

Reprinted to
Journal on 10/17/18

SENATE AMENDED

signed on 10/27/18

PRIOR PRINTER'S NOS. 2640, 3167

PRINTER'S NO. 4255

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1885 Session of
2017

Act
1137
2018

INTRODUCED BY RYAN, D. COSTA, DIAMOND, MEHAFFIE, MILLARD,
STAATS, WARD, KEEFER, IRVIN AND MICCARELLI, OCTOBER 25, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 15, 2018

AN ACT

Amending Title 20 (Decedents, Estates and Fiduciaries) of the
Pennsylvania Consolidated Statutes, in personal
representative and bond, further providing for requiring or
changing amount of bond.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Section 3175 of Title 20 of the Pennsylvania
Consolidated Statutes is amended to read:

§ 3175. Requiring or changing amount of bond.

(a) By the court.--The court, upon cause shown and after
such notice, if any, as it shall direct, may require a surety
bond, or increase or decrease the amount of an existing bond, or
require more or less security therefor.

(b) By the register.--

(1) If, after examining the inventory or inheritance tax
return, the register determines that the register has
required insufficient security, the register may direct the
personal representative to post additional security.

(2) The personal representative shall post such additional security as the register may reasonably require.

(3) Subject to paragraph (4), in the event the personal representative fails or refuses to post the additional security, the register shall refer the matter to the court for appropriate enforcement.

(4) If the register requires additional security and the personal representative obtains a waiver from all parties in interest to the estate, the personal representative may elect to not post additional security and the register shall be released and held harmless from any and all liability related to the personal representative's failure to post the security. ~~The waiver shall be in writing on a form as the register may prescribe, which may require an oath or affirmation.~~

(5) A WAIVER UNDER PARAGRAPH (4) MUST BE SIGNED ON A FORM PROVIDED BY THE REGISTER SUBJECT TO 18 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES) AND CONTAIN, AT A MINIMUM, ALL OF THE FOLLOWING INFORMATION:

(I) THE NAME AND ADDRESS OF THE BENEFICIARY.

(II) THE NAME OF THE DECEDENT.

(III) THE ESTATE'S FILE NUMBER.

(IV) THE NAME AND ADDRESS OF EACH PERSONAL REPRESENTATIVE.

(V) A LIST OF DISTRIBUTIONS THAT HAVE BEEN MADE TO BENEFICIARIES TO DATE.

(VI) THE AMOUNT OF ADDITIONAL SECURITY REQUESTED BY THE REGISTER.

(VII) AN ESTIMATE BY THE ADMINISTRATOR OF THE AMOUNT

OF TIME NECESSARY TO COMPLETE THE ADMINISTRATION OF THE
ESTATE FROM THE DATE OF THE WAIVER.

(C) CONSTRUCTION.--NOTHING IN THIS SECTION MAY BE CONSTRUED
AS CREATING ANY LIABILITY OF A REGISTER OR THE REGISTER'S SURETY
TO ANY PERSON FOR THE REGISTER'S FAILURE TO REQUIRE ADDITIONAL
SECURITY UNDER THIS SECTION.

Section 2. This act shall take effect in 60 days.

IN THE OFFICE OF THE REGISTER OF WILLS IN AND FOR FRANKLIN COUNTY,
COMMONWEALTH OF PENNSYLVANIA

In Re:
THE ESTATE OF

:
:
: File No. _____
:
:

WAIVER OF ADDITIONAL SECURITY

The undersigned swears and affirms as follows:

1. Name and address of Beneficiary _____
_____.
2. Name and address of each Personal Representative _____

_____.
3. List of Distributions made to Beneficiaries to date _____

_____.
4. Amount of Additional Security requested to be posted by the Register of Wills
_____.
5. Amount of time necessary to complete the administration of the estate from the date of the waiver of additional security _____.

6. I hereby release the Register of Wills and his deputies and agents from any claim arising from the Petitioner not having to post additional security under 20 PA. C.S. Section 3715.

I hereby state that the information in this waiver is true and correct to the best of my knowledge and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 PA. C.S. Section 4904 relating to unsworn falsification to authorities.

Sworn and subscribed to before me this
____ day of _____, 20____.

(Deputy) Register of Wills or Notary

Signature

Print Name(Beneficiary)

Address

City State Zip Code

Note: This form is effective only if all beneficiaries are of full legal age and full legal capacity and execute this waiver of additional security