

Register of Wills Association
2018
Affidavits of Death

Procedure for filing Affidavits of Death and assigning file numbers to non-Probate, non-Inheritance Tax return files:

- 1) The party needing a record of death in order to establish Register of Wills / Inheritance Tax Docket will file an Affidavit of Death. The only information required to be on the face of the form will be that required by 20 Pa. C.S. §925 (attached).
Note: It is unlikely that the third party will know the Time of Death – this is not a reason to reject the Affidavit.
- 2) If the filing party cannot provide a social security number for the decedent, then the filing office will work with the Department of Revenue to obtain a social security number from its records, or open the file in an alternative manner. By law, the Department of Revenue cannot give a social security number to a third party but they can give it to our office.
- 3) The filing office is to open the initial file as a miscellaneous / other file that does not require the filing of an inheritance tax return, under the appropriate code. In a case where Inheritance tax is going to be paid, follow your normal practice for this and include the Affidavit in your docket entries.
- 4) If Inheritance tax is going to be paid, the Department of Revenue asks that the filing office use code 401.
- 5) All filing fees are the responsibility of the filing party.
There is no JCS fee with this filing.
If you do not have a fee for filing an Affidavit approved on your fee bill, you will need to do so, if the filing party arrives with a filing fee before you have approval, we suggest that you accept the fee.
- 6) The filing office will not undertake substantive review to determine the veracity of the information in the Affidavit, but may review the form for completeness of necessary information for filing purposes only. The filing party may indicate that certain information is unknown.
- 7) The filing party will directly handle lien release procedures with the Department of Revenue.
- 8) The Register of Wills will not be involved in the negotiation of lien releases, but will docket any appropriate supplemental documentation according to usual practices.
- 9) The Register of Wills office is under **no obligation to notify or attempt to contact family members**. This responsibility is solely in the Filing party or Department of Revenue.
- 10) A copy of the Affidavit is to be sent to the state by the method the filing office uses to send probate information to the state. This may be electronically or by USPS.
- 11) An Affidavit of Death **does not prohibit another person from applying for or receiving letters, filing an inheritance tax return, filing a caveat, a petition for citation or any other probate**. The Affidavit will simply be part of the file.