

Pennsylvania Small Estate Petition Checklist (2026)

What Orphans' Court Rule 5.50 requires in a petition under 20 Pa.C.S. §3102, and the five exhibits in the order the rule lists them

Use this with your county's own petition form. Counties set their own forms and fees; Bucks County's form lists a \$130 filing fee, and Allegheny County's fee schedule lists \$134.75 for a petition for small estate. Ask the Register of Wills or the Orphans' Court clerk in the county where the decedent lived.

Before you file

- ☐ Estate's personal property is \$50,000 or less in gross value (real estate and §3101 bank payments left out).
- ☐ Any original will lodged or probated with the Register of Wills (or a Register's decree accepting a photocopy).
- ☐ Pennsylvania inheritance tax return (REV-1500) filed and tax paid, or a written reason why not.
- ☐ If the decedent was 55 or older: request for a statement of claim sent to the Department of Human Services, and the date sent.

What the petition must state (Rule 5.50(b))

- ☐ Each petitioner's name, address and relationship to the decedent.
- ☐ Decedent's name, date of death and domicile; whether there was a will.
- ☐ Each beneficiary's name and address (and a legal representative for a minor or incapacitated beneficiary).
- ☐ Whether a family exemption is claimed and by whom (a non-spouse claimant must have lived with the decedent).
- ☐ All assets other than real estate and §3101 property, with the value of each.
- ☐ Creditors, debts and unpaid administrative expenses, and whether each was paid.
- ☐ Payments already made, the proposed distribution, and who has and has not consented.
- ☐ Inheritance tax statement: return filed and tax paid with proof, or the reason why not.

Exhibits, in this order (Rule 5.50(c))

- ☐ 1. Original death certificate.
- ☐ 2. Photocopy of the will with proof the original was lodged or probated (or the Register's decree).
- ☐ 3. Documentation supporting the inheritance tax statement.
- ☐ 4. Original consents, joinders and statements of no objection from interested parties.
- ☐ 5. Any correspondence from the Department of Human Services about its claim.

Notice and after the decree

☐ Written notice served on interested parties under Pa.R.O.C.P. 3.5(b).

Date petition filed: _____

Date decree signed: _____

One year after the decree (window for a petition to revoke it): _____

INSTRUCTIONS FOR USE

Checked in October 2026 against 231 Pa. Code Rule 5.50 and 20 Pa.C.S. §3102. Local rules and forms vary by county. This checklist is general information, not legal advice; for advice on your situation, consult a licensed Pennsylvania attorney. Maintained guide: clearlegaltips.com/pennsylvania-small-estate-affidavit/