

RULE 10. REGISTER OF WILLS

10.1 PROCEDURE AND FORMS

Rule 10.1(1) Register of Wills - Forms.

The forms approved by the Supreme Court of Pennsylvania as appended to that Court's rules or as the same may from time to time be amended shall be used by the Register of Wills in connection with the probate of wills and the issuance of letters of administration.

10.2 APPEALS FROM REGISTER OF WILLS

Rule 10.2(1) Certification of Register's Records to Orphans' Court.

(a) Contents of Petition

A petition for the certification of the Register's records to the Court and for a hearing date shall be promptly presented to the Court and shall set forth:

- (1) an outline of the proceedings before the Register;
- (2) the nature of caveat filed or dispute which has arisen;
- (3) the names and addresses of all parties in interest, including those who have not been made parties to the record;
- (4) (i) a prayer for the certification of the record, which prayer may include a request that any testimony taken before the Register be included therein; and (ii) a prayer that a citation issue and a date for hearing be fixed;
- (5) form of decree: (i) allowing the prayer for

certification of the Register of Will's records and ordering the Register of Wills to prepare and file the same with the Clerk of Court within five (5) days of the service of the order upon the Register of Wills; and (ii) ordering that on the filing of the certification a citation issued by the Clerk of Court, directed to all parties in interest, including those not represented on the record, to show cause why the matter upon which the certification is requested or based should not be determined by the Court on a day certain therein indicated for hearing.

(b) Certification by Register of Wills

A certification by the Register of Wills shall include the entire record of the Register of Wills, except that testimony taken before the Register of Wills shall not be included unless so ordered by the Court.

(c) Presentation of Petition Where Record Certified on Register of Will's Own Motion

When the certification of the Register of Will's record has been prepared and filed on the Register of Will's own motion, a petition for the citation mentioned in Rule 10.2(1)(a)(5)(ii), with appropriate changes, may be presented by any party in interest.

Rule 10.2(2) Form of Appeal.

Appeals, taken from the judicial acts or proceedings of the Register of Wills, shall be addressed to the Court of Common Pleas, Orphans' Court, shall be filed with the Clerk of Court of said division, shall specify the issues upon which they are based,

and shall set forth the names of all interested parties and the necessary jurisdictional facts.

Rule 10.2(3) Issuance of Citation.

When an appeal has been filed, the record shall be transmitted to the Clerk of the Court, and thereafter a petition and proposed citation directed to all persons named in the appeal as interested parties to show cause why the appeal should not be sustained. The citation, with a copy of the appeal, shall be served by the moving party. Such citations shall be made returnable to a day certain, but not less than ten (10) days after issuance.

Rule 10.2(4) Certification. Appeals. Order to Place on Hearing List.

Subsequent to the return day, and after the citation and proof of service have been filed with the Clerk of Court, any party in interest may petition the Court for hearing or praecipe it for the next available argument list.