

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1324 Session of 2011

INTRODUCED BY STEVENSON, AUMENT, BAKER, BLOOM, BOYD, CLYMER, D. COSTA, CREIGHTON, CUTLER, DeLUCA, EVERETT, FARRY, FLECK, GEIST, GEORGE, GIBBONS, GILLEN, GINGRICH, HARHART, HARRIS, HEFFLEY, HENNESSEY, HESS, HORNAMAN, KAUFFMAN, M. K. KELLER, KILLION, LONGIETTI, MAJOR, MARSHALL, MARSICO, MILLARD, MILLER, MILNE, MOUL, MURT, O'NEILL, PICKETT, PYLE, READSHAW, REICHLEY, ROCK, SCAVELLO, STERN, SWANGER, VULAKOVICH AND WATSON, APRIL 8, 2011

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2011

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 settlement of small estates on petition, for estates not  
4 exceeding \$25,000 and for when guardian unnecessary.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Sections 3102, 3531 and 5101 of Title 20 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3102. Settlement of small estates on petition.

10 When any person dies domiciled in the Commonwealth owning  
11 property (exclusive of real estate and of property payable under  
12 section 3101 (relating to payments to family and funeral  
13 directors), but including personal property claimed as the  
14 family exemption) of a gross value not exceeding [\$25,000]  
15 \$50,000, the orphans' court division of the county wherein the  
16 decedent was domiciled at the time of his death, upon petition

1 of any party in interest, in its discretion, with or without  
2 appraisement, and with such notice as the court shall direct,  
3 and whether or not letters have been issued or a will probated,  
4 may direct distribution of the property (including property not  
5 paid under section 3101) to the parties entitled thereto. The  
6 authority of the court to award distribution of personal  
7 property under this section shall not be restricted because of  
8 the decedent's ownership of real estate, regardless of its  
9 value. The decree of distribution so made shall constitute  
10 sufficient authority to all transfer agents, registrars and  
11 others dealing with the property of the estate to recognize the  
12 persons named therein as entitled to receive the property to be  
13 distributed without administration, and shall in all respects  
14 have the same effect as a decree of distribution after an  
15 accounting by a personal representative. Within one year after  
16 such a decree of distribution has been made, any party in  
17 interest may file a petition to revoke it because an improper  
18 distribution has been ordered. If the court shall find that an  
19 improper distribution has been ordered, it shall revoke the  
20 decree and shall direct restitution as equity and justice shall  
21 require.

22 § 3531. Estates not exceeding [\$25,000] \$50,000.

23 When the gross real and personal estate of a decedent does  
24 not exceed the value of [\$25,000] \$50,000, the personal  
25 representative, after the expiration of one year from the date  
26 of the first complete advertisement of the grant of letters, may  
27 present his petition to the court with an annexed account  
28 showing the administration of the estate, the distribution  
29 theretofore made and suggesting the proper distribution of the  
30 estate not theretofore distributed. Thereupon, the court, upon

1 satisfactory proof of notice to all known parties in interest,  
2 may approve the distribution theretofore made and order  
3 distribution of the assets not theretofore distributed and  
4 discharge the personal representative and his sureties from  
5 future liability without the expense of proceedings as in a  
6 formal account. The court may discharge only the surety from  
7 future liability, and may allow the personal representative to  
8 continue without surety upon condition that no further assets  
9 shall come into the possession of the personal representative  
10 until he files another bond, with sufficient surety, as required  
11 by the register.

12 § 5101. When guardian unnecessary.

13 When the entire real and personal estate, wherever located of  
14 a resident or nonresident minor has a net value of [\$25,000]  
15 \$50,000 or less, all or any part of it may be received and held  
16 or disposed of by the minor, or by the parent or other person  
17 maintaining the minor, without the appointment of a guardian or  
18 the entry of security, in any of the following circumstances:

19 (1) Award from decedent's estate or trust.--When the  
20 court having jurisdiction of a decedent's estate or of a  
21 trust in awarding the interest of the minor shall so direct.

22 (2) Interest in real estate.--When the court having  
23 jurisdiction to direct the sale or mortgage of real estate in  
24 which the minor has an interest shall so direct as to the  
25 minor's interest in the real estate.

26 (3) Other circumstances.--In all other circumstances,  
27 when the court which would have had jurisdiction to appoint a  
28 guardian of the estate of the minor shall so direct.

29 Section 2. This act shall take effect in 60 days.