

## Rules to Show Cause FAQs - SPECIAL SESSION DATES MAY 3 & MAY 10, 2016

Q: I received a Rule to Show Cause. What is it? And why did I get it?

A: A Rule to Show Cause is a summons to appear in Court. If you received one from us, it means that you have not fulfilled your obligation to complete the estate you opened.

Q: What didn't I file?

A: As the Personal Representative, you were required to file an inventory of assets and an accounting of how the estate money was used to pay expenses. Either one or both forms have not been filed with us.

Q: How do I know which forms I need to file?

A: Search for the estate under [Will Search](#). Look for dates in the inventory and accounting fields. If a field is blank, then you need to file that form.

Q: Where do I get the forms?

A: Go to [Forms](#). Both the inventory and accounting forms are available in both fillable and printable versions. Also, there are instructions and samples to assist you in filling out the forms correctly. Forms can also be picked up from our office. If you do not have access to a printer, please give us a call at 302.395.7800.

Q: What makes a complete inventory?

Inventory: all seven pages must be filled out. The form requires notarization, but it's not required to be notarized before the Court date. Our office can do that for the PR.

Q: What makes a complete Accounting?

Accounting: All three pages of NC30 completed, proofs of payment provided for all expenses, claims have been addressed (either provide proof of payment, rejection letter, tax form (1099C) showing cancellation of debt), NC5, NC2 for each beneficiary.

Q: What is a claim?

A: A claim is a document that a person or a business files, stating that the deceased person owed money. Claims are either sent to you, or to our office, directly. Claims are required to be addressed in writing.

Q: What is a proof of payment? I have the bills that I paid. Is that what you're asking for?

A: Any combination of items that provides proof that something was paid. The proof must have the name of the vendor to whom payment was rendered, and the amount of the payment. Examples include a bill and a corresponding cancelled check, a cancelled check, a receipt, bank statement, credit card statement showing the item was charged, etc. These aren't the only types, but they are the most common. Merely writing that a payment was made on a bill (ex., PD #1164, 3/16/15) does not constitute proof, unless that notation can be supported with a cancelled check or the bank statement showing that the payment cleared.

Q: I'm done filling out my form(s). What do I do now?

A: Hold them for now. You will need to bring them to your Court date.

Q: Where do I need to go on my Court date? Where do I park? Are there rules for entering the Courthouse?

A: Cases are being heard in the State Building Mezzanine Auditorium, Carvel State Building, 820 N. French Street, Wilmington, DE 19801 [Directions to the State Building](#). Parking options: parking is available at local garages located at 9<sup>th</sup> and French Streets as well as the Doubletree Hotel. There is also metered on-street parking available. Handicapped parking is available in both garages and at specially marked parking meters. The State building has a metal detector and a scanner for bags. Please use good judgment with regard to personal items, as Security can and will temporarily hold items they deem to be a security risk.

Q: Anything else I should bring to the Court date?

A: Aside from your completed forms, proofs of payment, and any letters/ cancelled checks for claims, please bring the following items with you:

\*Your ID

\*Check or cash for any fees due on the estate - NO CREDIT/DEBIT CARDS ACCEPTED!

\*Minimum fees due: \$75

Q: I don't have receipts anymore. What do I do?

A: Only expenses that can be proved with a proof of payment can be listed on the accounting form.

Q: Is there going to be a fee?

A: Yes. The minimum fee due is \$75.00; there is a Rule to Show Cause fee, as well as penalties for not filing documents timely, and other fees that may be assessed at the closing.

Q: My attorney was supposed to be taking care of this....

A: Please call your attorney for further guidance.

Q: Can I reschedule my Court date?

A: No.

Q: How do I know which deputy to call in your office if I have questions about completing the forms?

A: Some questions can be answered by reviewing the samples available on the website. Go to [Forms](#), and look for the sample you need. If you still have questions, contact your deputy. Deputy contact information should have been included with the summons.

Q: I filed everything I was supposed to. Why am I getting this?

A: If you filed all of your paperwork, there are apparently items that still need to be filed or completed in order for our office to close the estate. Contact your deputy.

Q: I simply cannot complete this paperwork before the date on my summons. Should I still come to the Court date? What will the Master do? Will the Master give me more time?

A: We cannot give you any guidance as to whether you should or should not show up on your Court date. We also cannot give any opinions about what a Master may decide with regard to your case.

Q: My summons does not give me a specific time to report. Why?

A: You have been scheduled to report during a Court session; specific times have not been assigned to any of the cases. Be prepared to report at the time noted on your summons, and to stay until your case is called by the Master. Also, be prepared to close the estate THAT day if the Master orders it.

Q: What happens in Court?

A: We cannot give any guidance as to what can/will happen in Court, or further, give any opinions as to what decision a Master will make.

Q: The Master has instructed me to go to the Register of Wills office to complete my closing. Where is this? Do I need an appointment?

A: The Register of Wills office is in the City/County building next door to the State building. There will be someone available to direct you where to go. Again, there are metal detectors and bag scanners that you must pass through before being allowed entrance to the building. Please use good judgment with regard to personal items, as Security can and will temporarily hold items they deem to be a security risk. You will be seen on a first-come first-served basis by a member of our staff, who may not be the deputy contact on your summons.

Q: What if I don't show up on the Court date?

A: We cannot make any assumptions as to what a Master will decide if you do not show up for your scheduled date.

Q: I can't come, but my brother/sister/other family member/friend/accountant/etc. who helped me with this process, is available. Can that person appear in my place?

A: No, no one can appear in your place.

Q: I am a co-executor of an estate. The other person lives out of state and cannot appear on the Court date. How do I handle that?

A: All Personal Representatives of the estate must appear. If you have further questions/concerns, please contact your deputy.

Q: I have hired an attorney, and he/she is helping me finish up. Do I still need to come to Court?

A: Please speak with your attorney.

**\*\*SPECIAL INSTRUCTIONS FOR ATTORNEYS\*\***

- If you have just been retained to represent an estate which received a Rule to Show Cause for either May 3 or May 10, please efile an appearance letter and submit the fee ASAP; but no later than ten days before the Court date:
  - For May 3, letter must be efiled by **April 23**
  - For May 10, letter must be efiled by **April 30**
  
- Attorneys **MUST** efile all documents no less than ten days prior to the Court date:
  - For May 3, documents must be efiled by **April 23**
  - For May 10, documents must be efiled by **April 30**
  
- A Rule 190 Petition and Affidavit for the Personal Representative can be submitted in lieu of a personal appearance, as long as it is filed prior to the deadline noted above.

- If you no longer represent an estate for which you received a Rule to Show Cause, please efile a withdrawal letter and submit the fee prior to the deadline:
  - For May 3, letter must be efiled by **April 23**
  - For May 10, letter must be efiled by **April 30**
  
- **No extensions are being granted. No exceptions.**