

(APPENDIX B)

VIGO SUPERIOR COURT – PROBATE DIVISION

UNSUPERVISED ESTATE OF _____

CAUSE NUMBER _____

COURT’S INSTRUCTIONS TO
PERSONAL REPRESENTATIVE OF UNSUPERVISED ESTATE

You have been appointed as the personal representative of the estate of a deceased person. By your appointment, the Court has placed in you the highest trust that you will perform your duties in the best interests of all beneficiaries and creditors of the estate. It is important that you fully realize your duties and responsibilities. Listed below are some, but not all of them.

You must be represented at all times by an attorney of record approved to act by the Court’s written order. Your attorney is required to reasonably supervise and guide your actions as personal representative unless and until that attorney is permitted by order of the Court to withdraw from representing you.

Your attorney is required to notify the Court if you are not timely performing or improperly performing your fiduciary duties to the beneficiaries and creditors of the estate, and by signing these Instructions, you agree that the filing of that notice does not violate the attorney-client privilege. If the Court receives such notice, it will set the matter for hearing and require you to personally appear and account to the Court for all actions taken or not taken by you as personal representative. You are required to notify the Court in writing if your attorney is not timely performing or improperly performing their duties to reasonably supervise and guide your actions as personal representative. Upon receipt of the notice, the Court will set the matter for hearing and require you and your attorney to personally appear and account to the Court for all actions taken or not taken by the attorney.

The following instructions are to be considered by you as Orders of the Court, which require you to perform as directed. Although your attorney will file all papers with the Court, you, as personal representative, are ultimately responsible for seeing that the estate is properly and promptly administered, and you are personally liable for incorrect distributions, payments, or acts, as well as any unpaid taxes or costs of administration.

The Court appreciates your efforts on behalf of the estate.

Judge, Vigo Superior Court
Probate Division

As Personal Representative, you are required to:

1. Locate, collect and maintain all property owned by the decedent.
2. Keep motor vehicles and real estate insured and protected.
3. Immediately fill out a change of address at the post office to have the decedent's mail forwarded to you.
4. Within two (2) months of your appointment, you must either:
 - A. File with the Court an inventory conforming with the requirements of I.C. 29-1-7.5-3.2 (b) and immediately serve a copy of the inventory on all known heirs, beneficiaries, or distributees of the estate or,
 - B. File with the Court a verified certification that an inventory conforming with the requirements of I.C. 29-1-7.5-3.2 has been prepared, that it is available to be furnished to distributees on request, and that notice of preparation of the inventory and its availability has been immediately served on all known heirs, beneficiaries or distributees.
5. **Estate Checking Account.**
 - A. Open a separate checking account in your name "as personal representative for the estate of (the decedent)." Obtain a federal tax I.D. number for the checking account. Do not use your Social Security number or decedent's Social Security number. In appropriate circumstances, a lawyer's IOLTA trust account may serve the estate.
 - B. **DO NOT** put your or anyone else's funds in this account.
 - C. Always pay for estate expenses by checks from this account. **DO NOT** pay any expenses with cash.
 - D. Ensure the bank is willing to return canceled checks, electronic copies, or digital images of the paid checks to you.
 - E. Keep records of all deposits, including the identity of the person or entity paying the money into the estate.
6. Determine all debts that the decedent owed. Look through decedent's tax returns and other papers. Talk to anyone who knew decedent's business. Consult your attorney on payment of debts, administration costs, bond premiums, and funeral bills. Some debts may be unenforceable. Some may have priority over others.
7. Have your attorney provide written notice of the administration of the estate to all known creditors of the estate.

8. **NEVER** borrow estate property or put it to your own personal use.
9. **DO NOT** distribute any estate assets until assets (including personal property) are appraised, and consult with your attorney prior to making any distribution.
10. Prepare and file income tax returns for the tax year in which the decedent died and any returns for prior years if needed. Timely prepare and file any estate or fiduciary tax returns for the estate (which is an income taxpayer) and pay taxes as they come due.
11. After you fully complete the estate administration, you must file a closing statement with the Court verifying that all proper claims, expenses, and taxes have been paid, that all assets have been properly distributed, and that a copy of the closing statement has been sent to all distributees, fully accounting for all assets, expenses, and distributions made to the heirs.
12. Notify the Court and your attorney of any change in your address or telephone number.
13. Keep a record of the time you spend working on the estate. You are entitled to a reasonable fee unless you waive a fee. Time records will help the Court determine your fee.
14. Always contact your attorney for advice if you are unsure about any act as personal representative. Have your attorney counsel you about the estate and explain anything you do not fully understand.

Dated this _____ day of _____, 20 ____.

Signature, Personal Representative

Signature, Personal Representative

Print, Personal Representative

Print, Personal Representative

I acknowledge that I have carefully and completely discussed the above instructions with my client before this form was signed and believe that they are fully aware of and capable of performing the duties required of a personal representative of an unsupervised estate.

Signature, Estate Lawyer

Signature, Estate Lawyer

Print, Estate Lawyer

Print, Estate Lawyer