

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

No. 13 of 2024

President Judge General Court Regulation

In re: Adoption of Philadelphia Court of Common Pleas Orphans' Court Rule 5.16B

ORDER

AND NOW, this 27th day of September, 2024, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 26, 2024, to adopt Phila. O.C. Div. Rule 5.16B as attached to this Order, and as required by Pa.R.J.A. 103, the Supreme Court Civil Procedural Rules Committee has reviewed the attached local rules, has determined that Phila. O.C. Div. Rule 5.16B is not inconsistent with applicable statewide rules, and has authorized their promulgation.

NOW, therefore, it is hereby ORDERED and DECREED that *Philadelphia Court of Common Pleas Orphans' Court Rule 5.16B* is adopted, as attached, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Orphans' Court Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is not inconsistent with any general rule of the Supreme Court. This Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media*, *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Nina Wright Padilla

HONORABLE NINA WRIGHT PADILLA
President Judge, Court of Common Pleas
Philadelphia County

Phila. O.C. Div. Rule 5.16B
Rule 5.16B. Procedure for Determination of Title to Decedent's Interest in Real Estate
Under 20 Pa.C.S. § 3546

(1) Contents of Petition. A petition under 20 Pa.C.S. § 3546 for the determination of title shall set forth:

- (a) the name of the petitioner and petitioner's relationship to the decedent;
- (b) the facts on which the claim of the petitioner is based;
- (c) whether the decedent died testate or intestate, and where, when, and to whom letters were granted;
- (d) a description of real property located within the Commonwealth, the place, book, and page of recording the last deed thereto, and the Office of Property Assessment Account number assigned to the real property;
- (e) the names and addresses of all known creditors and interested parties which shall include the Attorney General, if heirs to the decedent are unknown;
- (f) the facts material to a determination of the title; and
- (g) a prayer for a Citation, directed to all interested parties and known creditors to show cause why title to the decedent's interest in the real property should not be in Petitioner's name;

(2) Exhibits. The following exhibits shall be attached to the petition:

- (a) a copy of decedent's will, deed, trust agreement, or other instrument of conveyance (if any) pertaining to the real property for which relief is requested; *and*
- (b) any consents to the relief requested signed by interested parties who have not joined in the Petition or any signed statements by interested parties who do not object to the relief requested in the Petition.

(3) Service of Citation and Notice. Service of the citation and notice on all interested parties shall be made in accordance with [Pa. R.O.C.P. 3.5\(a\)](#).

(4) **Decree.** There shall be attached to the face of the petition:

- (a) A preliminary decree in approved form awarding a citation as requested in the petition and imposing all notice requirements enumerated in 20 Pa.C.S. §3546(f); and
- (b) A final decree in approved form providing for the relief requested or other appropriate relief as the court determines.

Credits

[Adopted , 2024 , effective , 2024.]