, D.C. Law 11-255, § 19(g), 44 DCR 1271; Mar. 24, 1998, D.C. Law 12-81, § 13(c), 45 DCR 745.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-731.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-701.01.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 20-711.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

**§ 20-732. WAIVER OF FORMAL COURT AUDIT; SUPERVISED ADMINISTRATION.**

(a) A supervised personal representative shall be excused from a formal Court audit of the accounts required by sections 20-721, 20-722, and 20-723 if authorized by written waiver signed by each heir or legatee and filed with the Register. A waiver under this section shall state that the heirs or legatees are aware of their right to require a formal Court audit of accounts and of their right to revoke the waiver under subsection (c) of this section. Unless the will specifically provides otherwise, a trustee as legatee may authorize and sign a waiver under this section.

(b) Upon the filing of a waiver under this section, the Court shall conduct a cursory review to determine if the accounts appear regular on their face and are supported by reasonable documentation.

(c) Any heir or legatee, including a trustee as legatee, who has signed a waiver under subsection (a) of this section, may require a formal Court audit of accounts by filing a written demand with the Register within 20 days of the approval of the final account under section 20-1301.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(uu), 42 DCR 63; Apr. 9, 1997, D.C. Law 11-255, § 19(h), 44 DCR 1271; Mar. 24, 1998, D.C. Law 12-81, § 13(d), 45 DCR 745.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-732.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

**§ 20-733. RIGHT OF HEIR OR LEGATEE.**

Nothing shall excuse a personal representative, whether supervised or unsupervised, from the duty to mail or deliver inventories and accounts to each interested person as provided in sections 20-711, 20-713, 20-721 and 20-734.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-733.

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-734. DUTY TO ACCOUNT; UNSUPERVISED ADMINISTRATION.**

An unsupervised personal representative shall account to interested persons for his receipts, disbursements, and distribution of estate assets at reasonable intervals, or on reasonable demand, and may be compelled to account to the Court in a proceeding initiated by an interested person, following notice and hearing.

(Mar. 21, 1995, D.C. Law 10-241, § 3(ww), 42 DCR 63.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-734.

*Legislative History of Laws*

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-735. OPTIONAL PROCEEDINGS, TERMINATING UNSUPERVISED ADMINISTRATION; TESTATE OR INTESTATE; CERTIFICATE OF COMPLETION.**

(a) Unless otherwise ordered by the Court for good cause shown in a particular matter, the personal representative in an unsupervised administration shall close the estate by filing with the Court a Certificate of Completion, which shall be verified and in a form prescribed by the Court. Such Certificate may be filed at any time, but in no event prior to the expiration of the time for filing creditors' claims against the estate.

(b) The Certificate of Completion shall include a statement that:

- (1) the time for the presentation of creditors' claims has expired;
- (2) all interested persons have been sent a copy of an account and a notice of each one's right to object within 60 days after such account was sent, and that all claims of that interested person against the personal representative shall be barred unless such an objection is made;
- (3) either each interested person has consented in writing to the account as stated, or there was no written objection within the 60-day period described above;
- (4) distribution has been made in accordance with such account;
- (5) all known claims of creditors which are not barred have been fully satisfied or otherwise settled or, if any claim remains undischarged, whether the personal representative has distributed the estate subject to possible liability with the agreement of the distributees or a detailed explanation of what other arrangements have been made to accommodate all such outstanding liabilities; and
- (6) the personal representative has satisfied all administration expenses and other obligations of the estate incurred or authorized by the personal representative, and has otherwise fully administered the estate.

(c) The Certificate of Completion shall also contain a list containing the name and address of each recipient of the copy of the account and the corresponding notice, as well as a certificate of service confirming that each of those individuals or entities also received a copy of the Certificate of Completion.

(d) Any interested person or other recipient of a copy of the account may object to the account by mailing or delivering to the personal representative or to the Court, within the 60-day period described above, a written statement of his or her objections to the account as stated.

(Mar. 21, 1995, D.C. Law 10-241, § 3(xx), 42 DCR 63; Apr. 9, 1997, D.C. Law 11-255, § 19(i), 44 DCR 1271.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-735.

*Legislative History of Laws*

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

**§ 20-736. FINALITY.**

In the absence of fraud, neither the personal representative nor any distributee of estate property shall be liable for any claim, liability, or damage claimed by any interested person (or any person or entity claiming by or through such interested person):

(1) who has received the notice and copy of the final account of the unsupervised personal representative, and not objected to the final account within the 60-day period described in section 20-735(b); an unsupervised personal representative may send such notice and copy of the final account to any one or more creditors of the decedent or of the estate, and any such creditor not so objecting in a timely manner shall be similarly bound; or

(2) who has not filed an exception to the final account of the supervised personal representative within the time and manner prescribed in section 20- 726.

(Mar. 21, 1995, D.C. Law 10-241, § 3(yy), 42 DCR 63; Apr. 9, 1997, D.C. Law 11-255, § 19(j), 44 DCR 1271.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-736.

*Legislative History of Laws*

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **SUBCHAPTER V. POWERS OF PERSONAL REPRESENTATIVE.**

**§ 20-741. GENERAL POWERS.**

Except as otherwise validly limited by the will, this title, or by an order of Court made in accordance with this title, a personal representative may, in addition to any power or authority contained in the will and any other common-law or statutory power, properly:

(1) take possession of and hold assets owned by the decedent pending distribution or liquidation, including those in which the representative is personally interested or which are otherwise improper for trust investment;

(2) receive assets from fiduciaries or other sources;

(3) perform the decedent's contracts that continue as obligations of the estate, and execute and deliver such deeds or other documents under such circumstances as the contract may provide, unless the personal representative personally is a party by the terms of the contract;

(4) satisfy written charitable pledges of the decedent, which by their terms survive the death of the decedent;

(5) deposit funds for the account of the estate, including moneys received from the sale of other assets,



in federally insured checking accounts, in federally insured interest-bearing accounts or in federally insured short-term loan arrangements, or in accounts or short-term investment trusts administered pursuant to, or in compliance with, the regulations of the United States Comptroller of the Currency, or at the request of the personal representative, agree to deposit any of the assets of the estate with any financial institution in such a manner that the assets cannot be withdrawn or transferred without (A) the written consent of the surety on the bonds or (B) an order of Court; deposits under this subsection shall be made in financial institutions within the District of Columbia or in any state that permits personal representatives to make deposits in the District of Columbia;

(6) acquire or dispose of property, real or personal, including land in this or another jurisdiction, for cash or on credit, at public or private sale; and manage, develop, improve, exchange, partition, change the character of, or abandon an estate asset;

(7) make ordinary or extraordinary repairs or alterations in buildings or other structures, demolish any improvements, raze existing, or erect new, party walls or buildings;

(8) subdivide, develop or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving consideration; or dedicate easements to public use without consideration;

(9) enter for any purpose into a lease as lessor or lessee, with or without the option to purchase or renew, for a term within or extending beyond the period of administration;

(10) vote stocks or other securities in person or by general or limited proxy;

(11) hold a security in bearer form or in the name of a nominee, but, in such case, the personal representative shall be liable for any act of the nominee in connection with the security so held;

(12) obtain insurance to protect the property of the estate against damage, loss, and liability, and to protect the personal representative against liability to third persons;

(13) effect a fair and reasonable compromise with any creditor or obligee;

(14) pay taxes, assessments, and compensation of the personal representative, and other expenses incident to the administration of the estate;

(15) sell or exercise stock subscription, conversion or option rights; consent to or oppose, directly or through a committee or other agent, the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(16) pay the decedent's funeral expenses including the cost of burial space and a suitable tombstone or marker, not exceeding \$5,000, except as provided in sections 20-906 and 20-907;

(17) employ, for reasonable compensation, accountants, auditors, investment or financial advisors, attorneys, appraisers, brokers, or other persons with special skills to advise or assist the personal representative in the performance of such representative's administrative duties, and to pay them reasonable compensation and reimbursement for costs incurred;

(18) prosecute or defend or submit to arbitration actions, claims, or proceedings in any appropriate jurisdiction for the benefit of the estate, including the commencement of any personal action that the decedent might have commenced, or to compromise, arbitrate, settle, or otherwise adjust any claims, charges, debts, or demands against or in favor of the estate;

(19) continue unincorporated businesses or ventures in which the decedent was engaged at the time of death (A) in the same business form for a period of not more than 4 months after the representative's appointment if continuation is a reasonable means of preserving the value of the business, including goodwill; provided, that the personal representative shall file a bimonthly statement of income and expenses and a balance sheet with the Register; and (B) throughout the period of administration if the business is incorporated after the death of the decedent in accordance with paragraph (20) of this section;

(20) incorporate businesses or ventures in which the decedent was engaged at the time of death if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate;

(21) exercise options, rights, and privileges contained in any life insurance policy, annuity, or endorsement contract constituting property of the estate, including the right to obtain the cash surrender value, convert any such policy to any other type of policy, revoke any mode of settlement, and pay any part or all of the premiums on any such policy or contract;

(22) pay valid claims and distribute the estate as provided in this title;

(23) release or terminate mortgages or security interests, if the obligation secured by the mortgage or security interest was fully satisfied during the decedent's lifetime or during the administration of the estate;

(24) make partial distributions, in cash, in kind, or both, from time to time during the administration;

(25) invest in any real or personal property of the estate; lease, exchange, grant options to purchase, or

sell any real or personal property of the estate (except property specifically devised or bequeathed under the will), at public or private sale, for cash or on credit, with or without security; and borrow money for the purpose of protecting real or personal property (and pledge property as security for such loan);

(26) terminate, sublet, or assign a leasehold estate of the decedent which was the decedent's actual residence;

(27) designate the personal representative on any document as an executor, if the decedent died testate, or as an administrator, if the decedent died intestate;

(28) continue any unincorporated businesses or ventures in which the decedent was engaged at the time of his or her death (A) in the same business form for a period of not more than 4 months from the date of appointment of the personal representative if continuation is a reasonable means of preserving the value of the business, including good will; (B) in the same business form for any additional period of time that may be approved by order of the Court after notice to the interested persons; or (C) throughout the period of administration if the business is incorporated after decedent's death in accordance with paragraph (20) of this section; and

(29) provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-741.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

## **§ 20-742. COURT ORDER.**

A personal representative may at any time petition the Court for permission to act in any matter relating to the administration of the estate.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Apr. 27, 1994, D.C. Law 10-110, § 3, 41 DCR 1023; Mar. 21, 1995, D.C. Law 10-241, § 31, 42 DCR 63.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-742.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

Law 10-110, the "Property Conveyancing Revision Act of 1994," was introduced in Council and assigned Bill No. 10-88, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 4, 1994, and February 1, 1994, respectively. Signed by the Mayor on February 18, 1994, it was assigned Act No. 10-198 and transmitted to both Houses of Congress for its review. D.C. Law 10-110 became effective on April 27, 1994.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **§ 20-743. IMPROPER EXERCISE OF POWER; BREACH OF FIDUCIARY DUTY.**

If any personal representative's exercise of power concerning the estate is improper, such representative is liable for breach of fiduciary duty to interested persons for resulting damage or loss to the same extent as a trustee of an express trust. The exercise of power in violation of a Court order, or contrary to the provisions of the will may be a breach of duty. The rights of purchasers and others dealing with a personal representative are determined as provided in section 20-744 and are not necessarily affected by the fact that the personal representative breached a fiduciary duty in the transaction.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-743.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

### **§ 20-743.01. SALE, ENCUMBRANCE, OR TRANSACTION INVOLVING CONFLICT OF INTEREST; VOIDABLE; EXCEPTIONS.**

Any sale, lease, or encumbrance to the personal representative, the personal representative's spouse, agent or attorney, or any corporation, trust, or other entity in which such individual has a substantial beneficial interest, or any other transaction which is affected by a substantial conflict of interest on the part of the personal representative, may be set aside by the Court in proceedings initiated by any interested person except one who has consented after fair disclosure (and any person or entity claiming by or through such interested person) unless:

- (1) the will authorized such dealings with the personal representative, either generally or with regard to a specific transaction or type of transaction;
- (2) a contract entered into by the decedent authorized such a transaction; or
- (3) the transaction is approved by the Court after notice to the interested persons.

(Mar. 21, 1995, D.C. Law 10-241, § 3(bbb), 42 DCR 63.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-743.1.

##### *Legislative History of Laws*

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

Section 32(e) of D.C. Law 15-354 provides that the section designation of § 20-743.1 of the District of Columbia Official Code is redesignated as § 20- 743.01.

### **§ 20-744. PROTECTION OF PERSON DEALING WITH PERSONAL REPRESENTATIVE.**

Except as otherwise provided in section 20-753, a person who in good faith either assists or deals with a personal representative for value is protected as if the personal representative properly exercised his power. The fact that a person knowingly deals with a personal representative does not alone require the person to inquire into the existence of a power or the propriety of its exercise. Except for restrictions on powers of supervised personal representatives which are endorsed on letters as provided in section 20-504, no provision in any will or order of court purporting to limit the power of a personal representative is effective except as to persons with actual knowledge thereof. A person is not bound to see to the proper application of estate assets paid or delivered to a personal representative. The protection here expressed extends to instances in which some procedural irregularity or jurisdictional defect occurred in proceedings leading to the issuance of letters, including a case in which the alleged decedent is found to be alive. The protection here expressed is not in substitution for that provided by comparable provisions of the laws relating to commercial transactions and laws simplifying transfers of securities by fiduciaries.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-744.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

## **SUBCHAPTER VI. CLAIMS BY PERSONAL REPRESENTATIVES AND ATTORNEYS.**

### **§ 20-751. COMPENSATION.**

Except as may otherwise be ordered by the Court for good cause shown in respect to a supervised personal representative or a special administrator, a personal representative is entitled to reasonable compensation for services. If a will provides for compensation of the personal representative and there is no contract with the decedent regarding compensation, the personal representative may renounce the provision either before or after qualifying and be entitled to reasonable compensation. A personal representative also may renounce the right to all or any part of the compensation. A written renunciation of fee may be filed with the Court.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-751.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

*Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.

### **§ 20-752. EXPENSES OF ESTATE LITIGATION.**

Without regard to the provisions of section 20-751, when a personal representative or a person nominated as personal representative defends or prosecutes in good faith and with just cause any proceeding relating to the decedent's estate, whether successful or not, such personal representative shall be entitled to receive from the estate any necessary expenses and disbursements relating to such proceeding.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-752.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-701.

### **§ 20-753. PROCEEDINGS FOR REVIEW OF EMPLOYMENT OF AGENTS AND COMPENSATION OF PERSONAL REPRESENTATIVES AND EMPLOYEES OF ESTATE.**

(a) On petition of any interested person (other than one who has consented after fair disclosure, and any person or entity claiming by or through such interested person) or on appropriate motion if administration is supervised, and after notice to all interested persons and hearing, the reasonableness of the need for or scope of employment of any person or entity employed by a personal representative including any attorney, auditor, investment advisor or other specialized agent or assistant, the reasonableness of the

compensation of any person or entity so employed, or the reasonableness of the compensation claimed or taken by the personal representative for the personal representative's own services, may be reviewed by the Court. Any person or entity who has received from an estate compensation for services rendered in excess of what the Court finds to be reasonable may be ordered to make appropriate refunds if such person or entity was given due notice of the petition and hearing, and the right to participate in such hearing.

(b) In determining the reasonableness of any employment or compensation as provided in subsection (a) of this section, the Court shall consider the following factors (as shown in the verified statements of the personal representative or of any other recipient of such compensation), as well as any other factors deemed relevant by the Court:

- (1) the reasonable relationship of the compensation to the nature of the work performed;
- (2) any estimate of such compensation provided to the personal representative (or to the interested persons, in the case of compensation to the personal representative who is also counsel for the estate);
- (3) the reasonableness of the time spent, including the number of hours spent and the usual hourly compensation for the work performed;
- (4) the nature and complexity of the matters involved and difficulties encountered, and the results achieved; and
- (5) whether or not all relevant time limitations have been met (or the reasons for any delay).

(c) The payment of any compensation to any attorney pursuant to this provision (including compensation taken or claimed by an attorney as personal representative), even if later ordered by the Court to be refunded to the estate in whole or in part, shall not in and of itself be considered to be a taking or misappropriation of client funds under (or any other such violation of) any applicable ethical or disciplinary statutes or rules by that attorney.

(Mar. 21, 1995, D.C. Law 10-241, § 3(eee), 42 DCR 63.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-753.

##### *Legislative History of Laws*

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-701.01.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-701.01.