

THE COURTS

Title 255—LOCAL COURT RULES

CRAWFORD COUNTY

Adoption of Rules Applicable to the Orphans Court; No. 2002-96

Order

And Now, May 15, 2002 it is ordered as follows:

1. The revisions and amendments to the rules designated as the Crawford County Orphans Court Rules are hereby approved, adopted and promulgated as Rules of the Court.

2. These Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. Upon the effective date of these rules all prior local Orphans Court Rules of the Court of Common Pleas of Crawford County Pennsylvania, are vacated and shall no longer thereafter be effective or applicable, but no right acquired thereunder shall be disturbed.

4. The Clerk of Courts of Crawford County is ordered and directed to do the following:

a. File seven (7) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.

b. 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 of the hard copy version.

c. File one (1) certified copy of this Order and Rules with the Pennsylvania Orphans Court Procedural Rules Committee.

d. Keep continuously available for public inspection, copies of this Order and Rules.

e. Keep continuously available for purchase by attorneys, members of the public and the like, copies of this Order and Rule.

5. The Court Administrator of Crawford County is ordered and directed to publish a copy of this Order and Rules on the Internet web page maintained by Crawford County as well as the Internet web page maintained by the Administrative Office of Pennsylvania courts that lists local Common Pleas rules.

GORDON R. MILLER,
President Judge

RULE 1. JUDGES—LOCAL RULES

Rule 1.2.1 These rules shall be known as the Crawford County Orphans' Court Rules.

Rule 1.2.2 Argument.

Matters requiring argument shall be scheduled and heard in the manner set forth in the Crawford County Civil Rules.

Rule 1.2.3 Attorneys.

(a) *Attorneys as Surety.* An attorney shall act as surety only by special order.

(b) *Notice to Counsel.* Notice by or to attorneys shall be in writing, given to the attorney of record or to an

employee of the attorney's office, and shall be considered notice to the party represented unless personal notice to the party is required.

(c) *Removal of Records.* No records shall be removed from the office of the Clerk without a written order from Court. The Clerk shall report to the court any failure to comply with this order.

(d) *Appearance.* Any attorney representing a party in any proceeding in the Orphans' Court Division shall file a written appearance with the Clerk of the Orphans Court which shall state the attorney's Pennsylvania Supreme Court Identification Number, fax number, telephone number and an address within the Commonwealth at which papers may be served. Written notice of entry of appearance shall be given forthwith to all parties.

Rule 1.2.4 Sureties. Individual—Corporate.

(a) *Individual Sureties.* Individuals proposed as sureties on bonds of fiduciaries shall file affidavits on the printed forms supplied by the Clerk. The affidavits and bond shall be filed for approval.

(b) *Bond Without Surety.* The Court may permit a party in interest to execute an individual bond, without surety upon such conditions as the Court requires.

(c) *Corporate Sureties.* Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed by the Orphans' Court; provided, that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing the surety's right, is filed of record.

(d) *Duty of fiduciary.* It is the duty of the fiduciary to determine that its surety remains responsible and that any bond remains continuously in effect.

Rule 1.2.5 Legal Periodical.

The *Crawford County Legal Journal* is the legal periodical for the publication of legal notices in Crawford County.

Rule 1.2.6 Return Days.

Return days shall be on such day as may be fixed by Order of Court unless otherwise provided by statute or Rule of the Supreme Court.

RULE 2. CONSTRUCTION AND APPLICATION OF RULES

Rule 2.1.1 Construction of Rules.

The principles of interpretation and rules of construction embodied in Pa. O.C.R. 2.1 and Pa. R.C.P. 102 to 153, inclusive, shall apply to these rules, with the substitution in each case of the words "Crawford County Orphans' Court" for the words "Supreme Court" where appropriate.

Rule 2.3.1 Definitions.

The following words, when used in these Rules, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(a) "Business days" shall be deemed to include Mondays through Fridays excepting weekdays when the Courthouse is closed.

(b) "Clerk" means the Clerk of Courts of Crawford County.

(c) "Common Pleas" means the Court of Common Pleas of Crawford County.

(d) "Exceptions" shall mean written objections to a ruling of the Court.

(e) "Local Rule" shall mean the Crawford County Orphans' Court Rules.

(f) "Objections" shall mean written objections to actions of a fiduciary.

(g) "PEF Code" shall mean the Pennsylvania Probate, Estates and Fiduciaries Code as found in 20 Pa.C.S.A. § 101, et seq., as shall be amended from time to time.

(h) "Register" means the Register of Wills of Crawford County.

(i) "State Rule" shall mean the Pennsylvania Supreme Court Orphans' Court Rules.

RULE 3. PLEADING AND PRACTICE

Rule 3.1.1 Conformity to Equity.

The pleading and practice procedures shall conform to the pleading and practice in equity in the local Court of Common Pleas and in accordance with Crawford County Civil Rules, unless otherwise provided herein.

Rule 3.2.1 Pleadings.

The pleadings in matters before the Orphans' Court are limited to a petition, (including a petition for a citation or for declaratory relief), an answer (which may include new matter), a reply, preliminary objections and an answer to preliminary objections.

(a) *New Matter.* Any defense which is not a denial of the averments of fact in the petition shall be set forth under the heading "New Matter."

(b) *Reply.* A reply shall be required when New Matter is set forth in the answer.

(c) *Preliminary Objections.*

(1) Preliminary objections are available to any party, but shall be limited to questions of:

- (i) law;
- (ii) form; or
- (iii) jurisdiction.

(2) An answer to preliminary objections is limited to the averments of fact set forth in the preliminary objections.

Rule 3.2.2 Disposition of Pleadings.

(a) *Failure to Answer.* If the respondent fails to file a timely answer, all averments of fact within the petition may be deemed by the Court to be admitted.

(b) *Failure to Reply.* If the petitioner fails to file a reply to an answer which contains new matter, the averments of fact set forth under the new matter may be deemed admitted and the case will be at issue.

(c) *Failure to File an Answer to Preliminary Objections.* If the petitioner fails to file an answer to preliminary objections the averments of fact set forth in the preliminary objections may be deemed admitted and the case will be at issue on the preliminary objections.

Rule 3.4.1 Form. Additional Requirements.

(a) *Typing, Endorsements.* Every pleading shall be endorsed with the name, address, Pennsylvania Supreme Court Identification Number and telephone number and fax number (if any) of counsel and, where practicable,

typewritten and double-spaced or printed. If a party is not represented by counsel every pleading shall be endorsed with the name, address and telephone number of that party.

(b) *Notice to Plead.* Every pleading to which a response is required shall have endorsed thereon, or included therein as the first page thereof, in a conspicuous place, a notice to defend and notice to plead addressed specifically to each party from whom a response is required. The form as required by Pa. RCP 1018.1 and Pa. RCP 1361 (as said Rules may be in force or hereafter amended) shall be used.

(c) *Signature and Verification.* All pleadings shall be signed by the attorney (if any) and verified by at least one of the parties involved. If this is impracticable, they may be signed and verified by someone familiar with the facts, in which case the reason for the failure of the parties to verify shall be set forth.

(d) *Decree.* Every proposed decree shall bear the caption of the case and shall be attached to the petition.

(e) *Consents.* The petition shall recite that all necessary consents are attached or shall set forth the names and addresses of the persons who do not consent. The Court may direct that notice be given or that a citation be directed to persons who do not consent to show cause why the prayer of the petition shall not be granted.

(f) *Paper Size.* No paper or other document may be filed in the Register of Wills or Clerk of Orphans' Court Division other than paper 8 1/2" x 11" in size. The only exception to this Rule is the filing of a Will or Trust.

(g) *Cover Sheet.* All motions presented at motion court shall include a completed motion court cover sheet in the form required by the Court.

(h) *Notice Requirements Prior to Presentation at Motion Court.* Prior to the presentation to the Court of any motion or petition requesting an immediate Order of Court, other than a Rule to Show Cause which grants no relief, opposing counsel and unrepresented parties must be given notice, subject to the following:

(1) *Contents of Notice.* The notice must give the date and time when the motion or petition will be presented to the Court and must be accompanied by a copy of the proposed motion and Order.

(2) *Certification of Notice.* The motion or petition must contain a certificate signed by counsel verifying that proper notice was given under this Rule. The certificate shall be in the same or substantially same form as the form contained in the appendix to these rules.

(3) *Length of notice required.* Except where otherwise required under the Local Rules and except in cases of an emergency as determined by the court, the following notice shall be required:

(i) Two (2) full business days' notice must be given by personal delivery or facsimile transmission to each party or their counsel's office¹, or

(ii) Five (5) full business days' notice must be given if notice is by mail².

(4) *Failure to give notice.* The Court will not enter an Order on a petition or motion without the Certificate of Notice being attached unless a special cause is shown to the Court.

¹Notice is deemed given when it is received.

²Mail notice is deemed given when delivered to the postal authorities.

RULE 6. ACCOUNTS AND DISTRIBUTION**Rule 6.1.1 Form of Accounts, Additional Requirements.**

In addition to complying with the requirements of the Supreme Court Rules, each account shall conform to the following:

(a) Each account shall be prepared and filed in substantial conformity with either (i) any form approved by the Supreme Court of Pennsylvania or (ii) the specimen local account forms contained in the appendix to these rules.

(b) Each account shall be on paper eight and one-half (8 1/2) inches wide by eleven (11) inches long with pages numbered consecutively at the bottom and fastened together at the top. A margin of at least one and one-half (1.5) inches shall be provided at the top of the first page and a margin of at least one (1) inch shall be provided at the top of all other pages.

(c) Accounts shall:

(1) Begin with a title page;

(2) Include a Summary which shall reflect (i) total receipts of principal and income, (ii) gains or losses on conversions to cash, (iii) disbursements from principal and income, and (iv) balance for distribution;

(3) Include an itemized statement of the assets comprising the balance for distribution, and when necessary to effect proper distribution, or when otherwise appropriate, show assets at current values as well as acquisition values;

(4) Segregate principal receipts from income receipts (the Inventory filed may be incorporated by reference as a part of the statement of principal receipts, provided a full copy of the Inventory is attached);

(5) Whenever applicable, include a statement of principal conversions to cash;

(6) Segregate disbursements of principal from disbursements of income insofar as practicable;

(7) Whenever applicable, be accompanied by a statement of proposed distribution, or a request that distribution be determined by the Court or an auditor;

(8) Have attached at the end thereof the affidavit or verification of one or more of the fiduciaries joining in the account which shall include a statement that the account is true and correct and any required advertisement of the grant of letters has been duly made;

(9) Have attached a certificate of the attorney for the accountant (or the accountant if accountant is not represented by counsel) that the notice required by local rule L.6.3.1 has been given to all parties in interest which certificate shall conform substantially to the specimen form contained in the Appendix to these Rules.

Rule 6.3.1 Contents of Notice. Additional Requirements.

In addition to the requirements of the Supreme Court Rules, the notice to parties in interest shall:

(a) Conform substantially to the specimen form contained in the Appendix to these rules;

(b) State the date on which the account will be presented to the Court for confirmation nisi and that the account will be confirmed finally ten (10) days thereafter unless written objections are filed;

(c) Be mailed by certified mail, postage prepaid, to the last known address of the persons to be notified or be served by handing a copy to the persons to be notified or to an adult member of their household;

(d) Be accompanied by a copy of the account, a copy of the statement of proposed distribution, if any, a copy of the request for the appointment of an auditor, if any, and a copy of the Will, if any; and

(e) If the notice is to a claimant, state whether or not the claim is disputed.

Rule 6.3.2 When Notice Required.

For the purpose of this rule, neither a beneficiary whose only interest in the estate is that of a specific monetary legatee who has accepted payment of the full amount bequeathed to said beneficiary under the Will prior to the filing of the account, nor a beneficiary whose only interest in the estate is that of legatee of specific personal property who has accepted delivery of all personal property specifically bequeathed to the beneficiary under a Will prior to the filing of the final account, shall be deemed a beneficiary entitled to notice.

Rule 6.3.3 Notice Prior to Filing Excused.

The court, on petition of an accountant or counsel, setting forth the reasons therefore, may excuse the giving of the notice to any party in interest pursuant to this rule prior to the filing of an account; provided that no such account shall be confirmed finally until notice has been given to such interested party as provided by this rule, and proof thereof duly filed or a determination is made that the giving of such notice is impossible, or unnecessary and proper disposition of the matter is made either after hearing, audit or otherwise.

Rule 6.3.4 Advertisement of Accounts.

All accounts shall be advertised by the Clerk in the manner prescribed by law. The advertisement shall include the date that the account will be presented for confirmation nisi and shall also state that unless objections are filed within ten (10) days after confirmation nisi, the account will be confirmed absolutely and that thereafter distribution may be made in accordance with any statement of proposed distribution filed with the account.

Rule 6.6.1 Accounts of Personal Representatives to be Filed in Duplicate.

Accounts of personal representatives shall be filed with the Clerk in duplicate. Following final confirmation, one copy of the accounts of personal representatives, with the dates of confirmation nisi and final confirmation noted thereon, shall be forwarded to the Register for indexing and filing with records of the proceeding in the Register's Office for that decedent.

Rule 6.9.1 Statement of Proposed Distribution. Additional Requirements.

Statements of proposed distribution shall:

(a) Indicate whether distribution is proposed under the intestate laws or under Will or other instrument and, if under the intestate laws, the relationship of each distributee to the decedent;

(b) Where necessary for proper distribution, indicate the date(s) on which assets have been valued for distribution; and

(c) Indicate clearly the names of all proposed distributees, the exact amount of shares to be awarded to each, and whether the proposed distribution is in cash or in kind.

Rule 6.9.2 Distribution of Real Estate.

Where distribution of real estate is proposed, the statement of proposed distribution shall describe the real estate to be distributed adequately to clearly identify it.

Rule 6.10.1 Objections to Account. Time for Filing.

Objections to an account or statement of proposed distribution shall be filed with the Clerk any time prior to final confirmation. Each objection shall be set forth precisely in a separately numbered paragraph without discussion or argument.

Rule 6.11.1 Confirmation Nisi.

All accounts and statements of proposed distribution filed therewith, except partial accounts of guardians, after being duly advertised, shall be presented by the Clerk of Courts for confirmation nisi on the first Monday of the month following completion of advertising not less than thirty (30) days following the date of filing unless objections thereto have been filed, provided that the no account shall be presented for confirmation nisi unless the certificate of service required by local Rule 6.3.1 has been filed in relation thereto. In the event the first Monday of any month is a holiday, accounts shall be presented for confirmation nisi on the first Court day following such holiday.

Rule 6.11.2 Confirmation Absolute.

The confirmation of accounts and approval of statements of proposed distribution which have been confirmed or approved nisi shall be made absolute by the Clerk, without further order of the court, unless objections are filed in accordance with local Rule 6.10.1 within ten (10) days after confirmation nisi.

Rule 6.11.3 Disposition of Objections.

When objections to an account or a statement of proposed distribution have been filed, the Court, sua sponte, or on motion of any party in interest, shall schedule a hearing on the objections or appoint an auditor or master to hear the matter and make report thereon.

Rule 6.11.4 Certification. Real Estate Distributed in Kind.

When distribution of real estate in kind is awarded pursuant to a statement of proposed distribution, the Clerk, following confirmation absolute and at the request of any party in interest, shall excerpt those portions of the decree affecting title to real estate and certify the same for recording in the office of the Record of Deeds of the county in which such real estate is situated.

RULE 7. EXCEPTIONS**Rule 7.1.1 Exceptions.**

(a) Except as provided in these rules, no exceptions shall be filed to orders or decrees of the Court unless the right to except thereto is expressly conferred by Act of Assembly, by general rule, or by special order, and all decrees other than those to which exceptions are so allowed to be taken, shall be final and definitive.

(b) Exceptions shall set forth the grounds for each exception in separately numbered paragraphs without discussion or argument.

(c) Exceptants shall promptly serve a copy of the exceptions on all parties in interest including the auditor or master if the exceptions are to the report of an auditor or master.

(d) Exceptions to decrees nisi, findings of fact or conclusions of law shall be filed within ten (10) days after entry of the decree or the filing of findings or conclusions.

RULE 8. AUDITORS AND MASTERS**Rule 8.1.1 Notice of Hearings.**

(a) *Original Hearing.*—Ten days notice of the time and place of the first hearing before the auditor or master shall be served in writing on all known heirs, devisees, unpaid legatees, and distributees, or their attorneys, and to all others by advertisement in one newspaper of general circulation within the county and the Crawford County Legal Journal once a week for three consecutive weeks prior to the day of the hearing, unless notice be dispensed with by agreement of all parties in interest or by order of Court. Auditors and masters shall state in their report the manner and to whom notice was given.

(b) *Subsequent Hearings.*—Notice of succeeding hearings given by the auditor or master at a hearing, of which proper notice has been given, shall constitute sufficient notice of such succeeding hearing.

(c) The hearing shall be held at a time and place indicated and not later than forty-five (45) days after the appointment of the auditor or master and shall be extended only upon application to the Court for good cause shown.

Rule 8.1.2 Appointment.

(a) *Auditors, Master.* A Master may be appointed by the Court, on its own motion, or upon the petition of the accountant, or of any party in interest.

(b) Auditors and Masters shall be members of the Bar of this Court.

Rule 8.6.1 Notice of Filing and Exceptions Thereto.

The auditor or master shall notify all parties of the filing of the report and furnish all parties with a copy thereof. Return of notice shall be filed in accordance with State Rule 5.4.

Any party in interest shall have the right to file exceptions to an auditor's report or to a master's report within twenty days after the date of service upon that party.

Rule 8.7.1 Confirmation.

If no exceptions are filed within twenty days after service thereof, the Court may enter a decree confirming the auditor's report or approving the master's report following the adoption of its recommendations, unless the time to file exceptions has been extended by the Court.

If exceptions are filed the matter shall go on the argument list as provided for in the Crawford County Civil Rules of Court.

Rule 8.8.1 Absolute Confirmation. Auditor's and Master's Expenses and Fees.

No nisi confirmation or decree nisi shall be confirmed absolutely by the Clerk until all expenses and auditor's or master's fees have been paid to the Clerk. Upon absolute confirmation, the Clerk shall pay all expenses and the balance of the auditor's or master's fee to the auditor or master. (See 20 Pa.C.S.A. § 752).

Rule 8.8.2 Compensation of Auditor or Master.

Any auditor or master appointed by the Court under these Rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the

auditor or master shall recommend and the Court shall direct. The Court may require payment of the auditor's or master's fees in advance.

RULE 9. OFFICIAL EXAMINERS

Rule 9.1.1 Examiners—Appointment and Ordinary Duties.

The Court may appoint by special Order an examiner or examiners who shall examine the assets held by a fiduciary and make full written report thereon to the Court showing what assets belong to the estate, how they are registered or otherwise earmarked as the property of the estate to which they belong, and where and how the cash belonging to the estate is kept or deposited.

Rule 9.1.2 Examiners—Special Duties.

The Court may, in any Order appointing an examiner or examiners, also request the examiner or examiners to accomplish one or more of the following:

- (a) Determine, in the case of a trust, if its purposes are being carried out;
- (b) Determine, if the funds and assets in the hands of the fiduciary are being used or applied in accord with any trust instrument, will, applicable statute, regulation or court order.
- (c) Make a written report including findings of fact, conclusions of law; and, when appropriate, recommendations for the consideration of the Court; and
- (d) Such other matters as the Court may designate.

Rule 9.1.3 Examiners—Compensation.

Examiners shall be allowed such fees from principal or income, or apportioned between principal and income, as may be directed by the Court.

RULE 10. REGISTER OF WILLS

Rule 10.2.1 Notice of Appeal.

Any person desiring to appeal from a judicial act or decision of the Register of Wills shall file a written notice thereof with the Register of Wills, specifying generally the act or decision complained of, accompanied by an affidavit or verification that said appeal is not taken for delay but because appellant believes that appellant has suffered injustice by the act or decision from which appellant appeals.

Rule 10.2.2 Petition for Appeal.

Within thirty days from the filing of the Notice of Appeal, the appellant shall present a petition to the court which shall set forth:

- (a) the caption;
- (b) a heading indicating briefly the purpose of the petition;
- (c) the nature of the proceedings before the Register;
- (d) a copy of any will or instrument in controversy;
- (e) a statement of the facts and circumstances upon which appellant relies;
- (f) a precise statement of the questions of law or of fact involved;
- (g) the names and addresses of all parties in interest;
- (h) a prayer for the relief desired.

Rule 10.2.3 Certification of Record and Citation to Parties.

(a) If the averments of the petition for appeal appear to be prima facie sufficient, the court shall award a citation and, if it has not been done by the Register of Wills on his/her own motion, order certification of the entire record of the Register of Wills to the court. The citation shall be directed to all parties in interest and shall require them to file a complete answer under oath or verification to the averments of the petition, on or before a day certain which shall not be less than ten days after the service thereof, and to show cause as the decree of the court shall provide.

(b) Proof of service of the citation shall be filed with the Register of Wills on or before the return date of the citation.

(c) The court may issue a citation and direct that the Register of Wills certify the record to the Court, without regard to whether or not testimony has been taken before the Register.

Rule 10.2.4 Bond.

If the court requires that a bond be furnished the appellant shall file a bond and secure its approval by the Register of Wills. If the bond is not presented within the time indicated by the Court the Clerk of the Orphans' Court, upon praecipe of the appellee(s), shall order a judgment of non pros.

Rule 10.2.5 Jury Trial.

A party or person entitled to and desiring a trial by jury shall make timely demand therefore in accordance with P.E.F. Code.

Rule 10.2.6 Depositions, Discovery, Production of Documents and Perpetuation of Testimony.

The practice relating to depositions, discovery, production of documents and perpetuation of testimony shall conform to the practice prescribed by State Rule 3.6.

Rule 10.2.7 Subpoenas.

Subpoenas, with or without a clause of duces tecum, shall be issued by the Clerk of the Orphans Court.

RULE 12. SPECIAL PETITIONS

Rule 12.0.1 Settlement of Small Estates.

(a) Form of Petitions. Contents. Petitions under PEF Code § 3102, as amended, for the settlement of small estates shall set forth:

(1) The name and address of the petitioner and the relationship of the petitioner to the decedent.

(2) The name, date of death and domicile of decedent, whether the decedent died testate or intestate, the date of the probate of the Will and of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, the amount.

(3) The names and relationship of all beneficiaries entitled to any part of the estate under the Will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under PEF Code § 3101 and whether any of them are minors, incapacitated or deceased with the names of their fiduciaries.

(4) The person or persons, if any, entitled to the family exemption; whether or not the individual was a member of the same household as the decedent at the time of

decendent's death; and, if a claim thereof is made in this petition, any additional facts necessary to establish the prima facie right thereto.

(5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

(6) An itemization of all administrative costs, funeral expenses and debts of the decedent and whether or not any of these have been paid.

(7) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(8) A calculation of the inheritance tax due, if any.

(9) That ten (10) business days' written notice of intention to present the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown, and to every unpaid claimant or creditor.

(10) A prayer for distribution of the property, setting forth the persons entitled and their distributive shares.

(b) Required Exhibits.

The following exhibits shall be attached to the petition.

(1) The original of the decedent's Will, if it has not been probated, or a copy if the original has been probated.

(2) Joinders of unpaid beneficiaries, heirs, claimants and creditors insofar as they are obtainable.

(3) A statement from the inheritance tax department showing the status of the inheritance tax, if any tax is due.

(4) A certification that a copy of the proposed petition and decree has been given to all beneficiaries and unpaid creditors at least ten (10) business days prior to presentation of the petition.

(5) Written confirmation by the Pennsylvania Department of Public Welfare of the amount of any claim for assistance provided to the decedent.

Rule 12.1.1 Family Exemption. Additional Requirements.

(a) Contents of Petition—In addition to complying with the Supreme Court Rules, a petition for a family exemption shall also set forth in separate paragraphs:

(1) the name, residence and date of death of decedent;

(2) the name, address and relationship of the petitioner to the decedent, and whether the petitioner formed a part of decedent's household at the date of decedent's death;

(3) if petitioner be the surviving spouse, the date and place of the ceremonial marriage; or, in case of a common-law marriage; and whether the surviving spouse forfeited spousal rights.

(4) whether the decedent died testate or intestate; where, when, and to whom letters were granted; and if decedent died intestate, the names, relationship and addresses of those interested as next of kin;

(5) the location and valuation of the property claimed;

(6) that ten (10) days prior notice of the filing of the petition has been given to the personal representative, or, when no letters have been granted, to all parties in interest; and

(7) a request for appraisers when an appraisal is required.

(b) Exhibits—The following exhibits shall be attached to the petition;

(1) a copy of the will;

(2) a copy of the inventory and appraisal showing the valuation of the property claimed, when the exemption is claimed from personal property, and the gross estate exceeds the statutory amount of the family exemption; and

(3) an affidavit or verification of service/return.

Rule 12.1.2 Voluntary Distribution.

When the personal representative, at his/her own risk delivers assets of the estate in satisfaction of the exemption, he/she shall set forth the same as a credit in the account. The same may be the subject of objection by any claimant or party in interest.

Rule 12.2.1 Allowance to Surviving Spouse of Intestate-Additional Requirements.

(a) Contents of petition—In addition to complying with the Supreme Court Rules, a petition for the allowance to the surviving spouse of an intestate shall also set forth in separate paragraphs:

(1) the information required in a petition for family exemption under Local Rule 12.1.1, as far as appropriate; and

(2) that ten (10) days prior notice of the intended presentation of the petition has been given to the personal representative; or, if no personal representative has been appointed, to those interested as next of kin; and, if there be no next of kin, to the Attorney General.

(b) Exhibits—The following exhibits shall be attached to the petition;

(1) a copy of the inventory and appraisal; and

(2) an affidavit or verification of service/return of notice.

Rule 12.2.2 Conclusiveness of Averments.

If the averments of the petition are contested by any party in interest as to the right of the spouse to the allowance being claimed, the matter may be referred to an auditor, or to a Hearing Judge.

Rule 12.2.3 Appraisal. Notice. Practice and Procedure.

(a) *Filing of Appraisal*—The appraisers shall, within thirty (30) days after their appointment, file with the Clerk an appraisal of the property claimed.

(b) *Notice of Appraisal*—Upon the filing of the appraisal, notice thereof shall be given to the personal representative, and to the next of kin, and if there be neither personal representative nor the next of kin, to the Attorney General. The notice shall contain a copy of the petition and the appraisal, and a statement that nisi confirmation of the appraisal and the setting apart of the real estate to the surviving spouse will be requested and may be allowed by the Court at a stated time, and unless exceptions are filed thereto, confirmed absolutely ten (10) days thereafter. Said notice shall be given not less than (10) days prior to the date set for nisi confirmation. If the address or whereabouts of any of the next of kin is unknown, notice shall be given in such manner as the Court shall direct.

(c) *Confirmation and Setting Apart of Allowance*—Unless exceptions are filed to the nisi confirmation, the

appraisal and award of real estate shall be confirmed absolutely by the Clerk without further order of Court.

(d) *Exceptions*—Exceptions to an appraisal shall be filed with the Clerk within ten (10) days after nisi confirmation. Copies of the exceptions shall be served on the fiduciary, if any, and on the spouse or the attorney for the spouse, within five (5) days after filing. If exceptions are filed, the matter may be placed on the Argument list in accordance with the Crawford County Civil Rules.

Rule 12.3.1 Extension of Time. Contents of Petition.

A petition for the extension of time in which the surviving spouse may file an election to take against the Will shall set forth:

(a) the information required to be set forth in a petition under Supreme Court Rule 12.3(a), paragraphs (1) through (7), inclusive, as may be appropriate, and

(b) the facts relied upon to justify an extension of time in which to file the election.

Rule 12.3.2 Extension of Time. Practice and Procedure.

The petitioner shall file the petition with the Clerk and thereafter give ten (10) days written notice of intention to request the extension at a stated day to all persons in interest who do not join in the prayer of the petition. In the absence of objection, upon the presentation of an affidavit or verification of return of notice on or after said day, an appropriate decree may be entered by the Court.

Rule 12.4.1 Guardians and Trustees Ad Litem. Appointment and Compensation.

Each estate shall be liable for the compensation of the guardian ad litem or the trustee ad litem as determined by the Court.

Rule 12.5.1 Exhibits to Petition, for Appointment of Guardian of Person or Estate of a Minor.

The following exhibits shall be attached to the petition:

(a) *Consent of Parents or Person in Loco Parentis*—Written consent of the parents or the surviving parent of the minor to the appointment of a guardian for the minor's estate or person is required. If both parents are deceased, such consent is required of the adult person with whom the minor resides or of the superintendent or other official in charge of the institution having custody of the minor and, the spouse of the minor if the minor is married. If such consent is not obtained, the petitioner shall set forth the reasons and give such notice of the filing of the petition as the Court may direct.

(b) *Consent of Guardian. Individual*—When the proposed guardian is an individual, the proposed guardian's written consent to act as such shall contain, in addition, the following statement:

(1) his/her business and domicile;

(2) that he/she is a citizen of the United States, able to speak, read and write the English language.

(3) that he/she is not the fiduciary or an officer or employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety or any officer or an employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety or any officer or an employee of the corporate surety of such a fiduciary; and that he/she has no interest adverse to the minor.

(c) *Consent of Guardian. Corporate*—When the proposed guardian is a corporate fiduciary, its written con-

sent to act as such shall contain, in addition, a statement that it is not the fiduciary of an estate in which the minor has an interest nor the surety of such a fiduciary; and that it has no interest adverse to the minor.

(d) *Funds Arising From Litigation*—If any part of the minor's estate was obtained as a result of litigation or compromise of litigation in a Court of record a copy of the order or decree approving the compromise and distribution of the proceeds of the suit shall be attached to the petition.

Rule 12.5.2 Guardian of Minors. Appearance Before the Court.

(a) *Appearance. Minor over Fourteen*—If the minor is over fourteen (14) years of age, the minor shall appear in person at the presentation of the petition and verify his/her nomination of a guardian as set forth in the petition. The Court may excuse the minor's appearance upon good cause shown.

Rule 12.5.3 Information Required from Counsel.

In addition to the information required by the Supreme Court Rules the petition for the appointment of a guardian shall contain the following information:

(a) the total amount of the assets; and

(b) whether or not the minor resides in the same household with the proposed guardian.

Rule 12.5.4 Minor's Estate. Allowance.

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

(a) The manner of the guardians' appointment and qualification, and the dates thereof;

(b) The age and residence of the minor, whether the minor's parents are living, the name of the person with whom the minor resides, and the name and age of the minor's spouse and children if any;

(c) The value of the minor's estate, real and personal, where located and the net annual income;

(d) The circumstances of the minor, whether employed or attending school; and, if the minor's parents are living, the reason why the parents are not discharging their duty of support or able to pay the requested allowance for the minor.

(e) The date and amount of any previous allowance by the Court;

(f) The financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary; including whether there is adequate provision for the support and education of the minor, spouse and children.

(g) If the petition is presented by someone other than the guardian, that demand was made upon the guardian to act, and the reason, if known, for the guardian's failure to do so, together with proof of notice to the guardian of the filing of the petition.

Rule 12.6.1 Appointment of a Trustee. Exhibits.

The following exhibits shall be attached to the petition:

(a) a copy of the trust instrument; and

(b) the written consent of the trustee or trustees.

Rule 12.7.1 Discharge of a Fiduciary. Additional Provisions.

(a) *Affidavit or Verification*—The affidavit or verified statement to the petition shall include an averment that

the parties who have signed the consents to discharge are all the parties interested in the estate, or the reason for the failure of any party to consent. If any party shall fail to consent, the Court may, if the circumstances require, direct the issuance of notice by citation or otherwise.

(b) *Exhibits. Consents*—Written consent of all parties in interest, and of the surviving or successor fiduciary, shall be attached to the petition. Such consent may be included in a satisfaction of award attached to the petition.

(c) *Discharge of a Personal Representative*.—When the value of the gross real and personal estate of a decedent does not exceed the value of the statutory limitation, the personal representative, after the expiration of one (1) year from the first complete advertisements of the grant of letters, may present a petition to the Court with an account attached under the provisions of Section 3531 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S.A. § 3531). The petition shall conform as far as practicable to the requirements of a petition under Supreme Court Rule 12.7.

Rule 12.9.1 Public Sale. Contents of Petition. Additional Requirements.

(a) *Personal Representative*. A petition by a personal representative to sell real property at public sale, under Section 3353 of the PEF Code shall set forth in separate paragraphs:

(1) The name, residence and date of death of the decedent, whether the decedent died testate or intestate and the date of the grant of letters;

(2) That the personal representative is not otherwise authorized to sell by the PEF Code; or is not authorized or is denied the power to do so by the Will; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(3) Whether an inventory and appraisal have been filed, the total value of the property shown therein; and the value at which the real property to be sold was included therein;

(4) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;

(5) The names and relationships of all parties in interest; a brief description of their respective interests; whether any of them are minors, adjudicated incapacitated or deceased, or, if so, the names and the record of the appointment of their fiduciaries, if any;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value; and

(7) Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) *Trustee*. A petition by a trustee to sell real property at public sale, under PEF Code § 3353, shall also set forth in separate paragraphs:

(1) How title was acquired, stating the date and place of probate of the Will or recording of the deed;

(2) A recital of the relevant provisions of the Will or deed pertaining to the real property to be sold, and the history of the trust;

(3) The names and relationships of all parties in interest; a brief description of their respective interest; whether any of them are minors, adjudicated incapaci-

tated or deceased, and if so, the names and record of appointment of their fiduciaries if any;

(4) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value;

(5) That the trustee is not otherwise authorized to sell by the PEF Code, or is denied the power by the trust instrument; or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(6) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(c) *Guardian of Minor*. A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs:

(1) The age of the minor;

(2) The names of the minor's next of kin and the notice given them of the presentation of the petition.

(3) How title was acquired, stating the date and place of probate of Will or recording of the deed;

(4) A recital of the provisions of the Will or deed relating to the real property to be sold;

(5) The nature and extent of the interest of the minor, of the guardian and of third persons in the real property;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value;

(7) Sufficient facts to enable the court to determine that the proposed sale will be in the best interest of the minor.

(d) *Guardian of Incapacitated Person*. A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs the same information as required for the sale by a guardian of a minor with sufficient additional facts to enable the Court to determine that the proposed sale will be in the best interest of the incapacitated person.

Rule 12.9.2 Public Sale. Exhibits.

The following exhibits shall be attached to the petition by a personal representative, trustee or guardian, to sell real property at public sale:

(a) Certification that ten (10) business days' notice has been given to those parties who do not consent or join; and

(b) Consent by any mortgagee whose lien would otherwise not be discharged by the sale.

Rule 12.9.3 Public Sale of Real Property. Notice. Confirmation.

(a) *Notice*. After the allowance of a petition for public sale, notice in approved form of the proposed sale shall be given in the manner provided by State Rule 5.1.

(b) *Confirmation*. If no objection is filed the Court may enter a decree confirming the sale upon submission of a return of sale.

Rule 12.9.4 Public Sale. Security.

On the return day of the sale, the Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter or will excuse the fiduciary from entering additional security.

Rule 12.10.1 Private Sale. Contents of Petition. Additional Requirements.

Where the power to sell real property is not granted by will, trust instrument or statute, a petition by a personal representative, trustee or guardian, to sell real property at private sale shall also conform as closely as practicable to all requirements of these Rules with regard to a petition to sell real property at public sale by the fiduciary.

Rule 12.10.2 Private Sale. Exhibits.

Personal Representative, Trustee, Guardian. The following exhibits shall be attached to the petition by a personal representative, trustee or guardian to sell real property at private sale:

- (a) Certification that ten (10) business days notice has been given to those parties who do not consent or join;
- (b) A copy of the agreement of sale; and
- (c) Affidavits in the form required by State Rule 12.10(b) unless otherwise ordered by the Court.

Rule 12.10.3 Private Sale. Security.

The Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter, or will excuse the fiduciary from entering additional security

Rule 12.10.4 Petition to Fix or Waive Additional Security. Personal Representatives.

(a) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative acting without benefit of an Order of Court, directing or authorizing such sale, but who was required to give bond, the personal representative shall present a petition to the Court before the proceeds of the sale are paid by the purchaser setting forth:

- (1) The date of death of the decedent;
- (2) The date of the grant of letters to the petitioner;
- (3) The amount of the bond or bonds filed by the petitioner, the date of such filing and the name or names of the surety;
- (4) The total valuation of the personal estate as shown on the inventory and appraisal, if any; and the total proceeds of any real estate sold previously;
- (5) A short description of the real property sold, the name of the purchaser, the amount of the consideration to be paid and the terms of the sale;
- (6) A list of all liens of record known to petitioner, including mortgages, delinquent taxes, judgments, etc.; and the names and relationships of all parties in interest, with a brief description of their respective interests; and
- (7) A prayer for an Order fixing the amount of additional security or for an Order excusing the filing of additional security.

(b) *Surety on Additional Bond.* The surety on any additional bond, except for cause shown, shall be the same as on the original bond.

Rule 12.12.1 Inalienable Property.

In addition to the requirements of PEF Code Chapter 83 and State Rule 12.12, in the case of

(a) *Public Sale.* The content of the petition, required exhibits, notices, confirmation and security shall conform to the requirements of Rule 12.9.1 through 12.9.4.

(b) *Private Sale.* The content of the petition, required exhibits, provisions as to higher offers, security and petitions to fix or waive additional security shall conform to the requirements of Rule 12.10.1 through 12.10.4.

RULE 13. DISTRIBUTION—SPECIAL SITUATIONS

Rule 13.3.1 Unknown Distributee. Contents of Report.

The report contemplated by State Rule 13.3 shall be submitted in compliance with the following requirements. Whenever the identity or whereabouts of a distributee is unknown, or that if distribution is made, the beneficiary would not have the actual benefit, use, enjoyment or control of the money or other property awarded, and the court is requested to withhold distribution or to make a provisional award thereof to the accountant, to the Clerk of Courts, or the State Treasurer through the Department of Revenue, or in manner other than to the distributee or the nominee of said distributee, the fiduciary or counsel shall submit to the court or auditor, as the case may be, a written report outlining the investigation made and the facts upon which the request is based.

(a) *Unknown Distributee*—If it appears that the existence, identity or whereabouts of a distributee is unknown, or if there are no known heirs:

(1) The report shall be filed together with a petition for rule to show cause, seeking permission of the Court to publish service by publication addressed to any known distributee(s), or if none are known, then to the heirs, beneficiaries, successors and assigns of the decedent, trust or fund. Publication, if authorized by the Court, shall be carried out in accordance with Pa. State Rule 5.1(c). The return date and time of the rule to show cause shall be included in the publication of notice. If persons shall appear in response to said notice, the Court may conduct an evidentiary hearing to determine identity of the proper distributee(s).

(2) The contents of said report shall include:

(i) The nature of the investigation made to locate the distributee(s) in full detail;

(ii) If applicable to the determination of distributee(s) identity, a complete family tree in as much detail as possible, supported by as much documentary evidence as the petitioner has been able to obtain; and

(iii) A statement that investigation was made by as many of the following means as are available and feasible: questioning of members of the household of the decedent or settlor, and/or friends, neighbors and/or known relatives thereof; officers and members of groups, unions, social or fraternal organizations to which decedent or settlor belonged; contacting employers and/or co-workers' examining church, insurance, school and voters registration records; Veteran's Administration and Social Security records; naturalization records if not a native born citizen; telephone and electronic media such as internet listings; and such other sources as the circumstances suggest;

(iv) The petition and report shall be verified by the fiduciary and/or by counsel where counsel conducted the investigation; and

(3) If, after notice by publication, such evidentiary hearing as the Court may choose to conduct, the distributee cannot be ascertained, the Court shall cause distribution to be made to the Clerk of Courts of Crawford County, with notice to the Attorney General of the Commonwealth and the fund shall be considered

subject to escheat under 27 P. S. § 332 or such similar act as may then be in effect; or the Court may make such other distribution that is proper under the law and rules.

b. *Non-resident or Foreign Distributee.* If the fiduciary determines that a non-resident distributee shall not be able to receive or to enjoy the actual benefit of the interest due thereto, the fiduciary shall submit a petition and report setting forth:

(1) Identity, relationship and address for the distributee;

(2) Such supporting information as the circumstances require, such as a family tree in as much detail as possible, supported by as much documentary evidence as the petitioner has been able to obtain;

(3) Reason(s) for the request that distribution be withheld or postponed, together with a proposed plan for the securing of the fund, identity of a continuing fiduciary and when possible, the time or event the occurrence of which will make distribution possible;

(4) To the extent possible, notice shall be given to the distributee or where applicable, to the guardian, parent, next friend or party having custody of the distributee, and any other party required by rule or statute; and

(5) Continuing custody or distribution shall be decided in keeping with 20 Pa.C.S. § 4111 and 4112 and/or such other act as may then be in effect.

RULE 14. GUARDIANSHIP OF INCAPACITATED PERSONS

Rule 14.1.1 Testamentary Writings.

All testamentary writings of the incompetent found by the guardian or in the possession of any other person shall forthwith be presented to the court by the guardian or such other person for the inspection of the court and the court shall make such order concerning the safekeeping thereof as it may deem appropriate.

Rule 14.2.1 Petition for Adjudication of Incapacity and for Appointment of a Guardian.

A petition to adjudicate a person incapacitated and to appoint a guardian shall set forth³:

(a) All matters required by State Rule 14.2;

(b) Whether the petition seeks limited or plenary guardianship, and what powers are sought for a limited guardian.

(c) Whether the proposed guardian wishes approval of any initial expenditures of funds at the hearing.

(d) Whether the alleged incapacitated person executed a durable Power of Attorney and the name and current address of the attorney in fact.

(e) Whether the alleged incapacitated person executed a Will or other testamentary document and the location of the original document.

(f) Whether the alleged incapacitated person executed a Living Will, advance health care directive or similar document and the location of the original document.

(g) The name of the attorney who has represented the person in the recent past.

Rule 14.2.2 Hearing.

The Court shall fix a date for hearing which shall not be less than ten (10) days after the service of the petition and citation.

³The court may prepare and furnish to the Clerk to be made available to interested persons copies of suggested petition, order and decree forms.

Rule 14.2.3 Qualifications of the Guardian.

(a) The class of persons from which a guardian may be appointed shall be as set forth at 20 Pa.C.S.A. § 5511(f).

(b) Non-residents: The Court, except in special circumstances, will not appoint non-residents as guardians of the estate of incapacitated persons residing within this county.

Rule 14.3.1 Petition for Review Hearing.

A petition to adjudicate whether there has been any significant change in the capacity of a person who was formerly adjudicated to be incapacitated shall set forth:

(a) All matters required by State Rule 14.3;

(b) The name and location of the court which adjudicated incapacity;

(c) Whether the former incapacitated person is capable of conducting his own affairs and whether he would be beyond reach of designing persons.

The petitioner may be the incapacitated person, the guardian, the spouse of the incapacitated person, a relative, a creditor, a debtor, or any person interested in the welfare of the incapacitated person.

Rule 14.3.2 Hearing.

A hearing shall be set by the court not less than ten (10) days after service of the petition and notice of hearing.

RULE 15. ADOPTIONS

Rule 15.1 Local Rules.

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and to the extent not inconsistent therewith shall conform either with the pertinent general rule or special order of the local Orphans' Court or, in the absence thereof, with this Rule 15.

Rule 15.1.1 Forms and Instructions.

(a) The court has prepared the suggested forms and instructions as hereinafter listed. A supply of said forms and instructions are available in the Clerk's office. The court may from time to time amend those forms and instructions as well as add new ones. The court desires and suggests, but does not require, that these forms be used.

(b) The forms and instructions which the court has prepared and suggests be used are as follows:

(1) Instructions for completing adoption petition.

(2) Adoption petition form.

(3) Final adoption decree.

(4) Instructions for completing a petition for voluntary relinquishment of parental rights.

(5) Petition for voluntary relinquishment of parental rights.

(6) Preliminary decree setting a hearing on a petition for voluntary relinquishment of parental rights.

(7) Petition for involuntary termination of parental rights.

(8) Preliminary decree setting a hearing on petition for involuntary termination of parental rights.

(9) Final Decree granting involuntary termination of parental rights.

(10) Petition to confirm consent to adoption.

(11) Preliminary decree scheduling a hearing on a petition to confirm consent to adoption.

Rule 15.2.1 Waiver.

Any waiver by a parent of the right to notice of hearing shall be in writing and shall include both a waiver of the right to notice of hearing and a waiver of the right to appear at the hearing. See 23 Pa.C.S.A. § 2503 (c).

Rule 15.2.2 Counsel.

Although not required by the Adoption Act, if there are competing interests the Court shall appoint counsel to represent the child sua sponte or on motion of any party.

Rule 15.3.1 Voluntary Relinquishment to Adult Intending to Adopt Child.

The Court may in its discretion at the conclusion of the hearing enter a final decree terminating the parental rights, but not the parental duties, of a parent or parents as in a voluntary relinquishment to an agency. See 23 Pa.C.S.A. § 2503(c).

Rule 15.3.2 Waiver.

Any waiver by a parent of the right to notice of hearing shall be in writing and shall include both a waiver of the right to notice of hearing and a waiver of the right to appear at the hearing.

Rule 15.3.3 Petition to Confirm Consent to Adoption.

(a) *Form of Petition. Contents.* The petition to confirm consent shall include the following:

(1) Attached to the petition shall be the following exhibits:

- (a) the original consent;
- (b) a birth certificate or certification of registration of birth of the said child;
- (c) the written consent of a parent or guardian of a petitioner who has not reached 18 years of age, and
- (d) the joinder of the Agency having care of the child and its consent to accept custody of the child until such time as the child is adopted.

(2) If the petitioner is an agency the petition shall conform to the requirements of State Rule 15.2(a)(1) through (9).

(3) If the petitioner is an adult intending to adopt a child the contents of the petition shall conform to the requirements of State Rule 15.3(a) and (b).

(b) *Procedure.*

(1) A Petition to Confirm Consent to Adoption may be filed no less than forty (40) days after a written consent has been signed by a birth parent.

(2) Notice shall be in the form provided in 23 Pa. C.S.A. Section 2512(b), and service shall be as provided in State Rule 15.6. Notice shall be given to the birth parents

and putative father, if applicable, and to the parents or guardians of a consenting parent who has not reached age 18.

(3) Following hearing, the Court may issue such decree as clearly sets forth that the consent to adoption is confirmed and that all rights of the consenting birth parent are terminated or in the case of an agency that all rights and duties of the consenting birth parent are terminated.

Rule 15.4.1 Involuntary Termination.

At the conclusion of the hearing under State Rule 15.4, the Court may enter a final decree.

Rule 15.5.1 Adoption.

A petition for adoption shall have attached thereto a proposed preliminary order scheduling the adoption hearing. At the time of the hearing the attorney for petitioner shall submit to the Court a proposed decree of adoption.

(See 23 Pa.C.S.A. 2530 as to requirements for Home Study and Preplacement Report and 23 Pa.C.S.A. 2531 as to requirements for Report of Intention to Adopt. See 23 Pa.C.S.A. 2711 consents necessary.) Rule 15.5.2 Notice need not be provided to any parent whose parental rights have been terminated by petition to confirm adoption.

(See 23 Pa.C.S.A. Section 2535, Section 2724 and Section 2533.)

Rule 15.6.1 Notice, Method and Time.

(a) In proceedings under Rule 15.4 the attorney for petitioners shall make a good faith effort to determine the address and identity of each parent and to provide notice of the proceedings. In adoption proceedings under State Rule 15.5 notice of the proceedings shall also be given to any persons who have custody pursuant to a valid Court Order.

(b) Notice of the involuntary termination petition and hearing shall be served on the natural or putative father whose identity and/or whereabouts cannot be ascertained or on a mother whose identity and/or whereabouts cannot be ascertained by publication in the form and manner approved by the Court following presentation of a separate Motion for Service by Publication and Affidavit of Diligent Search as required by Pa.R.C.P. 430.

(c) A motion for service by publication upon a natural or putative father must aver that the natural mother does not know the identity and/or whereabouts of the natural or putative father; must include his last known address, if known; and must also specify all attempts made by the petitioner to determine the correct identity and/or address of the natural or putative father. (See also 23 Pa.C.S.A. Section 2512(c)).

(d) Publication shall include, as a minimum, the contents of the notice required by 23 Pa.C.S.A. 2513(b). Proof of Publication shall be submitted to the Court prior to the hearing.

APPENDIX TO RULE 3.4.1(h)(2)

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on _____ 20 ____ .

() to the Court Administrator as an uncontested matter;

() in Motion's Court at 8:45 o'clock a.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that prior notice and a copy of this motion and proposed order have been served by () first class mail posted five days prior to the presentation and by () fax or () hand delivery at least two days prior to the date of presentation. Notice was given on the _____ day of _____ 20 ____ upon all parties or their counsel of record.

INFORMATION FOR COURT ADMINISTRATOR

- A. Is this an original filing in this case? _____ Yes _____ No
B. Has any judge heard this matter previously? _____ Yes _____ No
C. If yes, name of judge who presided over previous matter: _____ Miller _____ Vardaro _____ Spataro _____ Other/Name
D. Estimated court time required if this matter is granted: _____ Minutes _____ Hours _____ Days
E. Is this motion/petition opposed by another party? _____ Yes _____ No _____ Unknown

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

- _____ 1. All parties or counsel have consented.
_____ 2. Consents of all parties or counsel are attached.
_____ 3. The Order seeks only a return hearing or argument date and no other relief.
_____ 4. The Order seeks only the appointment of a master, auditor or the like and no other relief.

Opposing Counsel: _____

(if opposing party is unrepresented, list his/her current address and telephone):

_____ (Phone) _____

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

By: _____

Attorney for: _____

APPENDIX TO RULE NO. 6.1

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

Clerk of Courts Number:

Name of Estate (Trust or other):

First and Final (or other) Account of (identify and include type of fiduciary)

Date of Appointment: _____ Date of Death (if applicable): _____

Date of First Advertisement of Letters (if applicable):

Register's File No. (if applicable):

Account Stated From _____ To _____

PURPOSE OF ACCOUNT

The accountant(s) offer this account to acquaint interested parties with the transactions that have occurred during the accountant's administration.

The account also contains a Statement of Proposed Distribution*.

It is important that the account be carefully examined. Requests for additional information or questions or objections can be discussed with:

Name and address of attorney

Name and address of accountant

Telephone: _____

Telephone: _____

* If applicable

Name of Estate, Trust, etc:

SUMMARY

PRINCIPAL

Receipts

Net Gain or (Loss) on Conversions

Adjusted Balance

Less Disbursements

Balance before Distributions

Distributions to Beneficiaries

Principal Balance Remaining

INCOME

Receipts

Less Disbursements

Balance before Distributions

Distribution to Beneficiaries

Income Balance Remaining

COMBINED BALANCE REMAINING

Name of Estate, Trust, etc:

COMPOSITION OF ASSET BALANCES

PRINCIPAL

Total Principal

INCOME

Total Income

Total principal and income

Name of Estate, Trust, etc.:

PRINCIPAL RECEIPTS

Total principal receipts

Name of Estate, Trust, etc.:

INCOME RECEIPTS

Total income receipts

Name of Estate, Trust, etc.:

PRINCIPAL CONVERSIONS TO CASH

Gain (Loss) On Conversions

GAIN

LOSS

Total Gain (Loss) on Conversions

Name of Estate, Trust, etc.:

DISBURSEMENTS
(Separate as to Principal and Income)

Date	Payee	Remarks	Amount
------	-------	---------	--------

Total disbursements

Name of Estate, Trust, etc.:

DISTRIBUTIONS TO BENEFICIARIES
(Segregate as to Principal and Income)

Total distributions

Name of Estate, Trust, etc.:

STATEMENT OF PROPOSED DISTRIBUTION

Under Intestate Law (State relationships to decedent)
 Under Decedent's Will - See Will Book _____, Page _____

THE COURTS

APPENDIX TO RULE 6.1

CERTIFICATE OF ATTORNEY

I/we hereby certify that to the best of my/our knowledge, information and belief, the debits and credits in the foregoing account and any statement of proposed distribution filed herewith, are correct and proper, and in that required legal advertising has been duly published. If this is the account of a personal representative, the first complete insertion of advertisements of grant of Letters was published more than four (4) months prior to the date of filing this account.

I/we hereby further certify that to the best of my/our knowledge, information and belief, notice was duly served personally or by certified mail upon every unpaid creditor who has given notice of this claim to the accountant(s), and to every other person of whom the accountant's has/have notice or knowledge who claim an interest in the estate or trust as beneficiary or next of kin (except beneficiaries of specific bequests who have received payment or distribution in kind), together with a copy of this account, a copy of the proposed statement or decree of distribution*, a copy of the request for appointment of an auditor*, and a copy of the will, if any, all in accordance with the requirements of Rules of the Orphans' Court of Crawford County, Pennsylvania. Said notices were given to the following, in the following manner:

NAME	ADDRESS	METHOD OF SERVICE
		Name and address of Attorney For Accountant(s)

*Strike out if not applicable

I/We hereby

(indicate fiduciary relationship, i.e. executor, administrator, trustee, etc.)

verifies that foregoing First and Final Account is true and correct and fully discloses all significant transactions occurring during the accounting period and (if a decedent's estate) that the Grant of Letters and the first complete advertisement thereof occurred more than four (4) months before the filing of the Account. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date _____

Filed this _____ day of _____, 20 ____

Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CRAWFORD) SS

I, _____ Clerk of the Orphans' Court in and for said County, do hereby certify the above and foregoing to be a true copy of said account as filed in the Clerk of the Orphans' Court Office of Crawford County on the _____ day of _____, 200 __, of which legal publication has been made.

WITNESS my official signature and the seal of the Clerk of the Orphans' Court Office of said County this _____ day of _____, 200 ____.

Clerk

NISI CONFIRMATION

AND NOW, this _____ day of _____, 200 __, the foregoing Account and Statement of Proposed Distribution, if any, is confirmed nisi.

FINAL CONFIRMATION

NOW, _____, 200 __, no exceptions having been filed, the within Account and Statement of Proposed Distribution are hereby confirmed finally.

Clerk

APPENDIX TO RULE NO. 6.3.1

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY,
PENNSYLVANIA
ORPHANS' COURT DIVISION

NOTICE OF FILING ACCOUNT

ESTATE OF:

To: _____

Attached is a true and correct copy of the Account of _____

which will be filed in the Office of the Clerk of Courts in the Courthouse, Meadville, Pennsylvania on _____ ,
20 ____ .

Also attached is (1) a statement of proposed distribution*, (2) copy of the decedent's Will*, and (3) request for
appointment of auditor*.

The account and/or statement of proposed distribution will be presented to the Court for confirmation nisi
on _____ , 20 ____ .

Unless objections to the account and/or statement of proposed distribution are filed in the Office of the Clerk of Courts,
the account and statement of proposed distribution, if any, will be confirmed absolutely and finally ten (10) days after
confirmation nisi.

If this Notice is addressed to a claimant, the claim is - is not (strike out one) disputed.*

Dated this _____ day of _____ , 20 ____ .

Attorney for Accountant
Attorney's address:

Telephone () _____ -

* Cross out if applicable.
