

RULE 5.6 NOTICE TO BENEFICIARIES AND INTESTATE HEIRS

(as amended December 23,1998) ~ effective January 1,1998:

(a) *Requirement of notice.* Within three (3) months after the grant of letters, the personal representative to whom original letters have been granted or [his] the personal representative's counsel shall send a written notice of estate administration in [substantially] the form [prescribed to] set forth in Rule 5.7.

(1) every person, corporation, association, entity or other party named in decedent's will as an outright beneficiary whether individually or as a class member;

(2) the decedent's spouse and children, whether or not they are named in, or have an interest under, the will;

(3) where there is an intestacy in whole or in part, to every person entitled to inherit as an intestate heir under Chapter 21 of the Probate, Estate and Fiduciaries Code;

[(2)] (4) the appointed guardian of the estate, parent or legal custodian of any beneficiary who is a minor child under the age of eighteen (18) years;

[(3)] (5) the appointed guardian of the estate or, in the absence of such appointment, the institution or person with custody of any beneficiary who is an adjudicated [mental incompetent] incapacitated person;

[(4)] (6) the Attorney General on behalf of any charitable beneficiary whose interest exceeds \$25,000 or which will not be paid in full;

[(5)] (7) the Attorney General on behalf of any governmental beneficiary; [or in default of the other heirs of the estate;

(6)] (8) the trustee of any trust which is a beneficiary; and

[(7) the spouse, children or other intestate heirs of the decedent as determined under Chapter 21 of the Probate Estates and Fiduciaries Code.]

(9) such other persons and in such manner as may be required by any local rule of court.

[(b) *Contents of notice.* The notice shall contain the following information:

(1) the date and place of the decedent's death;

(2) whether decedent died testate or intestate;

(3) the county in which original letters were granted;

(4) the names, addresses and telephone numbers of all appointed personal representatives and their counsel; and

(5) a copy of the will or a description of the beneficiary's interest in the estate.]

(b) *Definition of Beneficiary:* "Beneficiary" shall be deemed to include any person who may have an interest by virtue of the Pennsylvania anti-lapse statute, 20 Pa.C.S. § 2514.

(c) *Manner of notice.* Notice shall be given by personal service or by first-class, prepaid mail to each [party] person and entity entitled to notice under subdivision (a)(1)--(9) whose address is known or reasonably available to the personal representative.

(d) *Certification of notice.* Within ten (10) days after giving the notice required by subdivision (a) of this Rule, the personal representative of [his] the personal representative's counsel shall file with the Director or Clerk [his, her or its] a certification in [substantially] the [attached] form set forth in Rule 5.7(b) that notice has been given as required by this Rule. No fee shall be charged by the Director or Clerk for filing the certification required by [paragraph (d)] this subdivision.

(e) *Failure to file certification.* Upon the failure by the personal representative or [his] the personal representative's counsel to file the certification on a timely basis, the Director shall, after ten (10) days prior written notice to the delinquent [fiduciary] personal representative and his counsel, notify the Court of such delinquency [along with a request that the Court conduct a hearing to determine whether sanctions shall be imposed upon the delinquent personal representative or his counsel].

Official Note: The 1998 amendment to subdivision (e) is not intended to limit the inherent power to the Court to impose sanctions upon a delinquent personal representative or counsel.

(f) *Effect of notice.* This rule shall not alter, diminish or confer [additional substantive rights upon any beneficiary] existing rights.

(g) *Copies of rule.* The Director shall deliver a copy of [this Rule] Rules 5.6 and 5.7 to each personal representative and counsel at the time letters are granted.

Rule 5.6 shall apply to decedents dying on or after July 1,1992.

Official Note: It is not the intention of the Rule to require notice beyond the degree of consanguinity entitling a person to inherit under Chapter 21 of the Probate, Estates and Fiduciaries Code.