

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 40 Session of
2023

INTRODUCED BY MUSTELLO, ARMANINI, ECKER, GILLEN, GUENST,
McNEILL, MOUL, OBERLANDER, PICKETT, ROWE, ROZZI AND SMITH,
MARCH 7, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 2023

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in dispositions
3 independent of letters, family exemption and probate of wills
4 and grant of letters, further providing for settlement of
5 small estates on petition.

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

8 Section 1. Section 3102 of Title 20 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 3102. Settlement of small estates on petition.

11 (a) Authority of court to direct distribution.--

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

1 with or without appraisal, and with such notice as the
2 court shall direct, and whether or not letters have been
3 issued or a will probated, may direct distribution of the
4 property (including property not paid under section 3101) to
5 the parties entitled thereto. The authority of the court to
6 award distribution of personal property under this section
7 shall not be restricted because of the decedent's ownership
8 of real estate, regardless of its value.

9 (2) Real estate, property payable under section 3101 and
10 property not subject to administration as part of a probate
11 estate shall not be counted towards the \$50,000 limitation
12 specified in paragraph (1).

13 (b) Effect of decree of distribution.--The decree of
14 distribution so made shall constitute sufficient authority to
15 all transfer agents, registrars and others dealing with the
16 property of the estate to recognize the persons named therein as
17 entitled to receive the property to be distributed without
18 administration, and shall in all respects have the same effect
19 as a decree of distribution after an accounting by a personal
20 representative.

21 (c) Revocation of decree.--Within one year after such a
22 decree of distribution has been made, any party in interest may
23 file a petition to revoke it because an improper distribution
24 has been ordered. If the court shall find that an improper
25 distribution has been ordered, it shall revoke the decree and
26 shall direct restitution as equity and justice shall require.

27 Section 2. The amendment of 20 Pa.C.S. § 3102 shall apply to
28 the estates of decedents who die on or after the effective date
29 of this section.

30 Section 3. This act shall take effect in 60 days.