

## L12.1. Family Exemptions.

A. If the exemption is claimed, a petition and order of court will only be required when an appraisal of personal property or real estate is necessary.

B. An appraisal is necessary in the following cases:

(1) when personal property is claimed and its value is not agreed upon by all parties in interest - The court shall order an appraisal in a special order of court in each case.

(2) when real property is claimed and the value is not agreed upon by all parties in interest. In such a case the court shall appoint two appraisers and proceed in the manner set forth in section 3123(a) of the Probate, Estates and Fiduciaries Act, 20 Pa.C.S. section 101 et seq.

C. Unless otherwise directed by the court, no appraisal shall be necessary if the family exemption is claimed:

(1) in money;

(2) from personal property and the gross value of the decedent's estate does not exceed the amount of the family exemption; or

(3) in real or personal property the value of which is agreed upon by all parties in interest.

D. **Notice.**

(1) When no petition and order of court are required, only the decedent's personal representative need be given notice of the claim for family exemption. No other notice shall be required.

(2) When a petition and order of court are required, notice of the filing of the petition and of the date fixed by the court for confirmation and allowance shall be given by petitioner:

(a) by actual notice to the personal representative, if any, and to all persons, other than creditors, adversely affected by allowance of the exemption who do not join in the prayer of the petition; and

(b) by advertisement once a week for two (2) successive weeks in the *Lycoming Reporter* and in a newspaper of general circulation.

(3) When it is necessary for the court to appoint appraisers, the notice of the claim for a family exemption shall be given after the appraisal has been made and filed.