

**SUPREME COURT OF PENNSYLVANIA  
ORPHANS' COURT PROCEDURAL RULES COMMITTEE**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Recission and Replacement of  
Register of Wills Forms RW-02 and RW-07**

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the recission and replacement of Register of Wills Forms RW-02 (Petition for Grant of Letters) and RW-07 (Notice of Estate Administration). Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

**Pamela S. Walker, Counsel  
Orphans' Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9546  
orphanscourtproceduralrules@pacourts.us**

All communications in reference to the proposal should be received by **January 18, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Orphans' Court  
Procedural Rules Committee,

Julian E. Gray, Esq., Chair

**SUPREME COURT OF PENNSYLVANIA  
ORPHANS' COURT PROCEDURAL RULES COMMITTEE**

**PUBLICATION REPORT**

**Proposed Recission and Replacement of  
Register of Wills Forms RW-02 and RW-07**

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the recission and replacement of Register of Wills Forms RW-02 (Petition for Grant of Letters) and RW-07 (Notice of Estate Administration). This proposal would update the two forms to better reflect underlying statutory requirements, enhance clarity, and achieve consistent formatting.

**Form RW-02 (Petition for Grant of Letters)**

The Committee received correspondence suggesting the revision of form RW-02. The correspondent perceived that paragraph A of the form pertaining to exceptions reflected an inaccurate interpretation of the law. Paragraph A currently provides:

Except as follows: after the execution of the instrument(s) offered for probate Decedent did not marry, was not divorced, was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa.C.S. § 3323(g), and did not have a child born or adopted; and Decedent was neither the victim of a killing nor ever adjudicated an incapacitated person.

This language was added to the form in 2011 in response to Act 85 of 2010, which, among other things, amended 20 Pa.C.S. §§ 2106 and 2507 to add pending divorce actions as exclusionary circumstances from taking the spousal share or inheriting under a will absent clear language in the will that the decedent intended the bequest to survive the divorce. The Committee found that, as drafted, current paragraph A suggests that incapacity of the decedent need only be reported if it was adjudicated after the execution of the will. Therefore, the Committee drafted revisions to paragraph A intended to clarify the need to report incapacity or murder of the decedent regardless of temporal relation to execution of the will.

During its discussions, the Committee also discussed whether it would be helpful to include a checkbox on the Petition for Grant of Letters to indicate that the estate is being opened for litigation purposes only, particularly when the estate has no assets or the assets are unknown. A similar checkbox currently appears on the Pennsylvania Department of Revenue Estate Information Sheet, Form REV-346. The Committee

believed adding the checkbox would have the benefit of making the Register of Wills aware that an inventory is not likely to be filed in the case of an estate without assets.

### **Form RW-07 (Notice of Estate Administration)**

The Committee also received a request to examine Form RW-07, specifically the requirement for the person completing the form to identify the recipient's potential beneficial interest in the estate. Currently, the form provides "You [*i.e.*, the recipient] may have a beneficial interest in the estate as follows: \_\_\_\_\_." The correspondent found the language potentially confusing to recipients of the form in light of the disclaimer that "This Notice does not mean that you will receive money or property from the estate or otherwise". Further, while the writer did not find completing the form problematic when the relationship between the decedent and the beneficiary is readily apparent, there are occasional circumstances when relationships and, thus, the beneficial interests, are more difficult to discern. There is also a concern that beneficial interests could change during the period of estate administration, *e.g.*, when a beneficiary disclaims. Finally, the correspondent queried whether identifying a potential beneficial interest could be considered legal advice to a non-client or invite a conflict with a client's interests.

The Committee believes the intent of Form RW-07 is to advise every person who could have an interest in the estate that one has been opened, who is the personal representative, and how to obtain a copy of the will or petition for grant of letters. This information enables the notice recipient to take steps to identify and secure his or her potential beneficial interest. The Committee agreed that the recipient of the notice should decide if he or she wants to investigate the potential beneficial interest, rather than being informed what the sender thinks the interest is. The Committee agreed it would be helpful to change the wording on the Notice to: "You are receiving this notice because you may have a beneficial interest in the estate." This change means that the recipient will learn an estate has been opened and not the exact nature of the potential interest.

The Committee proposes other stylistic changes to the notice, such as updating a citation, adding blank lines so the form has a consistent appearance, and changing a reference from "beneficiary" to "addressee."

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The Committee invites all comments, concerns, and suggestions regarding this proposal.

PETITION FOR GRANT OF LETTERS

REGISTER OF WILLS OF

Petitioner(s) named below, who is/are 18 years of age or older, apply(ies) for Letters as specified below, and in support thereof aver(s) the following and respectfully request(s) the grant of Letters in the appropriate form:

Decedent's Information

Name:
a/k/a:
a/k/a:
a/k/a:

File No:
(Assigned by Register)

Social Security No:
Age at death:

Date of Death:

Decedent was domiciled at death in County, (State) with his/her last principal residence at
Street address, Post Office and Zip Code City, Township or Borough County

Decedent died at
Street address, Post Office and Zip Code City, Township or Borough County State

Estimate of value of decedent's property at death:
If domiciled in Pennsylvania... All personal property \$
If not domiciled in Pennsylvania... Personal property in Pennsylvania \$
If not domiciled in Pennsylvania... Personal property in County \$
Value of real estate in Pennsylvania... \$
TOTAL ESTIMATED VALUE... \$ 0.00

Real estate in Pennsylvania situated at:
(Attach additional sheets, if necessary.) Street address, Post Office and Zip Code City, Township or Borough County

Filed for litigation purposes only. No assets or assets unknown.

A. Petition for Probate and Grant of Letters Testamentary

Petitioner(s) aver(s) he/she/they is/are the Executor(s) named in the last Will of the Decedent, dated and Codicil(s) thereto dated

State relevant circumstances (e.g. renunciation, death of executor, etc.)

Except as follows: Decedent was neither the victim of a killing nor ever adjudicated to an incapacitated person; or after the execution of the instruments(s) offered for probate, Decedent did not marry, was not divorced, was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa. C.S. 3323(g), and did not have a child born or adopted.

NO EXCEPTIONS EXCEPTIONS

B. Petition for Grant of Letters of Administration (If applicable)
c.t.a., d.b.n., d.b.n.c.t.a., pendente lite, durante absentia, durante minoritate

If Administration, c.t.a. or d.b.n.c.t.a., enter date of Will in Section A above and complete list of heirs.

Except as follows: Decedent was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa. C.S. § 3323(g) and was neither the victim of a killing nor ever adjudicated an incapacitated person.

NO EXCEPTIONS EXCEPTIONS

Petitioner(s), after a proper search has/have ascertained that Decedent left no Will and was survived by the following spouse (if any) and heirs (attach additional sheets, if necessary):

Table with 3 columns: Name, Relationship, Address

**Oath of Personal Representative**

Official Use Only

COMMONWEALTH OF PENNSYLVANIA }  
 } SS:  
 COUNTY OF \_\_\_\_\_ }

Petitioner(s) Printed Name	Petitioner(s) Printed Address

The Petitioner(s) above-named swear(s) or affirm(s) the statements in the foregoing Petition are true and correct to the best of the knowledge and belief of Petitioner(s) and that, as Personal Representative(s) of the Decedent, the Petitioner(s) will well and truly administer the estate according to law.

Sworn to or affirmed and subscribed before \_\_\_\_\_ Date \_\_\_\_\_  
 me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Date \_\_\_\_\_  
 By: \_\_\_\_\_ Date \_\_\_\_\_  
*For the Register* \_\_\_\_\_ Date \_\_\_\_\_

**BOND Required:**  YES  NO  
**FEES:**

Letters ..... \$ \_\_\_\_\_  
 ( ) Short Certificate(s)..... \_\_\_\_\_  
 ( ) Renunciation(s)..... \_\_\_\_\_  
 ( ) Codicil(s)..... \_\_\_\_\_  
 ( ) Affidavit(s)..... \_\_\_\_\_  
 Bond..... \_\_\_\_\_  
 Commission..... \_\_\_\_\_  
 Other \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Automation Fee..... \_\_\_\_\_  
 JCS Fee..... \_\_\_\_\_  
**TOTAL..... \$ \_\_\_\_\_ 0.00**

*To the Register of Wills:*  
**Please enter my appearance by my signature below:**

Attorney Signature: \_\_\_\_\_

**Printed Name:** \_\_\_\_\_  
**Supreme Court ID Number:** \_\_\_\_\_

Firm Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**DECREE OF THE REGISTER**

**Estate of** \_\_\_\_\_ **File No:** \_\_\_\_\_  
 a/k/a: \_\_\_\_\_

**AND NOW,** \_\_\_\_\_, \_\_\_\_\_, in consideration of the foregoing Petition, satisfactory proof having been presented before me, **IT IS DECREED** that Letters \_\_\_\_\_ are hereby granted to \_\_\_\_\_ in the above estate and (if applicable) that the instrument(s) dated \_\_\_\_\_ described in the Petition be admitted to probate and filed of record as the last Will (and Codicil(s)) of Decedent.

Register of Wills

**IMPORTANT NOTICE**

**NOTICE OF ESTATE ADMINISTRATION  
PURSUANT TO Pa.R.O.C.P.10.5**

**THIS NOTICE DOES NOT MEAN THAT YOU WILL RECEIVE ANY  
MONEY OR PROPERTY FROM THIS ESTATE OR OTHERWISE**

*Whether you will receive any money or property will be determined wholly or partly by the decedent's will. If the decedent died without a will, whether you will receive any money or property will be determined by the intestacy laws of Pennsylvania.*

BEFORE THE REGISTER OF WILLS.

IN RE: ESTATE OF \_\_\_\_\_, Deceased

File Number \_\_\_\_\_

TO: \_\_\_\_\_ (Addressee)  
\_\_\_\_\_ (Address)

Please take notice of the death of the Decedent and the grant of Letters to the personal representative(s) named below. The Decedent died on \_\_\_\_\_, a resident of \_\_\_\_\_.

The Decedent died:  testate (with a Will) or  intestate (without a Will).

You are receiving this notice because you may have a beneficial interest in the estate.

The name(s), address(es), and telephone number(s) of all personal representatives appointed are:

NAME	ADDRESS	TELEPHONE
_____	_____	_____
_____	_____	_____

If the Decedent died testate, the Will has been filed with the Office of the Register of Wills of \_\_\_\_\_.  
If the Decedent died intestate, a Petition for the Grant of Letters of Administration was filed with the Office of the Register of Wills of \_\_\_\_\_.

The Register of Wills address is \_\_\_\_\_,  
and telephone number is \_\_\_\_\_.

A copy of the Will or Petition may be obtained by contacting the Register of Wills and paying the charges for duplication.

Date \_\_\_\_\_ Capacity:  Personal Representative  Counsel

**Corporate Fiduciary (if applicable)**

\_\_\_\_\_  
Name of Corporate Fiduciary

\_\_\_\_\_  
Name of Person

\_\_\_\_\_  
Name of Representative and Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Signature of Person

\_\_\_\_\_  
Signature of Officer/Representative