

Rule 10.5 Notice to Beneficiaries and Intestate Heirs (old rule 5.6)

(a) Requirement of notice. Within three (3) months after the grant of letters, the personal representative to whom original letters have been granted or the personal representative's counsel shall send a written notice of estate administration in the form set forth in Rule 10.5.

- (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;
- (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 of age;
- (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 Incapacitated Person;
- (6) the Attorney General on behalf of any charitable beneficiary whose interest exceeds \$25,000.00 or which will not be paid in full;
- (7) the Attorney General on behalf of any governmental beneficiary;
- (8) the trustee of any trust which is a beneficiary; and
- (9) such other persons in such manner as may be required by any local rule of court.

- (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 person and entity entitled to notice under subdivision of (a)(1)-(9) whose address is known or reasonably available to the personal representative.
- (d) Certification of Notice. Within twenty (20) days after giving the notice required by subdivision (a) of the Rule, the personal representative or the personal representative's counsel shall file with the Register or Clerk a certification that notice has been given as required by this Rule. No fee shall be charged by the Register or Clerk for filing the certification required by this subdivision.
- (e) Failure to file certification. Upon the failure by the personal representative or the personal representative's counsel to file the certification on a timely basis, the Register shall, after twenty (20) days prior written notice to the delinquent personal representative and his counsel, notify the Court of such delinquency.
- (f) Effect of notice. This rule shall not alter or diminish existing rights or confer new rights.
- (g) Copies of rule. The Register shall deliver a copy of Rules 10.5 and the forms of notice and certification approved by the Supreme Court to each personal representative and counsel at the time letters are granted.

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.