

**LR41 - FL00 - 103: Continuances.**

All motions for continuance must be filed at least three (3) days before trial. The motion must state the opposing Party has been notified (or a good faith attempt at notification has been made) and must state whether the opposing Party objects if known. A motion for continuance filed less than (3) days prior to trial must allege extenuating circumstances as to why the continuance is not filed timely and will be considered on a case by case basis.

**LR41 - FL00 - 104: Summary Adjudication.**

The Courts prefer, if possible, the summary presentation and adjudication of preliminary hearings, contempt hearings and compliance hearings.

**LR41 - FL00 - 105: Termination of Representative Capacity.**

- A. Upon entry of a final dispositional order or an order of modification of any custody, parenting time and/or child support order, the representative capacity of all attorneys appearing on behalf of any Party shall be deemed terminated upon:
1. An order of withdrawal granted by the presiding Court;
  2. The expiration of time within which an appeal of such Order may be preserved or perfected pursuant to the Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure; or,
  3. The conclusion of any appeal of such Order commenced pursuant to Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure.
- B. The service of any post dissolution pleadings upon any Party not represented by counsel pursuant to paragraph A above, shall be made upon that person pursuant to the Indiana Rules of Trial Procedure.
- C. Any copy served upon original counsel will be deemed to be a matter of professional courtesy only, without substantive legal effect.
- D. Any withdrawal or appearance shall include the last known address of the Party.

**LR41 - FL00 - 106: "Families in Transition" Program.**

- A. When Required for Parents. Parties in all Dissolution and Legal Separation cases must immediately enroll in and complete the Families in Transition program if there are children from the marriage under the age of sixteen (16) years of age.
- B. When Required for Children. As of the date of the filing of the Petition for Dissolution or Legal Separation if there are children of the marriage between the ages of eight (8) and sixteen (16) years old, the children must enroll in and complete the program with their custodial parent(s).
- C. Waiver. The Court shall consider a written waiver under this Rule, in extraordinary circumstances, on a case by case basis.
- D. Submission of Proposed Order. Pursuant to this rule, the Petitioner must submit the following Order, with all information provided therein, at the time the Petition for Dissolution or Legal Separation is filed and the a Court will send a copy of the Order to the Johnson County Youth Connection, and the attorneys (or Parties if they are unrepresented). It is the duty of the attorney to provide a copy of the Order to the Parties.
- E. Other Programs. The Court may consider allowing the use of other similar programs outside of Johnson County and/or the State of Indiana upon proper application.

## **PROBATE RULES**

**LR41 - PR00 - 107: Scope.**

These Amended Johnson County Probate Rules shall apply in all probate matters filed in the Circuit and Superior Courts in Johnson County, Indiana.

**LR41 - PR00 - 108: Accountings Reports and Procedures.**

- A. Documentation of Disbursements. In all Supervised Estates and Guardianship accounts, affidavits in lieu of Ability to occasionally work weekend, evening, and/or extended hours, and occasionally travel out of town, sometimes overnight.
- B. The Personal Representative or Guardian shall procure and maintain receipts or proof of payment and make such receipts or proof of payment available to interested persons upon Court Order.
- C. Public or Pension Benefits. All Social Security, Medicare, pension benefits, or other benefits, including IRS distributions, received on behalf of an incapacitated person or minor shall be included and accounted for in the Guardianship accounting, unless Court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility.
- D. Disbursements to the Fiduciary.
1. In Supervised Estates, disbursements by the Personal Representative to herself / himself shall be made only with complete documentation and / or original receipts which document the date, amount, and reason for the disbursement.

2. In Guardianships, the Guardian shall make no disbursement to herself / himself without prior Court order. A Guardian may petition the Court for authorization to disburse Guardianship funds to herself / himself by regular and periodic advances, if:
  - a. the Guardian is providing care to the incapacitated person and is allocating a portion of the Guardian's regular periodic expenses for the incapacitated person's care; and,
  - b. the Guardian's written request is supported by itemization of the past regular periodic expenses incurred and the proposed allocation of the expenses between the Guardian and the incapacitated person.

E Accounting Schedule Formats. Accountings in Supervised Estates and in Guardianships shall be presented in the following schedules and format and in accordance with the Indiana Code. Informal, handwritten or transactional accountings will not be accepted.

1. Schedule 1: All Property Chargeable to the Personal Representative or Guardian.
  - a. The property held by the Personal Representative or Guardian may be established by reference to the Personal Representative's or Guardian's Inventory or most recent Accounting.
  - b. Additional property chargeable to the Personal Representative or Guardian during the period of the accounting shall be identified as follows as to each new item of property:
    1. a description of the property;
    2. an amount received or value of the property;
    3. the income from principal shall include the property from which the income was received.
  - c. A report of change in the property held, such as a change in investment, shall include the following:
    1. the description of the property sold, changed or lost;
    2. any gain or loss resulting from the transaction;
    3. the description of the property received, purchased or obtained.
2. Schedule 2: Payments, Charges, Losses and Distributions.  
Each disbursement shall be reported, including the following information:
  - a. the payee;
  - b. check number or other identifying number on the instrument;
  - c. the amount disbursed; and,
  - d. the description of the reason for the disbursement sufficient to substantiate the reason for the disbursement as part of the administration of the Estate or Guardianship or the support of the incapacitated person or minor, if the reason for disbursement is not apparent from the description of the payee.
3. Schedule 3: Property at the End of the Period of Accounting.
  - a. The property held by the Personal Representative or Guardian at the end of the period of account shall be identified as follows:
    1. an itemization of the property held by a description of property, asset or investment;
    2. the value of the property, asset or investment as of the date of the end of the accounting period;
    3. the basis for valuation of the property, asset, or investment, unless previously provided in the Inventory;
    4. the market valuation at the end of the period of accounting if the intangible personal property is subject to market fluctuation.
  - b. The proposed distributions in Supervised Estates shall specifically set forth the payee and the property to be distributed.
  - c. In testate administration, the proposed distribution shall refer to the provision of the Will that authorizes the proposed distribution.
  - d. In intestate succession, the account shall include an heirship affidavit.
  - e. Administration Longer than One Year. Whenever a Supervised Estate cannot be closed within twelve (12) months, an intermediate report of account shall be filed with the Court within thirty (30) days after the expiration of the year and any succeeding year thereafter. Such report of accounting shall comply with the provisions of the Indiana Code and shall also include the following:
    1. all facts showing why the Estate cannot be closed and an estimated date of closing.
    2. a proposal for partial distribution of the Estate to the extent that partial distribution can be made without prejudice to distributees and claimants.
  - f. Tax Forms. The Federal Estate Tax Closing Letter and the Indiana Inheritance Tax Closing Letter (or the counter-signed receipt) or an electronic reproduction, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability in the Estate, executed by the Internal Revenue Service or the Indiana Department of Revenue, shall be attached to the Final Report.

**LR41 - PR00 - 109: Adoption.**

- A. Scheduling of Hearings. No hearing on a Petition for Adoption will be scheduled until all reports, affidavits, and consents required by the Indiana Code are on file with the Court.
- B. Scheduling of Final Hearing -- Proof of Stability. No final hearings in Adoption proceedings shall be scheduled without a written offer of proof of stability in the adoptive placement. Indications of such stability may include, but are not limited to:
1. Placement of the child in the home of the adoptive parent(s) for at least three (3) months; or,
  2. Length of marriage of the adoptive parents.

**LR41 - PR00 - 110: Appointment of a Fiduciary.**

- A. Petition Contents. Request for appointment as Personal Representative or Guardian shall be made by verified application for appointment containing information as to the Petitioner's qualification to serve as Personal Representative or Guardian. The following information regarding the Petitioner is deemed relevant to the Petitioner's qualification to serve as Personal Representative or Guardian:
1. address;
  2. educational background;
  3. current employment;
  4. any prior experience in financial management, including investments and checkbook management;
  5. any prior felony convictions;
  6. a statement that the Petitioner has attained the age of majority and is not incapacitated for a reason other than physical illness, impairment, or infirmity; and,
  7. a statement that
    - a. the counsel for the Petitioner has been provided with the Petitioner's Social Security Number and Date of Birth; and,
    - b. authorizes the release of the same to the Court in the event of breach of any legal or Fiduciary duty.
- B. Petition Form. The Verified Application for Appointment of Personal Representative or Guardian shall be substantially in the form of Johnson County Probate Form 1. In lieu of Johnson County Probate Form 1, the information may be included in the Petition to Open Estate.
- C. Appearance Not Required. A Petitioner need not appear before the Court to qualify as Personal Representative.

**LR41 - PR00 - 111: Address Changes of Fiduciary.**

A Personal Representative or Guardian who changes address shall advise the Court in writing of the new address within thirty (30) days of the change.

**L.R41 - PR00 - 112: Bond and Alternatives Thereto.**

- A. When Bond Not Required. Subject to the discretion of the Court and to the requirements of the Indiana Code, bond shall not be required if:
1. the Decedent's Will requests that a domiciliary Personal Representative be permitted to serve without bond;
  2. all beneficiaries or heirs consent to a domiciliary Personal Representative serving without bond; or,
  3. the Fiduciary serving in a Supervised Estate or Guardianship is a corporate banking Fiduciary which is legally qualified to so serve.
- B. Alternative to Bond. In lieu of a bond otherwise required by law or by the Court, a Fiduciary may restrict transfer of all or part of the liquid assets of an Estate or Guardianship by placing those assets in a federally-insured financial institution with the following restriction placed on the face of the account or document:

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT  
WRITTEN ORDER OF THE JOHNSON CIRCUIT OR SUPERIOR COURT.

A certification, by an officer of the financial institution at which the account has been created, which states that the account is restricted as required by the Court and that the financial institution will honor the restriction, shall be filed with the Court within ten (10) days of the Order authorizing a restricted account. An acceptance of the terms of the restriction by the Fiduciary shall also be filed with the Court. The certification shall be substantially in accordance with the form of Johnson County Probate Form 2.

**LR41 - PR00 - 113: Claims.**

Form. Claims shall be filed on forms substantially in accordance with Johnson County Probate Form 3.

**LR41 - PR00 - 114: Effective Date.**

These rules shall become effective in all probate matters upon execution by the judge(s) exercising probate jurisdiction in Johnson County, Indiana.

**LR41 - PR00 - 115: Fees.**

- A. Fee schedules established. Fee schedules for attorneys and fiduciaries in probate matters shall be approved and implemented on an annual basis in compliance with the remaining provisions in this rule. *See* Appendix I.
- B. Objectives for Fee Schedules. These Guidelines for Fees in Estates were developed by the Probate Committee of the Johnson County Bar Association, which are herein adopted by the Court. These Guidelines are intended to achieve the following objectives:
1. establish uniformity throughout the County in determining a fair and reasonable fee for Supervised Estates;
  2. provide a guideline to assist the Court in determining fair and reasonable fees;
  3. furnish guidelines to attorneys so they can discuss fees that may be reasonably incurred with their clients at the onset of administration; and,
  4. assist the legal profession to arrive at a fair and reasonable fee for Estate work.
- C. Use of Schedule. The schedule is NOT a minimum fee schedule, but a suggested maximum fee schedule. Every attorney and Personal Representative has an obligation to request a fee which is fair and reasonable for the work performed, taking into account Indiana Rules of Professional Conduct. In an uncomplicated Estate, fees should be less than the maximum fees listed in this schedule, and fees should always bear a reasonable relationship to the services rendered.
- D. Guidelines for Fees in Estates.
1. While these Guidelines are recommended, they are neither mandatory nor binding on attorneys or the Court.
  2. The guiding criteria to be considered when setting a fee include, but are not limited to, the following:
    - a. the time and labor required, the novelty, complexity, or difficulty of the questions involved, the skill required to perform the services properly, and shall include a determination as to how much of the attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions;
    - b. the nature and extent of the responsibilities assumed by the attorney and the results obtained, and shall include the considerations of the identity of the Personal Representative and the character of the probate and non-probate transferred assets;
    - c. the sufficiency of assets properly available to pay for legal services, and shall consider whether the attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state; and,
    - d. the timeliness with which the necessary services are performed consistent with statutory requirements, the Court's rules of procedure and the Rules of Professional Conduct applicable thereto.
  3. In considering all of these criteria, all attorneys are expected to discuss with their client(s) their fee, and that of the Personal Representative, at the time they are retained in Probate matters.
  4. In the event of a dispute of fees requested, the Court will consider records of time spent and / or work performed by the Attorney and Fiduciary.
- E. Payment from Estate or Guardianship. No fees for Fiduciaries or attorneys, except corporate transactional fees, shall be paid out of any Supervised Estate or Guardianship without prior written order of the Court.

**LR41 - PR00 - 116: Filing of Pleadings.**

- A. Self-addressed Envelopes Required.
1. Subject to the subsection C below, all original pleadings filed with the Court shall be accompanied by self-addressed, stamped envelopes.
  2. All proposed orders shall be accompanied with self-addressed, stamped envelopes for return, and, if necessary, for distribution to parties or beneficiaries.
  3. Failure to provide self-addressed, stamped envelopes will result in the return of file-stamped copies via Courthouse Mail Box. If an attorney or Fiduciary does not have a Courthouse Mail Box, file stamped copies will be held at the Court until collected.
- B. Preferred Filing Method. Pleadings, including Inventories, Inheritance Tax Schedules, Reports and Accountings, shall be filed in accordance with Trial Rule 5(F).
1. After a case is opened, filing directly with the Court under Trial Rule 5(F)(5) is preferred.
  2. If the Court Office is closed, pleadings should be filed with the Clerk of the Court.
- C. Proposed Orders Required.
1. A moving party shall provide proposed orders for rulings. Proposed Orders on contested hearings should be submitted in electronic format.
  2. Proposed Letters Testamentary, Letters of Administration or Letters of Guardianship shall be filed with the Petition for Appointment.
  3. Exceptions from this general rule shall be granted for Orders on Determination of Inheritance Tax or as expressly directed by the Court.

- D. Attorney Contact Information. All pleadings filed shall contain the attorney's name, attorney number, office address and telephone number.

**LR41 - PR00 - 117: Guardianships.**

- A. Guardianship of an Incapacitated Adult. In all Guardianship matters seeking to declare an adult incapacitated, the Petitioner may submit with the petition any supporting documents.
1. Supporting documents may include physician reports, medical records, statements of qualified witnesses, photographs, police information, etc.
  2. The admissibility of documents submitted with the Petition at hearing shall be subject to the Indiana Rules of Evidence.
  3. If a Physician's Report is submitted, the Physician's Report shall substantially comply with Johnson County Probate Form No. 4.
- B. Guardianship of a Minor. In every petition for the appointment of a Guardian of the person of a minor child, the following information shall be given:
1. the child's present address and the name(s) of the person(s) with whom the child resides;
  2. the location(s) at which the child has lived within the past two years and the names and present addresses of the person(s) with whom the child has lived during that period, if different from the present information;
  3. whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state;
  4. whether, to Petitioner's knowledge, any person not a party to the Guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child; and,
  5. whether, to Petitioner's knowledge, any other Court has issued a custody order.
- C. Veterans' Administration Rules and Regulations. Nothing herein shall be deemed as amending, superseding or altering the Probate Rules and Regulations promulgated by the United States Department of Veterans' Affairs, and every Fiduciary and attorney shall comply with same, where applicable.

**LR41 - PR00 - 118: Inheritance Tax.**

All pleadings pertaining to the assessment or determination of the Indiana Inheritance Tax, including a Petition for Determination of No Tax Due, and any orders thereon shall be served upon the County Assessor.

**LR41 - PR00 - 119: Instructions to Personal Representatives and Guardians.**

- A. Instructions Required Prior to Appointment. The Instructions to the Personal Representative or Guardian, executed by the Fiduciary, must be filed with the Court prior to Court appointment and the issuance of letters.
- B. Forms.
1. The preferred form for Instructions to the Personal Representative in Supervised Estates is set forth in Johnson County Probate Form 5.
  2. The preferred form for Instructions to the Personal Representative in Unsupervised Estates is set forth in Johnson County Probate Form 6.
  3. The preferred form for Instructions to the Guardian is set forth in Johnson County Probate Form 7.

**LR41 - PR00 - 120: Inventory.**

- A. Partial Inventories. Each partial inventory shall be denominated as a partial inventory.
- B. Supervised Estates. In Supervised Estates, any written appraisals or evidence of value obtained to comply with the Indiana Code shall be attached as Exhibits to the Inventory or Inventories filed with the Court.
- C. Unsupervised Estates. In Unsupervised Estates, the Personal Representative shall file a verified written certification with the Court within two (2) months of Court appointment that the Inventory required under the Indiana Code has been prepared and is available to a distributee who requests a copy.

**LR41 - PR00 - 121: Interpretation.**

- A. These rules are intended to supplement the provisions of the Indiana Probate Code.
- B. Unless reference is made by Probate Rule to a specific form of probate proceeding, the Johnson County Probate Rules shall be generally applicable to all forms of probate proceedings.
- C. Any provision of these rules which is not also required by law may be waived by the Court for good cause shown following a written request.

**LR41 - PR00 - 122: Minors Settlements.**

- A. Guardian ad Litem. In accordance with the Indiana Code, a Guardian *ad litem* may be appointed to protect the best interest of the minor and investigate the proposed settlement.
- B. Evidentiary Hearing. At least one (1) evidentiary hearing shall be held in order to fully and independently satisfy the Court that the requested settlement fully protects the minor's rights and interests.

- C. Minors Consent to Settlement. If the minor is at least fourteen (14) years of age, the proposed settlement shall be accompanied by a written consent to settlement by the minor.
- D. Attendance at Hearings.
1. The custodial parent and / or the Guardian must be present at the evidentiary hearing.
  2. A minor who is at least the age of fourteen (14) years shall attend the hearing.
  3. Minors younger than fourteen (14) years of age may be required to appear at hearing.
  4. Unless written consent is provided to the Court, notice of hearing shall be provided to a non-custodial parent.
- E. Limited Settlements or Administration.
1. If the funds originating from a minor's settlement are less than the amount requiring establishment of Guardianship under the Indiana Code or if a Guardian of a minor's Estate is appointed for the limited purpose of administration of the minor's settlement, the Court will accept deposit of the minor's settlement in a restricted account at a federally insured financial institution or in a Court approved investment in lieu of any other requirement for inventory and accounting subject to affirmation on biennial account that the funds remain on deposit.
  2. Any such restricted account must provide that no principal or interest may be withdrawn from the account without a written order of the Court, and with the following restriction placed on the face of the account or in the investment document:  

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT  
WRITTEN ORDER OF THE JOHNSON CIRCUIT OR SUPERIOR COURT
- F. Certification. Within ten (10) days of an Order authorizing the creation of the account or investment, a certificate by an officer of the institution at which the account or investment has been created shall be filed with the Court which affirms that the account or investment is restricted as required by Court order and is in compliance with this rule. The Guardian and the financial institution shall both promptly notify the Court in the event that any principal or interest is withdrawn from the account without Court authorization.
- G. Application of Guardianship Law. Minors Settlements shall otherwise be subject to the requirements for Guardianship, including the filing of inventory and accounting in Guardianships.
- H. Attorney Fees. Attorney fees for representing a minor in settlement of a claim for personal injuries are subject to Court approval. If the entire attorney fee is to be paid at the same time a structured settlement is approved, the amount of the fee must be based on the present value of the settlement.

**LR41 - PR00 - 123: Notices.**

- A. List of Notice Recipients. In each Estate, the Personal Representative shall prepare a List of Notice Recipients (Clerk's Certificate of Mailing).
1. The List of Notice Recipients shall include the names and addresses of all heirs, devisees, legatees, creditors, and organizations entitled to Notice of Administration.
  2. The List of Notice Recipients of Notice of Administration shall be provided to the Clerk.
- B. Notices of Administration.
1. The Personal Representative shall provide to the Clerk;
    - A. a copy of the Notice of Administration for each person included in the List of Notice Recipients; and,
    - B. a Clerk's Certificate of Mailing.
  2. Following the issuance of the Notice of Administration, the Clerk of the Court shall execute and file the Certificate of Mailing Notice.
- C. Forms and Copies of Notice. Whenever notice by publication and / or written notice by U.S. Mail is required to be given, the party responsible for providing notice shall prepare such notice and submit it to the Clerk for service.
1. The notifying party shall provide the number of copies of the notice to be served sufficient to serve all persons to be so notified.
  2. The notifying party shall provide a Clerk's Certificate of Mailing, to be executed by the Clerk, with all notices issued by United States Mail.
  3. Notice shall issue by the Clerk as provided by Indiana Code or Indiana Trial Rules.
  4. The form of the notice provided shall comply with all statutory requirements. It is the notifying party's responsibility to adequately document perfection of notice prior to seeking Court action on any matter.
- C. Notice of Hearings. If a hearing is scheduled on a particular matter, for which notice is statutorily required, a copy of the relevant petition or motion shall be served with the notice of hearing. In a hearing on an account in an Estate or Guardianship, a copy of the account must be served with the notice of hearing.

**LR41 - PR00 - 124: Sale or Transfer of Real Property.**

- A. Documentation of Value. In all Supervised Estates and Guardianships in which real property is to be sold, a written appraisal or market analysis by a qualified real estate professional shall be filed with the Petition for Sale, unless such document was previously filed with the Inventory. Such written appraisal or market analysis shall include, at a minimum, the following information:
1. a brief description of the property interest being appraised or valued, including the full legal description thereof;
  2. purpose or objective of the appraisal or valuation;
  3. date for which Fair Market Value is determined;
  4. if valuation is established through the comparable method of valuation, identification of the comparable sales used to value the subject property as well as identification of all adjustments made to the comparable sale to determine the fair market value of the subject property;
  5. if valuation is established through another method of valuation, all data and reasoning that supports the Fair Market Value;
  6. the Fair Market Value determined;
  7. a statement of assumption and special or limiting conditions;
  8. the qualification and background of the real estate professional;
  9. certification of disinterest in the real property;
  10. signature of appraiser / analyst.
- B. Limitations Period for Valuation. The appraisal or market analysis shall be made within one (1) year of the date of the Petition for Sale.
- C. Deeds. All deeds submitted to the Court for approval, shall be signed by the Fiduciary and the signature notarized prior to its submission.
1. All such deeds shall be submitted with either the Petition to Sell Real Estate or the Report of Sale of Real Estate or at the time of the hearing on the Final Account.
  2. Whenever a Final Decree reflects that real estate is vesting in the heirs or beneficiaries of the Estate, the Decree shall be recorded with the County Recorder of the County where any such real Estate is located, and evidence of said recording shall be provided to the Court with the Supplemental Report.

**LR41 - PR00 - 125: Sale of Personal Property.**

- A. Documentation of Value. In all Supervised Estates and Guardianships in which personal property is to be sold, a written basis for valuation shall be filed with the Court with the Petition for Sale, unless such document was previously filed with the Inventory. The written basis for valuation shall include the following information:
1. brief description of the property to be sold;
  2. the date and basis of valuation;
  3. the qualifications of the person providing the valuation or the authoritative nature of the source from which the valuation was obtained, including authoritative sources accessed by electronic media;
  4. factors which would affect the value of the subject property.
- B. Limitations Period for Valuation. Written basis for valuation shall be made within one (1) year of the date of the Petition for Sale.
- C. Written Valuation Not Required. No written valuation shall be required for the sale of assets which are publicly traded or sold at public auction.

**LR41 - PR00 - 126: Supplemental Report.**

A supplemental report filed pursuant to the Indiana Code, the Indiana Trial Rules, or Court Order shall be filed within ninety (90) days after entry of the Order Approving Account. If any supplemental report cannot be filed in a timely manner, the Fiduciary shall file a written explanation.

**LR41 - PR00 - 127: Trusts.**

- A. Any Petition to Docket Trust shall be served upon the Trustee.
- B. The Trustee shall promptly file with the Court written notice of the name and address of each beneficiary known to the Trustee.
- C. All additional pleadings and any notice of hearing shall be served upon all beneficiaries of the trust, whether the nature of the interest is present, future, vested, or contingent.

**LR41 - PR00 - 128: Title And Citation.**

These Rules shall be known as the Johnson County Probate Rules and shall be cited as Johnson County Probate Rules, LR41 - PO00 - 107 through LR41 - PO00 - 129.

**LR41 - PR00 - 129: Unsupervised Administration.**

- A. Tax Documentation. Proof of payment of all required federal and state taxes shall be attached to the Closing Statement. Such proof shall be documented by either the Federal Estate Tax Closing Letter and the Indiana Inheritance Tax Closing Letter (or the counter-signed receipt) or photocopies thereof.
- B. Conversion to Supervised Administration. In an Unsupervised Estate, if the jurisdiction of the Court is invoked for any matter other than the judicial functions which are standard for unsupervised administration (i.e., opening the Estate, determining any inheritance tax due, and accepting the Closing Statement), the administration shall become a Supervised administration for all purposes. In that event, the Fiduciary and attorney shall give notice of such administration to all heirs, legatees, devisees, and other interested persons.

**LR41 - PR00 - 130: Wrongful Death Estates.**

- A. Court Approval of Settlements Required. All proposed wrongful death settlements must be approved by the Court, regardless of the type of estate administration.
- B. Administration Longer than One Year. If an Estate remains open in excess of one (1) year, the Personal Representative shall file a status report as to any wrongful death claims.
  - 1. If an action to prosecute a civil wrongful death action is pending, the report shall show the case number, the Court in which the action is pending and the date of any current settings of the case.
  - 2. A report shall be filed annually thereafter, on the anniversary date of the Personal Representative's appointment, until the Estate is closed.
- C. Petition Approving Distribution. When a judgment has been paid or a petition for approval of settlement is filed in any Estate, a petition for approval of distribution shall be filed indicating the proposed distribution in accordance with the Indiana Code.
  - 1. Such petition must set out the proposed distribution to the appropriate statutory damage distributees, such as:
    - a. expenses of administration;
    - b. providers of funeral and burial expenses;
    - c. providers of medical expenses in connection with last illness of Decedent;
    - d. surviving spouse;
    - e. dependent children;
    - f. dependent next of kin (if there is no surviving spouse or dependent children).
  - 2. A proposed order shall be presented to the Court, ordering distribution in accordance with the Indiana Code and requiring the filing of a supplemental report of distribution of the wrongful death proceeds.