

**LOCAL RULES**  
of the  
**ORPHANS' COURT DIVISION**  
of the  
**COURT OF COMMON PLEAS  
OF JEFFERSON COUNTY**  
Supplementing the  
**PENNSYLVANIA SUPREME COURT  
ORPHANS' COURT RULES**

**Rules Committee:**

Donald J. Dennison, Esq., Chairman

Gerald C. Bish, Esq.

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David G. Matson, Esq.

HON EDWIN L. SNYDER

President Judge

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

IN RE: REVISION AND :  
RESTATEMENT of the LOCAL :  
RULES OF THE ORPHANS' COURT :  
DIVISION OF THE COURT OF : No. 34-1986  
COMMON PLEAS OF JEFFERSON :  
COUNTY, PENNSYLVANIA :

**ORDER**

AND NOW, February 26, 1986, the attached revision and restatement of the Local Rules of the Orphans' Court Division of Jefferson County, Pennsylvania are hereby promulgated and adopted for use, effective April 15, 1986.

All previously adopted local rules are rescinded, effective April 15, 1986.

BY THE COURT,

*Edwin S. Snyder*  
P.J.

JEFFERSON COUNTY  
COMMON PLEAS COURT RULES  
ORPHANS' COURT DIVISION

**PREFACE**

The Rules of the Orphans' Court Division of the Court of Common Pleas of Jefferson County are intended to supplement the Pennsylvania Supreme Court Orphans' Court Rules. The latter's system of numbering has been preserved. Each local rule dealing with the same subject matter as a Supreme Court Orphans' Court Rule has been given the same number. All local rules are preceded by the letter "L" to indicate their local character, and shall be cited as "Jeff. O. C. Rule L \_\_\_\_\_."

**LOCAL RULES**  
of the  
**ORPHANS' COURT DIVISION OF THE COURT OF  
COMMON PLEAS OF JEFFERSON COUNTY**

(To be cited as Jeff. O.C. Rule L\_\_\_\_\_)

Supplementing the  
**ORPHANS' COURT RULES**  
of the  
**SUPREME COURT OF PENNSYLVANIA**

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JEFFERSON COUNTY  
ORPHANS' COURT RULES

JUDGES – LOCAL RULES –  
THE BUSINESS OF THE COURT  
Pa. O.C. Rule 1

**RULE L1.2 RULES INCORPORATED BY GENERAL REFERENCE**

Except where otherwise provided by a rule adopted by the Supreme Court or an Act of Assembly or by general rule or by special order of the Orphans' Court Division, the rules of the Court of Common Pleas of the 54th Judicial District, which by their terms purport to apply or are intended to apply to the Orphans' Court division of said Court, are hereby incorporated by reference, substituting clerk for prothonotary except where noted.

**RULE L1.3 INDEX OF PROCEEDINGS**

The clerk shall assign to each new matter a file number. The file number, and the name of the matter shall be included in the caption of all papers filed in court or in the clerk's office.

**RULE L1.4 ATTORNEYS: APPEARANCE**

Every attorney employed in any proceeding shall enter his appearance by written order, noting thereon the date on which entered, or by endorsement on papers filed, and shall not withdraw the same without leave of court.

**RULE L1.5 FEES FROM APPOINTMENTS**

All fees awarded to masters, auditors, examiners, trustees in partition, guardians ad litem or trustees ad litem appointed by the court shall be paid to the clerk of the court. The clerk, upon receipt of such fees shall deposit them and disburse them to the person or persons entitled thereto.

**RULE L1.6 TRUST INTER VIVOS**

The original trust instrument, or a copy verified by the acting trustees, and any amendments thereto, shall be filed with the clerk when the court is first required to exercise its jurisdiction over an inter vivos trust. The instrument shall be indexed and recorded. The Rules of Court applicable to testamentary trusts shall apply to trusts inter vivos as far as appropriate.

## CONSTRUCTION AND APPLICATION OF RULES Pa. O.C. Rule 2

### RULE L2.1 DEFINITIONS

The following words when used in these rules, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this rule.

(a) "Exception" means a formal, written disagreement with an appraisal or with the report of an auditor or master appointed by the court, or with an adjudication, opinion or decree of the court.

(b) "Objection" means an oral or written disagreement with any matter other than that which is covered by an exception.

## PLEADING AND PRACTICE Pa. O.C. Rule 3

### RULE L3.4 FORM OF PETITION, EXHIBITS, CONSENTS.

#### (a) Form. Additional Requirements.

(1) **Typing. Endorsements.** Every pleading shall be typewritten, double spaced, or printed and shall be endorsed with the name of counsel appearing in court.

(2) **Verification.** When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

(3) **Decree.** Every decree shall bear the caption of the case.

#### (b) (2) Consents and Exhibits.

(i) The petition shall set forth the names and addresses of all persons who are parties in interest in the subject matter of the petition, and shall have attached thereto the consents of all persons who have consented to the petition. The court may direct that a rule be issued upon persons who have not consented to show cause why the prayer of the petition should not be granted.

(ii) In addition to the requirements of Pa. O.C. 3.4(b) the petitioner shall also attach to the petition correct copies of all wills and contracts and shall cite the place of recording of all deeds, mortgages, or other instruments recorded, entered or filed in Jefferson County, or any other county, which pertain to the petition.

### RULE L3.6 DEPOSITIONS, DISCOVERY, PRODUCTION OF DOCUMENTS AND PERPETUATION OF TESTIMONY

(a) Leave to take depositions, or obtain discovery or the production of documents may be granted only on petition upon cause shown.

(b) The procedure relating to depositions, discovery or the production of documents shall be governed by special order of the court in every case.

(c) To the extent not provided for by special order in a particular case, the practice and procedure relating to perpetuation of testimony and court records shall conform to the practice and procedure in Equity.

#### **RULE L3.7 PRE-TRIAL CONFERENCE**

(a) In any action, the court, on its own motion or on motion of any party, may direct that a pre-trial conference be held to consider:

1. The clarification of issues;
2. The necessity or desirability of pleadings and/or amendments thereto;
3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
4. The limitation of the number of expert witnesses;
5. The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury; or
6. Such other matters as may aid in the disposition of the action.

(b) The court may make an order reciting the action at the conference, the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered and limit the issues for trial to those not disposed of by agreements or admissions of the attorneys. Such order when entered shall control the subsequent cause of action, unless modified at the trial to prevent manifest injustice.

#### **RULE L3.8 FACE SHEET, FLAT FILING AND TOP BINDING**

(a) All pleadings filed with the clerk shall be prepared for flat filing, and shall have a face sheet as prescribed by Jeff. O.C. Rule L18.1.

(b) All papers described in (a) above shall be bound at the top, not the side, so that they may be assembled with other papers in the case in a top bound file cover.

## **ACCOUNTS AND DISTRIBUTIONS**

### **Pa. O.C. Rule 6**

#### **RULE L6.1(e) FORM OF ACCOUNT. ADDITIONAL REQUIREMENTS**

In addition to complying with the Supreme Court Orphans' Court Rules, each account:

- (1) shall be stated on good quality letter size (8½"x11") paper fastened together at the top and numbered consecutively at the bottom;
- (2) shall begin with a caption which shall set forth the nature of the account, the name and capacity of the fiduciary and the name of the estate;
- (3) shall have a face sheet attached at the front of the account which shall be in the form prescribed by Jeff. O.C. Rule 18.2. Such face sheet is for easier filing and docketing purposes only and shall not be deemed as part of the account in calculating the filing fee, or for any other purpose.





**RULE L6.4 TIME FOR FILING**

All accounts and statements of proposed distribution must be filed not later than 30 days prior to the regularly scheduled confirmation date upon which the accountant desires to have the account and/or statement of proposed distribution submitted to the court for confirmation and approval. The statement of proposed distribution shall be filed at the same time, and in the same office where the account is filed, and shall conform to the hereinafter set forth rules.

**RULE L6.9 STATEMENT OF PROPOSED DISTRIBUTION**

(a) A fiduciary who, upon the filing of an account which reveals a balance for distribution, is unable for any reason to file therewith a statement of proposed distribution in accordance with the requirements of the Supreme Court Orphans' Court Rules, shall, in lieu thereof, file with the account a statement of the reasons why distribution cannot be proposed which shall conclude with a request that an auditor be appointed to make distribution or that the court make such order as the circumstances require.

(b) The statement of proposed distribution may be filed with the account but shall begin on a page separate from the account which it accompanies. It shall contain the names of the persons to whom it is proposed to award the balance for distribution, the amount or share awarded to each, and a brief statement of the nature and reasons for the proposed awards.

(1) If the proposed distribution is the subject of a dispute, or if it involves any fairly disputable question known to or reasonably ascertainable by the accountant, the accountant shall include in the statement of proposed distribution a statement of the dispute or fairly disputable questions, together with a statement by the accountant of the facts on which the accountant relies, and the laws applicable thereto which appear to the accountant to justify the proposed distribution.

(2) If a dispute as to inheritance or estate tax has arisen under Subchapter K of the Inheritance and Estate Tax Act of 1982 (71 Pa.C.S. §1786) has been suspended by election of the party (Subsection (a)(2) of Section 1786) or by Appeal to the court (Subsection (a)(3) of Section 1786) until the audit of the account, the statement of reasons why distribution cannot be proposed shall include a statement of the proceedings with reference to the dispute.

**RULE L6.10 OBJECTIONS TO ACCOUNTS OR STATEMENTS OF PROPOSED DISTRIBUTION**

(a) All objections shall be in writing and the original and one copy shall be filed with the clerk between the date of the filing of the account and the date of its proposed confirmation. A copy of the objections shall be served by the party filing them on the accountant or his counsel. Such copy shall be served as provided by Pa. O.C. Rule 5.1 within five (5) days of the date of filing of the objections.

(b) The accountant or any other party in interest may address a motion to the court requesting the appointment of an auditor to resolve the issues raised in the objections. Any such motion shall be filed not later than ten (10) days after the date set for confirmation of the account.

Upon being presented with such motion the court shall direct the parties or their attorneys to appear for a preliminary conference to consider:

- (1) whether the issues raised by the objections can be resolved amicably;
- (2) the need for the appointment of an auditor;
- (3) such other matters as may aid in the disposition of the objections.

(c) If objections have been filed to an account and/or proposed distribution, but no one requests the appointment of an auditor within ten (10) days following the date set for confirmation of the account and/or proposed distribution, the clerk shall transmit the objections and relevant record papers to the court who shall then direct the parties or their attorneys to appear for a preliminary conference as set forth in (b) above.

(d) If the register of wills shall disallow as a deduction from the gross value of a decedent's estate any item in the account or in the statement of proposed distribution filed therewith, the register of wills may file his objection to the account or the statement of distribution solely for the purpose of raising the question as to the proper amount to be allowed as a deduction in determining the clear value of the estate subject to the tax. If no other objections are filed to the account or to the statement of proposed distribution filed with the account, the matter of the amount of such deduction will be disposed of by the court in due course. However, the account may be confirmed and distribution awarded subject to the payment of inheritance tax, if any, found to be due and unpaid.

(e) In any case where there is no good reason for filing an account, except to bring before the court the refusal of the register to allow a deduction, the fiduciary and/or the beneficiaries may, without filing an account, bring the matter to the attention of the court by a petition (of which the register shall have prior notice), setting forth the facts and praying the court to dispose of the dispute between the petitioner and the register.

In any such case the court may, upon presentation of such petition, proceed in the same manner and with the same effect as if an account had been filed and an objection, raising the same question, had been filed by the register.

(f) If no objections are filed to the account and/or the statement of proposed distribution, by anyone other than the register of wills, upon motion or petition of the accountant or of any party in interest, an auditor will be appointed to pass upon the objections, unless the question involved in the objection is entirely one of law, in which case the matter may be referred to the court for decision; but the court may in its discretion in any case appoint an auditor to hear the case. If the objection raises questions of fact, an auditor may be appointed unless all parties interested join in an agreed statement of facts.

#### **RULE L6.11 CONFIRMATION OF ACCOUNTS AND STATEMENTS OF DISTRIBUTION. FORM OF DECREE**

(a) The accountant shall submit with the account and statement of proposed distribution a form of decree for the court to sign to confirm the account and to approve the statement of proposed distribution. Such decree shall be substantially in the form prescribed in Jeff. O.C. Rule L18.5.

## EXCEPTIONS

### Pa. O.C. Rule 7

#### **RULE L7.1 EXCEPTIONS TO AN AUDITOR'S OR MASTER'S REPORT**

Exceptions to an auditor's or master's report shall be filed within twenty (20) days of the date of the filing of the report. Exceptions shall be in writing and the original and one copy shall be filed in the clerk's office. Any issues not raised by the exceptions are waived. The party filing the exceptions shall serve a copy of the exceptions upon each person listed on the certificate of notice filed by the auditor or master pursuant to Jeff. O.C. Rule L8.3(a)(7). A copy of the exceptions shall be forwarded immediately by the clerk to the district court administrator.

#### **RULE L7.2 EXCEPTIONS TO ORDERS OR DECREES.**

No exceptions shall be filed to orders or decrees entered in proceedings unless the right to except thereto is expressly conferred by Act of Assembly, by rule of court, or special order; and all decrees other than those to which exceptions are allowed to be taken shall be final.

## AUDITORS, MASTERS

### Pa. O.C. Rule 8

#### **RULE L8.0 APPOINTMENT, CERTIFICATION AND QUALIFICATION.**

(a) The court may appoint an auditor on its own motion when objections to an account have been properly filed or in such other cases as in the court's discretion appears advisable. Likewise where the nature of the issue is one properly referable to a master the court may on its own motion appoint a master.

(b) Upon the appointment of an auditor/master the clerk shall forthwith:

- (1) prepare a certificate of the auditor's/master's appointment; and
- (2) notify the auditor/master of said appointment.

(c) Upon being notified, the auditor/master shall promptly pick up his/her commission, duly qualifying thereto by taking oath to faithfully perform the duties of said appointment.

#### **RULE L8.1 NOTICE OF AUDITOR'S AND MASTER'S HEARINGS**

(a) Upon qualification, the auditor or master shall fix a time and place within Jefferson County for the initial hearing and, unless all parties in interest have waived notice or unless the order appointing the auditor or master provides that no notice by advertisement be given, the auditor or master shall:

- (1) give notice thereof by advertisement once a week for three successive weeks in one newspaper of general circulation published at or near the place where the decedent resided and like publication shall be given in the Jefferson County Legal Journal;

- (2) give at least ten (10) days notice of the hearing to be held by him or her to all parties interested including all parties having claims upon the

fund or to their attorneys of record in the manner provided by Pa. O.C. Rule 5.1, to-wit:

- (a) by service upon the attorney appearing of record for such persons; or
- (b) if there is no such attorney, by personal service, delivery at the residence of such person or by mail, if his residence is known; or
- (c) if his residence is not known, by publication once a week during three successive calendar weeks in the legal periodical, if any, and in a newspaper of general circulation published at or near his last known residence within the county; or
- (d) in such other manner as the court shall direct.

The above notices shall include the following:

- (1) the fact of the auditor's or master's appointment and the name of the estate or matter involved;
  - (2) where appropriate, the fact that an account, if any has been filed, and that a fund, if any, is to be distributed;
  - (3) the name of the fiduciary, if any, of the estate where appropriate;
  - (4) the time and place of the hearing;
  - (5) notice that the auditor or master will sit for the performance of his/her duties and will hear and receive claims upon the funds of the estate which are about to be distributed and any other pertinent matter;
  - (6) the fact that any persons having claims who do not present and prove them before the auditor will be forever barred from participating in the fund for distribution;
  - (7) the name and address of the auditor or master.
- (b) 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 each such succeeding hearing.

#### **RULE L8.1:1. CONDUCT OF AUDITOR'S/MASTER'S HEARINGS.**

(a) The auditor/master shall regulate all of the proceedings before him and shall as the first order of business at the initial hearing and at each subsequent hearing call for appearances. The party or attorney appearing shall give an address to which all notices may be delivered or mailed by first class mail.

(b) Hearings may be continued or adjourned from time to time for cause shown or upon agreement of all parties present, but each continuance or adjournment shall be to a day certain not more than thirty (30) days distant.

(c) The auditor/master shall cause a stenographic record to be made of any hearing. Examination of witnesses shall be conducted by counsel or the respective parties and by the auditor/master. If a witness or a question is objected to, or if any documentary or other evidence is objected to, the offer and purpose of such testimony or evidence shall be made a matter of record as well as the objection and the ground for said objection and the auditor's/master's ruling thereon. If the auditor/master sustains the objection, he/she shall nevertheless (unless the witness or the question propounded, or the documentary or other evidence offered, is clearly incompetent, clearly inadmissible or impertinent or frivolous) permit the question

and answer to be put in the record and/or permit the documentary or other evidence to be made a matter of record, subject to subsequent ruling by the court in case of exceptions taken to the auditor's/master's report.

(d) After the closing of the testimony and the offering of all evidence in the case, any party who has entered a formal appearance in the proceedings may submit proposed findings of fact and conclusions of law and/or brief for the purpose of aiding or guiding the auditor/master; provided, however, that copies of such submissions shall be delivered or mailed to each person who has appeared in the proceedings in person or by counsel.

### **RULE L8.3 AUDITOR'S/MASTER'S REPORT**

(a) The auditor's/master's report shall contain the following:

(1) A statement of the questions involved, and findings of fact in paragraphs consecutively numbered, as nearly as may be in chronological order. If the auditor/master deems it advisable to give reasons or references to testimony or evidence regarding finding or failure of the auditor/master to find any particular fact, he shall do so in the argument in support of his report.

(2) The auditor's/master's conclusions of law in paragraphs consecutively numbered.

(3) An account and/or schedule of distribution, as may be appropriate; and if an account filed is being approved by the auditor, his report shall expressly confirm the account and shall specify or indicate by reference to the statement of proposed distribution the names of the persons to whom the balance available for distribution is awarded and the amount or share awarded to each such person.

(4) The argument in support of the auditor's/master's report.

(5) The stenographic record of the proceedings which shall include exhibits in the nature of documentary or other evidence.

(6) The bill of costs as taxed by the auditor/master, including his fee.

(7) The auditor's/master's certificate showing that written notice of the time of filing his/her report has been given to counsel who filed formal appearances in the proceedings and to such other parties as shall have appeared without counsel.

### **RULE L8.6. FILING AUDITOR'S REPORT, NOTICE THEREOF, EXCEPTIONS THERETO, AND CONFIRMATION THEREOF**

(a) The auditor shall file his report within ninety (90) days of his appointment; provided however that an extension beyond said ninety (90) days may be allowed by the court upon application of the auditor for good cause shown. Should the auditor fail to file his report within the above time limits or extensions as above allowed, his appointment may be vacated by the court and compensation and reimbursement for services rendered or expenses incurred may be denied.

(b) Upon completion of the auditor's report, the auditor shall file his report in the office of the clerk and shall forthwith give notice in writing to counsel for all parties who appeared formally during the proceedings and to such parties as appeared

without counsel, that the auditor's report has been filed. Said notice shall inform all parties aforesaid that unless exceptions are filed within 20 days from the date of filing of the report, the report will be presented to the court for confirmation absolutely as of course.

(c) Exceptions filed must point specifically to the error of fact or law complained of and state clearly the grounds for the objection thereto. General and vague exceptions will not be considered. Where the exception is to the auditor's findings of fact or failure to find a fact, the exception shall state how the auditor should have found, and shall give reasons therefor. The party filing exceptions shall deliver or mail a copy thereof to the auditor and all counsel who have appeared formally and all parties who have appeared without counsel.

(d) In the event that exceptions to a report are filed as above provided, the clerk shall forthwith transmit the proceedings to the court for further disposition. No exceptions will be heard which are not timely filed as above set forth. The court may in its discretion recommit the report to the auditor for such further proceedings as justice may require.

#### **RULE L8.7 CONFIRMATION OF REPORT.**

(a) If no exceptions are taken to an auditor's report within twenty (20) days of the date of its filing, the clerk shall transmit the report to the court for confirmation as of course. When confirmed, the statement of proposed distribution found in the auditor's report shall become the decree of distribution.

(b) When exceptions are filed to the report of an auditor, the court shall hear the exceptions and either (1) confirm the auditor's report, whereupon the statement of proposed distribution found in the auditor's report shall become the decree of distribution, or (2) if the auditor has made an error of law or abused his or her discretion, modify the auditor's report and enter an appropriate decree of distribution.

### **REGISTER OF WILLS**

#### **Pa. O.C. Rule 10**

#### **RULE L10.2 APPEALS FROM THE REGISTER OF WILLS**

(1) **Form of Appeal.** Appeals taken from a judicial act or proceedings of the register shall be addressed to the court, but filed in duplicate with the register; shall specify the points upon which based; and shall set forth the names of all interested parties and the necessary jurisdictional facts.

(2) **Issuance of Citation.** When an appeal has been perfected with the register and the record has been transmitted to the clerk, a citation shall issue as of course, without petition, directed to all persons named in the appeal as interested parties, to show cause why the appeal should not be sustained and the decision complained of set aside.

## SPECIAL PETITIONS

### Pa. O.C. Rule 12

#### **RULE L12.1(b) FAMILY EXEMPTION**

(1) **When Appraisal Unnecessary.** Unless otherwise directed by the court, no appraisal shall be required if the exemption is claimed from:

- (a) cash or from stocks, bonds, securities, or choses in action which have an immediately determinable market value;
- (b) real estate or personal property, the value of which is agreed to by all parties in interest.

In all other cases, an appraisal shall be necessary, unless specifically excused by the court.

(2) **Procedure for Appraisal.** If an appraisal is necessary, the court shall appoint two appraisers in accordance with Section 3123 of the Probate, Estates and Fiduciaries Code. After appointment, the appraisers shall submit to the court their appraisal within thirty (30) days of appointment. A copy of the appraisal shall also be served by the appraisers on the personal representative or if there is no personal representative, then as the court shall direct. Such person shall immediately give notice to all parties in interest who would be adversely affected by the allowance of the exemption. Interested parties shall have ten (10) days from the date of notice to file objections with the court. If objections are filed, the matter shall be referred to the court for further disposition.

#### **RULE L12.2(b) ALLOWANCE TO SURVIVING SPOUSE OF INTESTATE**

The manner of appraising the property claimed, of filing and confirming the appraisal and of notice thereof shall be as set forth in Jeff. O.C. Rule L12.1(b)(2).

#### **RULE L12.3(b) EXTENSION OF TIME FOR FILING SURVIVING SPOUSE'S ELECTION**

A petition for extension of time in which the surviving spouse may file an election to take against the will or other conveniences shall set forth the following:

- (1) The information required to be set forth in a petition Under Pa. O.C. Rule 12.3(a), paragraphs 1 through 5.
- (2) The facts relied upon to justify an extension of time in which to file the election.
- (3) The petitioner shall file the petition with the clerk of the Orphans Court and shall give notice to the personal representative and all persons having an interest in the estate.

#### **RULE L12.5(e) MINOR OVER FOURTEEN**

If a minor is over the age of fourteen, he shall appear in person at the presentation of the petition and make his selection in open court. If the minor is unable to appear in person, the reason for his absence shall be set forth in the petition.



**RULE L12.5(f) SMALL ESTATES OF MINORS**

(1) Any petition to have the estate of a minor awarded without the appointment of a guardian or the entry of security shall contain, inter alia, the following:

- (a) a statement that the net value of the entire real and personal estate of the minor does not exceed the statutory limitations, and
- (b) the name of a bank or insured savings and loan association as suggested depository.

(2) Unless satisfactory reasons for doing otherwise be presented to the court, the court will direct that said fund be deposited in an interest-bearing deposit in said bank or be invested in said insured savings and loan association in the name of the minor if fourteen (14) years of age or older, or in the name of the natural guardian of the minor, if the minor is under fourteen (14) years of age, subject to the express restriction, to be noted on the records of the depository, that no withdrawals shall be made therefrom without order of court. Evidence that the deposit or investment is marked to indicate the foregoing restriction shall be exhibited to the court within twenty (20) days of the deposit or investment.

**RULE L12.9(b) PUBLIC SALE OF REAL PROPERTY: NOTICE**

After allowance of a petition for public sale, the petitioner shall, in addition to such notice as may be required to be given by law, give notice of the sale to each interested party, including every unpaid creditor by first class mail. Such notice shall be given at least 20 days prior to the date of the proposed sale. In addition, notice of the sale shall be advertised once a week for three consecutive weeks in a newspaper of general circulation in Jefferson County and in the Jefferson County Legal Journal. Such notice shall contain:

- (1) The size of the property and its street or road location, including the distance and direction from the nearest major intersection, or other well known landmark.
- (2) A list of all improvements on such property.
- (3) The deed description or updated surveyor's description of the property with contemporary adjoining property owners' names.
- (4) The name of the grantee of the last recorded deed of the subject premises together with the deed book and page of recording.

**INCOMPETENT ESTATES**

**Pa. O.C. Rule 14**

**RULE L14.1 PRACTICE AND PROCEDURE. IN GENERAL**

(a) The practice shall be by petition with a citation attached to be served upon the incompetent. The citation attached shall state the date, time and place of the hearing and shall be served as least ten (10) days prior to the scheduled date of hearing.

(b) **Evidence. Depositions** — Except for special reason appearing, the deposition of, or sworn or verified statement by, a superintendent, manager, physician or psychiatrist of any state-owned mental hospital or Veterans' Administration hospital, or a physician in attendance to the alleged incompetent will be accepted in evidence as to the mental or physical condition of a patient of said hospital or physician.

(c) **Additional assets.** If, upon the filing of an inventory, it appears that the value of the personal estate which has, or is about to, come into the possession of the guardian exceeds the amount set forth in the original petition, the clerk shall direct the court's attention to this fact in order that adequate security may be ordered and entered.

(d) **Certificates of appointment** — The clerk, in addition to issuing certified copies of the decree of appointment of a guardian, will issue a "Guardian's Certificate" when the security, if any, ordered by the court has been entered.

**SHORT TITLE**

**Pa. O.C. Rule 17**

**RULE L17** These rules shall be known as Jefferson County Orphans' Court Rules and shall be cited as Jeff. O.C. Rule L \_\_\_\_\_.

**RULE L18.1 FORMS**

**Face Sheet for Pleadings Filed with the Clerk of the Orphans' Court**

The face sheet for pleadings filed with the clerk shall be substantially in the following form:

**COURT OF COMMON PLEAS OF  
JEFFERSON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION**

No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

Type of Pleading: \_\_\_\_\_

vs.

Filed on behalf of: \_\_\_\_\_

\_\_\_\_\_  
Defendant

Council of Record for the Party:

\_\_\_\_\_  
(Name of Attorney)

Supreme Court No: \_\_\_\_\_

\_\_\_\_\_  
(Firm name, if any)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

**RULE L.18.2 Face Sheets for Accounts**

**COURT OF COMMON PLEAS OF  
JEFFERSON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION\***

IN RE: Estate of \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_ Nature of Account \_\_\_\_\_

\_\_\_\_\_ Filed on behalf of: \_\_\_\_\_

Council of Record for the Party:

\_\_\_\_\_  
(Name of Attorney)

Supreme Court No: \_\_\_\_\_

\_\_\_\_\_  
(Firm name, if any)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\*Note: If the account is one to be filed with the Register of Wills, the face sheet will read: In the Office of the Register of Wills of Jefferson County, Pennsylvania.

**RULE L18.3. Notice of Filing Account and Statement of Proposed Distribution.**

The notice of the filing of the account and statement of proposed distribution required by Jeff. O.C. rule L6.3 shall be substantially in the following form:

**COURT OF COMMON PLEAS OF  
JEFFERSON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION**

IN RE: Estate of \_\_\_\_\_ :  
\_\_\_\_\_ : R.D. No. \_\_\_\_\_  
\_\_\_\_\_ : O.C. No. \_\_\_\_\_  
\_\_\_\_\_ :  
\_\_\_\_\_ :

To: Name(s) and Address(es) of Person(s) to be Notified

**NOTICE**

Your are hereby notified that \_\_\_\_\_  
(Name and legal capacity of personal representative(s) )  
\_\_\_\_\_ of the estate of \_\_\_\_\_

\_\_\_\_\_ has filed with  
(Name of decedent, minor, incompetent or ward)  
the Clerk of the Orphans' Court Division\* a First and Final Account and Statement of Proposed Distribution in the above estate. Said account may be inspected until \_\_\_\_\_ day of \_\_\_\_\_ at 2:00 p.m., prevailing time, when it will be presented, along with the Proposed Statement of Distribution to the Orphans' Court of Jefferson County, Pennsylvania, for confirmation and approval, unless written objections are filed prior thereto.

A copy of the Statement of Proposed Distribution is enclosed.

Date \_\_\_\_\_  
\_\_\_\_\_  
Name of Attorney  
\_\_\_\_\_  
Address of Attorney

\*Note: If the account is one to be filed with the Register of Wills, insert Register of Wills in lieu of Clerk of the Orphans' Court Division.

**RULE L18.4 Certificate as to Giving Notice to Interested Parties.**

The certificate required by Jeff. O.C. Rule 6.3(b) of giving of notice to interested parties shall be in substantially the following form:

**COURT OF COMMON PLEAS OF  
JEFFERSON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION**

IN Re: Estate of \_\_\_\_\_ :  
: R.D. No. \_\_\_\_\_  
: \_\_\_\_\_  
: O.C. No. \_\_\_\_\_  
: \_\_\_\_\_

I hereby certify that notice of the filing of the account and statement of proposed distribution in the estate, and notice of the date the same will be presented to the court for confirmation and approval was given to all persons required by Pa. O.C. Rule 6.3 to be given such notice, and that said notice was given as provided in Pa. O.C. Rule 5.1.

A copy of said notice, together with the names and addresses of the persons to whom the notice was given, and the date the notice was given is attached hereto.

Date \_\_\_\_\_  
Accountant or Attorney for Accountant

**RULE L18.5 Form of Decree Confirming Account and Approving  
Statement of Proposed Distribution\*  
(Caption)  
DECREE CONFIRMING ACCOUNT  
and  
APPROVING STATEMENT OF PROPOSED DISTRIBUTION**

AND NOW, \_\_\_\_\_, the foregoing Account and Statement of Proposed Distribution having been filed more than 30 days prior hereto, and proper notice of the filing thereof having been given to all parties in interest, and no objections having been filed thereto,

IT IS HEREBY DECREED THAT said Account is confirmed, and the Statement of Proposed Distribution is approved.

BY THE COURT

\_\_\_\_\_  
P.J.

\*Note: When submitting an Account only or a Statement of Proposed Distribution only, the form of decree shall be modified to fit the use desired.