

**5.8**  
**PETITION FOR SETTLEMENT OF INSOLVENT ESTATE**  
**UNDER 20 Pa. C.S.A. §3392**

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[SEE CAPTION AT 1.3.2]

**PETITION**

To the Honorable, the Judges of Said Court:

The Petition of William Dunn in the Estate of Joseph B. Dunn, Deceased respectfully states that:

1. Joseph B. Dunn (the “Decedent”) died on July 7, 2001, a resident of 261 Horse Hair Road, Philadelphia, Pennsylvania.
2. The Decedent left a Will dated March 30, 1994, which was admitted to probate on July 16, 2001 by the Register of Wills of Philadelphia County, Pennsylvania at the above number and term. A copy of the Will is attached hereto and made a part hereof as Exhibit “A.”
3. On July 16, 2001, Letters Testamentary were duly granted to William Dunn, and complete advertisement of same was first made in *The Legal Intelligencer* on August 1, 2001, and in the *Daily News* on August 2, 2001. Proofs of Publication are attached hereto and made a part hereof as Exhibits “B-1” and “B-2.”
4. William Dunn the duly appointed Executor of the Estate, is the sole legatee named in the Will, attached as Exhibit “A,” and is *sui juris*.
5. Decedent was not survived by a spouse, nor did he have any children.
6. The probate estate of which Decedent died seized consisted of the following property valued as of the Decedent’s date of death:

A. 5 shares XYZ, Inc. common	\$ 10.00
B. Old Faithful Bank - Checking account	5.00
C. Tangible personal property	1,000.00

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D. IRS - refund payment	<u>1,200.00</u>
	\$ 2,215.00

The Decedent did not own any interest in real estate.

7. At the time of his death, Decedent had an interest as a joint tenant in the following accounts titled in the name of the Decedent and William Dunn, as joint tenants with right of survivorship:

A. Certificates of Deposit:

(1) No. 1234	\$ 2,514.53	
(2) No. 1235	2,514.53	
(3) No. 1236	5,029.07	
(4) No. 1237	<u>5,029.07</u>	\$15,087.20

B. Old Faithful Bank—Checking account	<u>445.63</u>
	\$15,532.83

The surviving joint tenant paid all Pennsylvania Inheritance Tax due on said joint accounts. The Estate of Joseph B. Dunn, Deceased, joint owner, has applied for a refund of the overpayment of such tax.

8. There is no partial intestacy as to the estate.
9. The family exemption has not been claimed since there are no heirs who were members of the Decedent's household.
10. The following administration expenses, debts and taxes are claims against the estate:

A. Costs of Administration:

(1) William Dunn - Executor's fee	\$ 250.00
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(2) William Dunn - advances for probate costs, short certificates, postage, duplicating charges, advertising letters, etc.	237.40
B. Funeral and burial expenses: Susan Roe—reimbursement for funeral and burial expenses	5,404.98
C. Claims of U. S. Government Internal Revenue Service income tax 1996 through 1997, plus penalty and interest	3,606.60
D. Unpaid rent six months prior to death	
(1) Rent due at 261 Horse Hair Road, Philadelphia, PA	546.25
E. Other Claims:	
(1) City of Philadelphia-city wage taxes, plus penalty and interest	878.64
(2) Commonwealth of Pennsylvania - income taxes, 1996 through 1997, plus penalty and interest	831.09
(3) Old Faithful Bank Visa - balance due, at date of death	1,002.50
(4) ABC Credit Co. - balance due at date of death	2,080.73
(5) Friendly Real Estate Services outstanding advances	9,403.00

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(6) ABC Utility - balance due at date of death	<u>243.79</u>
	\$24,484.98

The Decedent also owed \$2,932.23 to All County Financial Services on a personal loan he made prior to his death. This debt was paid in full by insurance carried by Joseph B. Dunn.

11. Susan Roe, a friend of the Decedent, has advanced \$5,404.98 from funds she received as the named beneficiary of School Employees' Insurance Policy owned by the Decedent in payment of funeral service expenses.
12. The only disbursements paid prior to filing this Petition were Old Faithful Bank service charges in the amount of \$4.00 debited by the bank against the Decedent's checking account balance.
13. Petitioner is aware of no claims against the estate which are not admitted.
14. The assets of the estate totaling \$2,215.00, as set forth in Paragraph 5, are insufficient to pay all proper charges and claims against the estate totaling \$24,484.98, as set forth in Paragraph 9. Pursuant 20 Pa. C.S.A. §3392, payment should be made as follows:

A. Costs of Administration:

(1) William Dunn - Executor's fee	\$ 250.00
(2) William Dunn - advances for probate costs, short certificates, postage, duplicating charges, advertising letters, etc.	237.40

B. Funeral and burial expenses:

(1) Susan Roe - reimbursement for funeral and burial expenses	1,727.60
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C. Claims of U. S. Government - Internal Revenue  
Service - income tax 1996 through 1997, plus

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penalty and interest 0.00

D. Unpaid rent six months prior to death -  
 Rent due at 261 Horse Hair Road  
 Philadelphia, Pennsylvania 0.00

E. Other Claims:

(1) City of Philadelphia - wage taxes,  
 plus penalty and interest 0.00

(2) Commonwealth of Pennsylvania -  
 income taxes, 1996 through 1997,  
 plus penalty and interest 0.00

(3) Old Faithful Bank Visa - balance  
 due, at date of death 0.00

(4) ABC Credit Co. - balance due at  
 date of death 0.00

(5) Friendly Real Estate Services -  
 outstanding advances 0.00

(6) DEF Utility - balance due at  
 date of death 0.00

\$ 2,215.00

15. Certain of the creditors have consented to this Petition. Their signed consents are attached hereto and made part hereof as Exhibits "C-1" through "C-6."
16. A statement from the Agent for the Commonwealth of Pennsylvania consenting to the grant of this Petition is attached hereto, made part hereof and marked Exhibit "D."
17. Notice of the presentation of this Petition has been given by first class mail to all parties or to all counsel known to Petitioners to have or represent an interest in or claim against the estate who have not joined in this Petition.

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Wherefore, your Petitioners pray your Honorable Court to approve payment of all proper charges and claims against the estate as set forth in the foregoing Petition and discharge William Dunn from his duties as Executor.

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William Dunn, Executor of the  
Estate of Joseph B. Dunn, Deceased

[SEE AFFIDAVIT AT 1.4.1 OR VERIFICATION AT 1.4.3]