

CHAPTER 31
DISPOSITIONS INDEPENDENT OF LETTERS;
FAMILY EXEMPTION; PROBATE OF WILLS
AND GRANT OF LETTERS

Subchapter

- A. Dispositions Independent of Letters
- B. Family Exemption
- C. Probate
- D. Grant of Letters
- E. Personal Representative; Bond
- F. Personal Representative; Revocation of Letters; Removal and Discharge

Enactment. Chapter 31 was added June 30, 1972, P.L.508, No.164, effective July 1, 1972.

SUBCHAPTER A
DISPOSITIONS INDEPENDENT OF LETTERS

Sec.

- 3101. Payments to family and funeral directors.
- 3102. Settlement of small estates on petition.

Cross References. Subchapter A is referred to in section 3126 of this title.

§ 3101. Payments to family and funeral directors.

(a) **Wages, salary or employee benefits.**--Any employer of a person dying domiciled in this Commonwealth at any time after the death of the employee, whether or not a personal representative has been appointed, may pay wages, salary or any employee benefits due the deceased in an amount not exceeding \$10,000 to the spouse, any child, the father or mother, or any sister or brother (preference being given in the order named) of the deceased employee. Any employer making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and he shall not be required to see to the application thereof. Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution.

(b) **Deposit account.**--Any bank, savings association, savings and loan association, building and loan association, credit union or other savings organization, at any time after the death of a depositor, member or certificate holder, shall pay the amount on deposit or represented by the certificate, when the total standing to the credit of the decedent in that institution does not exceed \$20,000, to the spouse, any child, the father or mother or any sister or brother (preference being given in the order named) of the deceased depositor, member or certificate holder, provided that a receipted funeral bill or an affidavit, executed by a licensed funeral director which sets forth that satisfactory arrangements for payment of funeral services have been made, is presented. Any bank, association, credit union or other savings organization making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and it shall not be required to see to the application thereof. Any person to whom payment is made

shall be answerable therefor to anyone prejudiced by an improper distribution.

(c) Patient's care account.--When the decedent was a qualified recipient of medical assistance from the Department of Public Welfare, the facility in which he was a patient may make payment of funds, if any, remaining in the patient's care account, for the decedent's burial expenses to a licensed funeral director in an amount not exceeding \$10,000 whether or not a personal representative has been appointed. After the payment of decedent's burial expenses, the facility may pay the balance of decedent's patient's care account, as long as the payments, including the payment for burial expenses, does not exceed \$10,000, to the spouse, any child, the father or mother or any sister or brother (preference being given in the order named) of the deceased patient. Any facility making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and it shall not be required to see to the application thereof. Any licensed funeral director or other person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution.

(d) Life insurance payable to estate.--Any insurance company which upon the death of an individual residing in this Commonwealth owes his estate a total amount of \$11,000 or less under any policy of life, endowment, accident or health insurance, or under any annuity or pure endowment contract, may at any time after 60 days following his death pay all or any part of that amount to the spouse, any child, the father or mother or any sister or brother of the decedent (preference being given in the order named) provided that at the time of the payment no written claim for that money has been received at the office of the company specified in the policy or contract for the receipt of claims from any duly appointed personal representative of the decedent. Any insurance company making any payment in accordance with this section to an adult may rely on the affidavit of any of the persons named in this subsection concerning the existence and relationship of these persons and shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and the insurance company shall not be required to see to the application thereof. Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution.

(e) Unclaimed property.--

(1) In any case where property or funds owned by an individual who has died a resident of this Commonwealth have been reported to the Commonwealth and are in the custody of the State Treasurer as unclaimed or abandoned property, the State Treasurer, at any time after the death of the individual, shall only be authorized under this section to distribute the property or to pay the amount being held in custody where all of the following conditions are present:

(i) The amount of the funds or the value of the property is \$20,000 or less.

(ii) The person claiming the property or the funds is the surviving spouse or a member of the class of people as specified in section 2103(1), (2), (3) or (4) (relating to shares of others than surviving spouse), with preference given in that order.

(iii) A personal representative of the decedent has not been appointed or five years have lapsed since the appointment of a personal representative of the decedent.

(2) Upon being presented with a claim under paragraph (1) for property owned by a decedent, the State Treasurer shall

require the person claiming the property to provide all of the following prior to distributing the property or paying the amount held in custody:

(i) A certified death certificate of the owner.

(ii) A sworn affidavit under the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) setting forth the relationship of the claimant to the decedent, the existence or nonexistence of a duly appointed personal representative of the decedent, any other persons that may be entitled under this section to make a claim to the decedent's property and a statement that the person is the surviving spouse or the person or a member of the class of people with the strongest claim to the property or funds under paragraph (1)(ii).

(iii) Other information determined by the State Treasurer to be necessary in order to distribute property or pay funds under this section to the proper person.

(3) If the State Treasurer determines the claimant to be a person entitled to claim property of a decedent owner, the State Treasurer shall pay or distribute such property to the claimant and shall thereby be released to the same extent as if payment or distribution had been made to a duly appointed personal representative of the decedent and shall not be required to oversee the application of the payments made. Any claimant to whom payment is made shall be answerable therefore to anyone prejudiced by an improper distribution or payment.

(May 10, 1974, P.L.282, No.84, eff. imd.; Dec. 19, 1975, P.L.598, No.168, eff. imd.; July 9, 1976, P.L.551, No.135, eff. imd.; July 11, 1980, P.L.565, No.118, eff. 60 days; Feb. 18, 1982, P.L.45, No.26, eff. imd.; June 28, 1993, P.L.181, No.38, eff. imd.; Dec. 1, 1994, P.L.655, No.102, eff. 60 days; June 28, 2002, P.L.478, No.80, eff. imd.; July 2, 2013, P.L.199, No.35, eff. 60 days; Oct. 30, 2017, P.L.417, No.41, eff. 60 days; July 17, 2024, P.L.805, No.65, eff. 60 days; Nov. 24, 2025, P.L.308, No.50)

2025 Amendment. Act 50 amended subsecs. (b) and (e)(1)(i). Section 3(2) of Act 50 provided that the amendment of subsec. (b) shall take effect in 60 days and section 3(3) of Act 50 provided that the amendment of subsec. (e)(1)(i) shall take effect in 180 days.

2024 Amendment. Act 65 amended subsec. (e).

2017 Amendment. Act 41 amended subsec. (a).

2013 Amendment. Act 35 amended subsecs. (b) and (c). Section 2 of Act 35 provided that the amendment of subsecs. (b) and (c) shall apply to estates of decedents dying on or after the effective date of section 2.

1982 Amendment. Act 26 amended subsec. (c) and added subsec. (d).

References in Text. The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Cross References. Section 3101 is referred to in section 3102 of this title.