

Rule 7.1. Solely owned safe deposit box.

(a) If a decedent owned a safe deposit box titled in the decedent's sole name, and there is reason to believe that the box contains the decedent's will, a petition may be filed by an interested person for the appointment of a special administrator pursuant to *D.C. Code § 20-531* to access the box to obtain the will and deliver it to the Court in accordance with this Rule.

(b) A special administrator appointed hereunder shall have only the authority to enter the safe deposit box(es) enumerated in the petition and deliver any testamentary instruments therein found to the Court and shall have no other authority whatsoever.

(c) No bond shall be required.

(d) The petitioner may seek the petitioner's appointment or that of a member of the bar.

(e) The Court may require a representative of the Register of Wills to accompany the special administrator to the opening of the safe deposit box.

(f) No prior Notice to interested persons need be given before the Petition For Appointment of a Special Administrator to Open a Safe Deposit Box may be granted.

(g) The Petition shall not contain a Certificate of Service.

(h) The Order, along with a copy of the Petition, shall be mailed to the interested persons.

(i) If a Will is not found, the Special Administrator shall file a Report of the actions taken to seek the Will.

(j) The appointment of the Special Administrator shall expire at the earlier of the filing of the Will or a Report of the actions taken to seek the Will or thirty days from the entry of the order of appointment.

(k) The Petition for the Appointment of a Special Administrator to Open A Safe Deposit Box shall be in the following format.

PETITION FOR APPOINTMENT OF A SPECIAL ADMINISTRATOR TO OPEN A SAFE DEPOSIT BOX

Name of Decedent

Address of Decedent

Date of Death

Name of Petitioner

Address of Petitioner

Does the Petitioner have a copy of the Will, the original of which is sought?

Is the Petitioner named in this copy of the Will? ... and in what capacity?

Relationship of Petitioner to Decedent

Location of safe deposit box(es) in the District of Columbia sought to be opened

Does the Petitioner know of anyone holding a higher priority for appointment pursuant to *D.C. Code § 20-303*? ... If so, what actions has Petitioner taken to contact such person(s)?

Has or have any such person or persons declined to seek entry into the safe deposit box(es)?

Does the Petitioner seek to have a representative from the Register of Wills accompany the special administrator to the opening of the safe deposit box(es)?

Does the Petitioner seek to have anyone else accompany the Petitioner to the opening of the safe deposit box(es)?

List of Interested Persons

Name	Address	Relationship
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WHEREFORE, Petitioner prays that the Court appoint Special Administrator to open the safe deposit box(es)

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Petitioner

I do solemnly declare and affirm under penalty of law that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

.....

Petitioner

ORDER

Upon consideration of the Petition For Appointment of a Special Administrator To Open A Safe Deposit Box, filed by that seeks the appointment of as Special Administrator, and it appearing to the Court that

no one holds a higher priority for appointment than the Petitioner, or

while other person(s) hold(s) a higher priority for appointment than Petitioner, such persons have not come forward to seek appointment and that good cause exists to vary the priority for appointment, it is by the Court this ... day of

ORDERED, That be appointment Special Administrator To Open a Safe Deposit Box located at and

not to be accompanied by a representative from the Office of the Register of Wills, or

the Special Administrator shall be accompanied by a representative from the Office of the Register of Wills when opening the safe deposit box.

the Special Administrator shall be accompanied by when opening the safe deposit box.

and be it further

ORDERED, That the Special Administrator shall have no other authority than that granted herein and shall have no authority to receive any assets of the decedent and hence shall not be required to post bond, and be it further

ORDERED, That the Special Administrator shall forthwith deliver any testamentary documents(s) found in the safe deposit box to the Office of the Register of Wills, or

ORDERED, That the representative from the Office of the Register of Wills shall deliver any testamentary document(s) found in the safe deposit box to the Office of the Register of Wills,

and be it further

ORDERED, That upon completion of the opening of the safe deposit box(es) and delivery of any testamentary documents to the Office of the Register of Wills, the appointment of the Special Administrator shall thereupon terminate.

.....

Judge

Copies to: Petitioner and Interested Persons

COMMENT:

The Court has the discretion to appoint the Petitioner or a member of the bar as Special Administrator. If the Petitioner is not the named Personal Representative or a residuary legatee in a copy of the Will exhibited with the Petition, the Court may appoint a member of the bar.