

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 665 Session of
2005

INTRODUCED BY PILEGGI, ERICKSON, RAFFERTY, EARLL, COSTA,
M. WHITE, O'PAKE, THOMPSON AND WOZNIAK, MAY 10, 2005

REFERRED TO JUDICIARY, MAY 10, 2005

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 grant of limited letters of administration and for the
4 administration of estates.

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

7 Section 1. Sections 3153 and 3155 of Title 20 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3153. Contents of petition.

10 (a) General rule.--A petition for the grant of letters
11 testamentary or of administration shall state, under oath, so
12 far as they are known:

13 (1) The decedent's name, age, state or country of
14 domicile, his last family or principal residence, and the
15 place and day of his death.

16 (2) If the decedent died intestate, the name and
17 residence address of the surviving spouse, if any, and the
18 names, relationships and residence addresses of other heirs.

1 (3) If the decedent died testate, whether the will was
2 modified by the occurrence of any of the circumstances
3 delineated in section 2507 (relating to modification by
4 circumstances).

5 (4) If the decedent was domiciled in the Commonwealth at
6 the time of his death, the estimated value of all his
7 personal property, and the estimated value and the location
8 of his real property situated in the Commonwealth.

9 (5) If the decedent was not domiciled in the
10 Commonwealth at the time of his death, the estimated value of
11 his personal property in the Commonwealth, the estimated
12 value of his personal property in the county in which the
13 petition is filed, and the estimated value and location of
14 his real property in the Commonwealth.

15 (6) The name and residence address of each person to
16 whom letters are requested to be granted.

17 (7) Any other facts necessary to entitle the petitioner
18 to letters.

19 (b) Limited letters of administration.--A petition for
20 limited letters of administration as provided in section 3155.1
21 (relating to limited letters of administration) shall not be
22 required to state estimated values as required under subsection
23 (a)(4) and (5). The petition shall contain the estimated value
24 and the location of the real property to be administered as well
25 as the estimated value of all personal property located in or on
26 the real property described by the petition.

27 § 3155. Persons entitled.

28 (a) Letters testamentary.--Letters testamentary shall be
29 granted by the register to the executor designated in the will,
30 whether or not he has declined a trust under the will.

(b) Letters of administration.--Letters of administration shall be granted by the register, in such form as the case shall require, to one or more of those hereinafter mentioned and, except for good cause, in the following order:

(1) Those entitled to the residuary estate under the will.

(2) The surviving spouse.

(3) Those entitled under the intestate law as the register, in his discretion, shall judge will best administer the estate, giving preference, however, according to the sizes of the shares of those in this class.

(4) The principal creditors of the decedent at the time of his death.

(5) Other fit persons.

(6) If anyone of the foregoing shall renounce his right to letters of administration, the register, in his discretion, may appoint a nominee of the person so renouncing in preference to the persons set forth in any succeeding paragraph.

(7) A guardianship support agency serving as guardian of an incapacitated person who dies during the guardianship administered pursuant to Subchapter F of Chapter 55 (relating to guardianship support).

(8) A redevelopment authority formed pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.

(c) Time limitation.--Except with the consent of those enumerated in paragraphs (1), (2) and (3), no letters shall be issued to those enumerated in paragraphs (4) [and (5)], (5) or (8) of subsection (b) until seven days after the decedent's

1 death.

2 (d) Death charges.--Notwithstanding the provisions of
3 subsections (a) and (b), the register shall not grant letters
4 testamentary or letters of administration to any person charged,
5 whether by indictment, information or otherwise, by the United
6 States, the Commonwealth or any of the several states, with
7 voluntary manslaughter or homicide, except homicide by vehicle,
8 in connection with a decedent's death unless and until the
9 charge is withdrawn, dismissed or a verdict of not guilty is
10 returned.

11 Section 2. Title 20 is amended by adding a section to read:

12 § 3155.1. Limited letters of administration.

13 (a) Limited letters.--A redevelopment authority shall be
14 entitled to seek limited letters of administration for the
15 purpose of administering a portion of an estate consisting of
16 only the assets described in subsection (b).

17 (b) Limited estate.--A limited estate shall include only
18 real property and any fixtures or personal property remaining in
19 or on the real property and which is described in the petition
20 for limited letters of administration under section 3153(b)
21 (relating to contents of petition).

22 (c) Administration of remaining estate.--Upon completion of
23 the administration of the limited estate, the register may grant
24 letters of administration D.B.N., as provided in section 3159(b)
25 (relating to letters of administration D.B.N. or D.B.N.C.T.A.),
26 to the persons otherwise entitled thereto for the purpose of
27 administering the decedent's assets not subject to the limited
28 administration.

29 Section 3. Sections 3156, 3159, 3162, 3184, 3301, 3305,
30 3311, 3326 and 3384 of Title 20 are amended to read:

1 § 3156. Persons not qualified.

2 (a) General rule.--No person shall be qualified to serve as
3 a personal representative who is:

4 (1) Under 18 years of age.

5 (2) A corporation not authorized to act as fiduciary in
6 the Commonwealth.

7 (3) A person, other than an executor designated by name
8 or description in the will, found by the register to be unfit
9 to be entrusted with the administration of the estate.

10 (4) The nominee of any beneficiary, legatee or person
11 having any interest whatsoever, when such beneficiary,
12 legatee or person is a citizen or resident of any country
13 outside the territorial limits or possessions of the United
14 States, when it shall appear doubtful to the register that in
15 the distribution of the estate any such person will have the
16 actual benefit, use, enjoyment or control of the money or
17 other property representing his share or interest therein.

18 (5) Charged, whether by indictment, information or
19 otherwise, by the United States, the Commonwealth or any of
20 the several states, with voluntary manslaughter or homicide,
21 except homicide by vehicle, in connection with a decedent's
22 death unless and until the charge is withdrawn, dismissed or
23 a verdict of not guilty is returned.

24 (b) Exception.--A redevelopment authority shall be qualified
25 to serve as a personal representative pursuant to limited
26 letters of administration.

27 § 3159. Letters of administration D.B.N. or D.B.N.C.T.A.

28 (a) General rule.--When an entire vacancy occurs in the
29 office of personal representative before administration is
30 completed, the register, in a case of intestacy, shall grant

1 letters of administration de bonis non, and in the case of
2 testacy, letters de bonis non cum testamento annexo, to the
3 person or persons entitled thereto.

4 (b) Exception.--When a vacancy occurs in the office of
5 personal representative as a result of the completion of
6 administration pursuant to limited letters of administration,
7 but while the entire estate has not been administered, the
8 register shall grant letters of administration de bonis non to
9 the person or persons entitled thereto. Letters of
10 administration de bonis non granted under this subsection shall
11 only entitle the person or persons to administer that portion of
12 an estate that remains after completion of administration
13 pursuant to limited letters of administration.

14 § 3162. Advertisement of grant of letters.

15 (a) General rule.--The personal representative, immediately
16 after the grant of letters, shall cause notice thereof to be
17 given in one newspaper of general circulation published at or
18 near the place where the decedent resided or, in the case of a
19 nonresident decedent, at or near the place where the letters
20 were granted, and in the legal periodical, if any, designated by
21 rule of court for the publication of legal notices, once a week
22 for three successive weeks, together with his name and address;
23 and in every such notice, he shall request all persons having
24 claims against the estate of the decedent to make known the same
25 to him or his attorney, and all persons indebted to the decedent
26 to make payment to him without delay.

27 (b) Exception for limited letters of administration.--The
28 personal representative, immediately after the grant of limited
29 letters of administration, shall cause notice thereof to be
30 given in one newspaper of general circulation published at or

near the place where the decedent resided or, in the case of a nonresident decedent, at or near the place where the letters were granted, and in the legal periodical, if any, designated by rule of court for the publication of legal notices, once a week for three successive weeks, together with the personal representative's name and address and a description of the limited estate to be administered. In every such notice, the personal representative shall request all persons having claims against the limited estate of the decedent to make known the same to the personal representative or its attorney without delay. For the purpose of this subsection, "persons having claims against the limited estate" shall mean only those secured creditors and lien creditors that have claims against the assets of the limited estate.

§ 3184. Discharge of personal representative and surety.

After confirmation of his final account and distribution to the parties entitled, or after confirmation of the final account of a limited estate by a personal representative granted limited letters of administration, a personal representative and his surety may be discharged by the court from future liability. The court may discharge only the surety from future liability, allowing the personal representative to continue without surety, upon condition that no further assets shall come into the control of the personal representative until he files another bond with sufficient surety, as required by the register.

§ 3301. Duty of personal representative.

(a) General assets.--Every personal representative shall file with the register a verified inventory of all real and personal estate of the decedent, except real estate outside of this Commonwealth. An ancillary personal representative or

1 personal representative granted limited letters of
2 administration shall include in the inventory only assets for
3 which he is responsible.

4 (b) Real estate outside of Commonwealth.--The inventory
5 shall include at the end a memorandum of real estate outside of
6 this Commonwealth. The memorandum, at the election of the
7 personal representative, may indicate the value of each item of
8 real estate included therein, but the values so fixed shall not
9 be extended into the total of the inventory or included as real
10 estate in subsequent accountings.

11 (c) Time for filing.--The personal representative shall file
12 his inventory no later than the date he files his account or the
13 due date, including any extension, for the filing of the
14 inheritance tax return for the estate, whichever is earlier. Any
15 party in interest in the estate may request the filing of an
16 inventory at an earlier date by writing delivered to the
17 personal representative or his attorney in which event an
18 inventory shall be filed within three months after the
19 appointment of the personal representative or within 30 days
20 after the request, whichever is later. The court, upon cause
21 shown, may direct the filing of an inventory at any time.

22 § 3305. Objections to inventory.

23 (a) General rule.--Objections to the inventory may be made
24 by any party in interest at any time up to and including the
25 time fixed by rule of court for making objections to the first
26 account of the personal representative. Such objections in the
27 discretion of the court may be heard at the audit of the
28 account. Objections to the inventory also may be made in the
29 form of objections to the account.

30 (b) Exception for limited letters of administration.--For

1 the purpose of objections to the inventory of a limited estate
2 administered pursuant to limited letters of administration,
3 "party in interest" in subsection (a) shall be limited to
4 secured creditors and lien creditors that have claims against
5 the assets of the limited estate.

6 § 3311. Possession of real and personal estate; exception.

7 (a) General rule.--A personal representative shall have the
8 right to and shall take possession of, maintain and administer
9 all the real and personal estate of the decedent, except real
10 estate occupied at the time of death by an heir or devisee with
11 the consent of the decedent. He shall collect the rents and
12 income from each asset in his possession until it is sold or
13 distributed, and, during the administration of the estate, shall
14 have the right to maintain any action with respect to it and
15 shall make all reasonable expenditures necessary to preserve it.
16 The court may direct the personal representative to take
17 possession of, administer and maintain real estate so occupied
18 by an heir or a devisee if this is necessary to protect the
19 rights of claimants or other parties. Nothing in this section
20 shall affect the personal representative's power to sell real
21 estate occupied by an heir or devisee.

22 (b) Exception for limited letters of administration.--A
23 personal representative granted limited letters of
24 administration shall have the rights and authority in subsection
25 (a) only with respect to the assets of the limited estate.

26 § 3326. Administrator D.B.N. and D.B.N.C.T.A.

27 (a) General rule.--An administrator de bonis non, with or
28 without a will annexed, shall have the power to recover the
29 assets of the estate from his predecessor in administration or
30 from the personal representative of such predecessor and, except

1 as the will shall provide otherwise, shall stand in his
2 predecessor's stead for all purposes, except that he shall not
3 be personally liable for the acts of his predecessor. When he
4 has been required to give bond, no proceeds of real estate shall
5 be paid to him until the court has made an order excusing him
6 from entering additional security or requiring additional
7 security, and in the latter event, only after he has entered the
8 additional security.

9 (b) Limited letters of administration.--An administrator de
10 bonis non whose letters of administration were granted pursuant
11 to section 3159(b) (relating to letters of administration D.B.N.
12 or D.B.N.C.T.A.) shall only have the power to recover any of the
13 assets of the limited estate that remain after completion of
14 administration pursuant to limited letters of administration.
15 The administrator D.B.N. shall not be personally liable for the
16 acts of the preceding administrator. When the administrator
17 D.B.N. has been required to give bond, no proceeds of real
18 estate shall be paid to it until the court has made an order
19 excusing the administrator D.B.N. from entering additional
20 security or requiring additional security, and in the latter
21 event, only after it has entered the additional security.

22 § 3384. Notice of claim.

23 (a) Written notice.--Written notice of any claim against a
24 decedent given to the personal representative or his attorney of
25 record before the claim is barred shall toll the statute of
26 limitations.

27 (a.1) Written notice concerning limited estate.--Written
28 notice of any claim against the limited estate of a decedent
29 given to the personal representative granted limited letters of
30 administration or its attorney of record before the claim is

1 barred shall toll the statute of limitations. For the purposes
2 of this subsection, "claim against the limited estate" shall be
3 construed to mean only those claims by secured creditors and
4 lien creditors against the assets of the limited estate.

5 (b) Acts equivalent to written notice.--Any of the following
6 acts by a claimant shall be equivalent to the giving of written
7 notice of a claim to the personal representative:

8 (1) Instituting proceedings to compel the filing of an
9 account.

10 (2) Bringing an action against the personal
11 representative in any court having jurisdiction of the claim
12 and having the writ or pleading duly served on the personal
13 representative.

14 (3) Substituting the personal representative as a
15 defendant in an action pending against the decedent.

16 (4) Receiving a written acknowledgment by the personal
17 representative or his attorney of record of the existence of
18 the claim.

19 Section 4. Title 20 is amended by adding a section to read:

20 § 3385.1. Claims against limited estates.

21 (a) General rule.--Notwithstanding any other provisions of
22 law, no claims shall be enforceable against a limited estate
23 except claims by secured creditors or lien creditors against the
24 real and personal property of the limited estate.

25 (b) Claims by government.--Nothing in this section shall
26 preclude claims against the limited estate by the United States,
27 the Commonwealth or any political subdivision.

28 (c) Remaining estate.--Nothing in this section shall
29 preclude claims against an estate administered pursuant to
30 letters of administration de bonis non granted pursuant to

1 section 3159(b) (relating to letters of administration D.B.N. or
2 D.B.N.C.T.A.).

3 Section 5. Section 3392 of Title 20 is amended to read:

4 § 3392. Classification and order of payment.

5 (a) General rule.--If the applicable assets of the estate
6 are insufficient to pay all proper charges and claims in full,
7 the personal representative, subject to any preference given by
8 law to claims due the United States, shall pay them in the
9 following order, without priority as between claims of the same
10 class:

11 (1) The costs of administration.

12 (2) The family exemption.

13 (3) The costs of the decedent's funeral and burial, and
14 the costs of medicines furnished to him within six months of
15 his death, of medical or nursing services performed for him
16 within that time, of hospital services including maintenance
17 provided him within that time, and of services performed for
18 him by any of his employees within that time.

19 (4) The cost of a gravemarker.

20 (5) Rents for the occupancy of the decedent's residence
21 for six months immediately prior to his death.

22 (6) All other claims, including claims by the
23 Commonwealth.

24 (b) Exception.--If the applicable assets of the limited
25 estate are insufficient to pay proper charges and claims against
26 the limited estate as provided in section 3385.1 (relating to
27 claims against limited estates), the personal representative,
28 subject to any preference given by law to claims against the
29 limited estate due the United States, shall pay them in the
30 following order, without priority as between claims of the same

1 class:

2 (1) The costs of administration.

3 (2) All other claims, including claims by the
4 Commonwealth.

5 Section 6. Title 20 is amended by adding a section to read:

6 § 3392.1. Distribution and excess assets of limited estates.

7 (a) Distribution prohibited.--Notwithstanding any other
8 provisions of law, no assets of a limited estate shall be
9 distributed to the decedent's heirs, devisees, legatees or those
10 entitled under the intestate law.

11 (b) Remaining assets.--If assets remain after the sale of
12 the property of the limited estate and payment of proper charges
13 and claims against the limited estate, the personal
14 representative shall deposit those amounts in escrow with the
15 register who granted the limited letters of administration. The
16 assets deposited in escrow shall no longer be considered assets
17 of the limited estate and shall be administered by the person or
18 persons granted letters of administration de bonis non pursuant
19 to section 3159(b) (relating to letters of administration D.B.N.
20 or D.B.N.C.T.A.).

21 Section 7. Sections 3503, 3513 and 3533 of Title 20 are
22 amended to read:

23 § 3503. Notice to parties in interest.

24 (a) General rule.--The personal representative shall give
25 written notice of the filing of his account and of its call for
26 audit or confirmation to every person known to the personal
27 representative to have or assert an interest in the estate as
28 beneficiary, heir, next of kin or claimant, unless the interest
29 of such person has been satisfied or unless such person fails to
30 respond to a demand under section 3532(b.1) (relating to at risk

1 of personal representative).

2 (b) Exception for limited letters of administration.--The
3 personal representative granted limited letters of
4 administration shall give written notice of the filing of its
5 account and of its call for audit or confirmation to:

6 (1) Every person known to the personal representative
7 who would have been eligible to petition for letters of
8 administration pursuant to section 3155(b)(3) (relating to
9 persons entitled).

10 (2) Secured creditors or lien creditors who have claims
11 against the limited estate under section 3385.1(a) (relating
12 to claims against limited estates).

13 § 3513. Statement of proposed distribution.

14 (a) General rule.--A personal representative filing an
15 account shall file a statement of proposed distribution or a
16 request that distribution be determined by the court or by an
17 auditor, as local rules may prescribe. The statement of proposed
18 distribution shall be in such form, and such notice thereof
19 shall be given by advertisement or otherwise, and objections
20 thereto may be made, as local rules prescribe.

21 (b) Exception for limited letters of administration.--A
22 personal representative granted limited letters of
23 administration shall not be required to file a statement of
24 proposed distribution.

25 § 3533. Award upon final confirmation of account.

26 (a) General rule.--A personal representative shall be
27 relieved of liability with respect to all real and personal
28 estate distributed in conformity with a decree of court or in
29 accordance with rule of court after confirmation of an account.
30 In making any such distribution, the personal representative

1 shall not be entitled to demand refunding bonds from the
2 distributees, except as provided by this title or as directed by
3 the court.

4 (b) Exception for limited letters of administration.--A
5 personal representative granted limited letters of
6 administration shall be relieved of liability with respect to
7 all of the limited estate after confirmation of an account.

8 Section 8. This act shall take effect in 60 days.