

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1743

Amending Probate Rule 12
concerning closing estates.

IT IS ORDERED:

Probate Rule 12 is amended to read as follows:

Rule 12. Closing Estates.

(a) **Duty to Close Estates.** When a personal representative has completed administration of the estate, the personal representative either shall petition to close the estate by formal closing under AS 13.16.620 or AS 13.16.625 or file a sworn statement under AS 13.16.630 or AS 13.16.695. Notice must be given as provided by these statutes.

(b) **Final Account.** Unless additional detail is ordered by the court, a final account under AS 13.16.620 or AS 13.16.625 must contain enough information to put interested persons on notice of all significant cash and property transactions affecting administration since the date of the last accounting, or, if none, from the commencement of administration. Unless otherwise ordered by the court, no specific format is required for a final account.

(b)(c) **Formal Closing.**

~~1. The final accounting, if required, must include an accounting of all cash and property transactions since the date of the last accounting or, if none, from the commencement of administration.~~

~~21.~~ The petition for an order of settlement of the estate when brought by the personal representative under AS 13.16.620 or AS 13.16.625 shall ~~must~~ state:

A. that the personal representative has fully administered the estate;

B. that all claims which were presented have been paid, settled, adequately provided for, or otherwise disposed of;

C. that the personal representative has paid or made provisions for taxes and expenses of administration;

D. the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative; and

E. ~~the date of the hearing on formal closing, and~~ that any objections to the petition must be presented to the court at or before the hearing on the petition.

~~22.~~ The petition for an order of settlement of the estate brought by the personal representative under AS 13.16.620 or AS 13.16.625 shall contain a plan or statement of distribution which shall include:

A. a statement of all prior distributions;

B. the ~~property~~ assets remaining in the hands of the personal representative for distribution; and

C. a schedule describing the proposed distribution of any remaining assets.

(ed) **Administrative Closing.** If no action is taken in an estate for more than one year, the clerk may send a notice to the last known address of the personal representative, to all attorneys of record, and to any person who has filed a demand for notice under AS 13.16.070 stating that the file will be closed in 30 days if no objection is received. The order closing the file must also be sent to the last known address of the personal representative, all attorneys of record, and any person who has filed a demand for notice under AS 13.16.070. Administrative closure does not discharge the personal representative or terminate the personal representative's powers and duties.

DATED: November 10, 2010

EFFECTIVE DATE: April 15, 2011

/s/
Chief Justice Carpeneti

/s/
Justice Fabe

/s/
Justice Winfree

/s/
Justice Christen

/s/
Justice Stowers