

Estate Requirements for the Decedent's Producing Property Located in Pennsylvania

1) Decedent was

- i) vested with title to the oil and gas in and under property located in PA and/or the rents/royalties under an oil and gas lease located in PA, and
- ii) died testate (left a Will), and
- iii) was domiciled in Pennsylvania at time of death, and
- iv) made specific bequest in will as to the oil and gas and/or the rents/royalties under an oil and gas lease, need:

a) Certified copy of Will

NOTE: according to PA law, fee simple title to oil and gas = real property, but oil and gas leases, rents/royalties = personal property

b) Proof of Executor's grant of Letters Testamentary

With these documents, payments due under an oil and gas lease will be made to the Executor (for the benefit of the person(s) who were bequeathed an interest in the fee simple title to the oil and gas and/or the rents/royalties under an oil and gas lease) until the estate is closed.

When estate is closed, provide:

- c) Certified copy of Will, if not previously provided
- d) Proof of Executor's grant of Letters Testamentary, if not previously provided
- e) Proof of Petition for Final Distribution of Decedent's estate and Order of Court granting said Petition
- f) Proof that all of Decedent's debts and all inheritance taxes have been paid, including inheritance taxes on the oil and gas and/or rentals/royalties at issue
- g) Proof of "who", after close of estate, is vested with fee simple title to the oil and gas and/or the rents/royalties under an oil and gas lease covering the subject premises.

2) Decedent was

- i) vested with title to the oil and gas in and under property located in PA and/or the rents/royalties under an oil and gas lease located in PA, and
- ii) died testate (left a Will), and
- iii) was domiciled in Pennsylvania at time of death, and
- iv) did not make a specific bequest in Will as to the oil and gas and/or the rents/royalties under an oil and gas lease, need:

a) Certified copy of Will, and

b) Proof of Executor's grant of Letters Testamentary

With these documents, payments due under an oil and gas lease will be made to the Executor (for the benefit of the person(s) who will be vested with an interest in the fee

simple title to the oil and gas and/or the rents/royalties under an oil and gas lease covering the subject premises) until the estate is closed.

When estate is closed, provide:

- c) Certified copy of Will, if not previously provided
- d) Proof of Executor's grant of Letters Testamentary, if not previously provided
- e) Proof of Petition for Final Distribution of Decedent's estate and Order of Court granting said Petition
- f) Proof that all of Decedent's debts and inheritance taxes have been paid, including inheritance taxes on the oil and gas and/or rentals/royalties at issue
- g) Proof of "who", after close of estate, is vested with fee simple title to the oil and gas and/or the rents/royalties under an oil and gas lease covering the subject premises.

3) Decedent was

- i) vested with title to the oil and gas in and under property located in PA and/or the rents/royalties under an oil an gas lease located in PA, and
- ii) died intestate (without a Will), and
- iii) was domiciled in Pennsylvania at time of death, need:

- a) Proof of Administrator's grant of Letters of Administration

With this document, payments due under an oil and gas lease will be made to the Administrator (for the benefit of the person(s) who will become vested with an interest in fee simple title to the oil and gas and/or the rents/royalties under an oil and gas lease covering the subject premises) until the estate is closed.

When estate is closed, provide:

- b) Proof of Administrator's grant of Letters of Administration, if not previously provided
- c) Proof of Petition for Final Distribution of Decedent's estate and Order of Court granting said Petition
- d) Proof that all of Decedent's debts and inheritance taxes have been paid, including inheritance taxes on the oil and gas and/or rentals/royalties at issue
- e) Proof of "who", after close of estate, is vested with fee simple title to the oil and gas and/or the rents/royalties under an oil and gas lease covering the subject premises.

4) Decedent was

- i) vested with title to the oil and gas in and under property located in PA and/or the rents/royalties under an oil an gas lease located in PA, and
- ii) died intestate (without a Will), and
- iii) was domiciled in Pennsylvania at time of death, but
- iv) no Administrator yet appointed, need:

- a) Certified copy of Death Certificate
- b) Affidavit of Heirship

With these documents, oil and gas operator will determine to whom payments due under an oil and gas lease should be made, according to Pennsylvania intestate succession laws, and will then need to assure that all the necessary steps (i.e. opening an Estate, appointing an Administrator, Proof that all of Decedent's debts and inheritance taxes have been paid, including inheritance taxes on the oil and gas and/or rentals/royalties at issue, and obtaining court approval) are taken so that the proper party is identified as to whom payments under the oil and gas lease should be made.

5) Decedent was

- i) vested with title to the oil and gas in and under property located in PA and/or the rents/royalties under an oil an gas lease located in Pennsylvania, and
- ii) died testate (left a Will), and
- iii) was not domiciled in Pennsylvania at time of death,

- a) Then Ancillary Letters Testamentary may be granted by the register in any county wherein property of the estate shall be located, and when granted shall be exclusive throughout the Commonwealth.
- b) See #1 (specific bequest) or #2 (no specific bequest) hereinabove.

6) Decedent was

- i) vested with title to the oil and gas and/or the rents/royalties under an oil an gas lease located in Pennsylvania, and
- ii) died intestate (without a Will), and
- iii) was not domiciled in Pennsylvania at time of death,

- a) Then Ancillary Letters of Administration may be granted by the register in any county wherein property of the decedent shall be located, and when granted shall be exclusive throughout the Commonwealth.
- b) See #3 hereinabove
- c) If no Administrator appointed, then the steps under #4 hereinabove must be taken.