



Probate Basics, Learning How to File in Probate Court (EYL240129)

Monday, January 29, 2024

6:00 p.m. to 7:30 p.m.

Webinar

CT Bar Institute, Inc.

CT: 1.5 CLE Credits (General)

NY: 1.5 CLE Credits (AOP)

No representation or warranty is made as to the accuracy of these materials. Readers should check primary sources where appropriate and use the traditional legal research techniques to make sure that the information has not been affected or changed by recent developments.

Table of Contents

Lawyers’ Principles of Professionalism..... 3

Faculty Biographies 6

Agenda..... 8

Probate Basics, Learning How to File in Probate Court Presentation Slides..... 9

Decedent Timelines..... 22

Probate Fact Sheet 23

Sample Welcome Letter 24

LAWYERS' PRINCIPLES OF PROFESSIONALISM

As a lawyer, I have dedicated myself to making our system of justice work fairly and efficiently for all. I am an officer of this Court and recognize the obligation I have to advance the rule of law and preserve and foster the integrity of the legal system. To this end, I commit myself not only to observe the Connecticut Rules of Professional Conduct, but also conduct myself in accordance with the following Principles of Professionalism when dealing with my clients, opposing parties, fellow counsel, self-represented parties, the Courts, and the general public.

Civility:

Civility and courtesy are the hallmarks of professionalism. As such,

- I will be courteous, polite, respectful, and civil, both in oral and in written communications;
- I will refrain from using litigation or any other legal procedure to harass an opposing party;
- I will not impute improper motives to my adversary unless clearly justified by the facts and essential to resolution of the issue;
- I will treat the representation of a client as the client's transaction or dispute and not as a dispute with my adversary;
- I will respond to all communications timely and respectfully and allow my adversary a reasonable time to respond;
- I will avoid making groundless objections in the discovery process and work cooperatively to resolve those that are asserted with merit;
- I will agree to reasonable requests for extensions of time and for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;
- I will try to consult with my adversary before scheduling depositions, meetings, or hearings, and I will cooperate with her when schedule changes are requested;
- When scheduled meetings, hearings, or depositions have to be canceled, I will notify my adversary and, if appropriate, the Court (or other tribunal) as early as possible and enlist their involvement in rescheduling; and
- I will not serve motions and pleadings at such time or in such manner as will unfairly limit the other party's opportunity to respond.

Honesty:

Honesty and truthfulness are critical to the integrity of the legal profession – they are core values that must be observed at all times and they go hand in hand with my fiduciary duty. As such,

- I will not knowingly make untrue statements of fact or of law to my client, adversary or the Court;
- I will honor my word;
- I will not maintain or assist in maintaining any cause of action or advancing any position that is false or unlawful;

- I will withdraw voluntarily claims, defenses, or arguments when it becomes apparent that they do not have merit or are superfluous;
- I will not file frivolous motions or advance frivolous positions;
- When engaged in a transaction, I will make sure all involved are aware of changes I make to documents and not conceal changes.

Competency:

Having the necessary ability, knowledge, and skill to effectively advise and advocate for a client's interests is critical to the lawyer's function in their community. As such,

- I will keep myself current in the areas in which I practice, and, will associate with, or refer my client to, counsel knowledgeable in another field of practice when necessary;
- I will maintain proficiency in those technological advances that are necessary for me to competently represent my clients.
- I will seek mentoring and guidance throughout my career in order to ensure that I act with diligence and competency.

Responsibility:

I recognize that my client's interests and the administration of justice in general are best served when I work responsibly, effectively, and cooperatively with those with whom I interact. As such,

- Before dates for hearings or trials are set, or if that is not feasible, immediately after such dates have been set, I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the Court (or other tribunal) and my adversary of any likely problem;
- I will make every effort to agree with my adversary, as early as possible, on a voluntary exchange of information and on a plan for discovery;
- I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleadings and discovery requests;
- I will be punctual in attending Court hearings, conferences, meetings, and depositions;
- I will refrain from excessive and abusive discovery, and I will comply with all reasonable discovery requests;
- In civil matters, I will stipulate to facts as to which there is no genuine dispute;
- I will refrain from causing unreasonable delays;
- Where consistent with my client's interests, I will communicate with my adversary in an effort to avoid needless controversial litigation and to resolve litigation that has actually commenced;
- While I must consider my client's decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation.

Mentoring:

I owe a duty to the legal profession to counsel less experienced lawyers on the practice of the law and these Principles, and to seek mentoring myself. As such:

- I will exemplify through my behavior and teach through my words the importance of collegiality and ethical and civil behavior;
- I will emphasize the importance of providing clients with a high standard of representation through competency and the exercise of sound judgment;
- I will stress the role of our profession as a public service, to building and fostering the rule of law;
- I will welcome requests for guidance and advice.

Honor:

I recognize the honor of the legal profession and will always act in a manner consistent with the respect, courtesy, and weight that it deserves. As such,

- I will be guided by what is best for my client and the interests of justice, not what advances my own financial interests;
- I will be a vigorous and zealous advocate on behalf of my client, but I recognize that, as an officer of the Court, excessive zeal may be detrimental to the interests of a properly functioning system of justice;
- I will remember that, in addition to commitment to my client's cause, my responsibilities as a lawyer include a devotion to the public good;
- I will, as a member of a self-regulating profession, report violations of the Rules of Professional Conduct as required by those rules;
- I will protect the image of the legal profession in my daily activities and in the ways I communicate with the public;
- I will be mindful that the law is a learned profession and that among its desirable goals are devotion to public service, improvement of administration of justice, and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance; and
- I will support and advocate for fair and equal treatment under the law for all persons, regardless of race, color, ancestry, sex, pregnancy, religion, national origin, ethnicity, disability, status as a veteran, age, gender identity, gender expression or marital status, sexual orientation, or creed and will always conduct myself in such a way as to promote equality and justice for all.

Nothing in these Principles shall supersede, supplement, or in any way amend the Rules of Professional Conduct, alter existing standards of conduct against which a lawyer's conduct might be judged, or become a basis for the imposition of any civil, criminal, or professional liability.

Faculty Biographies

Beth A. Brunalli

Beth A. Brunalli is a Partner at Davidson, Dawson and Clark LLP in the New Canaan office where she enjoys counseling clients on the technical and practical aspects of estate planning, estate and trust administration, and tax planning. Ms. Brunalli graduated magna cum laude from the University of Notre Dame with a B.A. in 2001 and remains an enthusiastic Notre Dame football fan. She earned her J.D. from the University of Connecticut School of Law, with a Certificate in Tax Studies, in 2007. She was admitted to practice in Connecticut in 2007 and is a member of the Executive Committee of the Estate and Probate Section of the Connecticut Bar Association.

Hon. Ariana F. Ceneviva

Hon. Ariana F. Ceneviva is an attorney at Ceneviva Law Firm in Meriden Connecticut and also the Probate Judge for the District of Meriden. Judge Ceneviva earned her Bachelor of Science summa cum laude from Villanova University in 2007 and her Juris Doctorate cum laude in 2010 from Villanova School of Law. She has practiced at her family run law firm with her father since being admitted to the Bar in 2010. Ariana Ceneviva is a top rated attorney in Connecticut providing legal representation for a variety of Real Estate and Estate Planning Matters. Judge Ceneviva was selected by Super Lawyers as a Rising Star for the past 6 years. Judge Ceneviva won the seat in a special election on November 7, 2017, to be selected as the first female Probate Judge for the District of Meriden.

Francesca Lefante Knerr

Francesca Lefante Knerr currently holds the esteemed position of Staff Attorney at the Hartford Probate Court. Her career in the Probate Court system commenced in 2003 at the West Hartford Probate Court. Spanning a period of over two decades, Attorney Knerr has amassed extensive experience in various facets of probate court jurisdiction. This experience has been enriched through collaborations with numerous judges and attorneys across the Greater Hartford area. Her focus converges notably upon the intricate realm of decedent estate administration, coupled with a pronounced commitment to navigating the burgeoning intricacies and heightened prevalence of mental health matters within the Court. In addition to her substantive legal contributions, Attorney Knerr actively participates in shaping the intellectual landscape of the Probate Assembly through her involvement in the continuing education committee. Previously, she had assumed the role of chair for both the Elder Law and Estate and Probate Committees of the Young Lawyers Section, contributing significantly to the professional discourse within these spheres.

Hayley K. Melse

Hayley K. Melse received her B.A in Communications from University of North Texas in 2016. She then went on to attend Quinnipiac School of Law and graduated in 2020 with her Juris Doctorate. Attorney Melse got admitted to the Connecticut Bar in 2020 and has been working at Emanuele A. Mangiafico Attorney at Law LLC as an Associate Attorney. Attorney Melse handles Real Estate Closings, Lease Agreements, Estate Planning and Probate Matters for the firm.

Agenda

Probate Basics, Learning How to File in Probate Court (EYL240129)

Webinar

January 29, 2024

6:00 p.m. – 7:30 p.m. EDT

Presenter:

Hon. Ariana F. Ceneviva, Probate Court PD-16, Meriden

Beth A. Brunalli, Davidson, Dawson and Clark LLP, New Canaan

Francesca Lefante Knerr, Hartford Probate Court, Hartford

Hayley K. Melse, Emanuele A. Mangiafico, Attorney at Law LLC, New Britain

6:00 p.m. – 7:30 p.m.

- Overview
- Introductions
- Full Estates
- Property in Estate File for Tax Purposes
- Small Estates
- Common Errors Attorneys Make
- Question and Answer

Probate Basics: Learning How to File in Probate Court

Moderated by:

Attorney Hayley K. Melse

Emanuele A. Mangiafico Attorney at Law, LLC

185 West Main Street

New Britain, CT 06052

Table of Contents

- Overview
- Introductions
- Full Estates
- Property in Estate File for Tax Purposes
- Small Estates
- Common Errors Attorneys Make
- Question and Answer

Ariana F. Ceneviva is an attorney at Ceneviva Law Firm in Meriden Connecticut and also the Probate Judge for the District of Meriden. Judge Ceneviva earned her Bachelors of Science summa cum laude from Villanova University in 2007 and her Juris Doctorate cum laude in 2010 from Villanova School of Law. She has practiced at her family run law firm with her father since being admitted to the Bar in 2010. Ariana Ceneviva is a top rated attorney in Connecticut providing legal representation for a variety of Real Estate and Estate Planning Matters. Judge Ceneviva was selected by Super Lawyers as a Rising Star for the past 6 years. Judge Ceneviva won the seat in a special election on November 7, 2017 to be selected as the first female Probate Judge for the District of Meriden.

Contact Information:

T: 203.237.8808

Ariana@cenevivalaw.com

721 Broad Street
Meriden, CT



Attorney **Beth A. Brunalli** is a Partner at Davidson, Dawson and Clark LLP in the New Canaan office where she enjoys counseling clients on the technical and practical aspects of estate planning, estate and trust administration, and tax planning. Ms. Brunalli graduated magna cum laude from the University of Notre Dame with a B.A. in 2001 and remains an enthusiastic Notre Dame football fan. She earned her J.D. from the University of Connecticut School of Law, with a Certificate in Tax Studies, in 2007. She was admitted to practice in Connecticut in 2007 and is a member of the Executive Committee of the Estate and Probate Section of the Connecticut Bar Association.

Contact Information:

T: 203.972.3031

BABrunalli@davidsondawson.com

18 Locust Avenue

Second Floor

New Canaan, CT 06840



Francesca Lefante Knerr currently holds the esteemed position of Staff Attorney at the Hartford Probate Court. Her career in the Probate Court system commenced in 2003 at the West Hartford Probate Court. Spanning a period of over two decades, Attorney Knerr has amassed extensive experience in various facets of probate court jurisdiction. This experience has been enriched through collaborations with numerous judges and attorneys across the Greater Hartford area. Her focus converges notably on decedent estate administration, coupled with a pronounced commitment to navigating the burgeoning intricacies and heightened prevalence of mental health matters within the Court. Previously, she had assumed the role of chair for both the Elder Law and Estate and Probate Committees of the Young Lawyers Section.

Contact Information:

T: 860-757-9150

Francesca.Knerr@ctprobate.gov

Hartford Probate Court

250 Constitution Plaza
Hartford, CT 06103-2800



Basic Need to Knows

- What is Probate?
- File all Documents on turbocourt.com
 - You will need to make an account
- Make sure to Review all Documents before filing
- Get Contact Information for all Heirs as they are required to get Notice of Filing
- Keep Clients updated

Full Estate

1. File Will on Turbo Court and send Original to Probate Court
2. File Death Certificate on Turbo Court and send original to Probate Court
3. File PC 200 Petition for Probate
4. File PC 200CI Confidential Information
5. File PC 183 Appearance Form
6. If no Executor in Will, then a PC 171 Acceptance of Fiduciary Form
7. If you want to Waive the Initial Hearing, get a PC 181 General Waiver signed by all Heirs-at-law and Beneficiaries named in Will

Full Estate Cont.

8. File PC 440 Inventory to Turbo Court
9. File CT 706 NT Connecticut Estate Tax Form to Turbo Court
10. File PC 246 Financial Report Decedent Estate (aka Final Accounting)
11. File PC 237 Return of Claims to Turbo Court
12. Potentially File PC 213 Closing of Estate to Turbo Court

Property in Estate File for Tax Purposes

1. File Death Certificate to Turbo Court and mail Original to Probate Court
2. File Deed to Turbo Court
3. File Assessment of Property for Date of Death to Turbo Court
4. File PC 183 Appearance Form to Turbo Court
5. File PC 205B Petition for Certificate Releasing Liens to Turbo Court
6. File CT 706 NT Connecticut Tax Return to Turbo Court

Property in Estate File for Tax Purposes Cont.

7. File Purchase and Sale Agreement to Turbo Court
8. Potentially File Letter stating when the Sale Date is to occur
9. File PC 258 Release of Liens to Land Records to Clear Title
10. Pay Probate Fee Bill based off the CT 706 NT

Small Estates

1. File Will to Turbo Court and mail Original to Probate Court
2. File Death Certificate to Turbo Court and Mail Original to Probate Court
3. File PC 183 Appearance Form to Turbo Court
4. File PC 212 Affidavit in Lieu of Probate to Turbo Court
5. File PC 212 Confidential Information to Turbo Court
6. File CT 706 NT Connecticut Estate Tax Return

Common Errors Attorneys Make

Questions?

- Probate Court User Guide Judicial Conduct
 - <http://www.ctprobate.gov/Documents/User%20Guide%20Council%20on%20Probate%20Judicial%20Conduct.pdf>
- Probate Court User Guide Decedent Estates
 - <http://www.ctprobate.gov/Documents/User%20Guide%20Administration%20of%20Decedents'%20Estates.pdf>
- Title 45a - Most Probate Statutes can be found in this Title

Decedent Estate timelines:

All types of Estates:

The CT-706NT shall be filed within six months of the date of death. An extension may be filed with the Court prior to the end of the six months. The extension grants an additional six months. An extension will only be granted one time. Following the expiration of time, interest may be charged on the statutory probate fee. (A CT-706NT can be amended if necessary. It does not need to be perfect.)

Appeal period is generally thirty days for any decree issued by the Court this includes compromises of claims and sales of real estate.

Full Estates:

Any person who has a will in their possession shall file said will with the named executor within thirty days or with the probate court that has jurisdiction over the deceased. CGS § 45a-282

The named executor shall file a petition in the court with proper jurisdiction within thirty days of the date of death of the deceased. CGS § 45a-283

Following the appointment of a fiduciary, an inventory shall be filed within two months.

Return of Claim shall be filed within 150 days.

A disclaimer of a present interest must be executed within nine months of the date of death or, if a minor, upon the age the minor reaches the age of majority. CGS-45a-579d

Affidavit Estate:

Upon receipt of the PC-212, the court immediately forwards the petition to DAS. DAS has thirty days to file a claim on the estate.

Full Estate

Husband and Wife: Jane Doe and John Doe

2 Children of the marriage

Wife passes away

ASSETS:

- **401k**- with husband listed as beneficiary
 - o Worth \$200,000
- **Checking and Savings** in her name- no Beneficiary listed
 - o Checking with \$35,000
 - o Savings with \$100,000
- **Sole Ownership of Property** in Meriden CT
 - o House worth \$350,000
- **Car** in her sole name
 - o Car worth \$10,000
- Died with a **Valid Will**

Filing for Real Property Tax Purposes

Husband and Wife: Jane Doe and John Doe

2 Children of the marriage

Wife passes away

ASSETS:

- **Joint Ownership of Primary Residence**
 - o House worth \$350,000

Small Estates

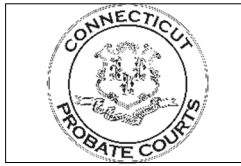
Husband and Wife: Jane Doe and John Doe

2 Children of the Marriage

Wife passes away

ASSETS:

- **Bank account** with \$3,000
- **Car** worth \$10,000
- **401k** with \$10,000



Hartford Probate Court

Foye A. Smith, Judge

250 Constitution Plaza, 3rd Floor
Hartford, CT 06103-2814
(860) 757-9150

Monica Gonzalez, Chief Clerk

January 25, 2024

Fiduciary

In the Matter of:

This letter confirms your appointment as fiduciary of this estate. Thank you for your willingness to take on this important responsibility.

To understand your duties as fiduciary, it is important that you review the following documents concerning your appointment.

- PC-260, Decree Granting Administration or Probate of Will
- PC-230, Notice of Decree Admitting Will to Probate
- PC-230A, Notice of Decree Granting Administration of Estate
- PC-238, Notice Re Interest on Fees
- PC-450, Fiduciary's Probate Certificate*
- PC-251, Notice for Land Records/Appointment of Fiduciary* (The notice with the court seal must be recorded as soon as possible with the town clerk where the real estate is located.)

***If you are represented by counsel, documents with a court seal will be sent to your attorney.**

It is your responsibility to file the following document(s) with the court on the due dates listed below:

- PC-2407, Inventory/Decedents' Estates, **DUE DATE: February 2, 2024**
- PC-237, Return of Claims and List of Notified Creditors, **DUE DATE: July 1, 2024**
- Connecticut Estate Tax Return, **DUE DATE: April 30, 2024**
To avoid interest charges, file by due date or file an extension prior to due date
- PC-242, Decedent's Estate Administration Account (Short Form), **DUE DATE: December 4, 2024**
PC-286, Status Update/Decedent's Estate, may be filed in lieu of this form, if appropriate.
- PC-246, Financial Report/Decedent's Estate, **DUE DATE: December 4, 2024**
PC-286, Status Update/Decedent's Estate, may be filed in lieu of this form, if appropriate.

Fillable forms are available at ctprobate.gov or at the court. Instructions are included on the forms. Please consider obtaining electronic access to this file by registering with the eFiling system at eFile.ctprobate.gov.

Please contact the court whenever you have changes to your contact information or have questions.

Sincerely,

Francesca Knerr, Esq., Assistant Clerk