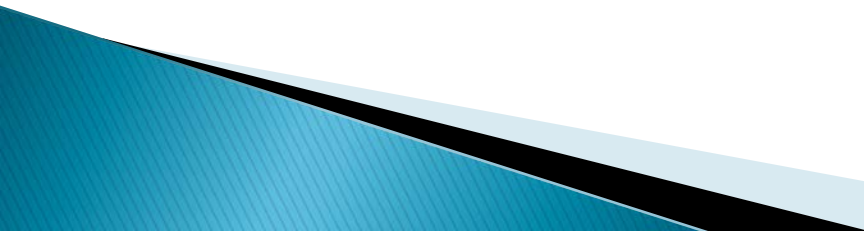


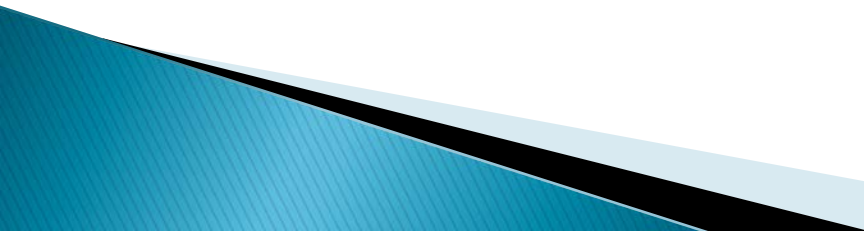
Is the Estate Ready to Close?

Elaine T. Yandrisevits, J.D., LL.M (Taxation)
Antheil Maslow & MacMinn, LLP
Doylestown, PA

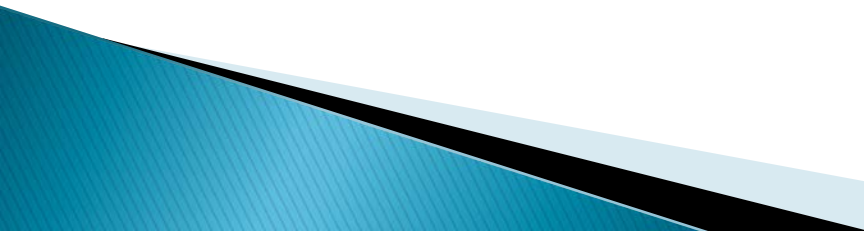
Who Plays a Role?

- ▶ **Personal Representative**
 - Are all tasks complete?
 - ▶ **Attorney**
 - Are all tasks complete?
 - ▶ **Beneficiaries**
 - Tax implications?
 - Will any beneficiary be difficult?
 - Formal or informal settlement?
 - ▶ **Creditors**
 - Have all claims been satisfied?
- 

Who Plays a Role?

- ▶ PA Attorney General
 - Charitable interests?
 - ▶ PA Department of Revenue
 - Inheritance Tax Return accepted and all tax paid?
 - ▶ PA Department of Human Services
 - Estate Recovery Act claim?
 - ▶ Internal Revenue Service
 - Personal income tax returns filed?
 - Fiduciary income tax returns filed?
 - Federal Estate Tax Return filed? Portability?
- 

What Must be Completed before Closing the Estate?

- ▶ Family exemption paid?
 - ▶ Grave marker installed and paid for?
 - ▶ Inventory filed?
 - ▶ Portability election made?
 - ▶ Inheritance Tax Return accepted and tax paid?
 - ▶ Income tax returns accepted and tax paid?
 - ▶ Payment of specific gifts and charitable bequests?
 - ▶ Unclaimed property searched/collected?
- 

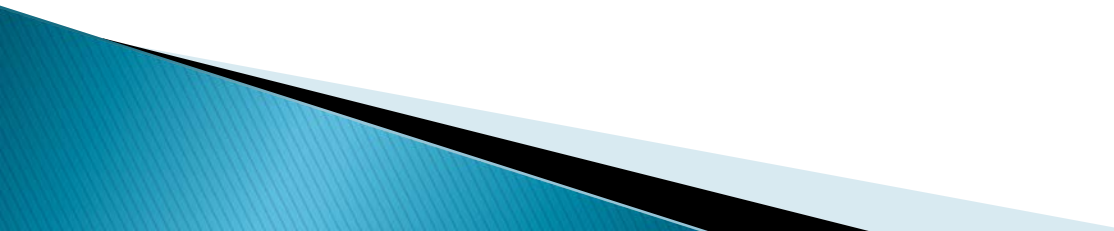
When Can an Estate be Closed?

- ▶ No statutory time limit
- ▶ Typically a year to a year and a half
 - Some estates take much longer
- ▶ If estate is opened for litigation purposes or is part of ongoing litigation, estate must remain open until litigation concluded

Where are Documents Filed?

- ▶ Most documents filed with the Register of Wills
 - O.C. Rule 10.6 Status Report
- ▶ Formal Account filed with Orphans' Court
- ▶ May want to file Informal Accounts/Settlement Agreements

Why Go Through All These Steps?

- ▶ No one wants an estate administration to drag on indefinitely
 - ▶ Personal representative has a duty to the beneficiaries to administer the estate without unnecessary delay
- 

How to Close an Estate?

- ▶ Informal Account and Settlement Agreement
 - ▶ Formal Account and Petition for Adjudication
- 

Methods Available to Close an Estate

Elaine T. Yandrisevits, J.D., LL.M. (Taxation)
Antheil Maslow & MacMinn, LLP
Doylestown, PA

Informal vs Formal

- ▶ Informal Account and Settlement Agreement
 - ▶ Estate transactions reviewed and approved by beneficiaries
 - ▶ Often less time-consuming for estate
 - ▶ Lower legal fees
- ▶ Formal Account and Petition for Adjudication
 - ▶ Estate transactions reviewed and approved by Orphans' Court
 - ▶ Can be a time-consuming and expensive process



Informal vs Formal

- ▶ All beneficiaries are in agreement
 - ▶ No “problem” beneficiaries
 - ▶ No issues that require Court involvement
- ▶ Concerns that one or more beneficiaries may object
 - ▶ “Problem” beneficiaries
 - ▶ Court involvement needed – minors, incapacitated persons, difficult assets

