

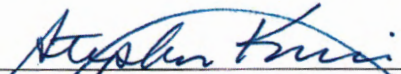
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS

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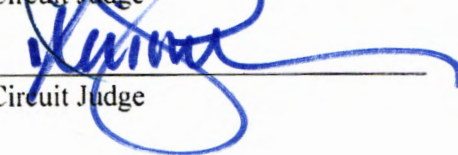
ADMINISTRATIVE ORDER 2020 – 19

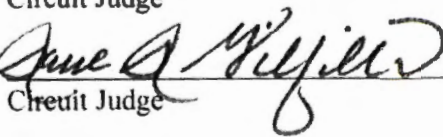
TENTH CIRCUIT PROBATE RULES CHANGES  
(non-substantive)

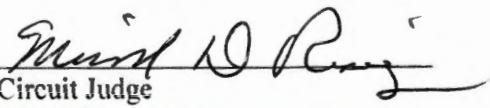
IT IS HEREBY ORDERED by the undersigned judges of the Tenth Judicial Circuit of Illinois that per Supreme Court Rule 21(a) the attached Tenth Circuit Court Rules 63(a), 69(2), 69(3) and Rule 73 are being amended effective November 10, 2020. See attached.

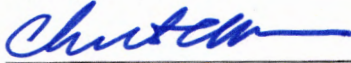
  
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Dated this 10<sup>th</sup> day of November 2020

**Rule 70 Demand on executor, administrator, or guardian to pay money or deliver property**

Demand under the terms of Section 24-16(c) of the Probate Act on an executor, administrator, or guardian to pay money or deliver property to any person in pursuance of the lawful order of the court shall be made in writing by serving written demand on the executor, administrator, or guardian in the manner provided for services of motions.

**Rule 71 Objections**

Objections to accounts, reports, awards, etc., shall be in writing and shall specify all grounds of objection.

**PART 3 ACCOUNTS AND DISTRIBUTION**

**Rule 72 Change in identity of the parties**

Each administrator's or executor's account shall state any change in the identity of the parties entitled to a distributive share of the estate which change has occurred and has not theretofore been reported to the court.

**Rule 73 Distribution before the expiration of six months after issuance of letters**

Authority under Section 24-4(a) of the Probate Act to an executor or administrator to pay all or part of the distributive share to a distributee before the expiration of six months after the issuance of letters will be granted only after the filing of the inventory, the approval and filing of a current account, and the payment of all accrued costs. Evidence shall be presented to the court that all allowed claims have been paid or that there is sufficient money on hand to pay all claims against the estate and to warrant distribution. The refunding bond shall be ~~in the form prescribed by the court and furnished by the clerk~~ filed with the Clerk of the Court.

**Rule 74 Accounts-procedure**

(a) Notice of the hearing on a final account of an executor or an administrator or on a current account that is intended to be binding pursuant to Section 24-2 of the Probate Act shall be given to all persons described in Section 24-2 of the Probate Act as follows:

(1) Such notice shall be in writing accompanied by a copy of the account except where notice is to be given by publication.

(2) The notice shall contain the time, place and nature of the hearing and substantially the following sentence: "If the account is approved by the court upon the hearing, in the absence of fraud, accident or mistake, the account as approved is binding upon all persons to whom this notice is given."

(3) The notice shall be given at least 10 days prior to the hearing in the manner provided by Supreme Court Rule 105 except when notice is by publication as herein provided, and except

**Rule 69 Attorneys-in-fact and representatives of foreign countries**

The distributive share of a citizen and resident of a foreign country may be paid to the official representative of such foreign country (hereinafter referred to as "representative"), attorney-in-fact, or assignee of such distributee (provided said official representative, attorney-in-fact, or assignee is a bona fide resident of the State of Illinois), in the following manner:

(1) Such representative or attorney-in-fact or assignee shall present satisfactory evidence to the court that his principal is, in fact, the person entitled to receive such distributive share and that such representative or attorney-in-fact or assignee has been duly authorized, by treaty or power of attorney or assignment, to receive said distributive share. Each power of attorney or assignment shall be signed by the distributee and properly authenticated and acknowledged before the American Counsel of the jurisdiction in which the foreign distributee resides, unless the court shall be satisfied with the other evidence of the genuineness or validity of the power of attorney or assignment.

(2) Such representative or attorney-in-fact shall ~~present~~ file his petition for leave to receive ~~in the form prescribed by the court and furnished by the clerk~~ with the Clerk of the Court. When such petition is allowed by the court, an order in conformity therewith shall be entered.

(3) Unless excused by the court, such representative or attorney-in-fact shall furnish suitable bond with sureties, in an amount to be fixed by the court, which bond shall be ~~in form prescribed by the court and furnished by the clerk~~ filed with the Clerk of the Court and shall be conditioned upon the payment and delivery of the distributive share to the distributee.

(4) Such representative or attorney-in-fact shall acknowledge receipt in writing of the distributive share received from the legal representative, and he shall certify on said receipt that his authority to receive the distributive share has not been revoked. The legal representative shall file said receipt and certificate with his vouchers.

(5) Such representative or attorney-in-fact within ninety days (or any extension thereof allowed by the court during the said ninety day period) shall present to the court his report of compliance, together with the receipt or voucher of the distribution evidencing payment and delivery of the distributive share to the distributee lawfully entitled thereto.

(6) In the event of the failure, refusal or inability of the representative or attorney-in-fact to pay and deliver the distributive share to the distributee lawfully entitled thereto within said ninety days (or any extension thereof granted by the court during the said ninety day period), the distributive share shall be deposited with the county treasurer subject to the further order of the court and presentation of voucher or receipt of the county treasurer evidencing the deposit of said distributive share shall be produced and filed in the court by the representative or attorney-in-fact, whereupon he shall be discharged from further duty.

**Rule 62      Filing of address by executor, administrator or guardian**

Each executor, administrator or guardian shall file his address with the clerk at the time of subscribing his oath and shall record with the clerk any changes in his address taking place during the period of administration.

**PART 2      OPENING DECEDENT'S ESTATES**

**Rule 63      Petition for admission of will to probate or for letters of administration**

(a) Each petition for admission of a will to probate or for letters of administration shall be filed ~~substantially in the form prescribed by the court and furnished by the clerk.~~ with the Clerk of the Court.

(b) After admission of a will to probate, the clerk shall cause a copy to become part of the court file. The original will shall be kept separate from the court file for a period of six (6) months following its admission to probate and the clerk shall not surrender possession thereof to anyone except by order of the court.

**Rule 64      Deposition of witness to a will**

A person desiring to take the deposition of a witness to a will as provided by Section 6-5 of the Probate Act shall give such notice of the hearing on the petition to take such deposition as the court may direct to be given to each heir, legatee and devisee whose name and post office address are stated in the petition for admission of the will to probate. Proposed written interrogatories shall be filed prior to the hearing. Any persons interested may propose cross-interrogatories at the time of the hearing or within such further time as the court shall allow and shall give such notice of the hearing thereon as the court may direct.

**Rule 65      Proof of heirship**

(a) When a petition for admission of a will to probate or for letters of administration has been filed, ascertainment of heirship may be made: (1) by testimony of witnesses examined in open court; (2) by affidavit as provided in Section 5-3 of the Probate Act; (3) by deposition; or (4) by a verified petition for admission of a will to probate or for letters of administration.

(b) When no petition has been filed for admission of a will to probate or for letters of administration, a person desiring to obtain an ascertainment and declaration of heirship or dependency shall file a petition stating: (1) the name and address of petitioner and his attorney; (2) the name and place of residence of the decedent at the time of his death; (3) the time and place of death; (4) the names and post office addresses of his heirs and the fact as to whether any of them is a minor or incompetent. Notice of the petition and of the time and place of hearing shall be given in such manner as the court directs to all heirs named in the petition.