

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

		pennsylvania (EX) MOD			30019105	RECORD State Tax Paid	ER'S USE	ONLY
	-	REV-183	(H)			Book:	Page:	
		Bureau of Individual Taxe	es		RANSFER TAX	instrument Number:	28.50	
		Po Box 280603 HarrIsBurg, Pa 17128-0603	3		ENT OF VALUE E EACH SECTION	Date Recorded		
				001111221	E ENGINGED HON	75 4574,000,000		
	SECTION I	TRANSFER DATA			т-			
	Date of Acceptance	ecorded the deed						
	Grantor(s)/Lessor(s)		Teleph N/	one Number	Grantee(s)/Lessee(s) Your Name		Teleph Your	one Number
		ss of record owner		•	Mailing Address Your address			
	City		State	ZIP Code	City		State	ZIP Code
	SECTION II	REAL ESTATE LOCA	TION	_	-		_	-
	Street Address	the property			City, Township, Borough	n		
	County			District on https://p	property.phila.gov/	Tax Parcel Number Find on https://p	roperty.	.phila.gov/
	SECTION III	VALUATION DATA				<u> </u>		
	Was transaction par	t of an assignment or relocation	on? C	YES C	NO NO	9		
	1. Actual Cash Cons	sideration		er Consideration		3. Total Consideration		4 . 2\
	\$1.00 4. County Assessed	Value		\$0.00 nmon Level Ration	n Factor	= \$1.00 (a 6. Computed Value	Add Bo	oxes 1+2)
		/property.phila.gov/			February 2020)	= Multipl	y 4 and	d 5
"Actual Cash	SECTION IV	EXEMPTION DATA -	Refer to	o instructions f	or exemption status.			
Consideration"	1a. Amount of Exem		1b. Per	centage of Gran	tor's Interest in Real Estate	1c. Percentage of Gra	ntor's Inte	rest Conveyed
is what you		oox 6 (if exempt)		% (if one o	wner) %		100	%
paid for the		priate Oval Below for Exemple tate succession. Name			ord owner	Estate # from	Regist	ter of Wille
home. Even if	YVIII OF ITTES	ate succession	or uc		Decedent)		state File	
you inherited		a trust. (Attach complete copy						
the home, you		m a trust. (Attach complete co tween principal and agent/stra				arty agreement \		
must write		the commonwealth, the U.S.					nnation.	
		ation or in lieu of condemnatio			50 10 10 10 10 10 10 10 10 10 10 10 10 10			
something in		m mortgagor to a holder of a n ir confirmatory deed. (Attach c						
this box, such		rporate consolidation, merger						
as \$1.00.	Other (Provi	ide a detailed explanation of e	xemptio	n claimed. If mo	re space is needed attach	additional sheets.)		
	SECTION V	CORRESPONDENT	NEOP	MATION - All is	nquiries may be directe	d to the following name	ion:	
	Name	CORRESPONDENT	NFOR	MATION - All II	iquiries may be directe	d to the following pers		one Number
	Your Name	е						Phone #
	Mailing Address				City		State	ZIP Code
	Your addre	ESS declare that I have examined this state	oment in	hudina accompani	on information and to the heat	of our broadedee and balled it	a ferra como	et and complete
		ondent or Responsible Party	ument, in	auding accompany	ng insormation, and to the best o	or my knowledge and belief, it	Date Date	ot and complete.
	Your Signa	ture					Date	
	FAILURE TO COMPLE	TE THIS FORM PROPERLY OR AT	TACH R	EQUESTED DOCU	MENTATION MAY RESULT II	N THE RECORDER'S REFU		CORD THE DEE



A14 Probate Guide

Contents

WHAT IS PROBATE AND ESTATE ADMINISTRATION?	
WHY WOULD I WANT TO DO THIS PROCESS?	
WHY WOULD I NOT WANT TO DO THIS PROCESS?	
OVERVIEW	
FREQUENTLY ASKED QUESTIONS	
STEP 1: PREPARING EVERYTHING YOU NEED TO GET STARTED	
DOCUMENT CHECK LIST	
FINDING HEIRS	
STEP 2: BECOMING A PERSONAL REPRESENTATIVE	
DOCUMENT CHECKLIST	1
RENUNCIATIONS	
NEXT STEPS.	
STEP 3: CARRYING OUT ADMINISTRATIVE DUTIES	1
Carrying Out Your Duties	1
Understanding Taxes	1
STEP 4: GETTING A DEED AND TRANSFERRING TITLE	
Writing a Deed	2
WRITING A DEED	
	2
SIGNING AND RECORDING THE DEED	2
SIGNING AND RECORDING THE DEED	2
SIGNING AND RECORDING THE DEED	2
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX	2222
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS	222AA
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW EXAMPLE FAMILY TREE	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW EXAMPLE FAMILY TREE PROBATE FILING FEES	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW EXAMPLE FAMILY TREE PROBATE FILING FEES EXAMPLE RENUNCIATION	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW EXAMPLE FAMILY TREE PROBATE FILING FEES EXAMPLE RENUNCIATION EXAMPLE INVENTORY FORM	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW EXAMPLE FAMILY TREE PROBATE FILING FEES EXAMPLE RENUNCIATION EXAMPLE INVENTORY FORM EXAMPLE INVENTORY FORM EXAMPLE CERTIFICATION OF NOTICE	
SIGNING AND RECORDING THE DEED STEP 5: WRAPPING UP FINAL RESPONSIBILITIES APPENDIX HELPFUL CONTACTS HELPFUL CONTACTS DEFINITIONS SUMMARY OF PA INTESTACY LAW EXAMPLE FAMILY TREE PROBATE FILING FEES EXAMPLE RENUNCIATION EXAMPLE RENUNCIATION EXAMPLE INVENTORY FORM EXAMPLE CERTIFICATION OF NOTICE EXAMPLE CERTIFICATION OF NOTICE EXAMPLE NOTICE TO HEIRS	



Example Philly Transfer Tax Form

A copy of this form is available for download on the City of Philadelphia's website: https://www.phila.gov/services/payments-assistance-taxes/property-taxes/realty-transfer-tax/

				DOC. ID	
	PHILADELPHIA	REAL EST	TATE		
	TRANSFER TAX	CERTIFICA	ATION	DATE RECORDED	
	THE CONTRACT OF STREET CONTRACT CONTRAC			CITY TAX PAID	
	Complete each section and file in duplica in the deed, (2) when the deed is with coattach additional sheet(s).	ate with Recorder of onsideration, or by g	Deeds when (1) the ift, or (3) a tax exemp	full consideration tion is claimed.	on/value is/is not set forth If more space is needed,
	A. CORRESPONDENT — All inquiries may be directed	to the following person:			
	NAME Your Name			TELEPHONE NUM AREA CODE (Your Phone #
	Your Address	CITY	S	TATE	ZIP CODE
	B. TRANSFER DATA		DATE OF ACCEPTANCE OF	DOCUMENT	
	GRANTOR (S)/LESSOR (S)		GRANTEE (S)/LESSEE (S)	ASSESSED DRIVEN OF	
	Name of Record Owner		Your Name		
	STREET ADDRESS		STREET ADDRESS		
	Last Address of Property Owne	r	Your Address		
	CITY STATE	ZIP CODE	СІТУ	STATE	ZIP CODE
	C. PROPERTY LOCATION				
	STREET ADDRESS		CITY, TOWNSHIP, BOROUGH		
	Address of the Property	T			5220
	COUNTY	SCHOOL DISTRICT		TAX PARCEL NUME	R.H
	D. VALUATION DATA				Non-pallication
	ACTUAL CASH CONSIDERATION	2 OTHER CONSIDERATIO	N	3. TOTAL CONSI	
	\$1.00 4. COUNTY ASSESSED VALUE	+ \$0.00 5. COMMON LEVEL RATIO	FACTOR	6. FAIR MARKET	(Add Boxes 1+2)
"Actual Cash	Find on https://property.phila.gov/		f February 2020)		tiply boxes 4 and 5
Consideration"	E. EXEMPTION DATA			1	
is what you	Write 100% if you are exempt	If you are only	owner, write 100%	6	
paid for the		10100		_	
home. Even if	Check Appropriate Box Below for Exemption Cli				
you inherited	Will or intestate succession Name	of deceased rec	ord owner		om Register of Wills
the home, you	☐ Transfer to Industrial Development Ag	ency.			
must write	Transfer to agent or straw party. (Attac	ch copy of agency/stra	w party agreement).		
something in	☐ Transfer between principal and agent.	(Attach copy of agend	cy/straw trust agreemen	t). Tax paid prior	deed \$
this box, such	Transfers to the Commonwealth, the U		trumentalities by gift, de	dication, condem	nation or in lieu
as \$1.00.	Transfer from mortgagor to a holder of Mortgagee (grantor) sold prope				ge Number
	Corrective deed (Attach copy of the pr		n en		
	Other (Please explain exemption clain		d above.)		
	Under penalties of law or ordinance, I declare the knowledge and belief, it is true, correct and comp		Statement, including accor	npanying informati	ion, and to the best of my
	SIGNATURE OF CORRESPONDENT OR RESPONSIBLE PART	TY			DATE
	Vour Cignoture				Data

(SEE REVERSE)



A13 Probate Guide

Example Status Report

Pa. O.C. Rule 10.6 STATUS REPORT REGISTER OF WILLS OF Name of Record Owner Name of Decedent: File Number: Estate # from Register of Wills **Date Record Owner Died** Pursuant to Pa. O.C. Rule 10.6, I report the following with respect to completion of the administration of the above-captioned estate: 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: Answer these questions as If the answer to No. 1 is YES, state the following: best you can.3 Ask the a) Did the personal representative file a final account with the Court?....... Register of Wills if you are not sure b) The separate Orphans' Court No. (if any) for the personal representative account is: of the answer to any question. 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. M Personal Representative □ Counsel Corporate Fiduciary (if applicable) **Your Name** Name of Corporate Fiduciary Name of Person Your Address Name of Representative and Title Your Phone # Telephone **Your Email** Telephone **Your Signature** Signature of Officer/Representative Signature of Person 10-135 (Rev. 9/16) Form RW-10 eff. 09.01.16



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



Probate Guide

Example Notice to Heirs

*Mail one to E				
		E OF ESTATE ADMI		
		RSUANT TO Pa. O.C		
		E DOES NOT MEAN THA R PROPERTY FROM THI	AT YOU WILL RECEIVE S ESTATE OR OTHERWISE	Ł
the d	lecedent's will. If the	e decedent died without a w	be determined wholly or part vill, whether you will receive a	
n	noney or property w	vill be determined by the in BEFORE THE REGISTER OF	estacy laws of Pennsylvania.	
II.	N RE: ESTATE OF	Name of Record Owne	, Deceased	
		ile Number Estate # From	Register of Wills	
10:	me of Heir			(Beneficiary)
	dress of Heir			(Address)
Please take notice of The Decedent died o		dent and the grant of Letters to , a resident of	the personal representative(s) nam	ned below. Check which
The Decedent died:	Date Record Owner Died	testate (with a Will) o	intestate (without a Will	one applies
	eficial interest in the e		illa PA, as an intestate heir	of record"
owner"				
_owner"				
(If additional space i) and telephone number(s) of all p	ersonal
(If additional space i representatives appo	inted are:	sheet) The name(s), address(es) and telephone number(s) of all p	
(If additional space i	inted are: ADDRE	sheet) The name(s), address(es) and telephone number(s) of all p	ersonal EPHONE ir Phone #
(If additional space i representatives appo NAME	inted are: ADDRE	sheet) The name(s), address(es) and telephone number(s) of all p	EPHONE
(If additional space i representatives appo NAME Your Name	ADDRE	sheet) The name(s), address(es) and telephone number(s) of all p TELE You	EPHONE
(If additional space i representatives appo NAME Your Name	d testate, the Will has	sheet) The name(s), address(es SS Cour Address been filed with the Office of the) and telephone number(s) of all p TELE You Register of Wills of	EPHONE or Phone #
(If additional space i representatives appo NAME Your Name If the Decedent die If the	d testate, the Will has	sheet) The name(s), address(es SS Cour Address been filed with the Office of the for the Grant of Letters of Adm) and telephone number(s) of all p TELE You	EPHONE or Phone #
(If additional space i representatives appo NAME Your Name If the Decedent die If the Decedent die of Wills of The Register's address	d testate, the Will has d intestate, a Petition for the series 180 City Hall	sheet) The name(s), address(est) Your Address been filed with the Office of the for the Grant of Letters of Adm Philadelphia, PA 19107) and telephone number(s) of all p TELE You Register of Wills of	EPHONE or Phone #
(If additional space i representatives appo NAME Your Name If the Decedent die If the Decedent die of Wills of The Register's address	d testate, the Will has	sheet) The name(s), address(est) Your Address been filed with the Office of the for the Grant of Letters of Adm Philadelphia, PA 19107) and telephone number(s) of all p TELE You Register of Wills of	EPHONE or Phone #
(If additional space i representatives appo NAME Your Name If the Decedent die If the Decedent die of Wills of The Register's addre and telephone number	d testate, the Will has d intestate, a Petition to the Siss is 180 City Hall er is 215-686-625	sheet) The name(s), address(es SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107	a) and telephone number(s) of all p TELE You Register of Wills of nistration was filed with the Office	erPHONE ir Phone #
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addre and telephone numbe A copy of the Will of	d testate, the Will has d intestate, a Petition resis is 180 City Hall er is 215-686-625 r Petition may be obta	sheet) The name(s), address(es SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107	and telephone number(s) of all p TELE You Register of Wills of inistration was filed with the Office of Wills and paying the charges for	erPHONE ir Phone #
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addre and telephone numbe A copy of the Will of	d testate, the Will has d intestate, a Petition to the Siss is 180 City Hall er is 215-686-625	sheet) The name(s), address(es SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107	and telephone number(s) of all p TELE You Register of Wills of nistration was filed with the Office of Wills and paying the charges for	erPHONE ir Phone #
(If additional space i representatives appo NAME Your Name If the Decedent die If the Decedent die of Wills of The Register's addre and telephone number A copy of the Will of Date Date your street of the Name of the Will of Date Your Street Stree	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) SS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107 ined by contacting the Register Capaci	and telephone number(s) of all p TELE You Register of Wills of inistration was filed with the Office of Wills and paying the charges for	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addreand telephone numb A copy of the Will of Date Your Corporate Fiduciary (if applicable	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) SS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107 ined by contacting the Register Capaci	Personal Representative Name	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addre and telephone number A copy of the Will of Date Date you for Date Tiduciary (if applicable Name of Corporate Fiduciary	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) Your Address been filed with the Office of the for the Grant of Letters of Adm Philadelphia, PA 19107 ined by contacting the Register Capaci Your	a) and telephone number(s) of all p TELE You Register of Wills of nistration was filed with the Office of Wills and paying the charges for the Person Person Address	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addre and telephone number A copy of the Will of Date Date you for Date Tiduciary (if applicable Name of Corporate Fiduciary	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107 0 ined by contacting the Register Capaci Your	a) and telephone number(s) of all p TELE You Register of Wills of nistration was filed with the Office of Wills and paying the charges for the Person Person Address	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addre and telephone number A copy of the Will of Date Date You of Corporate Fiduciary (if applicable Name of Corporate Fiduciary)	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107 0 Lined by contacting the Register Capaci Your Name o Your Address Your	o) and telephone number(s) of all p TELE You Register of Wills of nistration was filed with the Office of Wills and paying the charges for y: M Personal Representative Name Person Address	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die If the Decedent die of Wills of The Register's addreand telephone number A copy of the Will on Date Date You'd Space Date You'd Space Date You'd Space Name of Corporate Fiduciary Name of Representative and Title	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107 0 Capaci Your Name o Your Telepho	Phone #	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addre and telephone number A copy of the Will or Date You 1 Corporate Fiduciary (if applicable.) Name of Corporate Fiduciary Name of Representative and Title	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) Your Address been filed with the Office of the for the Grant of Letters of Adm, Philadelphia, PA 19107 Capaci Your Name o Your Telepho Your	o) and telephone number(s) of all p TELE You Register of Wills of nistration was filed with the Office of Wills and paying the charges for y: M Personal Representative Name Person Address	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die of Wills of The Register's addre and telephone number A copy of the Will or Date You 1 Corporate Fiduciary (if applicable.) Name of Corporate Fiduciary Name of Representative and Title	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107 0 Capaci Your Name o Your Telepho	Phone #	e of the Register
(If additional space i representatives appo NAME Your Name If the Decedent die If the Decedent die of Wills of The Register's addre and telephone number A copy of the Will of	d testate, the Will has d intestate, a Petition tests is 180 City Hall 215-686-625 r Petition may be obta filled out form	sheet) The name(s), address(est) SSS Your Address been filed with the Office of the for the Grant of Letters of Adm , Philadelphia, PA 19107 0 ined by contacting the Register Capaci Your Name o Your Telepho Your Email	Phone #	e of the Register



A11 Probate Guide

Example Certification of Notice

CERTIFICATION OF NOTICE UNDER Pa. O.C. Rule 10.5 REGISTER OF WILLS Name of Record Owner **Date Record Owner Died** Estate # from Register of Wills This date is written on your Letters Testamentary/Administration 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 Date you gave/mailed notice to heirs NAME: ADDRESS: Heir 1 **Heir 1 Address Heir 2 Address** Heir 2 Heir 3 **Heir 3 Address** (If more space is needed, attach separate sheet.) Notice has now been given to all persons entitled thereto under Pa. O.C. Rule 10.5 except: Date you filled out form ★ Personal Representative ☐ Counsel Corporate Fiduciary (if applicable) **Your Name** Name of Corporate Fiduciary Name of Person Your Address Address Your Phone # Telephone **Your Email** Telephone Email **Your Signature** Signature of Person 10-134 A (Rev.9/16) Form RW-08 eff. 09.01.16



A10 Probate Guide

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

3

- Sell the property
- Get a mortgage
- Work with a bank to fix an unpaid mortgage or a mortgage in foreclosure



Why Would I <u>NOT</u> 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?
 - O 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).



Probate Guide

Example Inventory Form

COMMONWEALTH OF PENNSYLVANIA COUNTY OF Philadelphia	ss	File Number Estate # Fro	m Register of Wills
The undersigned,	Your Name		, Personal
Representative(s) of the Estate of	Name of Deceased Record (Owner of Property	
deceased, depose(s) and say(s) that the situated and all of the real estate in the item of said Inventory represents its fa	e items appearing in the following Inver Commonwealth of Pennsylvania of sai iir value as of the date of Decedent's de isylvania except that which appears in a	id Decedent, that the valuation ath, and that Decedent owned r	placed opposite each to real estate
I verify that the statements made in this Inventory are true	Corporate Fiduciary (if applica	able) Your Signat	ure
and correct. I understand that false statements herein are	Name of Corporate Fiduciary	Signature of Pe	rsonal Representative
made subject to the penalties of 18 Pa.C.S. § 4904 relating	Name of Representative and T	itle Signature of Pe	rsonal Representative
to unsworn falsification to authorities.	Signature of Officer/Represent	tative Date	
Attorney (Name)		(Supreme Court I.D.	No.)
(Name of Law Firm)			
(Address)			
(Telephone)	(Email)		
DATE OF DEATH LAST RESIDENCE		DECEDENTS	SOCIAL SECURITY NUMBER
	place record owner lived	Recoi	d Owner's SSN
FIG	GURES MUST BE TOTALED		
1 Droporty on 12	234 Main St. Phila, PA		Property Value
1. Property on 12			Asset 1 Value ³
2. Major Asset 2			
			Asset 2 Value*
2. Major Asset 2			Asset 2 Value*
2. Major Asset 2			*Value at the date o
2. Major Asset 2			*Value at the date o
2. Major Asset 2			*Value at the date o
2. Major Asset 2			*Value at the date o
2. Major Asset 2		TOTAL:	*Value at the date o



A9 Probate Guide

Example Renunciation

RENUNCIATION REGISTER OF WILLS Name of deceased record owner whose estate is being opened Deceased Estate of Name of Heir The undersigned, , in the capacity/relationship as (Name or Corporate Name) Relation of heir to record owner (e.g. son) 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 Pa.C.S. § 3155, respectfully Your name (or the person becoming personal representative) requests that Letters be issued to Name of Corporate Fiduciary (if applicable) Signature of Heir (MUST BE DONE BEFORE NOTARY) Signature of Officer/Representative Signature of Person **Address of Heir** Title of Officer/Representative Address Address Heir's Telephone Number Telephone Heir's Email Telephone Email Email Executed in Register's Office Executed out of Register's Office Sworn to or affirmed and subscribed Before the undersigned personally appeared the before me this party executing this Renunciation and certified This portion that he or she executed the Renunciation for the **must** be purposes stated within on this____ signed, dated and stamped by a notary. Otherwise, it will not be accepted by the Register of Notary Public Deputy for Register of Wills My Commission Expires: (Signature and Seal of Notary or other official qualified to administer oaths. Show date of expiration of Notary's Commission.) Form RW-06 eff. 09.01.16

Α8

Ridadelphia VIP

Overview

What to Expect During the Probate Process

□ Step 1: Preparing Everything You Need to Get Started (Page 7)
☐ Gather Documents
□ Find Heirs
☐ <u>Step 2:</u> Becoming a Personal Representative (Page 11)
☐ Collect Renunciations, If Necessary
\square Gather Documents and Bring to the Register of Wills
☐ Take an Oath and Collect Your Documents
☐ <u>Step 3:</u> Carrying Out Administrative Duties (Page 15)
☐ Fill Out an Inventory Form
☐ Tell Beneficiaries
☐ Tell Creditors
□ Pay Taxes
☐ <u>Step 4:</u> Writing a Deed and Transferring Title (Page 19)
☐ <u>Step 5:</u> Wrapping Up (Page 23)
☐ Distribute the Other Assets
☐ Fill Out A Status Report
☐ Plan for the Future



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 contact 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.

6



Probate Guide

Probate Filing Fees

Probate Value	Total Fees
\$0 to 250	\$174.25
\$250.01 to 1,000	\$195.25
\$1,000.01 to 2,000	\$209.25
\$2,000.01 to 3,000	\$223.25
\$3,000.01 to 4,000	\$237.25
\$4,000.01 to 5,000	\$251.25
\$5,000.01 to 6,000	\$265.25
\$6,000.01 to 7,000	\$279.25
\$7,000.01 to 8,000	\$293.25
\$8,000.01 to 9,000	\$307.25
\$9,000.01 to 10,000	\$321.25
\$10,000.01 to 50,000	\$370.25
\$50,000.01 to 200,000	\$475.25
\$200,000.01 to 300,000	\$580.25
\$300,000.01 to 400,000	\$685.25
\$400,000.01 to 500,000	\$790.25
\$500,000.01 to 600,000	\$895.25
\$600,000.01 to 700,000	\$1,000.25
\$700,000.01 to 800,000	\$1,105.25
First \$1,000,000	\$1,210.25

For each additional \$100,000, add \$105; For each additional \$1,000,000, add \$1,050

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.
- Probate value = "market value" + value of any other major assets in the estate (if any)

Additional Service	Fee
Mobile Oath	\$125.00
Filing a Renunciation	\$15.00 per renunciation
Recording a Will	\$22.00

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.

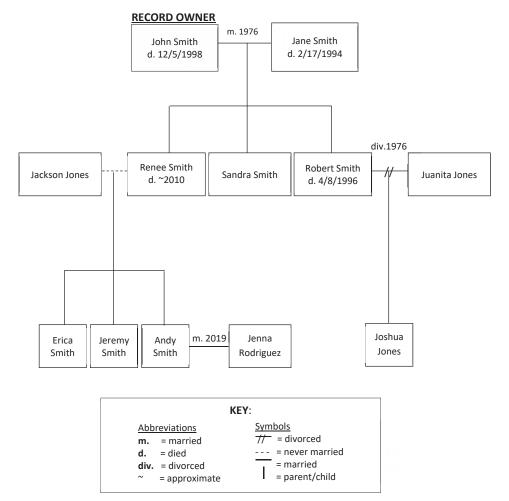


A7 Probate Guide

Family Tree Template

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.







Step 1

Preparing Everything You Need to Get Started

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:
 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. 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 <u>property.phila.gov</u> . 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

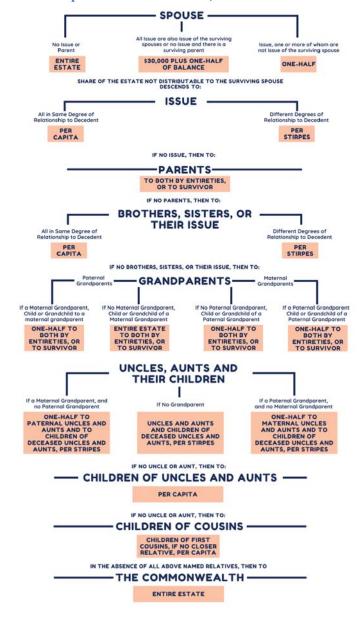


property.

8 Probate Guide

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



A5 Probate Guide

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.



A4 Probate Guide

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.

Ouestions 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. <u>Did the record owner die without a living spouse, children, grandchildren, or parents?</u>

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.



Helpful Contacts

Free Legal Services

Name	Address	Hours	Contact Information
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 http://www.clsphila.org/
Elder Justice and Civil Resource Center For Help Drafting/Filing Court Documents All Ages Welcome	Room 278, City Hall Phila., PA 19107	Monday – Friday, 8am-4pm (Walk-Ins Welcome)	215-686-7027, 7028, 7029 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 http://www.philalegal.org/
SeniorLAW Center	Two Penn Center 1500 JFK Blvd., Suite 1501 Phila., PA 19102	Call for Current Hours	(215) 988-1244 http://www.seniorlawcenter.org/

Other Legal Resources and Services

Name	About	Hours	Contact Information
Philadelphia Bar Association's Modest Means Program	If you do not qualify for free legal services, you may still qualify for discounted legal services through this program.	Monday – Friday, 9am-5pm	To utilize this service, contact a partner legal services agency (such as Community Legal Services or Philadelphia Legal Assistance) for a referral
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/ (Phone/Online Only)



A3 Probate Guide

Helpful Contacts

Government Contacts

Name	Address	Hours	Contact Information
Department of Human Services (DHS), Estate Recovery Program, Third Party Liability Section	P.O. Box 8486, Harrisburg, PA 17105		(800) 528-3708 (phone) (717) 772-6553 (fax) https://www.dhs.pa.gov/Services/ Other-Services/Pages/Estate- Recovery.aspx
Philadelphia Department of Health, Division of Vital Records	110 North 8th St, Suite 108 Philadelphia, PA 19107	Monday – Friday, 8am-4pm	
Philadelphia Department of Records	City Hall, Room 111 Philadelphia, PA 19107	Monday – Friday, 8am-4:30pm	(215) 686-2260 (General Info) (215) 686-2290 (Customer Service) http://www.phila.gov/Records/
Philadelphia Inheritance Tax Unit, Pennsylvania Department of Revenue	110 North 8th St, Suite 204A Philadelphia, PA 19107-2412		(215) 560-3685
Philadelphia Office of Property Assessment	The Curtis Center 601 Walnut St, Suite 300W Philadelphia, PA 19106		(215) 686-4334 http://opa.phila.gov/default.aspx
Philadelphia Register of Wills	City Hall Room 180 Philadelphia, PA 19107	Monday – Friday, 8am-4pm	(215) 686-6250 (215) 686-6282 (for help with forms) http://www.phila.gov/wills

A2

Step 2

Becoming a Personal Representative

11





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 <u>Personal Representative</u> 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 <u>Administrator</u> or <u>Executor</u>. 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/phl-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 <u>property.phila.gov</u> . 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

12



Sample Forms and Documents,
Extra Information, and
Contact Information



Probate Guide VIP A1 Probate Guide

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 <u>will</u> 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 a 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.

24



Probate Guide

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 <u>notary</u> 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 <u>notary</u>, 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 <u>in front of a notary</u> (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. <u>The Register of Wills will not grant letters until all fees have been paid.</u> 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 make you take an oath and give you a document to fill out called a **Petition for Probate and Grant of Letters.** There are two kind 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).



14 Probate Guide



Wrapping Up



Step 3

Carrying Out Administrative Duties

15



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.

4. 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).

5. Make Sure Taxes Are Paid

You may be responsible for paying some taxes. More information on this can be found on the next page.



16 Probate Guide

Signing and Recording the Deed

Making it Official

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

Signing the Deed

All heirs <u>MUST</u> 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 <u>every heir must sign the deed in front of a notary</u> (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.



Writing a Deed

Understanding Your Options

As you might expect, one of the most important steps of this process is getting a <u>Deed</u>. 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 Lawver 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.

20

Probate Guide



Ridadelphia VID

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, Philly VIP 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

19

