

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

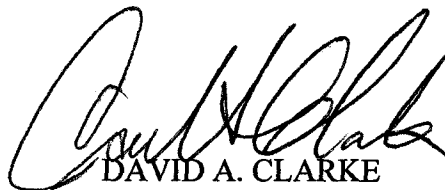
NOTICE

D.C. LAW 10- 241

"Probate Reform Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-649 on first and second readings, November 1, 1994 and December 6, 1994, respectively. Following the signature of the Mayor on December 28, 1994, this legislation was assigned Act No. 10-386, and published in the January 6, 1995, edition of the D.C. Register (Vol. 42 page 63) and transmitted to Congress on February 3, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-241, effective March 21, 1995.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13,14,15,16,17,20

AN ACT

D.C. ACT 10-386

Codification
 District of Columbia Code
 (1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 1994

To amend titles 19 and 20 of the District of Columbia Code to reform the existing procedures in the District of Columbia for probating wills and administering decedents' estates by providing for unsupervised estate administration, while maintaining the conventional form of court supervised administration as an option which may be initiated at any time during an administration by interested persons, to increase the existing limits on the payment of funeral expenses in both solvent and insolvent estates, to allow interested persons to waive the funeral expenses limit in solvent estates, and to increase the current threshold for small estates.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Probate Reform Act of 1994".

Sec. 2. Section 19-101(a) of the District of Columbia Code is amended by striking the figure "\$750" and inserting the figure "\$1,500" in its place.

Section
20-101

Sec. 3. Title 20 of the District of Columbia Code is amended as follows:

(a) Section 20-101(d)(1) is amended as follows:

(1) By striking the word "and" at the end of subparagraph (C);

(2) By striking the period at the end of subparagraph (D) and inserting the phrase "as to some or all of the estate; and" in its place; and

(3) By adding a new subparagraph (E) to read as follows:
 "(E) any creditor of the decedent, including those persons whose rights accrue at the time of death who has timely presented a claim in excess of \$500 that has not been barred or discharged."

(b) Section 20-101(d)(2) is amended as follows:

(1) By striking the period at the end of subparagraph (A)(ii) and inserting the phrase ", or an attorney-in-fact for such person (subject to the terms of the power of attorney), or any other person with legal authority to act for such person." in its place; and

(2) By adding a new subparagraph (C) to read as follows:
 "(C) Any guardian, guardian ad litem, committee, conservator, parent, attorney-in-fact, or other legal representative of an interested person who is under any legal disability may act on behalf

Section
20-101

of such interested person in all matters under this title without the need for any specific authorization from any court, except to the extent otherwise prohibited by a court or by the instrument granting and defining the scope of such representative's powers."

(c) A new section 20-101(u) is added to read as follows:

Section
20-101

"(u) "Supervised administration" or "supervised personal representative" means that the administration and the representative have been ordered to be supervised in accordance with this title."

(d) A new section 20-101(v) is added to read as follows:

Section
20-101

"(v) "Unsupervised personal representative" means a personal representative who is not subject to continued court supervision pursuant to this title."

(e) Section 20-103(e) is amended by striking the phrase "survives by a stated" and inserting the phrase "some other event or" in its place.

Section
20-103

(f) Section 20-106 is amended by striking the phrase "20-343, 20-703, and 20-742," and inserting the phrase "20-343 and 20-703," in its place.

Section
20-106

(g) Section 20-107 is amended to read as follows:

Section
20-107

"(a) An interested person, the beneficiary of a trust, or the Register may, at any time, petition the Court for an order, following notice to interested persons and with or without a hearing, to resolve a question or controversy arising in the course of a supervised or unsupervised administration of a decedent's estate.

"(b) Any interested person in an unsupervised administration, any unpaid creditor of either the decedent or the estate whose claim is not barred, and the personal representative, may request Court action or assistance in connection with any specific issue related to the administration of the estate. Upon receiving such request, if the Court determines a hearing is necessary, the Court shall notify the personal representative and set a hearing on the matter (unless waived by all interested persons); the personal representative shall certify to the Court that the personal representative has given notice of the hearing to the interested persons, by certified mail or personal delivery at least 10 days prior to the hearing.

"(c) Any request filed by an interested person, including any pleading described in this title as a petition, need not be in any particular format. It will be sufficient for the purpose intended as long as it is in writing and specifically identifies the particular issue or concern which the interested person wishes the Court to review or resolve."

(h) The table of contents for Chapter 1 is amended by adding the section heading "20-108.1. Effect of fraud and evasion."

Table of
Contents,
Chap. 1,
Title 20
New
Section
20-108.1

(i) A new section 20-108.1 is added to read as follows:

"§ 20-108.1. Effect of fraud and evasion.

"(a) Whenever fraud has been perpetrated in connection with any proceeding or in any statement filed under this title or if fraud is used to avoid or circumvent the provisions or purposes of this title, any person injured thereby may obtain appropriate relief against the perpetrator of the fraud or restitution from any person (other than a bona fide purchaser) benefiting from the fraud, whether innocent or not. Any proceeding must be commenced within 2 years after the discovery of the fraud, but no proceeding may be brought against one not a perpetrator of the fraud later than 5 years after the time of commission

of the fraud. This section has no bearing on remedies relating to fraud practiced on a decedent during lifetime that may affect the succession to the decedent's estate.

"(b) Notwithstanding the remedy provided in subsection (a) of this section, nothing in this title shall be construed to validate any document with respect to which there was any misrepresentation, fraudulent act, or illegal provision in connection with its execution.

"(c) In addition to the remedy provided in subsection (a) of this section, any person convicted of a fraudulent act in connection with the collection, administration, distribution, or closing of an estate under this title and who thereby obtains property of another or causes another to lose property, shall be subject to the penalties set forth in section 122 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-3822)."

(j) Section 20-304 is amended as follows:

Section
20-304

(1) The lead-in language in subsection (f) is amended by inserting the phrase, "and shall (without the need for the filing of any complaint) be sufficient to obtain the Court's action on," after the phrase "appropriate,".

(2) Subsection (f)(6) is amended as follows:

(A) By inserting the word "supervised" after the phrase "appointment of a"; and

(B) By striking the phrase "and the issuance of appropriate letters" and inserting the phrase "if the requirements of section 20-402 are met and supervision is desired, or for the appointment of an unsupervised personal representative in other cases and, in each case, for the issuance of appropriate letters" in its place.

(k) Section 20-305 is amended by striking the last sentence.

Section
20-305

(l) Section 20-311 is amended as follows:

Section
20-311

(1) By designating the existing provision as subsection (a) and by striking the last sentence; and

(2) By adding a new subsection (b) to read as follows:

"(b) The finality of abbreviated probate shall be governed by section 20-331."

(m) Section 20-312(a) is amended by adding a new sentence at the to read as follows:

Section
20-312

"The appointment of a personal representative shall constitute an Order for unsupervised administration, unless the Order specifically provides for supervised administration as provided in section 20-402. In no event, however, shall the appointment of a personal representative be delayed pending the Court's decision with regard to whether the administration will be supervised or unsupervised."

(n) Section 20-321 is amended as follows:

Section
20-321

(1) By inserting in the first sentence the phrase ", particularly when due execution of a will cannot be presumed under section 20-312," after the phrase, "determination of the decedent's intestacy"; and

(2) By inserting in the second sentence the phrase "; and the filing of a complaint shall not be required for these purposes." after the phrase "section 20-304".

(o) Section 20-324 is amended as follows:

Section
20-324

(1) Subsection (a) is amended as follows:

- (A) By inserting the phrase "In a standard probate proceeding:" before the subsection (a) designation;
 - (B) By striking the subsection designation "(a)" and inserting the paragraph designation "(1)" in its place; and
 - (C) By striking the phrase "subsection (c)" and inserting the phrase "paragraph (3)" in its place.
- (2) Subsection (b) is amended as follows:
- (A) By striking the subsection designation "(b)" and inserting the paragraph designation "(2)" in its place; and
 - (B) The newly designated paragraph (2) is amended by inserting the phrase ", may order that the administration will be supervised as provided in section 20-402," after the phrase, "one or more personal representatives".
- (3) Subsection (c) is amended by striking the subsection designation "(c)" and inserting the paragraph designation "(3)" in its place.

(p) Section 20-331 is amended to read as follows:
 "(a) An abbreviated probate proceeding shall be set aside if, within 6 months after notice of the appointment of the personal representative pursuant to section 20-704, an interested person makes a request for a standard probate proceeding.

Section 20-331

"(b) A standard probate proceeding may be reopened if, within 6 months after the notice of appointment of the personal representative pursuant to section 20-704: (1) An interested person makes a request; and (2) The Court finds that:

"(A) the notice provided in section 20-704 was not given to such interested person and such interested person did not have actual notice of the petition for probate;

"(B) there was a material mistake or substantial irregularity in the prior probate proceeding; or

"(C) the proponent of a later offered will, in spite of the exercise of reasonable diligence, was actually unaware of such will's existence at the time of the prior probate proceeding.

"(c) Except as provided in section 20-305 and this section, an abbreviated probate proceeding shall be final and binding as to all interested persons."

(q) Section 20-351 is amended by striking the figure "\$10,000" and inserting the figure "\$15,000" in its place.

Section 20-351

(r) Section 20-355 is amended by striking the figure "\$10,000" wherever it appears and inserting the figure "\$15,000" in its place.

Section 20-355

(s) The table of contents for title 20 is amended by adding the section heading "4. Supervised and Unsupervised Administration.... §§ 20-401 to 20-406."

Table of Contents, Title 20, New Chapter 4

(t) A new Chapter 4 is added to read as follows:

"CHAPTER 4. SUPERVISED AND UNSUPERVISED ADMINISTRATION.
 "Sec.

- "20-401. Supervised administration; in general.
- "20-402. Supervised administration; procedure.
- "20-403. Supervised administration; changes and effect.
- "20-404. Supervised administration; powers of personal representative.
- "20-405. Supervised administration; interim orders; distribution and closing orders.

"20-406. Unsupervised personal representative."

"§ 20-401. Supervised administration; in general.

New
Section
20-401

"(a) Supervised administration is a single in rem proceeding to secure complete administration and settlement of a decedent's estate under the continuing authority of the Court which extends until entry of an order approving distribution of the estate and discharging the personal representative or other order terminating the proceeding. A supervised personal representative is responsible to the Court, as well as to the interested parties, and is subject to directions concerning the estate made by the Court on its own motion or on the motion of any interested party. Except as otherwise provided in this Chapter, or as otherwise ordered by the Court, a supervised personal representative has the same duties and powers as a personal representative who is not supervised.

"(b) Unsupervised administration differs from supervised administration only in the following ways: in an unsupervised administration, the personal representative is not required to file any inventories or accounts with the Court, is not subject to provisions of this title which expressly apply only to a personal representative in a supervised administration, and, in general, is subject only to any order of the Court rendered upon a failure to satisfy filing requirements imposed by this title or a finding of good cause after a narrow issue or question has been brought to the Court's attention by either the personal representative or an interested person, but otherwise is not subject to continuing Court supervision.

"§ 20-402. Supervised administration; procedure.

New
Section
20-402

"(a) A prayer for supervised administration may be made in the petition for probate. The Court shall order supervised administration of a decedent's estate only:

"(1) If the decedent's will directs supervised administration;

"(2) If the decedent's will directs unsupervised administration, but for good cause shown the Court finds that supervised administration is necessary for the protection of persons interested in the estate; or

"(3) In other cases where, for good cause shown, the Court finds that supervised administration is necessary under the circumstances which the Court shall specify.

"(b) In no event shall the appointment of a personal representative be delayed pending the Court's decision pursuant to subsection (a) of this section. Thus, whenever the Court must make a decision under subsection (a)(2) or (a)(3) of this section, the Court shall appoint the personal representative in unsupervised administration; thereafter, an Order for supervised administration shall convert the proceeding to supervised administration.

"§ 20-403. Supervised administration; changes and effect.

New
Section
20-403

"(a) Change during administration to unsupervised administration. The filing of signed waivers by all interested persons in accordance with section 20-731 shall be treated for all purposes as a change to unsupervised administration, but the filing of a subsequent demand for the filing of inventories and accounts by any such interested person shall be treated as a change back to supervised administration.

"(b) A petition for supervised administration may be filed by any interested person or by a personal representative at any time before the termination of a probate proceeding; similarly, the Court may initiate such a proceeding upon good cause shown. In either event, after notice to

interested persons and a hearing (unless the hearing is waived by both the petitioner and the personal representative, or by the interested persons if petitioner is the personal representative), the Court may order supervised administration, applying the same standards as under section 20-402. In no event, however, shall any Court Order be deemed to convert the proceeding to a supervised administration unless the Order expressly so provides. The filing of such petition does not affect any powers and duties of the personal representative unless they are expressly restricted by the Court pending the hearing or final Order.

"(c) Prospective change. In the event of a change from one form of administration to another pursuant to this title, such change shall be prospective only. Except in the case of fraud, no action of the personal representative shall be set aside by the Court solely by reason of a change from one form of administration to another.

"§ 20-404. Supervised administration; powers of personal representative.

New
Section
20-404

"Unless restricted by the Court for good cause shown, a supervised personal representative has, without any interim order approving exercise of a power, all powers of personal representatives under this title. Any restriction on the power of a personal representative ordered by the Court must be endorsed on the letters of appointment and, unless so endorsed, is ineffective as to persons dealing in good faith with the personal representative.

"§ 20-405. Supervised administration; interim orders; distribution and closing orders.

New
Section
20-405

"Unless otherwise ordered by the Court, supervised administration is terminated by order in accordance with the provisions of section 20-1301. Interim orders granting other relief may be issued by the Court at any time during the pendency of a supervised administration on the application of the personal representative or any interested person.

"§ 20-406. Unsupervised personal representative.

New
Section
20-406

"A personal representative appointed without court supervision having been ordered, and any other personal representative except during any period for which court supervision has been ordered, is not subject to continuing court supervision except as provided in section 20-107 or otherwise in this title, and is not subject to sections of this title applicable only to supervised personal representatives or estates."

(u) Section 20-501 is amended by inserting the phrase ", whether in a supervised or unsupervised administration," after the phrase "As a condition to appointment, a personal representative".

Section
20-501

(v) Section 20-502 is amended as follows:

Section
20-502

(1) Subsection (a) is amended to read as follows:

"(a) When required. Unless excused from giving bond by the decedent's will or written waiver of all interested persons, each personal representative shall execute a bond to the District of Columbia for the benefit of interested persons and creditors with a surety or sureties approved by the Court. Whenever a personal representative is excused from giving a bond by the decedent's will, or by the written waiver of 1 or more interested persons, no bond shall be given (except as provided below). In the absence of a waiver by the testator, the interest of any interested person who does not waive bond shall be protected but no waiver of bond shall be permitted on behalf of a person who is not a competent adult except as provided in section 20-101(d)(2)(C)."

(2) A new subsection (a-1) is added to read as follows:

"(a-1) Any person having an interest in the estate worth in excess of \$1,000, or any creditor having a claim in excess of \$1,000, may make a written demand that a personal representative give bond in an amount not exceeding the value of the person's or creditor's interest in the estate. The demand must be filed with the Register and a copy mailed to the personal representative, if appointment and qualification have occurred. Upon a request for bond, the Court may set a hearing to determine if bond is required."

(3) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended by inserting the phrase "and D.C. real" after the word "personal".

(B) Paragraph (2) is repealed.

(C) A new paragraph (3A) is added to read as follows:

"(3A) The Court may permit the penalty sum of the bond to be reduced by the value of any real or personal property which, at the request of the personal representative or pursuant to Court Order upon good cause shown, cannot be sold or distributed without prior Court authorization."

(w) Section 20-503 is amended as follows:

Section 20-503

(1) By striking the word "and" at the end of subsection (e);

(2) By striking the period at the end of subsection (f) and inserting the phrase "; and" in its place; and

(3) By adding a new subsection (g) to read as follows:

"(g) whether the administration is supervised or unsupervised and, if supervised, any limitations on the powers of the personal representative."

(x) Section 20-504 is amended to read as follows:

Section 20-504

"Letters of administration shall be in substantially the following form:

LETTERS OF ADMINISTRATION

To all persons who may be interested in the estate of....., deceased:

Administration of the estate of the deceased has been granted on.....to.....(and the will of the deceased was probated on.....). This administration (is) (is not) (strike the inapplicable language) subject to continuing supervision of the Court. The powers of the personal representative (are not limited) (are limited as follows:). The appointment is in full force and effect as of this date.

(SEAL)

Witness:

Dated:

Register of Wills.

(y) Section 20-505 is amended to read as follows:

Section 20-505

"The duties and powers of a personal representative commence upon the issuance of the letters. Good faith acts beneficial to the estate which in fact were committed by the personal representative prior to issuance of letters shall have the same effect as acts occurring after the issuance of letters. A personal representative may ratify acts done on behalf of the estate by others if the personal representative is authorized to perform such acts."

(z) The table of contents for Chapter 5 is amended by amending the section heading for section 20-521 to read as follows:

Table of
Contents,
Chap. 5,
Title 20
Section
20-521

"§ 20-521. Restraining acts of personal representatives."

(aa) Section 20-521 is amended to read as follows:

"§ 20-521. Restraining acts of personal representatives.

"(a) On the petition of any interested person, the Court by temporary order and for good cause shown may restrain a supervised personal representative from performing specified acts of administration, disbursement, or distribution, or exercising any powers or discharging any duties of such office, or make any other order to secure proper performance of the supervised personal representative's duty, if it appears to the Court that the supervised personal representative otherwise may take some action which would unreasonably jeopardize the interest of the petitioner. Persons with whom the supervised personal representative may transact business may be made parties.

"(b) The matter shall be set for hearing within 10 days unless the parties otherwise agree. Notice as the Court directs shall be given to the supervised personal representative and his attorney of record, if any, and to any other parties named defendant in the petition."

(bb) The table of contents for Chapter 7 is amended to read as follows:

"Sec.

"20-701. Status and duties of personal representative.

"20-701.1. Personal representative to proceed without court order; exception.

"20-702. Duties of personal representative; possession and control of estate.

"20-703. Preferences; sale of estate property.

"20-704 Notice of appointment to interested persons, creditors, and unknown heirs.

"20-705. Filing revised and corrected documents.

"20-711. Inventory; general.

"20-712. Appraisal; supervised administration.

"20-713. Supervised administration; supplemental inventory; reappraisal.

"20-713a. Unsupervised administration; inventory and appraisal duties of unsupervised personal representative.

"20-714. Revision of inventory.

"20-715. Inventory of successor personal representative.

"20-721. Duty to account; supervised administration.

"20-722. Initial account; supervised administration.

"20-723. Subsequent account; supervised administration.

"20-724. When to render accounts; supervised administration.

"20-725. Failure to render account.

"20-726. Exceptions to account; supervised administration.

"20-731. Waiver of filing; supervised administration.

"20-732. Waiver of formal Court audit; supervised administration.

"20-733. Right of heir or legatee.

"20-734. Duty to account; unsupervised administration.

"20-735. Proceedings terminating unsupervised administration; testate or intestate; Certificate of Completion.

"20-736. Finality.

Table of
Contents,
Chap. 7,
Title 20

"20-741. General powers.

"20-742. Court order.

"20-743. Improper exercise of power; breach of fiduciary duty.

"20-743.1. Sale, encumbrance, or transaction involving conflict of interest; voidable; exceptions.

"20-744. Protection of person dealing with personal representative.

"20-751. Compensation.

"20-752. Expenses of estate litigation.

"20-753. Proceedings for review of employment of agents and compensation of personal representatives and employees of estate."

(cc) Section 20-701 is amended to read as follows:

"§ 20-701. Status and duties of personal representative.

"(a) A personal representative, whether supervised or unsupervised, is a fiduciary who, in addition to the specific duties expressed in this title, is under a general duty to settle and distribute the estate of the decedent in accordance with the terms of the will or laws relating to intestacy and this title, as expeditiously and efficiently as is prudent and consistent with the best interests of the persons interested in the estate. Such representative shall use the authority conferred by this title, by the terms of the will, if any, by any order in proceedings to which such representative is a party, and by the equitable principles generally applicable to fiduciaries, fairly considering the interests of all interested persons and creditors whose claims have been allowed.

"(b) A personal representative shall not be surcharged for acts of administration or distribution if the conduct in question was authorized at the time. Subject to other obligations of administration and to special duties applicable in cases of supervised administration, a will probated in abbreviated or standard probate proceedings is authority to administer and distribute the estate according to its terms. An order of appointment of a personal representative, whether issued in abbreviated or standard probate proceedings, is authority to distribute apparently intestate assets to the heirs of the decedent if, at the time of distribution, the personal representative is not aware of a pending probate proceeding, a proceeding to vacate an order entered in an earlier probate proceeding, a proceeding questioning his appointment or fitness to continue, or a supervised administration proceeding. Nothing in this section affects the duty of the personal representative to administer and distribute the estate in accordance with the rights of claimants of an allowed claim, the surviving spouse, any minor and dependent children, and any pretermitted child of the decedent as described elsewhere in this title.

"(c) Except as to proceedings which do not survive the death of the decedent, a personal representative of a decedent domiciled in the District of Columbia at his death has the same standing to sue and be sued in the courts of this and any other jurisdiction as the decedent had immediately prior to death."

(dd) A new section 20-701.1 is added to read as follows:

"§ 20-701.1. Personal representative to proceed without court order; exception.

"(a) A personal representative shall proceed expeditiously with the settlement and distribution of a decedent's estate and, except as may be otherwise specified or ordered by the Court in a particular proceeding,

Section
20-701

New
Section
20-701.1

do so without adjudication, order, or direction of the Court, but the personal representative may invoke the jurisdiction of the Court, in proceedings authorized by this title, to resolve questions concerning the estate or its administration.

"(b) Time for distribution. Unless the time of distribution is extended by the Court for good cause shown, the supervised personal representative shall distribute all the assets of the estate in such representative's possession or control within 30 days of the approval of the final account."

(ee) Section 20-702 is amended as follows:

Section
20-702

(1) By striking the word "A" at the beginning of the first sentence; and

(2) By inserting a new sentence after the second sentence to read as follows:

"The personal representative shall pay taxes on, and take all steps reasonably necessary for the management, protection, and preservation of, the estate in the personal representative's possession."

(ff) Section 20-704 is amended as follows:

Section
20-704

(1) Subsection (a) is amended as follows:

(A) The second sentence is amended by inserting the phrase ", state whether administration is supervised or unsupervised," after the phrase, "personal representatives"; and

(B) The second sentence of the notice form is amended by striking the period at the end and inserting the phrase ", and that the personal representative will serve in supervised)(unsupervised) administration" in its place.

(2) Subsection (b) is amended as follows:

(A) Insert the phrase "and to all creditors whose identities are known or whose identities are reasonably ascertainable by reasonably diligent efforts" after the phrase "to the heirs and legatees of the decedent".

(B) Paragraph (1) is amended to read as follows:

"(1) the typical duties of a personal representative in estate administration, including a description of the essential steps of estate administration, whether the personal representative is subject to continuing court supervision as provided in section 20-401 *et seq.*, or is an unsupervised personal representative;"

(C) By amending paragraph (3) to read as follows:

"(3) the rights of heirs or legatees, the assistance an heir or legatee may provide to the personal representative, and the role of the Register, whether the personal representative is subject to continuing court supervision as provided in section 20-401 *et seq.*, or is an unsupervised personal representative. The personal representative shall certify to the Register that notices under this subsection have been given, whether the personal representative is subject to continuing court supervision as provided in section 20-401 *et seq.*, or is an unsupervised personal representative.

(C) A new paragraph (4) is added to read as follows:

"(4) if the personal representative is not subject to continuing court supervision, the right of any interested person, on petition to the Court duly presented and filed with the Register, to initiate a proceeding involving notice to interested persons and a hearing to impose Court

supervision on the estate, or to seek any other court order necessary for protection of rights of the interested person."

(3) A new subsection (b-1) is added to read as follows:

"(b-1) Within 90 days after the appointment of the personal representative, the personal representative (whether supervised or unsupervised) shall certify to the Register that the notices required under subsection (b) of this section above have been given."

(4) Subsection (c) is amended by striking the phrase "in the manner" and inserting the word "as" in its place.

(gg) Section 20-705 is amended to read as follows:

"§ 20-705. Filing revised and corrected documents.

"If a personal representative discovers that any document previously filed or given to interested persons by such representative or by any predecessor personal representative is incomplete or erroneous in any material respect, such representative shall promptly file with the Register or give to the interested persons a revised and corrected document, stating the correct information, if known: Provided, however, that statements contained in the petition for probate need not be revised or corrected if the incomplete or erroneous information will be reflected accurately in inventories or accounts later filed with the Register or given to the interested persons."

(hh) Section 20-711(b) is amended to read as follows:

"(b) If the administration is supervised as provided in section 20-401 *et seq.*, and except as provided in section 20-731, the personal representative shall file with the Court the verified inventory with a certificate that there has been mailed or delivered to all interested persons, within the previous 15 days, a copy of the inventory with a notice that the inventory will be filed on or before a stated date. If the administration is not supervised, section 20-713a controls."

(ii) Section 20-712 is amended as follows:

(1) The section heading for section 20-712 is amended to read as follows:

"§ 20-712. Appraisal; supervised administration."

(2) Subsection (a) is amended to read as follows:

"(a) In a supervised administration, the fair market value of each item listed in the inventory, as of the date of death of the decedent, shall be determined by an appraisal. Except as specifically provided by this subsection, the supervised personal representative may use either the standing appraisers or special appraisers, as the personal representative deems appropriate. The supervised personal representative may appraise the following items listed in section 20-711(a):

(1) items listed in paragraphs (4), (5), and (6); and

(2) items listed in paragraph (3) that are listed on any national or regional exchange or are sold in the over-the-counter market for which bid and asked prices are regularly published."

(3) A new subsection (d) is added to read as follows:

"(d) If the filing of the inventory was not required within 3 months after the appointment of the personal representative, either because the administration was at that time unsupervised or because it was waived pursuant to section 20-731, and if the inventory is subsequently required to be filed, the requirement for appraisals in that event shall be excused unless otherwise ordered by the Court for good cause shown."

(jj) Section 20-713 is amended as follows:

Section
20-705

Section
20-711

Section
20-712

Section
20-713

(1) The section heading for section 20-713 is amended to read as follows:

"§ 20-713. Supervised administration; supplemental inventory; reappraisal."

(2) The word "supervised" is inserted before the phrase "personal representative" wherever it appears.

(3) Subsection (c) is amended by striking the word "notice" and inserting the word "copy" in its place.

(kk) A new section 20-713.1 is added to read as follows:

"§ 20-713.1. Unsupervised administration; inventory and appraisal duties of unsupervised personal representative.

"(a) If the administration is unsupervised, the personal representative, if not a special administrator or a successor to another representative who has previously discharged this duty, shall, within 3 months after appointment, prepare and deliver or mail to each interested person an inventory of property owned by the decedent at the time of death, listing each item of such property with reasonable detail, and indicating as to each listed item, its fair market value as of the date of the decedent's death, and the type and amount of any encumbrance that may exist with reference to any item.

"(b) The personal representative may also file the verified original of the inventory for record with the Court.

"(c) The personal representative may use the standing appraisers or may employ any other qualified and disinterested appraiser to assist in ascertaining the fair market value as of the date of the decedent's death of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The names and addresses of any appraiser shall be indicated on the inventory with the item or items appraised.

"(d) If any property not included in the original inventory comes to the knowledge of a personal representative or if the personal representative learns that the value or description indicated in the original inventory for any item is erroneous or misleading, the personal representative shall make a supplementary inventory or appraisal showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions, and the appraisers or other data relied upon, if any, and file it with the Court if the original inventory was filed, and mail or deliver copies thereof to the interested persons."

(ll) Section 20-714 is amended to read as follows:

"Whether the administration is or is not supervised, any interested person may, at any time before the estate is closed, petition the Court for revision of any value assigned to any item in the inventory and for inclusion or exclusion of any item erroneously omitted or listed in the inventory. After due notice and hearing, the Court may require such revision as it deems appropriate."

(mm) Section 20-715 is amended by inserting the word "supervised" after the phrase "within 3 months of appointment, a".

(nn) Section 20-721 is amended as follows:

(1) By amending the section heading to read as follows:

"§ 20-721. Duty to account; supervised administration.";

(2) By inserting the word "supervised" after the phrase "Except as provided in section 20-731, a"; and

New
Section
20-713.1

Section
20-714

Section
20-715

Section
20-721

- (3) By striking the word "or" immediately before the phrase "a notice" in the last sentence and inserting the word "with" in its place.
- (oo) Section 20-722 is amended as follows: Section 20-722
- (1) By amending the section heading to read as follows:
 "§ 20-722. Initial account; supervised administration."; and
- (2) By inserting the word "supervised" before the phrase "personal representative's initial account".
- (pp) Section 20-723 is amended as follows: Section 20-723
- (1) By amending the section heading to read as follows:
 "§ 20-723. Subsequent account; supervised administration."; and
- (2) By inserting the word "supervised" after the phrase "whether filed by the same".
- (qq) Section 20-724 is amended as follows: Section 20-724
- (1) By amending the section heading to read as follows:
 "§ 20-724. When to render accounts; supervised administration."; and
- (2) By inserting the word "supervised" before the phrase "personal representative" wherever it appears.
- (rr) Section 20-725 is amended by inserting the word "supervised" before the phrase "personal representative". Section 20-725
- (ss) Section 20-726 is amended by amending the section heading to read as follows: Section 20-726
- "§ 20-726. Exceptions to account; supervised administration."
- (tt) Section 20-731 is amended as follows: Section 20-731
- (1) The section heading is amended to read as follows:
 "§ 20-731. Waiver of filing; supervised administration.";
- (2) Subsection (a) is amended as follows:
- (A) By inserting the word "supervised" before the phrase "personal representative";
- (B) By striking the phrase "each heir or legatee is a personal or copersonal representative for the estate and" in the first sentence;
- (C) By inserting the phrase "and sign" immediately after the phrase "may authorize" in the last sentence.
- (3) A new subsection (c) is added to read as follows:
 "(c) If the will waives the filing of inventories and accounts, the supervised personal representative shall similarly be excused from filing with the Court such inventories and accounts. In that event, the Court may order the filing of inventories or accounts only after a hearing and for good cause shown."
- (uu) Section 20-732 is amended as follows: Section 20-732
- (1) The section heading is amended to read as follows:
 "§ 20-732. Waiver of formal Court audit; supervised administration."
- (2) Subsection (a) is amended as follows:
- (A) By inserting the word "supervised" before the phrase "personal representative"; and
- (B) By inserting the phrase "and sign" immediately after the phrase "may authorize".
- (vv) Section 20-733 is amended as follows: Section 20-733
- (1) By inserting the phrase ", whether supervised or unsupervised," immediately after the phrase "personal representative";

(2) By striking the word "and" between the figure "20-713" and "20-721"; and

(3) By striking the period at the end and inserting the phrase "and 20-734" in its place.

(ww) A new section 20-734 is added to read as follows:

"§ 20-734. Duty to account; unsupervised administration.

"An unsupervised personal representative shall account to interested persons for his receipts, disbursements, and distribution of estate assets at reasonable intervals, or on reasonable demand, and may be compelled to account to the Court in a proceeding initiated by an interested person, following notice and hearing."

(xx) A new section 20-735 is added to read as follows:

"§ 20-735. Optional proceedings, terminating unsupervised administration; testate or intestate; Certificate of Completion.

"(a) Unless otherwise ordered by the Court for good cause shown in a particular matter, the personal representative in an unsupervised administration shall close the estate by filing with the Court a Certificate of Completion, which shall be verified and in a form prescribed by the Court. Such Certificate may be filed at any time, but in no event prior to the expiration of the time for filing creditors' claims against the estate.

"(b) The Certificate of Completion shall include a statement that:

"(1) the time for the presentation of creditors' claims has expired;

"(2) all interested persons have been sent a copy of an account and a notice of each one's right to object within 60 days after such account was sent, and that all claims of that interested person against the personal representative shall be barred unless such an objection is made;

"(3) either each interested person has consented in writing to the account as stated, or there was no written objection within the 60-day period described above;

"(4) distribution has been made in accordance with such account;

"(5) all known claims of creditors which are not barred have been fully satisfied or otherwise settled or, if any claim remains undischarged, whether the personal representative has distributed the estate subject to possible liability with the agreement of the distributees or a detailed explanation of what other arrangements have been made to accommodate all such outstanding liabilities; and

"(6) the personal representative has satisfied all administration expenses and other obligations of the estate incurred or authorized by the personal representative, and has otherwise fully administered the estate.

"(c) The Certificate shall also contain a list containing the name and address of each recipient of the copy of the account and the corresponding notice, as well as a certificate of service confirming that each of those individuals or entities also received a copy of the Certificate of Completion.

"(d) Any interested person or other recipient of a copy of the account may object to the account by mailing or delivering to the personal representative or to the Court, within the 60-day period described above, a written statement of his or her objections to the account as stated."

(yy) A new section 20-736 is added to read as follows:

New
Section
20-734

New
Section
20-735

New
Section
20-736

"§ 20-736. Finality.

"In the absence of fraud, neither the personal representative nor any distributee of estate property shall be liable for any claim, liability, or damage claimed by any interested person (or any person or entity claiming by or through such interested person):

"(1) who has received the notice and copy of the final account of the unsupervised personal representative, and not objected to the final account within the 60 day period described in section 20-735(b); an unsupervised personal representative may send such notice and copy of the final account to any one or more creditors of the decedent or of the estate, and any such creditor not so objecting in a timely manner shall be similarly bound; or

"(2) who has not filed an exception to the final account of the supervised personal representative within the time and manner prescribed in section 20-726."

(zz) Section 20-741 is amended to read as follows:

Section
20-741

"Except as otherwise validly limited by the will, this title, or by an order of Court made in accordance with this title, a personal representative may, in addition to any power or authority contained in the will and any other common-law or statutory power, properly:

"(1) take possession of and hold assets owned by the decedent pending distribution or liquidation, including those in which the representative is personally interested or which are otherwise improper for trust investment;

"(2) receive assets from fiduciaries or other sources;

"(3) perform the decedent's contracts that continue as obligations of the estate, and execute and deliver such deeds or other documents under such circumstances as the contract may provide, unless the personal representative personally is a party by the terms of the contract;

"(4) satisfy written charitable pledges of the decedent, which by their terms survive the death of the decedent;

"(5) deposit funds for the account of the estate, including moneys received from the sale of other assets, in federally insured checking accounts, in federally insured interest-bearing accounts or in federally insured short-term loan arrangements, or in accounts or short-term investment trusts administered pursuant to, or in compliance with, the regulations of the United States Comptroller of the Currency, or at the request of the personal representative, agree to deposit any of the assets of the estate with any financial institution in such a manner that the assets cannot be withdrawn or transferred without (A) the written consent of the surety on the bonds or (B) an order of Court; deposits under this subsection shall be made in financial institutions within the District of Columbia or in any state that permits personal representatives to make deposits in the District of Columbia;

"(6) acquire or dispose of property, real or personal, including land in this or another jurisdiction, for cash or on credit, at public or private sale; and manage, develop, improve, exchange, partition, change the character of, or abandon an estate asset;

"(7) make ordinary or extraordinary repairs or alterations in buildings or other structures, demolish any improvements, raze existing, or erect new, party walls or buildings;

"(8) subdivide, develop or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving consideration; or dedicate easements to public use without consideration;

"(9) enter for any purpose into a lease as lessor or lessee, with or without the option to purchase or renew, for a term within or extending beyond the period of administration;

"(10) vote stocks or other securities in person or by general or limited proxy;

"(11) hold a security in bearer form or in the name of a nominee, but, in such case, the personal representative shall be liable for any act of the nominee in connection with the security so held;

"(12) obtain insurance to protect the property of the estate against damage, loss, and liability, and to protect the personal representative against liability to 3rd persons;

"(13) effect a fair and reasonable compromise with any creditor or obligee;

"(14) pay taxes, assessments, and compensation of the personal representative, and other expenses incident to the administration of the estate;

"(15) sell or exercise stock subscription, conversion or option rights; consent to or oppose, directly or through a committee or other agent, the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

"(16) pay the decedent's funeral expenses including the cost of burial space and a suitable tombstone or marker, not exceeding \$5,000, except as provided in sections 20-906 and 20-907;

"(17) employ, for reasonable compensation, accountants, auditors, investment or financial advisors, attorneys, appraisers, brokers, or other persons with special skills to advise or assist the personal representative in the performance of such representative's administrative duties, and to pay them reasonable compensation and reimbursement for costs incurred;

"(18) prosecute or defend or submit to arbitration actions, claims, or proceedings in any appropriate jurisdiction for the benefit of the estate, including the commencement of any personal action that the decedent might have commenced, or to compromise, arbitrate, settle, or otherwise adjust any claims, charges, debts, or demands against or in favor of the estate;

"(19) continue unincorporated businesses or ventures in which the decedent was engaged at the time of death (A) in the same business form for a period of not more than 4 months after the representative's appointment if continuation is a reasonable means of preserving the value of the business, including goodwill: Provided, that the personal representative shall file a bimonthly statement of income and expenses and a balance sheet with the Register; and (B) throughout the period of administration if the business is incorporated after the death of the decedent in accordance with paragraph (20) of this section;

"(20) incorporate businesses or ventures in which the decedent was engaged at the time of death if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate;

"(21) exercise options, rights, and privileges contained in any life insurance policy, annuity, or endorsement contract constituting property of the estate, including the right to obtain the cash surrender value, convert any such policy to any other type of policy, revoke any mode of settlement, and pay any part or all of the premiums on any such policy or contract;

"(22) pay valid claims and distribute the estate as provided in this title;

"(23) release or terminate mortgages or security interests, if the obligation secured by the mortgage or security interest was fully satisfied during the decedent's lifetime or during the administration of the estate;

"(24) make partial distributions, in cash, in kind, or both, from time to time during the administration;

"(25) invest in any real or personal property of the estate; lease, exchange, grant options to purchase, or sell any real or personal property of the estate (except property specifically devised or bequeathed under the will), at public or private sale, for cash or on credit, with or without security; and borrow money for the purpose of protecting real or personal property (and pledge property as security for such loan);

"(26) terminate, sublet, or assign a leasehold estate of the decedent which was the decedent's actual residence;

"(27) designate the personal representative on any document as an executor, if the decedent died testate, or as an administrator, if the decedent died intestate;

"(28) continue any unincorporated businesses or ventures in which the decedent was engaged at the time of his or her death (A) in the same business form for a period of not more than 4 months from the date of appointment of the personal representative if continuation is a reasonable means of preserving the value of the business, including good will; (B) in the same business form for any additional period of time that may be approved by order of the Court after notice to the interested persons; or (C) throughout the period of administration if the business is incorporated after decedent's death in accordance with paragraph (20) of this section; and

"(29) provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.

(aaa) Section 20-742 is amended to read as follows:

"A personal representative may at any time petition the Court for permission to act in any matter relating to the administration of the estate."

Section
20-742

(bbb) A new section 20-743.1 is added to read as follows:

"§ 20-743.1. Sale, encumbrance, or transaction involving conflict of interest; voidable; exceptions.

New
Section
20-743.1

"Any sale, lease, or encumbrance to the personal representative, the personal representative's spouse, agent or attorney, or any corporation, trust, or other entity in which such individual has a substantial beneficial interest, or any other transaction which is affected by a substantial conflict of interest on the part of the personal representative, may be set aside by the Court in proceedings initiated by any interested person except one who has consented after fair

disclosure (and any person or entity claiming by or through such interested person) unless:

"(1) the will authorized such dealings with the personal representative, either generally or with regard to a specific transaction or type of transaction;

"(2) a contract entered into by the decedent authorized such a transaction; or

"(3) the transaction is approved by the Court after notice to the interested persons."

(ccc) Section 20-744 is amended to read as follows:

"Except as otherwise provided in section 20-753, a person who in good faith either assists or deals with a personal representative for value is protected as if the personal representative properly exercised his power. The fact that a person knowingly deals with a personal representative does not alone require the person to inquire into the existence of a power or the propriety of its exercise. Except for restrictions on powers of supervised personal representatives which are endorsed on letters as provided in section 20-504, no provision in any will or order of court purporting to limit the power of a personal representative is effective except as to persons with actual knowledge thereof. A person is not bound to see to the proper application of estate assets paid or delivered to a personal representative. The protection here expressed extends to instances in which some procedural irregularity or jurisdictional defect occurred in proceedings leading to the issuance of letters, including a case in which the alleged decedent is found to be alive. The protection here expressed is not in substitution for that provided by comparable provisions of the laws relating to commercial transactions and laws simplifying transfers of securities by fiduciaries."

Section
20-744

(ddd) Section 20-751 is amended to read as follows:

"Except as may otherwise be ordered by the Court for good cause shown in respect to a supervised personal representative or a special administrator, a personal representative is entitled to reasonable compensation for services. If a will provides for compensation of the personal representative and there is no contract with the decedent regarding compensation, the personal representative may renounce the provision either before or after qualifying and be entitled to reasonable compensation. A personal representative also may renounce the right to all or any part of the compensation. A written renunciation of fee may be filed with the Court."

Section
20-751

(eee) A new section 20-753 is added to read as follows:

"§ 20-753. Proceedings for review of employment of agents and compensation of personal representatives and employees of estate.

"(a) On petition of any interested person (other than one who has consented after fair disclosure, and any person or entity claiming by or through such interested person) or on appropriate motion if administration is supervised, and after notice to all interested persons and hearing, the reasonableness of the need for or scope of employment of any person or entity employed by a personal representative including any attorney, auditor, investment advisor or other specialized agent or assistant, the reasonableness of the compensation of any person or entity so employed, or the reasonableness of the compensation claimed or taken by the personal representative for the personal representative's own services, may be reviewed by the Court. Any person or entity who has

New
Section
20-753

received from an estate compensation for services rendered in excess of what the Court finds to be reasonable may be ordered to make appropriate refunds if such person or entity was given due notice of the petition and hearing, and the right to participate in such hearing.

"(b) In determining the reasonableness of any employment or compensation as provided in subsection (a) of this section, the Court shall consider the following factors (as shown in the verified statements of the personal representative or of any other recipient of such compensation), as well as any other factors deemed relevant by the Court:

"(1) the reasonable relationship of the compensation to the nature of the work performed;

"(2) any estimate of such compensation provided to the personal representative (or to the interested persons, in the case of compensation to the personal representative who is also counsel for the estate);

"(3) the reasonableness of the time spent, including the number of hours spent and the usual hourly compensation for the work performed;

"(4) the nature and complexity of the matters involved and difficulties encountered, and the results achieved; and

"(5) whether or not all relevant time limitations have been met (or the reasons for any delay).

"(c) The payment of any compensation to any attorney pursuant to this provision (including compensation taken or claimed by an attorney as personal representative), even if later ordered by the Court to be refunded to the estate in whole or in part, shall not in and of itself be considered to be a taking or misappropriation of client funds under (or any other such violation of) any applicable ethical or disciplinary statutes or rules by that attorney."

(fff) Section 20-905(a) is amended by inserting the word "written" before the phrase "statement of a claim".

Section
20-905

(ggg) Section 20-906(a)(1) is amended by striking the figure "\$750" and inserting the figure "\$1,500" in its place.

Section
20-906

(hhh) Section 20-907 is amended as follows:

(1) By striking the figure "\$750" and inserting the figure "\$1,500" in its place;

Section
20-907

(2) By striking the figure "\$1,750" and inserting the figure "\$5,000" in its place; and

(3) By adding a sentence at the end of the section to read as follows:

"However, the funeral expenses limit for a solvent estate may be waived if the waiver is in writing, signed by all heirs or legatees, and filed with the Register."

(iii) Section 20-909 is amended as follows:

Section
20-909

(1) Subsection (a) is amended by inserting the phrase "within the 8 month period" after the phrase "who has not been paid".

(2) Subsection (b)(2) is amended by striking the comma.

(jjj) Section 20-911 is amended to read as follows:

Section
20-911

"(a) If an unsecured claim which has been proven and which will become due at a future time or a contingent or unliquidated claim becomes due or certain before the distribution of the estate, and if the claim has

been allowed or established by a proceeding, it is paid in the same manner as presently due and absolute claims of the same class.

"(b) In other cases, the personal representative or, on petition of the personal representative or the claimant in a special proceeding for that purpose, the Court, may provide for payment of a proven unsecured claim as follows:

"(1) if the claimant consents, the claimant may be paid the present value of the claim, taking any uncertainty into account, provided that such present value is determined by arbitration, compromise, or agreement between the claimant and the personal representative;

"(2) arrangement for future payment, or possible payment, on the happening of the contingency or on liquidation may be made by creating a trust, creating an escrow account, giving a mortgage, obtaining a bond or security from a distributee, or otherwise.

"(c) A creditor who holds security for an allowable claim due at some future time may rely on such security under section 20-912 or may file the claim as an unsecured claim not yet due, with the right of withdrawing the claim prior to the taking of any action thereon, and, after such withdrawal, rely on such security rights as provided in section 20-912."

(kkk) Section 20-913 is repealed.

(lll) Section 20-914 is amended to read as follows:

"No execution shall issue upon nor shall any levy be made against any property of the estate under any judgment against a decedent or a personal representative. No claim (which is not by its terms secured) shall attach to any particular estate asset, real or personal, whether in the hands of the personal representative or of any bona fide purchaser, or to the proceeds from the sale of any such asset. The provisions of this section shall not be construed to prevent the enforcement of mortgages, deeds of trust, pledges, liens, or other security interests upon property in an appropriate proceeding."

(mmm) Section 20-1102 is amended by adding a new subsection (c-1) to read as follows:

"(c-1) For the purpose of valuation under subsection (b)(2) of this section, securities regularly traded on recognized exchanges, if distributed in kind, are valued at the price for the last sale of like securities traded on the business day prior to distribution, or if there was no sale on that day, at the median between amounts bid and offered at the close of that day. Assets consisting of sums owed the decedent or the estate by solvent debtors as to which there is no known dispute or defense are valued at the sum due with accrued interest or discounted to the date of distribution. For assets which do not have readily ascertainable values, a valuation as of a date not more than 30 days prior to the date of distribution, if otherwise reasonable, controls. For purposes of facilitating distribution, the personal representative may ascertain the value of the assets as of the time of the proposed distribution in any reasonable way, including the employment of qualified appraisers, even if the assets may have been previously appraised."

(nnn) Section 20-1104(c) is amended to read as follows:

"(c) If property distributed in kind or a security interest therein is acquired for value by a purchaser from, or lender to, a distributee who has received an instrument or deed of distribution from the personal representative, or is so acquired by a purchaser from, or lender to, a

Section
20-913

Section
20-914

Section
20-1102

Section
20-1104

transferee from such distributee, the purchaser or lender takes good title free of any claims or rights of any interested person in the estate and incurs no personal liability to the estate, or to any interested person, whether or not the distribution was proper or supported by court order or the authority of the personal representative was terminated before execution of the instrument or deed. This section protects a purchaser from, or lender to, a distributee (or a distributee's transferee) even when the distributee, who, as personal representative, has executed such deed of distribution. To be protected under this provision, a purchaser or lender need not inquire whether a personal representative acted properly in making the distribution in kind, even if the personal representative and the distributee are the same person, or whether the authority of the personal representative had terminated before the distribution. Any recorded instrument described in this section on which a state documentary fee is noted shall be prima facie evidence that such transfer was made for value."

(ooo) Section 20-1106(a) and (b) is amended to read as follows:

"(a) If a personal representative is required to distribute assets of an estate to a minor, and if the will contains a direction or grants discretion to the personal representative with regard to the manner of making such a distribution, then the personal representative shall make distribution in accordance with that direction or discretion without the need for any order of the Court.

"(b) If a personal representative is required to distribute assets of an estate to a minor, and if there is no will or if the will does not give any direction or discretion to the personal representative with regard to such a distribution, then the personal representative may make such distribution as follows:

"(1) without the need for any order of the Court, in the following order of priority:

"(A) to the guardian of the minor if the guardian has filed with the Court a copy of the guardian's appointment as guardian and an order authorizing such guardian to receive such distribution authenticated pursuant to 28 U.S.C. § 1738; or

"(B) to the custodian selected or approved by the personal representative for the minor under the Uniform Gifts (or Transfers) to Minors Act of any jurisdiction, subject to the limits, if any, under such applicable act on the property which may be received and held by such custodian; or

"(2) in any other manner approved by the Court."

(ppp) Section 20-1301 is amended to read as follows:

"(a) Supervised administration. The approval of the final account shall automatically close the estate, and if the final account so requests and the Court approves, shall terminate the appointment of the personal representative. If the appointment is not terminated by the final account, a supervised personal representative may later petition the Court for an order terminating the appointment. The personal representative shall mail or deliver notice of such petition to all residuary legatees, if the decedent died testate, or heirs, if the decedent died intestate, and to any creditors who have presented their claims but not been paid in full. The Court may hold a hearing on the petition if any person receiving notice files, within 20 days of the mailing of such notice, a written request for a hearing with the Court. After a hearing or, if no hearing

Section
20-1106

Section
20-1301

is requested, after the expiration of the 20 days, the Court may enter an order terminating the appointment of the personal representative.

"(b) Unsupervised administration; closing the estate. Unless otherwise provided by an order of the Court for good cause shown in a particular case, an estate administered in an unsupervised administration shall be closed in one of 2 ways: (A) by the personal representative's filing with the Court a Certificate of Completion as described in section 20-735, and the appointment of the personal representative shall thereby be terminated if so elected by the personal representative in the Certificate; or (B) if no Certificate of Completion is filed, then by the termination of the appointment of the personal representative as provided in subsection (c) of this section.

"(c) Unsupervised administration; automatic termination of appointment. If no Certificate of Completion is filed by a personal representative in an unsupervised administration, then the appointment of the personal representative shall terminate automatically on the date which is 3 years after the appointment of the personal representative, or on the later expiration of any extension of the appointment granted by the Court. Specifically, the Court shall extend the appointment for an additional 12 months upon the written request of the personal representative; there shall be no limit on the number of extensions granted.

"(d) Neither the closing of the estate nor the termination of the personal representative's appointment shall prohibit the personal representative from thereafter performing whatever final administrative actions may be necessary to complete the affairs of the estate."

(qqq) Section 20-1303(a) is amended as follows:

(1) By inserting the phrase, "and except as provided in section 20-736," immediately before the phrase, "shall be barred one year"; and

(2) By adding a sentence at the end to read as follows:

"Unless shown by the personal representative to be earlier, the date of such distribution and satisfaction in an unsupervised administration shall be deemed to be the date of the filing of the Certificate of Completion or, if none, 3 months after the termination of the appointment of the personal representative."

Sec. 4. The provisions of this act shall be applicable to estates of decedents opened on or after July 1, 1995."

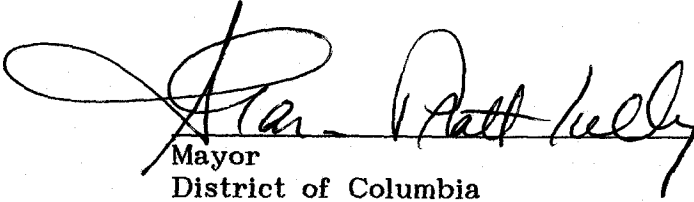
Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)),

Section
20-1303

and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 28, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

B10-649

DOCKET NO: _____

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-1-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Chavous, Brazil, Ray and Thomas

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-6-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Cropp, Evans and Lightfoot

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date