About This Guide

What is the Purpose of this Guide?

Although many people get the help of a lawyer to navigate the probate process, this guide helps explain the probate and estate administration process to those who wish to move forward on their own. Inside this guide, you will find:

- A step-by-step explanation of the process
- Definitions of legal words often used in probate and estate administration
- Contact information for the agencies involved

Important Notes

Philadelphia VIP prepared this guide to help distribute basic legal information to the community at large. While the information contained in this guide concerns legal issues, it is intended solely to provide general information. THIS GUIDE IS CURRENT AS OF MARCH 2020. COSTS AND FEES ARE SUBJECT TO CHANGE.

This guide is not intended to constitute legal advice or substitute for the advice of an attorney. It is understood that Philadelphia VIP’s provision of this guide and your review of this information does not establish an attorney-client relationship. No action should be taken in reliance on the information provided in this guide, except after prior consultation with a lawyer.

You may be eligible for free legal services. At the end of this guide, you will find contact information for organizations that may be able to help with this process, including Community Legal Services, Philadelphia Legal Assistance, and SeniorLAW Center.

The most up-to-date version of this guide can be found in the Philadelphia VIP Resource Library at www.phillyvip.org/diy-probate-guide
### Example PA Transfer Tax Form

A copy of form REV-183 is available for download on the Commonwealth of Pennsylvania's website: https://www.revenue.pa.gov/FormsandPublications/FormsforIndividuals/RTT/Pages/default.aspx

<table>
<thead>
<tr>
<th>Date you recorded the deed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of record owner</td>
</tr>
<tr>
<td>Telephone Number N/A</td>
</tr>
<tr>
<td>Date of Acceptance of Document</td>
</tr>
</tbody>
</table>

**SECTION I: TRANSFER DATA**

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"Actual Cash Consideration" is what you paid for the home. Even if you inherited the home, you must write something in this box, such as $1.00.
### Example Status Report

**Pa. O.C. Rule 10.6 STATUS REPORT**

**REGISTER OF WILLS OF**

**Name of Decedent:**

**Date of Death:**

**Fife Number:**

**Estate # from Register of Wills**

Pursuant to Pa. O.C. Rule 10.6, I report the following with respect to completion of the administration of the above-captioned estate:

1. **State whether administration of the estate is complete:**
   - Yes
   - No

2. **If the answer is No, state when the personal representative reasonably believes that the administration will be complete:**

   If the answer to No. 1 is YES, state the following:

   a. **Did the personal representative file a final account with the Court?**
      - Yes
      - No

   b. **The separate Orphans’ Court No. (if any) for the personal representative account is:**

   c. **Did the personal representative state an account informally to the parties in interest?**
      - Yes
      - No

   d. **Copies of receipts, releases, joinders and approvals of formal or informal accounts may be filed with the Clerk of the Orphans’ Court or may be attached to this report.**

---

**Your Name**

**Your Address**

**Your Phone #**

**Your Email**

**Your Signature**

---

**The Basics**
What is Probate and Estate Administration?

Important Definitions

**Estate:** Everything the deceased person owned or had interest in at the time of his or her death, including life insurance and joint property.

**Probate:** Administering the estate of someone who has died. This is the process of handling a deceased person’s debts and assets, regardless of whether he or she had a will.

**Title:** The legal concept of owning a property.

**Deed:** A legal document that confirms a person’s ownership of property or, in other words, that the person has **title** to the property.

**Personal Representative:** The person who is named in the will or appointed by the Register of Wills to divide the deceased person’s property and pay their debts. This person is sometimes also called an Administrator or Executor.

A more exhaustive list of definitions can be found in the appendix on page A1.

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Example Notice to Heirs

**Mail one to EVERY heir**

IMPORTANT NOTICE
NOTICE OF ESTATE ADMINISTRATION
Pursuant to Pa, O.C. Rule 10.5

This notice does not mean that you will receive any money or property from this estate or otherwise.

Whether you will receive any money or property will be determined wholly or partly by the decedent’s will. If the decedent died without a will, whether you will receive any money or property will be determined by the intestacy laws of Pennsylvania.

BEFORE THE REGISTER OF WILLS,

IN RE: ESTATE OF:

<table>
<thead>
<tr>
<th>Name of Record Owner</th>
<th>Date of Death</th>
</tr>
</thead>
</table>

Check which one applies

<table>
<thead>
<tr>
<th>Date Record Owner Died</th>
<th>Date Owner Died</th>
</tr>
</thead>
</table>

Owner Died

If you have a beneficial interest in the property as follows: “Ownership interest in the property at 1234 Main St. Phila PA, as an intestate heir of record”

Owner

(If additional space is needed, use separate sheet) The name(s), address(es) and telephone number(s) of all personal representatives appointed are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Telephone</th>
</tr>
</thead>
</table>

If the decedent died intestate, the Will has been filed with the Office of the Register of Wills of Philadelphia.

The Register’s address is

**180 City Hall, Philadelphia, PA 19107**

And telephone number is

**215-686-6250**

A copy of the Will or Petition may be obtained by contacting the Register of Wills and paying the charges for duplication.

**Date you filled out form**

**Date**

**Corporate Fiduciary (if applicable)**

<table>
<thead>
<tr>
<th>Name of Corporate Fiduciary</th>
<th>Name of Registered Title</th>
</tr>
</thead>
</table>

**Address**

**Telephone**

**Email**

**Signature of Officer/Representative**

**Your Name**

**Name of Person**

**Your Address**

**Address**

**Your Phone #**

**Your Email**

**Your Signature**

Form RW-07 09-16-16

Form RW-07 09-16-16
Why Would I Want to Do This Process?

There are many reasons why you may want to go through the probate and estate administration process to get legal title to the house where you live. Without legal title, you can run into many problems and even lose your home. Probate and estate administration can help you:

- Stay in your home
- Get homeowner’s insurance
- Enter into payment plans for utilities like water and sewer and for real estate taxes
- Get grants from the City for repairs or improvements to your house
- Sell the property
- Get a mortgage
- Work with a bank to fix an unpaid mortgage or a mortgage in foreclosure

Example Certification of Notice

CERTIFICATION OF NOTICE UNDER Pa. O.C. Rule 10.5
REGISTER OF WILLS

Name of Decedent: ____________________________
Name of Record Owner: ____________________________
Date of Death: ____________________________ Date Record Owner Died: ____________________________
File Number: ____________________________ Estate # from Register of Wills: ____________________________

To the Register:
I certify that Notice of Estate Administration required by Pa. O.C. Rule 10.5 of the Orphans’ Court
Rules was served on or mailed to the following beneficiaries of the above-captioned estate on
dated you gave/mailed notice to heirs: ____________________________

NAME: ____________________________ ADDRESS: ____________________________
Heir 1: ____________________________ Heir 1 Address: ____________________________
Heir 2: ____________________________ Heir 2 Address: ____________________________
Heir 3: ____________________________ Heir 3 Address: ____________________________

Date you filled out form: ____________________________
Your Name: ____________________________
Your Address: ____________________________
Your Phone #: ____________________________
Your Email: ____________________________
Your Signature: ____________________________

Form RV-35 Rev. 09.01.15
Why Would I NOT Want to Do This Process?

Sometimes the probate process can create problems that outweigh the benefits. It is important for you to understand that by taking ownership of a house, you take responsibility for any debts on the house. This includes money owed for gas, electric, water, sewer, mortgage, and real estate taxes. You also may not want title if YOU have a lot of credit card or other types of debts. Once the house is in your name, YOUR creditors can go after the house by putting a lien on it.

Remember:
If you become the personal representative of the deceased person’s estate, it is your personal responsibility to look after all of the deceased person’s assets (everything they owned), to pay off any debts they had, and to make sure that the right people get whatever property is left over. If you give away assets in the estate before paying off the debt of the estate, creditors can come after anything that you personally own.

Ask Yourself:
- Are there any liens on the house?
  - A lien is the right to take all or part of property, like a house, to pay a debt such as mortgages, back property taxes, or unpaid utility bills.
- Did the last owner of the house receive Medical Assistance from the Commonwealth?
  - WARNING ABOUT DEBTS FOR MEDICAL ASSISTANCE: The Department of Human Services (DHS) has the right to be repaid for medical care given to the deceased during his or her life. DHS could take the house to pay these medical assistance bills. You must contact DHS if the decedent died on or after August 15, 1994. You should not move forward until you get a response from DHS. If money is owed, a lawyer may be able to help you lower the debt owed and keep the house.
  - If the deceased person received Medical Assistance from the state, you MUST notify the Commonwealth that you are in charge of the estate, because the Commonwealth may have a claim against the property for unpaid bills. You may qualify for an Undue Hardship Waiver or Lifetime Deferment. If this applies to you, we recommend you review our DHS Recovery guide, available at: www.PhillyVIP.org/DHS-Recovery-Guide
- Is there a mortgage on the house that is not fully paid or is in foreclosure?
- Do you have a large amount of credit card debt or other types of debt?
- What is the condition of the house? Can you afford the possible repair expenses?
  - Keep in mind the potential cost of making repairs (for example if the roof, electric, plumbing needs replacement).

Example Inventory Form

<table>
<thead>
<tr>
<th>FIGURES MUST BE TOTaled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Property on 1234 Main St. Phila, PA</td>
</tr>
<tr>
<td>2. Major Asset 2</td>
</tr>
<tr>
<td>3. Major Asset 3</td>
</tr>
<tr>
<td>Property Value*</td>
</tr>
<tr>
<td>Asset 1 Value*</td>
</tr>
<tr>
<td>Asset 2 Value*</td>
</tr>
</tbody>
</table>

*Value at the date of death of record owner

Total Value of Assets

(Note: The Memorandum of real estate outside the Commonwealth of Pennsylvania may, at the election of the personal representative, include the value of each item, but such figures should not be extended into the total of the inventory. (See 20 Pa.C.S. § 3807(b).)
Example Renunciation

**RENUNCIATION**

**REGISTER OF WILLS**

Estate of __________________________, Deceased

The undersigned, __________________________ in the capacity/relationship as __________________________ of the above Decedent, hereby renounces the right to administer the Estate of the Decedent and, to the extent permitted by law pursuant to 20 P.S.C. § 3155, respectfully requests that Letters be issued to __________________________________________

\[Signature\] of Heir (MUST BE DONE BEFORE NOTARY)

Address of Heir

Heir’s Telephone Number

Heir’s Email

Date form filled

Name of deceased record owner whose estate is being opened

Name of Heir

Renunciation

Relation of heir to record owner (e.g. son)

Your name (or the person becoming personal representative)

Date

Name of Corporate Fiduciary (if applicable)

Signature of Officer/Representative

Title of Officer/Representative

Address

Telephone

Email

\[Signature\] of Person

Address of Heir

Heir’s Telephone Number

Heir’s Email

\[Signature\] of Deputy for Register of Wills

\[Signature\] of Notary

**Overview**

What to Expect During the Probate Process

- **Step 1:** Preparing Everything You Need to Get Started (Page 7)
  - Gather Documents
  - Find Heirs

- **Step 2:** Becoming a Personal Representative (Page 11)
  - Collect Renunciations, If Necessary
  - Gather Documents and Bring to the Register of Wills
  - Take an Oath and Collect Your Documents

- **Step 3:** Carrying Out Administrative Duties (Page 15)
  - Fill Out an Inventory Form
  - Tell Beneficiaries
  - Tell Creditors
  - Pay Taxes

- **Step 4:** Writing a Deed and Transferring Title (Page 19)
  - Distribute the Other Assets
  - Fill Out A Status Report
  - Plan for the Future

- **Step 5:** Wrapping Up (Page 23)
Frequently Asked Questions

What Should You Know?

Q: How long will this take? When will I get the deed?
A: The probate process can be unpredictable and no two estates are the same. Many factors affect how long it takes to become a personal representative and get a deed. If you are the only heir and the record owner left a will, this process could take months. If there is no will and there are many heirs all over the country, this process could take upwards of years.

Q: How can I make sure I am successful?
A: In probate cases, clients often need to get in touch with family members they have not spoken to in a very long time. We recommend getting in touch with these family members as early as possible and keeping in touch with them frequently (see page 9 for more information on which family members you might need to contact). We also recommend that you keep all of your probate documents and papers organized in a folder and put it in a safe place.

Q: Where can I get extra help?
A: We understand this guide cannot answer every question you may have about this process. Whether you need assistance with drafting forms, solving an urgent utility issue, or filling out a tax return, we have a list of contacts and resources in the appendix on page A2 that may be able to help you.

Probate Filing Fees

<table>
<thead>
<tr>
<th>Probate Value</th>
<th>Total Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to 250</td>
<td>$174.25</td>
</tr>
<tr>
<td>$250.01 to 1,000</td>
<td>$195.25</td>
</tr>
<tr>
<td>$1,000.01 to 2,000</td>
<td>$209.25</td>
</tr>
<tr>
<td>$2,000.01 to 3,000</td>
<td>$223.25</td>
</tr>
<tr>
<td>$3,000.01 to 4,000</td>
<td>$237.25</td>
</tr>
<tr>
<td>$4,000.01 to 5,000</td>
<td>$251.25</td>
</tr>
<tr>
<td>$5,000.01 to 6,000</td>
<td>$265.25</td>
</tr>
<tr>
<td>$6,000.01 to 7,000</td>
<td>$279.25</td>
</tr>
<tr>
<td>$7,000.01 to 8,000</td>
<td>$293.25</td>
</tr>
<tr>
<td>$8,000.01 to 9,000</td>
<td>$307.25</td>
</tr>
<tr>
<td>$9,000.01 to 10,000</td>
<td>$321.25</td>
</tr>
<tr>
<td>$10,000.01 to 50,000</td>
<td>$370.25</td>
</tr>
<tr>
<td>$50,000.01 to 200,000</td>
<td>$475.25</td>
</tr>
<tr>
<td>$200,000.01 to 300,000</td>
<td>$580.25</td>
</tr>
<tr>
<td>$300,000.01 to 400,000</td>
<td>$685.25</td>
</tr>
<tr>
<td>$400,000.01 to 500,000</td>
<td>$790.25</td>
</tr>
<tr>
<td>$500,000.01 to 600,000</td>
<td>$895.25</td>
</tr>
<tr>
<td>$600,000.01 to 700,000</td>
<td>$1,000.25</td>
</tr>
<tr>
<td>$700,000.01 to 800,000</td>
<td>$1,105.25</td>
</tr>
<tr>
<td>First $1,000,000</td>
<td>$1,210.25</td>
</tr>
<tr>
<td>For each additional $100,000, add $105; For each additional $1,000,000, add $1,050</td>
<td></td>
</tr>
</tbody>
</table>

How to Calculate Probate Value

1. Go to https://property.phila.gov/ and search using the property address.
2. Under “Valuation History,” find the “Market Value” of the property in the year that the property owner died. If you cannot find the value for that year, you may call the Office of Property Assessment at (215) 686-4334.
3. Probate value = “market value” + value of any other major assets in the estate (if any)

<table>
<thead>
<tr>
<th>Additional Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Oath</td>
<td>$125.00</td>
</tr>
<tr>
<td>Filing a Renunciation</td>
<td>$15.00 per renunciation</td>
</tr>
<tr>
<td>Recording a Will</td>
<td>$22.00</td>
</tr>
</tbody>
</table>

There are potential fees not included in this document. Please contact the Register of Wills or visit http://secureprod.phila.gov/wills/fees.aspx for more information.
How to Make a Family Tree

When creating a family tree, be sure to include as much detail as possible, including dates of death, marriage/divorce dates, and marital statuses. We suggest you start with the record owner of the property in question, and fill in as much detail as possible from there. For ease, try to keep family members of the same generation on the same level. Below is an example tree with commonly used notations to help you as you create your own tree.

**KEY:**

**Abbreviations**
- m. = married
- d. = died
- div. = divorced
- ~ = approximate

**Symbols**
- /\ = divorced
- - - = never married
- - = married
- = parent/child
Document Check List

Before you get started, make sure you have everything on this checklist.

☐ A copy of the deed for the house.
If you do not know where the deed is, you have two options:
1) Call the Department of Records Reference Room (215-686-2292) or visit them in person in Room 154, City Hall. Tell them you need a copy of the deed to your home, and they will help you get a copy. Copies are $2.00 per page, and certification of each page is $2.00.
2) Get a copy online and print it yourself. Go to: https://epay.phila-records.com/. Click "I acknowledge" then click "Free Public Search Login." Click "address" and enter the house number and street name.

☐ Original Death certificate of the record owner of the house.
If you do not have this, we recommend you first ask family members if they have a copy. Otherwise, you may submit an application online through the Pennsylvania Department of Health Division of Vital Records (DVR) at https://www.health.pa.gov/topics/certificates/Pages/Death-Certificates.aspx. You can also get a copy in person at the Philadelphia branch of the DVR at 110 N 8th St #108, Philadelphia, PA 19107. There is a fee of $20 per copy. If you have questions, you can call the PA Department of Vital Records at 844-228-3516.

☐ The original will of the owner of the house, if he/she left one.
Many homeowners do not leave wills. We suggest you ask family members or contact the Register of Wills if you are not sure.

☐ Proof of your relationship to the owner of the house.
The Register of Wills may ask for proof of your relationship to the owner of the property, particularly if your last names are different. This may include official government documents like a birth certificate or death certificate. Supplemental documents may be accepted, like a mortgage statement, bank statement, life insurance policy, pension document, or social security retirement benefit papers.

☐ Unpaid bills for the property.
You will want to get an idea of what kind of bills for which you might become responsible. This may include mortgages, utilities, or tax bills.

☐ Documentation of the value of the house.
You can find this information online at property.phila.gov. Type in your address and print a copy. You may also call the Office of Property Assessment: (215) 686-4334.

☐ Names and addresses for potential heirs of the property owner
See the next section for more information on determining who may be an heir to the property.

Summary of PA Intestacy Law

Based on Chapter 21 of the Probate, Estates & Fiduciaries Code

The full text of the code can be found online at: www.legis.state.pa.us/WU01/LI/LI/CT/HTM/20/00.021..HTM
Finding Heirs

An heir is a person who will inherit property based on a will, or state law, if there is no will. If there is no will, make a list of people related to the deceased by blood, marriage, or adoption. It may be helpful to draw a family tree (template on page A6 of the appendix). These people must be contacted, because they could have a right to the property. If the property owner did not leave a will, you will need to contact every one of his/her living heirs. You will need their permission to administer the record owner’s estate and to sign a deed transferring to you title to the property. Ask yourself the questions on this page to determine who may be an heir to the property. Each heir may have a different percent share of the property. More detailed information can be found on page A5 in the appendix.

### Questions to find heirs if the record owner died without a will:

1. **Did the record owner have a spouse at the time of his/her death?**
   - If yes, and the spouse is still alive, then the spouse is an heir.
   - If yes and the spouse died BEFORE the owner of the property, the spouse is **NOT** an heir.
   - If yes and the spouse died AFTER the owner of the property, then all of the spouse’s children (or next closest living relatives) are the spouses’ heirs and may inherit an interest, *even if these children are from another marriage or relationship.*

2. **Did the record owner have any children?**
   - If yes, all of the living children are heirs. If any of these children are no longer alive, then that child’s spouse and/or children (or next closest living relatives) are also heirs (such as the record owner’s grandchild or daughter-in-law).

3. **Does the record owner have any living parents?**
   - If yes, and the record owner had no spouse at the time of his/her death or any children, then the record owner’s surviving parents are heirs.
   - If yes, but the record owner has surviving children or grandchildren, then the record owner’s surviving parents are **NOT** heirs.

4. **Did the record owner die without a living spouse, children, grandchildren, or parents?**
   - If the client had brothers and sisters, then record owner’s brothers and sisters are heirs. If record owner had brothers and sisters but they are no longer alive, then all of the brothers’ and sisters’ children (or next closest living relatives) are heirs.
   - If the client has no brothers and sisters, then the record owner’s living grandparents, aunts, uncles, and children of deceased aunts/uncles are heirs.
   - If none of the above apply, the record owner’s cousins’ children are heirs; otherwise, there is no surviving heir and the property goes to the Commonwealth of Pennsylvania.

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**Definitions**

**More Definitions for Common Probate and Estate Administration Words**

- **Assets**: All things of value owned by a person. All assets must be listed on the inheritance tax return.
- **Beneficiary**: A person named in a will, life insurance policy, or retirement plan to get all or part of another person’s property.
- **Bequest**: A gift of money or personal property made in a will.
- **Decedent**: A person who has died.
- **Devise**: A gift of real property made in a will.
- **Estate Administration**: The process of settling an estate after a person dies, including paying any money still owed and giving away property of the person who passed away.
- **Estate**: Everything the deceased person owned or had an interest in at the time of his or her death, including life insurance and joint property.
- **Heir**: A person who will inherit property based on a will or state law, if there is no will.
- **Intestacy Law**: The state law that determines who will get property when someone dies without a will.
- **Lien**: The right to take all or part of property, like a house, to pay a debt.
- **Personal Representative**: The person who is named in the will or appointed by the Register of Wills to divide the deceased person’s property and pay the deceased’s debts. This person is sometimes also called an Administrator or Executor.
- **Probate Property**: The deceased person’s real estate and other belongings that must go through the probate system. This usually does not include unpaid wages, cars, a small bank account that will be used to pay funeral costs, property held jointly (in two names), and some life insurance and retirement benefits.
- **Probate**: Administering the estate of someone who has died. This is the process of handling a deceased person’s debts and assets, regardless of whether he or she had a will.
- **Title**: If you have title to a property, it means that you are the owner of that property.
- **Title Search**: An investigation into the history of ownership of a property and the liens, unpaid claims, restrictions, or other problems with the property.
# Helpful Contacts

## Free Legal Services

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Hours</th>
<th>Contact Information</th>
</tr>
</thead>
</table>
| Community Legal Services (CLS)                 | 1424 Chestnut St Phila., PA 19102  
1410 W. Erie Ave. Phila., PA 19140               | Call for Current Hours                          | Center City: (215) 981-3700  
North Philly: (215) 227-2400  
| Elder Justice and Civil Resource Center         | Room 278, City Hall Phila., PA 19107  
For Help Drafting/Filing Court Documents--All Ages Welcome | Monday – Friday, 8am-4pm (Walk-Ins Welcome) | 215-686-7027, 7028, 7029  
[elderresource@courts.phila.gov](mailto:elderresource@courts.phila.gov) |
| Philadelphia Legal Assistance (PLA)             | The Cast Iron Building 718 Arch Street, Suite 300N Phila., PA 19106 | Call for Current Hours | (215) 981-3800  
| SeniorLAW Center                                | Two Penn Center 1500 JFK Blvd., Suite 1501 Phila., PA 19102 | Call for Current Hours | (215) 988-1244  

## Other Legal Resources and Services

<table>
<thead>
<tr>
<th>Name</th>
<th>About</th>
<th>Hours</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philadelphia Bar Association’s Modest Means Program</td>
<td>If you do not qualify for free legal services, you may still qualify for discounted legal services through this program.</td>
<td>Monday – Friday, 9am-5pm</td>
<td>To utilize this service, contact a partner legal services agency (such as Community Legal Services or Philadelphia Legal Assistance) for a referral</td>
</tr>
</tbody>
</table>
| Philadelphia Bar Association’s Lawyer Referral and Information Service (LRIS) | For $35, a pre-screened attorney will speak with you for half an hour. After that, you and the attorney may work out fee arrangements. | Monday – Friday, 9am-5pm | (215) 238-6333  
[https://lris.philadelphiabar.org/](https://lris.philadelphiabar.org/)  
(Phone/Online Only) |
Helpful Contacts

Step 2

Becoming a Personal Representative

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Hours</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Human Services (DHS), Estate Recovery Program, Third Party Liability Section</td>
<td>P.O. Box 8486, Harrisburg, PA 17105</td>
<td></td>
<td>(800) 528-3708 (phone) (717) 772-6553 (fax) <a href="https://www.dhs.pa.gov/Services/Other-Services/Pages/Estate-Recovery.aspx">https://www.dhs.pa.gov/Services/Other-Services/Pages/Estate-Recovery.aspx</a></td>
</tr>
<tr>
<td>Philadelphia Department of Health, Division of Vital Records</td>
<td>110 North 8th St, Suite 108 Philadelphia, PA 19107</td>
<td>Monday – Friday, 8am-4pm</td>
<td></td>
</tr>
<tr>
<td>Philadelphia Inheritance Tax Unit, Pennsylvania Department of Revenue</td>
<td>110 North 8th St, Suite 204A Philadelphia, PA 19107-2412</td>
<td></td>
<td>(215) 560-3685</td>
</tr>
<tr>
<td>Philadelphia Register of Wills</td>
<td>City Hall Room 180 Philadelphia, PA 19107</td>
<td>Monday – Friday, 8am-4pm</td>
<td>(215) 686-6250 (215) 686-6282 (for help with forms) <a href="http://www.phila.gov/wills">http://www.phila.gov/wills</a></td>
</tr>
</tbody>
</table>
Document Checklist

Preparing What You Need

To begin the probate process, and ultimately draft a deed, you must become the personal representative of the deceased property owner’s estate. A Personal Representative is the person who is named in the will or appointed by the Register of Wills to divide the deceased person’s property and pay their debts. This person is sometimes also called an Administrator or Executor. Becoming the personal representative gives you the ability to sign a deed transferring ownership of the home.

You will need the following items to bring to the Register of Wills:

- **Your Photo Identification**
  - If you do not have a photo ID, contact the Register of Wills for possible alternatives. You may also be able to receive a Philadelphia City ID. More information can be found here: [https://www.phila.gov/programs/phi-city-id/](https://www.phila.gov/programs/phi-city-id/)

- **Original Death Certificate for the Deceased Record Owner**
  - See Page 8 for more information.

- **Proof of the House’s Value at the Time of the Record Owner’s Death**
  - You can find this information online at [property.phila.gov](http://property.phila.gov). Type in your address and print a copy. You may also call the Office of Property Assessment: (215) 686-4334

- **Signed Renunciation Forms**
  - See the next page for more information on renunciations.

- **Payment for Probate Filing Fees**
  - You can pay by money order, certified check, or credit/debit card. Cash is not accepted. More information on how to calculate the filing fees for your property is in the appendix on page A7. Please note that if you have renunciations, you must pay an additional $15.00 per renunciation.

- **The Original Will of the Record Owner (If He/She Left One)**
  - See Page 8 for more information.

- **Optional: A stamped envelope with your name/address written on it**
  - After becoming a personal representative, you will need to pick up several documents from the Register of Wills. If you bring an envelope, they can mail all of the forms to your home.
### Final Responsibilities

**Asset Distribution, Status Reports, and Planning for the Future**

To finish the probate process, there are a few final steps that you need to complete:

1. **Distribute the Other Assets**

   If there are assets in the estate other than the property – like a car or a bank account – you should distribute those assets to the heirs who are entitled to them. If there is a will, the assets should be distributed based on what is written in the will.

   **WARNING:**
   
   If you are not sure who is entitled to the other assets in the estate, you should contact a lawyer before taking any more steps.

2. **Fill Out a Final Status Report**

   Your last step will be to fill out a Status Report and to file it at the Register of Wills. The Personal Representative must file a Status Report within two years of the death of the record owner and annually thereafter. Additionally, a **Final Status Report** must be filed upon completion of administration of the estate. This shows that administration is complete and the estate is to be closed. A sample report is in the appendix on page A12.

3. **Plan for the Future**

   After all of the time and energy you dedicated to the probate process, it is important that you plan for the future to ensure that your property is protected for future generations. As a result, we strongly recommend that you draft a will.

   A **will** is a document that allows you to state whom you want to get your property when you pass away, including but not limited to: your home, your vehicles, and any other property or accounts that you wish to include. Writing a will makes it easier for your loved ones to get title to the property that you have worked so hard to obtain.

   SeniorLAW Center accepts estate planning cases for Philadelphians who are 60 years of age or older. Priority is given to low-income seniors and seniors with other vulnerabilities. Low income clients may also contact CLS or PLA for assistance with drafting a will. Contact information for these agencies can be found on page A3.

   If you do not qualify for free legal services, you can contact the Philadelphia Bar Association’s Legal Referral & Information Service (LRIS) to be connected to a screened and qualified attorney. **If you cannot afford a lawyer but do not qualify for free legal services**, you may also be eligible for the Philadelphia Bar Association’s Modest Means Program, which can connect you with an attorney to prepare you a will for roughly $100. To utilize this service, contact a partner legal services agency (such as Philly VIP, CLS, or PLA) for a referral. More information can be found on page 20.

### Renunciations

**More Details on this Important Step**

**What is a Renunciation?**

If there is no will, you will need all possible heirs to sign a form called a **Renunciation**. When an heir signs a renunciation, they are telling the Register of Wills that they do not want to be Personal Representative, and will let you do so in their place. When a person dies without a will, certain heirs have priority rights to serve as administrator of the estate. Since you are trying to become the personal representative of the estate, you will need every heir to sign a form that gives you their permission to do so. The Register of Wills will not let you become a personal representative without these forms.

Alternatively, if there is a will and someone else was named executor, that person can sign this form to allow you to administer the estate in his/her place.

**IMPORTANT:**

Signing a Renunciation only means the heir does not want to be Personal Representative. It does NOT mean the heir is giving up any right to the property.

An example of this form with instructions is included in the appendix on page A8. It can be signed by the heirs at the Register of Wills or in front of a **notary** and mailed to you.

**What is a Notary?**

Renunciations (and many other documents, including deeds and wills) need to be signed in front of a **notary**, or at the Register of Wills. Notaries are appointed by the state government to reduce fraud by witnessing the signing of important documents.

Notary fees generally range from $2-$15 depending on your location. Many banks offer free notary services, including TD Bank. Mobile notaries are also available, usually for an additional fee, in case someone is unable to go to a notary in person. Additionally, some hospitals may have notary services for patients.

Documents must be signed **in front of a notary** (not ahead of time). All signees will need a valid photo ID. Only the person signing the document needs to be present.
Next Steps

1. Go to the Register of Wills:
First, you will need to go to the Register of Wills (City Hall Room 180, 9am-4pm) with everything from the checklist on page 12, including payment for probate filing fees. The Register of Wills will not grant letters until all fees have been paid. For help calculating these fees, see page A7.

2. Fill Out Forms and Take an Oath:
If all of your documents are accepted, the Register of Wills will give you a chance to take an oath and give you a document to fill out called a Petition for Probate and Grant of Letters. There are two kinds of letters:
- **Letters Testamentary**: If the deceased person had a will that names you the personal representative, you will need to file for Letters Testamentary.
- **Letters of Administration**: If the deceased did not have a will, or the will did not name you the personal representative, you will need to file for Letters of Administration.

3. Get Your Documents:
If the Register of Wills accepts all of your documents, they will take 7-10 business days (often fewer) to approve your petition. They will mail it to you if you left a pre-addressed, pre-stamped envelope. Otherwise, you can call for updates and go back to the Register of Wills to pick up your documents when they are ready. You will get the following documents, explained in more detail on page 16:
- **Letters Testamentary/Administration**
  - Proof that the Register of Wills has named you the personal representative of the property owner’s estate.
- **Copy of the Oath of Personal Representative**
  - This is proof of the oath you took when you first came to the Register of Wills.
- **Copy of the Deceased Property Owner’s Will (If He/She Had One)**
- **Short Certificate Request Form**
  - If you ever need certified proof, aside from the Letters Testamentary/Administration, you will need to fill out this form for what are called “short certificates.”
- **Certification of Notice to Heirs**
  - You will fill out and return this form to the Register of Wills within 3 months after contacting all heirs to the estate.
- **Notice of Estate Administration**
  - You will send one of these to every heir.
- **Inventory Form and Instruction Guide**
  - You will fill out and return the Inventory Form to the Register of Wills within 9 months.
- **Status Report Form**
  - This form will update the Register of Wills on your progress. It is due after all steps are completed, or after two years (whichever comes first).
Step 3
Carrying Out Administrative Duties
Signing and Recording the Deed

After writing a deed, the next step is to have it signed, notarized, and recorded.

**Signing the Deed**

All heirs **MUST** sign the deed. If they do not, they have not given up their right to the house. Without the signatures of all heirs you will not have full legal title to your home. For more information on heirs, refer to page 9.

Please note that **every heir must sign the deed in front of a notary** (see page 13 for more information on notaries). Not all heirs have to sign at the same time.

**Recording the Deed**

The final step is to bring the deed to the Philadelphia Department of Records. In most cases, the recording fee will be $256.75. If you are transferring the property from the estate of a deceased spouse or partner, the fee will be $42.75. You may contact the Department of Records if you have any questions about these fees.

You may also have to pay transfer taxes if there are other heirs giving their interest in the property to you. The Department of Records will not accept a document until transfer taxes are paid in full. Along with the deed, you will have to submit 2 copies of the Philadelphia transfer tax certification, 2 copies of the Pennsylvania transfer tax certification, and show a photo ID. These forms are available online (see links on pages A13 and A14) and at the Department of Records.

You will not be required to pay transfer tax in the following cases:

- Transfers between spouses
- Transfers between direct ascendants and descendants (grandparents to grandchildren, parents to children, etc.) or their spouses
- Transfers between siblings (including adopted and half siblings) or their spouses

You should contact the Pennsylvania Department of Revenue (contact information on page A2 if you are not sure if you are required to pay transfer taxes. As of 2020, the Philadelphia transfer tax rate is 3.278%, and the Pennsylvania transfer rate is 1%. This means you may have to pay a total of 4.278% of the property value in taxes. Example tax forms with more detailed instructions and links are included in the appendix on pages A13 and A14.

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Carrying Out Your Duties

**Understanding What Is Expected of You as a Personal Representative**

Being appointed the personal representative of someone’s estate comes with a lot of responsibilities. You have the duty to communicate with heirs, distribute property from the deceased person, make sure taxes are paid, and address the debts of the person who has died. Here are the first steps to get started on after you are appointed personal representative:

1. **Fill Out an Inventory Form:**
   
   When you picked up your letters from the Register of Wills, you were given an **Inventory Form**. On this form, you will need to list all assets owned by the deceased person, such as real estate, bank accounts, safe deposit boxes, and other things of value. When you are done with this form, make two copies and bring it back to the Register of Wills. This must be returned within 9 months, and the Register of Wills may contact you if they do not receive one by that time. An example can be found in the appendix on page A7.

2. **Tell Beneficiaries You Have Opened the Estate:**
   
   As Personal Representative, you must tell all other people who could possibly inherit from the deceased person that an estate has been opened. These people are called **beneficiaries**. To do this, you must:
   - Send a **Notice of Estate Administration** to possible heirs (see page 9), and
   - Fill out a **Certification of Notice to Heirs** and give it to the Register of Wills

   Both of these documents were given to you at the Register of Wills. Examples can be found on page A11. Even if there is a will, you will need to give notice to all potential heirs as described on page 9.

3. **Settle Debts and Tell Creditors You Have Opened the Estate:**
   
   As Personal Representative, you must try to pay the debts of the deceased person out of the estate assets. If the deceased had unpaid bills and you advertise the probate, the creditor (such as a mortgage company, credit card, company, etc.) must come forward and make a claim for payment within one year of the advertisement. If creditors do not come forward within a year, they lose the right to be repaid. While this process can be expensive, **if creditors come forward and you have not advertised, you can be held personally responsible and creditors could claim the house for repayment of the debt**. For this reason, we recommend you contact an attorney regarding advertising if you believe that the deceased might have large unpaid debts.

   You would need to advertise once a week for three weeks in both the **Legal Intelligencer** (a local legal newspaper), and a general newspaper (the **Philadelphia Daily News** or **Philadelphia Tribune**).

4. **Make Sure Taxes Are Paid**
   
   You may be responsible for paying some taxes. More information on this can be found on the next page.
Writing a Deed

Understanding Your Options

As you might expect, one of the most important steps of this process is getting a Deed. This is the official document that changes legal ownership from the previous owner to you. There are many options available to you, some of which are explained below.

The Lawyer Referral and Information Service (LRIS)

We strongly recommend that you obtain a lawyer to write a deed. To understand your options, we recommend you contact the Philadelphia Bar Association’s Lawyer Referral & Information Service (LRIS). An intake staff attorney will discuss your legal matter with you and refer you to a screened and qualified lawyer. For $35, this lawyer will speak with you for half an hour. After that, you and the attorney may work out fee arrangements for specific services, such as deed drafting. You may call LRIS at (215) 238-6333 between the hours of 9 am and 5 pm, Monday through Friday, or request a lawyer on their website 24/7 (https://lris.philadelphiabar.org/).

The Philadelphia Bar Association’s Modest Means Program

If you cannot afford a lawyer but do not qualify for free legal services, you may be eligible for the Philadelphia Bar Association’s Modest Means Program, which can connect you with an attorney to prepare and record a deed, transfer tax forms, and other related documents for $400. To utilize this service, contact a partner legal services agency (such as Community Legal Services or Philadelphia Legal Assistance) for a referral. Contact information for these agencies and LRIS can be found in the appendix on page A3. Note that the Modest Means Program may require you to pay for additional costs, including a title search and recording fees.

Alternative Services

While a lawyer is the best way to guarantee that you obtain proper title to the property, we understand that the costs involved with hiring an attorney can be difficult, if not impossible, for some households to manage. In this case, there may be other options for you. However, you are proceeding at your own risk. If a deed is drafted incorrectly, the Department of Records may refuse to record it. With a poorly drafted deed, you may have trouble selling the home in the future and may be vulnerable to claims that you are not the true owner of the property.

Legal document preparation websites may claim to offer free fill-in-the-blank template deeds or quick deed creation. However, we recommend that you avoid these options entirely. If you use these services, it is very likely that your finished deed will be unrecordable, contain many major errors, and/or cause more headaches than are worth it in the end.

Understanding Taxes

Learn More About the Potential Taxes Associated with Probate

As the Personal Representative, you are responsible for paying several kinds of taxes. You should understand that this is an important step and that the following taxes must be paid:

Pennsylvania Inheritance Tax

You must file a state inheritance tax return, even if you do not owe anything. An inheritance tax return is due within 9 months of the death of the record owner. A 5% discount is applied if filed within 3 months of the death of the record owner. If you do not file an inheritance tax return, the Commonwealth has the right to put a lien on your home. You can contact the Pennsylvania Inheritance Tax Unit at 215-560-3685 (contact information on page A2) to find out what you need to file the return and how much you will owe. The amount you owe can be lowered by any debts owed by the estate and by any funeral and burial costs. You must file 2 copies of the inheritance tax return, along with payment for the tax owed, with the Register of Wills. Additionally, PhillyVIP has an Inheritance Tax Guide. A copy of the Philly VIP Inheritance Tax Guide can be found in the Philly VIP Resource Library at www.phillyvip.org/inheritance-tax-guide

There are payment plans available for low-income people who owe inheritance taxes, but if you enter into a payment plan for taxes and fall behind, you may face additional penalties. You may want to just pay as much as possible per month without entering into a payment plan.

Federal Estate Tax

This only applies when the deceased owned more than $11.58 million of property (as of 2020), so you likely will not have to worry about this.

Income Tax Return for the Deceased

You must file the final income tax return for the deceased person. To find free tax prep help, visit https://irs.treasury.gov/freetaxprep/.

Real Estate Tax

Philadelphia real estate taxes must be paid, and as the Personal Representative of the estate and likely resident of the property, you are responsible for ensuring payment of real estate taxes, both back taxes owed and current taxes going forward. There are payment plans available for low-income people with back property taxes. A housing counselor can assist you with applying for a payment plan. Call the Save Your Home Philly Hotline at 215-334-HOME for referral to a housing counselor.
Step 4

Getting a Deed and Transferring Title