

THE COURTS

Title 255—LOCAL COURT RULES

Schuylkill County

Amendments to Orphans' Court Rules

Order of Court

And Now, this 13th day of August, 1998, at 9:10 a.m., the Court hereby amends Schuylkill County Orphans' Court Rules 6.3A; 6.4A; 6.6A; 6.9A; 6.9B; 6.9C; 6.10A; 6.10B; 6.10C; and 6.10D. The rules are amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective for all accounts filed for audit on or after January 1, 1999.

It is further *Ordered* that said rules as they existed prior to the amendment are hereby repealed and annulled on the effective date of said rules as amended, but no right acquired thereunder shall be disturbed.

The Clerk of the Orphans' Court of Schuylkill County is Ordered and Directed to do the following:

1. File ten (10) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette reflecting the text in the hard copy version.
3. File one (1) certified copy of this Order and Rules with the Pennsylvania Orphans' Court Rules Committee.
4. Forward one (1) copy to the Schuylkill County Bar Association for publication in the *Schuylkill Legal Record*.
5. Keep continuously available for public inspection copies of this Order and Rules.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 6.3A. Notice. Return. Failure to Give. Penalty.

(a) An accountant shall serve written notice of the filing of an account upon each claimant and party in interest by first-class mail, at least thirty (30) days prior to the date for submission of accounts to the Court for adjudication and confirmation.

(1) A copy of the Account and Statement of Proposed Distribution shall be attached to any notice to a party in interest. For the purposes of this rule, "Party in Interest" is defined as follows:

- (i) when decedent dies intestate, as all intestate heirs;
- (ii) when decedent dies testate, as all residuary legatees.

(2) Every notice to a claimant shall contain the date for submission to the Court and shall advise whether the claim, interest, or obligation of the person notified is admitted or denied; whether it will be paid in full or in part, and, if not paid in full what amount if any will be paid. The notice shall advise that an objection to such unpaid claim must be filed with the Clerk prior to the date for submission to the Court and that the Account

and Statement of Proposed Distribution are available for examination at the office of the Register of Wills.

(b) On or before the date for submission to the Court of the account for adjudication and confirmation, the accountant, or his counsel, shall file with the Court a return of notice and certification as prescribed in Rule 6.9A(b) hereof.

(c) Failure by the accountant or his counsel to give all required notices and to file returns thereof in accordance with this rule shall result in the Court denying confirmation of the account until all of the provisions of all of the aforementioned rules have been satisfied.

(d) The form of notice shall be in substantially the following form:

COURT OF COMMON PLEAS OF SCHUYLKILL
COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN THE MATTER OF _____ ESTATE
FIRST ACCOUNT OF _____ (EXECUTOR)
UNDER THE WILL OF _____

NUMBER _____

NOTICE

Notice is hereby given that the (_____) of the above-captioned Estate has filed (_____) Account and Statement of Proposed Distribution with the Clerk of the Orphans' Court of Schuylkill County, Pennsylvania. The account will be transmitted by the Clerk to the Court for adjudication and confirmation on Wednesday, _____, _____ and distribution may be ordered or authorized without further notice if no objections are filed prior to that date.

If you have any objection to any transaction or matter involving the Estate, you must file written objections with the Clerk of the Orphans' Court prior to Wednesday, _____, _____.

If you fail to present objections, the Court may assume you have no objection to the Account and Statement of Proposed Distribution. You are not required to take any action if you have no objections.

A copy of the Account and Statement of Proposed Distribution is attached hereto; and if not attached, it is available for your examination at the Register of Wills office, Schuylkill County Courthouse.

Rule 6.4A. Accounts. Time for Filing. Confirmation.

(a) Accounts to appear on a particular confirmation list must be filed not later than 4 P.M. of the third Wednesday immediately preceding the Wednesday on which it is desired the account shall be presented to the Court for adjudication and confirmation.

(b) All accounts on the advertised confirmation list will be transmitted to the Court for adjudication and confirmation on the day set forth on the confirmation list; but, in cases requiring the taking of considerable testimony or the hearing of argument on legal questions or in which objections have been filed, a special day for conference or hearing may be fixed.

Rule 6.6A. Advertisements of Accounts. Form of Advertisements.

(a)(1) *Advertisement of Account.* The Clerk shall give notice of all accounts filed and of the date of submission

to the Court for adjudication and confirmation. The notice shall be published once a week during two (2) consecutive weeks immediately before the day on which the Accounts, with accompanying Statement of Proposed Distribution, shall be presented for adjudication and confirmation in the legal publication designated by these rules and in one daily newspaper of general circulation published within Schuylkill County, and the Clerk shall also post copies of the confirmation list in his office.

(2) *Form of Advertisement.* The form of advertisement of Accounts and Statements of Proposed Distribution that have been filed for adjudication and confirmation and adjudication by the Court shall be as follows:

NOTICE OF CONFIRMATION OF FIDUCIARIES'
ACCOUNTS

To all claimants, beneficiaries, heirs, next-of-kin, and all other parties in interest:

The following accounts have been filed and may be examined in the Office of the Register of Wills or Clerk of the Court. If you desire to object, you must file that objection in writing with the Clerk prior to Wednesday, _____, _____. The account will be transmitted by the Clerk to the Court for adjudication and confirmation on Wednesday, _____, _____ and distribution may be ordered or authorized without further notice if no objections are filed prior to that date.

Estate	Fiduciary	Attorney
x	x	x

Clerk of the Orphans' Court

Rule 6.9A. Accounts. Statements of Proposed Distribution. Submission Certification.

(a)(1) A Statement of Proposed Distribution, signed by each accountant and verified by at least one of them, shall be filed with each Account at the same time the Account is filed, except in Accounts of Guardians of the Estates of Minors and Settlement of Small Estates (See Sch. Co. O.C. Rule 6.9C).

(2) Except by special leave of Court, printed forms of the Statement of Proposed Distribution provided by the Clerk or a substantially similar form shall be used.

(b) Prior to the date for submission of accounts to the Court for adjudication and confirmation, a Certificate shall be filed by counsel for the accountant containing:

- (1) A statement of additional items of debit and credit not appearing in the account;
- (2) A statement identifying any unresolved legal or factual issues with copies of any additional documents which the accountant believes necessary or relevant for the court's consideration; and
- (3) A return of service of notice to all claimants and parties in interest in accordance with Rule 6.3A.

Rule 6.9B. Accounts. Papers to be Submitted.

(a) *All Accounts.* Counsel for all fiduciaries shall submit:

- (1) Orphans' Court Account Checklist executed by counsel of record;
- (2) Copies of all agreements with respect to settlements and compromises;
- (3) Accurate description of all real property to be awarded in kind described by metes and bounds in the

manner appearing in the last deed of record, together with recital of title into the decedent.

(b) *Accounts of Personal Representatives.* Counsel for personal representatives shall also attach:

- (1) the original proofs of advertisement of grant of letters;
- (2) a copy of letters, inventory, and inheritance tax appraisalment;
- (3) a copy of the Will and codicils;
- (4) the official receipt for any inheritance tax paid;
- (5) the official receipt for any federal estate tax paid; and
- (6) a Statement of Proposed Distribution.

(c) *Accounts of Trustees.* Counsel for Trustees shall also submit:

- (1) a copy of the letters, and of the will and codicils, if any, creating the testamentary trust, or a copy of the trust instrument and any amendments thereto, creating the inter vivos trust;
- (2) a waiver of an income accounting executed by all of the income beneficiaries, if the account does not contain a complete income accounting;
- (3) the official receipt for any inheritance tax paid during the period of the accounting;
- (4) the official receipt for any federal estate tax paid during the period of the accounting; and
- (5) a Statement of Proposed Distribution.

(d) *Accounts of Guardians of the Estates of Minors.* Counsel for a Guardian of the estate of a minor shall also submit:

- (1) a copy of the appointment of the guardian or of the Will or other instrument by which the guardian was appointed;
- (2) where the former minor has attained the age of eighteen (18) years, his written stipulation setting forth that he attained the age of eighteen (18) years on a certain designated date; that he has examined the account and has found it correct; and that he has received the balance or balances shown in the account and requests that the guardian be discharged;
- (3) where the former minor has attained the age of eighteen (18) years but has not executed the stipulation referred to in paragraph (d)(2) of this Rule, then in place thereof a Statement of Proposed Distribution shall be filed;
- (4) where the minor is deceased, or has been adjudged an incapacitated person under the P.E.F. Code, or is an absentee or presumed decedent, or the guardian has resigned or has been removed, a Statement of Proposed Distribution shall be filed.

(e) *Accounts of Guardians of Estates of Incapacitated Persons.* Counsel for a Guardian of the Estate of an Incapacitated Person shall also submit:

- (1) a copy of the appointment of the guardian;
- (2) a copy of the original inventory filed; and
- (3) a Statement of Proposed Distribution.

Rule 6.9C. Submission to the Court.

The Clerk on the first Wednesday of each month shall transmit to the Court all accounts which have been filed and duly advertised for submission to the Court on that

date. The Clerk shall also on that date deliver to the Court a list of all accounts to which any objections have been filed. The Court shall audit those accounts and may then confirm the account finally, order a hearing, or enter any adjudication, decree, order or award directing distribution as law and justice may require.

Rule 6.10A. Objections. Form and Content.

(a) Objections to an account, inventory, and statement of proposed distribution shall be in writing; shall be numbered consecutively; shall be signed by the objector or his attorney; and where they contain allegations of fact, shall be properly verified in the same manner as a petition.

(b) Each objection shall be specific as to description and amount, shall raise but one issue of law or fact, and shall set forth briefly the reason or reasons in support thereof.

Rule 6.10B. Objections. Time for Filing.

(a) Written objections to an account, inventory, and statement of proposed distribution may be filed as of course with the Clerk at any time prior to the date for submission of accounts to the Court for adjudication and confirmation.

(b) No objections shall be made or filed except as provided in (a) hereof unless leave of Court is first obtained.

Rule 6.10C. Objections. Service. Return.

A copy of objections to an account, inventory, or statement of proposed distribution shall be served upon the accountant and all other parties in interest or their attorney of record, immediately after the objections have been filed with the Clerk. Proof of such service shall be filed forthwith with the Clerk. Any unreasonable delay in serving objections shall constitute grounds for dismissal of the same by the Court.

Rule 6.10D. Objections. Disposition.

When objections to an account, inventory, or statement of proposed distribution have been filed and presented to the Court by the Clerk, the adjudication and confirmation of the account shall be continued to a day fixed by the Court for disposition of the objections and the adjudication and confirmation of the account.

[Pa.B. Doc. No. 98-1392. Filed for public inspection August 28, 1998, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 16, 1998, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 15, 1998 for Compliance Group 3 due December 31, 1997.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Richard P. Abbott
Towson, MD

Hiram Edward Andrews III
Baltimore, MD

Dennis Andrew Augelli
Audubon, NJ

William L. Autman, Jr.
Wilmington, DE

Thomas Darren Baldwin
Short Hills, NJ

Robert David Balin
New York, NY

Rachel L. Bell
Wheaton, MD

Elizabeth Ann Berney
Great Neck, NY

Cornell William Brooks
Washington, DC

Kathleen Fought Brown
Polson, MT

Leila Carter Brown
Fairfax, VA

Wallace L. Butler
Herndon, VA

Thomas A. Clark, III
Mt. Laurel, NJ

Jeffrey Michael Daitz
River Edge, NJ

Brian P. Dart
Jacksonville, FL

Mary Elizabeth Davis
Ft. Lauderdale, FL

Phoebe Leslie Deak
Washington, DC

Robert John DeMers, Jr.
Paterson, NJ

Frank DiDomenico
Vineland, NJ

Joseph J. D'Onofrio, Jr.
Sparta, NJ

Keith E. Durst
New York, NY

Kenneth Dwyer
Moose, WY

Linda W. Eynon
Camden, NJ

Regina Grace Ferrara
Cherry Hill, NJ

Mary H. Finlayson
Waverly, NY

Lysle S. Follette III
Washington, DC

James Francis Forster
Palenville, NY

Maryann P. Gallagher
Woodland Hills, CA

Peter Albert Garcia
Mt. Ephraim, NJ

Michael V. Gilberti, Jr.
Red Bank, NJ

Jeffrey Bruce Gordon
Bethesda, MD

Daniel E. Green
Greenbelt, MD

Deidre Ann Grossman
New York, NY

Raymond Stephen Gurak
Pennington, NJ

Carla Nadine Hinton
Secaucus, NJ

Daniel Simon Hunczak
Morristown, NJ

David L. Isabel
Totowa, NJ

Seth D. Josephson
Hightstown, NJ

Lisa E. Kabel-Barmat
Cherry Hill, NJ

Jeffrey David Kotler
Metuchen, NJ

Stephanie A. Kubis
Red Bank, NJ

Dennis Robert Lansdowne
Lakewood, OH

Robert W. Lees
Moorestown, NJ

Martin Lessner
Wilmington, DE

Richard C. Lewis
Endicott, NY

Fernando E. Linhares
Edison, NJ

LaJuan Frederick Martin
Bowie, MD

Theodore J. Martineau
Oak Brook, IL

Julie Ann Marzano
Woodbury, NJ

James Gerard McGuire
San Pablo, CA

Philip T. Medico, Jr.
Coral Springs, FL

Saad Mered
Brooklyn, NY

Robert Telfair Murphy, Jr.
Arlington, VA

Crandall G. Nyweide
Clymer, NY

Joseph Peter Paranac, Jr.
Newark, NJ

Randee Barbara Pavalow
Toronto, Ontario Canada

Johnnie Leon Peace, Jr.
Washington, DC

Susan M. Penway
Chicago, IL

Jennifer Lynn Peper
Washington, DC

Susan M. Ponce
Houston, TX

Navron Ponds
Washington, DC

Peter T. Poulos
Willimantic, CT

Allan C. Preziosi
Lynn Haven, FL

Susan Joy Rabinowitz
Norwich, NY

Lisa A. Redaelli
Morristown, NJ

Verna Faye Robinson
Manassas, VA

Susan F. Shapiro
Princeton, NJ

John A. Shughart, Jr.
Orlando, FL

David Alan Storm
Gaithersburg, MD

William D. Sullivan
Wilmington, DE

James Augustus Tamburro
Marlton, NJ

Mary-Ann Thompson
Vincentown, NJ

Samuel H. Turner
Silver Spring, MD

Roseann B. Verrecchio
Brigantine, NJ

Carl W. von Bernuth
Dallas, TX

Robert Phillip Welsh
Charleston, WV

Donna Renee Williams
Bethesda, MD

Kyung-Don Yu
Hong Kong

ELAINE M. BIXLER,
*Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-1393. Filed for public inspection August 28, 1998, 9:00 a.m.]