

# Rule 5.380. Compulsory Payment of Devises or Distributive Interests

**(a) Petition.** A beneficiary may file a petition setting forth the facts that entitle the beneficiary to compel payment of devises or distributive interests stating that the property will not be required for the payment of debts, family allowance, spouse's elective share, estate and inheritance taxes, claims, charges, and expenses of administration, or for providing funds for contribution or enforcing equalization in case of advancements.

**(b) Order.** If the court finds that the property will not be required for the purposes set forth in subdivision (a), it may enter an order describing the property to be surrendered or delivered and compelling the personal representative, prior to the final settlement of the personal representative's accounts, to do one or more of the following:

**(1)** Pay all or any part of a devise in money.

**(2)** Deliver specific personal property within the personal representative's custody and control.

**(3)** Pay all or any part of a distributive interest in the personal estate of a decedent.

**(4)** Surrender real property.

**(c) Bond.** Before the entry of an order of partial distribution, the court may require the person entitled to distribution to give a bond with sureties as prescribed by law.