

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION**

|                         |   |                                |
|-------------------------|---|--------------------------------|
| <b>IN RE:</b>           | : | <b>No. 41-16-0359</b>          |
|                         | : |                                |
| <b>ESTATE OF</b>        | : | <b>PETITION FOR SETTLEMENT</b> |
| <b>DIANNE L. SANNER</b> | : | <b>OF SMALL ESTATE</b>         |
| <b>decedent</b>         | : |                                |

**OPINION AND ORDER**

On July 5, 2016, Wilber E. Shaner, Jr. filed a petition through Counsel requesting that the Court issue an order allowing him to receive all funds due the decedent and estate and to pay all just debts and expenses of the Decedent and estate, to sell transfer, distribute, or otherwise dispose of all real or personal property of the Decedent and of the estate by public or private sale; among other things. Petitioner also requested that the estate be settled pursuant to 20 Pa.C.S. § 3102. Settlement of small estates on petition. See Subchapter A **Dispositions Independent of Letters** of Chapter 31 of the Probate, Estates and Fiduciaries Code. Section 3101 allows for payments to family and funeral directors independent of letter being granted. Section 3102 allows for the Court to order that personal property, when valued at less than \$50,000, be distributed to any parties entitled to it independent of letters being granted.

As Mr. Shaner's petition lists items that are potentially real property, i.e. the mobile homes, and lists real estate tax debts to be paid; the petition to settle a small estate is not an appropriate vehicle to settle the estate, as only personal property can be distributed through a § 3102 petition. The exhibits to the Petition prove that all of the persons entitled to administer the estate under the laws of the Commonwealth of Pennsylvania have executed waivers of their right to be appointed personal representative of the Decedent's estate and request the Petitioner by

appointed as Personal Representative and that he not be required to post a bond. As such, the Court *sua sponte* orders the following:

It is ORDERED and DIRECTED that:

- (1) Wilbur E. Shaner, Jr., brother of Decedent is granted letters of administration. He shall be issued letters by the Register and Recorder's office as the Personal Representative of Decedent's estate and is entitled to all rights and privileges as such.
- (2) Wilbur E. Shaner, Jr. is not required to post a bond to serve in the capacity as Personal Representative of The Estate of Dianne L. Sanner.

BY THE COURT,

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nancy L. Butts, President Judge

cc: Mark L. Taylor, Esq. Filing Party's Attorney  
Kathy Rinehart, Register of Wills