

PRODOC - NEW YORK PROBATE

This volume includes the forms needed for probate or administration of an estate, including all the official Surrogate's Court forms for administration, probate, small estates and accounting. It also includes additional forms relating to accounting and disposition of estate assets and forms relating to fiduciary bonds and compensation.

INFORMATION GATHERING

Client Intake Form - Probate or Estate Administration
Application for Copy of Death Certificate (DOH-4376) - New York State
Application for Copy of Death Certificate (VR-66) - New York City
Letter to Bank Requesting Account Balances
Letter to Broker Requesting Account Balances and Values
Letter to Creditor to Verify Account Balance
Letter to IRS to Verify Prior Gift Tax Returns
Letter to Public Administrator re Initiation of Administration
Family Tree Chart (OCA FT-1)
Affidavit of Due Diligence Search for Distributees
Third Party Affidavit
Petition to Search Safe Deposit Box (OCA)
Order to Search Safe Deposit Box
Petition to Search Apartment or Home
Order to Search Apartment or Home
Petition to Obtain Proof of Divorce
Order to Obtain Proof of Divorce
Probate of Will

SURROGATE COURT PROBATE PROCEEDINGS

Oath of Executor
Statement of Executor-Attorney
Petition for Probate and Letters (OCA P-1)
Decree Granting Probate
Application for Preliminary Letters Testamentary (OCA P-2)
Order for Preliminary Letters Testamentary
Affidavit of Attesting Witness (After Death) (OCA P-3)
Waiver of Process: Consent to Probate (OCA P-4)
Probate Citation (OCA P-5)
Affidavit of Service of Citation (OCA P-7)
Notice of Probate (SCPA1409) - Affidavit of Mailing (OCA P-6)
Application - Dispense with Testimony - Attesting Witness (SCPA 1405) (OCA)
Order Dispensing with Testimony of Attesting Witness (OCA P-8)
Affidavit Proving Handwriting (OCA P-9)
Renunciation of Nominated Executor or Trustee (OCA P-10)
Renunciation - Letters of Administration c.t.a. - Waive Process (OCA P-11)
Affidavit of Comparison (OCA P-13)
Affidavit to Reopen Probate
Petition to Compel Production of Will
Order to Produce Will

ADMINISTRATION CUM TESTAMENTO ANNEXO

Petition for Letters of Administration c.t.a. After Probate (OCA CTA-1)
Decree Granting Letters of Administration c.t.a.
Letters of Administration c.t.a. Citation
Renunciation - Waiver of Process - Consent to Dispense Bond (OCA CTA-3)
Affidavit of No Debt (OCA P-12)
Intestate Administration

SURROGATE COURT ADMINISTRATION PROCEEDINGS

Oath of Administrator
Statement of Administrator-Attorney
Petition for Letters of Administration (OCA A-1)
Decree Appointing Administrator (OCA A-6)
Petition for Temporary Letters of Administration (OCA A-1)
Order Granting Temporary Administration
Administration Citation (OCA A-2)
Affidavit of Service of Citation (OCA A-10)
Notice of Application for Letters of Administration (OCA A-3)
Affidavit of Mailing Notice of Application for Letters (OCA A-4)
Notice to Consul General (OCA A-5)
Affidavit of Regularity (OCA A-7)
Waiver of Citation, Renunciation and Consent (by Individual) (OCA A-8)
Waiver of Citation and Consent to Appointment (Corporation) (OCA A-9)

ADMINISTRATION DE BONIS NON

Petition for Letters of Administration d.b.n. (OCA ADM-DBN-1)
Decree Appointing Administrator d.b.n.
Letters of Administration d.b.n. Citation (OCA ADM-DBN-2)
Waiver of Citation, Renunciation and Consent (Individual) (OCA ADM-DBN-3)
Consent to Appointment d.b.n. (Corporation) (OCA ADM-DBN-4)
Notice of Application for Letters of Administration d.b.n. (OCA ADM-DBN-5)
Affidavit of Mailing Notice - Administration d.b.n. (OCA ADM-DBN-6)
Notice to the Consul General (OCA ADM-DBN-7)
Affidavit of Service of Citation (Adult) (OCA ADM-DBN-8)
Additional Court Filings

BOND

Affidavit to Dispense with Filing of a Bond
Consent to Appointment of Administrator without Bond
Order Requiring Publication of Notice to Creditors - Bond Dispensed
Notice to Creditors
Order Dispensing with Bond
Petition to Decrease Bond
Order to Decrease Bond
Affidavit of Surety
Petition to Permit Deposit of Assets to Reduce Bond
Order Directing Deposit of Assets to Reduce Bond

SERVICE

Designation of Service of Process
Application and Affidavit for Service by Certified or Registered Mail
Order for Service of Citation by Certified or Registered Mail
Application and Affidavit for Service by Publication
Order for Service by Publication
Application and Affidavit for Substituted Service
Order for Substituted Service

MISCELLANEOUS COURT FILINGS

Notice of Appearance and Authorization of Attorney

Credit Card Authorization Form (OCA)
 Attorney's Certification (22 NYCRR 207.4(a) & (b)) (OCA)
 Consent to Change Attorney
 Affidavit Advising Court of Change of Address
 Petition for Appointment of Guardian Ad Litem
 Order Appointing Guardian Ad Litem
 Assets and Liabilities of Estate

INVENTORY

List of Assets - Inventory (OCA I-1)

PROPERTY

EXEMPT PROPERTY

Affidavit for Transfer of Motor Vehicle (MV-349.1)
 Application to Set Apart Exempt Property
 Decree to Set Apart Exempt Property

REAL ESTATE

Petition to Confirm Sale of Real Property Under Contract Made by Decedent
 Petition by Executor - Administrator for Sale of Real Property
 Order Confirming - Directing - Deferring - Denying Sale of Real Property
 Deed of Executor - Administrator
 Release of Lien of Estate Tax (ET-117)

SECURITIES

Irrevocable Stock or Bond Power
 Affidavit of Domicile (Transfer of Securities)

MISCELLANEOUS PROPERTY

Petition to Continue Business of Decedent
 Intermediate Order Authorizing Continuance of Decedent's Business
 Decree Authorizing Continuance of Business of Decedent
 Affidavit of Estate Solvency

CLAIMS AGAINST THE ESTATE

Claim Against the Estate
 Claimant's Affidavit
 Petition by Fiduciary to Determine Validity and Enforceability of Claim
 Affidavit of Creditor to Obtain Payment of Debt without Administration
 Release of Creditor Claim Against Estate
 Distribution of Estate Property

ELECTIVE SHARE OF SPOUSE

Notice of Election of Surviving Spouse
 Notice to Distributees of Election of Surviving Spouse
 Compromise and Settlement - Spousal Election
 Affidavit by Surviving Spouse to Obtain Payment of Debt owed to Decedent

RENUNCIATION OF INTEREST IN ESTATE

Renunciation of Intestate Share
 Notice of Renunciation of Intestate Share
 Renunciation of Interest in Estate
 Notice of Renunciation of Interest in Estate

DISTRIBUTION

Consent to Distribution in Kind
 Receipt on Partial Distribution
 Application to Pay Funds into Court
 Order to Pay Funds into Court
 Accounting and Closing Probate or Administration

ACCOUNTING

Report of Estate Not Fully Distributed (OCA)

INFORMAL ACCOUNT

Affidavit that Estate Matters have been Completed
 Agreement Settling Account
 Beneficiary - Distributee's Receipt and Release
 Petition for Decree of Discharge with Informal Accounting
 Decree of Release and Discharge (Informal Accounting)

VOLUNTARY ACCOUNT

Accounting Schedules A - K
 Accounting (Executor or Administrator) (OCA JA-7)
 Accounting (with Trust) (OCA JA-4)
 Petition for Judicial Settlement of Account (OCA JA-1)
 Decree of Judicial Settlement for Executor - Administrator (OCA JA-8)
 Decree of Judicial Settlement - Executor with Trust or Trustee (OCA JA-5)
 Accounting Citation (OCA JA-6)
 Receipt and Release (OCA JA-2)
 Waiver of Citation and Consent in Accounting (OCA JA-3)

SUPPLEMENTAL ACCOUNT

Petition for Supplemental Account
 Order on Supplemental Account

COMPULSORY ACCOUNT

Petition for a Compulsory Accounting and Related Relief (OCA JA-10)
 Compulsory Accounting Citation (OCA)
 Order for Compulsory Accounting

COMPENSATION

Petition for Advance Payment of Commissions
 Consent to Advance Payment of Commissions
 Order for Advance Payment of Commissions
 Petition for Compensation of Attorney
 Affidavit of Legal Services
 Alternative Proceedings

SMALL ESTATE ADMINISTRATION

Affidavit - Settlement of Estate (Death 1-1-2009 or later) (OCA SE-3A)
 Amended Affidavit - Small Estate (Death 1-1-09 or later) (OCA SE-3B)
 Affidavit - Settlement of Estate Under Article 13, SCPA (OCA SE-2A)
 Amended Affidavit - Settlement of Estate Under Article 13, SCPA (OCA SE-2B)
 Renunciation of Voluntary Administration (OCA SE-1C)
 Report and Account in Settlement of Estate, Article 13, SCPA (OCA SE-1D)

ANCILLARY

ANCILLARY PROBATE

Petition for Ancillary Probate (OCA AP-1)
 Decree Granting Ancillary Probate
 Ancillary Probate Citation (OCA AP-2)
 Notice of Ancillary Probate (OCA AP-3)

ANCILLARY ADMINISTRATION

Petition for Ancillary Letters of Administration (OCA AA-1)
 Decree Granting Ancillary Letters of Administration
 Ancillary Administration Citation (OCA AA-2)
 Notice of Application for Ancillary Letters of Administration (OCA AA-3)

TAX MATTERS

Stipulation Reserving Domicile (ET-20)
 New York Estate Tax Domicile Affidavit (ET-141)