

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**

- 1-100 Client Intake Form - Probate or Estate Administration
- 1-105 Application for Copy of Death Certificate (DOH-4376) - New York State
- 1-110 Death Certificate Application (VR-66) - New York City
- 1-115 Letter to Bank Requesting Account Balances
- 1-120 Letter to Broker Requesting Account Balances and Values
- 1-125 Letter to Creditor to Verify Account Balance
- 1-130 Letter to IRS to Verify Prior Gift Tax Returns
- 1-135 Letter to Public Administrator re Initiation of Administration
- 1-140 Family Tree Chart (OCA FT-1)
- 1-145 Affidavit of Due Diligence Search for Distributees
- 1-150 Third Party Affidavit
- 1-155 Petition to Search Safe Deposit Box (OCA)
- 1-160 Order to Search Safe Deposit Box
- 1-165 Petition to Search Apartment or Home
- 1-170 Order to Search Apartment or Home
- 1-175 Petition to Obtain Proof of Divorce
- 1-180 Order to Obtain Proof of Divorce

## **SURROGATE COURT PROBATE PROCEEDINGS**

- 2-100 Oath of Executor
- 2-105 Statement of Executor-Attorney
- 2-110 Petition for Probate and Letters (OCA P-1)
- 2-115 Decree Granting Probate
- 2-120 Application for Preliminary Letters Testamentary (OCA P-2)
- 2-125 Order for Preliminary Letters Testamentary
- 2-130 Affidavit of Attesting Witness (After Death) (OCA P-3)
- 2-135 Waiver of Process: Consent to Probate (OCA P-4)
- 2-140 Probate Citation (OCA P-5)
- 2-145 Affidavit of Service of Citation (OCA P-7)
- 2-150 Notice of Probate (SCPA1409) - Affidavit of Mailing (OCA P-6)
- 2-155 Application - Dispense with Testimony - Attesting Witness (SCPA 1405) (OCA)
- 2-160 Order Dispensing with Testimony of Attesting Witness (OCA P-8)
- 2-165 Affidavit Proving Handwriting (OCA P-9)
- 2-170 Renunciation of Nominated Executor or Trustee (OCA P-10)
- 2-175 Renunciation - Letters of Administration c.t.a. - Waive Process (OCA P-11)
- 2-180 Affidavit of Comparison (OCA P-13)
- 2-185 Affidavit to Reopen Probate
- 2-190 Petition to Compel Production of Will
- 2-195 Order to Produce Will

## **ADMINISTRATION CUM TESTAMENTO ANNEXO**

- 2-200 Petition for Letters of Administration c.t.a. After Probate (OCA CTA-1)
- 2-205 Decree Granting Letters of Administration c.t.a.
- 2-210 Letters of Administration c.t.a. Citation
- 2-215 Renunciation - Waiver of Process - Consent to Dispense Bond (OCA CTA-3)
- 2-220 Affidavit of No Debt (OCA P-12)

## **SURROGATE COURT ADMINISTRATION PROCEEDINGS**

- 3-100 Oath of Administrator
- 3-105 Statement of Administrator-Attorney
- 3-110 Petition for Letters of Administration (OCA A-1)

- 3-115 Decree Appointing Administrator (OCA A-6)
- 3-120 Petition for Temporary Letters of Administration (OCA A-1)
- 3-125 Order Granting Temporary Administration
- 3-130 Administration Citation (OCA A-2)
- 3-135 Affidavit of Service of Citation (OCA A-10)
- 3-140 Notice of Application for Letters of Administration (OCA A-3)
- 3-145 Affidavit of Mailing Notice of Application for Letters (OCA A-4)
- 3-150 Notice to Consul General (OCA A-5)
- 3-155 Affidavit of Regularity (OCA A-7)
- 3-160 Waiver of Citation, Renunciation and Consent (by Individual) (OCA A-8)
- 3-165 Waiver of Citation and Consent to Appointment (Corporation) (OCA A-9)

## **ADMINISTRATION DE BONIS NON**

- 3-200 Petition for Letters of Administration d.b.n. (OCA ADM-DBN-1)
- 3-205 Decree Appointing Administrator d.b.n.
- 3-210 Letters of Administration d.b.n. Citation (OCA ADM-DBN-2)
- 3-215 Waiver of Citation, Renunciation and Consent (Individual) (OCA ADM-DBN-3)
- 3-220 Consent to Appointment d.b.n. (Corporation) (OCA ADM-DBN-4)
- 3-225 Notice of Application for Letters of Administration d.b.n. (OCA ADM-DBN-5)
- 3-230 Affidavit of Mailing Notice - Administration d.b.n. (OCA ADM-DBN-6)
- 3-235 Notice to the Consul General (OCA ADM-DBN-7)
- 3-240 Affidavit of Service of Citation (Adult) (OCA ADM-DBN-8)

## **BOND**

- 4-100 Affidavit to Dispense with Filing of a Bond
- 4-105 Consent to Appointment of Administrator without Bond
- 4-110 Order Requiring Publication of Notice to Creditors - Bond Dispensed
- 4-115 Notice to Creditors
- 4-120 Order Dispensing with Bond
- 4-125 Petition to Decrease Bond
- 4-130 Order to Decrease Bond
- 4-135 Affidavit of Surety
- 4-140 Petition to Permit Deposit of Assets to Reduce Bond
- 4-145 Order Directing Deposit of Assets to Reduce Bond

## **SERVICE**

- 4-200 Designation of Service of Process
- 4-205 Application and Affidavit for Service by Certified or Registered Mail
- 4-210 Order for Service of Citation by Certified or Registered Mail
- 4-215 Application and Affidavit for Service by Publication
- 4-220 Order for Service by Publication
- 4-225 Application and Affidavit for Substituted Service
- 4-230 Order for Substituted Service

## **MISCELLANEOUS COURT FILINGS**

- 4-300 Notice of Appearance and Authorization of Attorney
- 4-305 Credit Card Authorization Form (OCA)
- 4-310 Attorney's Certification (22 NYCRR 207.4(a) & (b)) (OCA)
- 4-315 Consent to Change Attorney
- 4-320 Affidavit Advising Court of Change of Address
- 4-325 Petition for Appointment of Guardian Ad Litem
- 4-330 Order Appointing Guardian Ad Litem

## **INVENTORY**

- 5-100 List of Assets - Inventory (OCA I-1)

**PROPERTY****EXEMPT PROPERTY**

- 5-200 Affidavit for Transfer of Motor Vehicle (MV-349.1)  
 5-205 Application to Set Apart Exempt Property  
 5-210 Decree to Set Apart Exempt Property

**REAL ESTATE**

- 5-300 Petition to Confirm Sale of Real Property Under Contract Made by Decedent  
 5-305 Petition by Executor - Administrator for Sale of Real Property  
 5-310 Order Confirming - Directing - Deferring - Denying Sale of Real Property  
 5-315 Deed of Executor - Administrator  
 5-320 Release of Lien of Estate Tax (ET-117)

**SECURITIES**

- 5-400 Irrevocable Stock or Bond Power  
 5-405 Affidavit of Domicile (Transfer of Securities)

**MISCELLANEOUS PROPERTY**

- 5-500 Petition to Continue Business of Decedent  
 5-505 Intermediate Order Authorizing Continuance of Decedent's Business  
 5-510 Decree Authorizing Continuance of Business of Decedent  
 5-515 Affidavit of Estate Solvency

**CLAIMS AGAINST THE ESTATE**

- 5-600 Claim Against the Estate  
 5-605 Claimant's Affidavit  
 5-610 Petition by Fiduciary to Determine Validity and Enforceability of Claim  
 5-615 Affidavit of Creditor to Obtain Payment of Debt without Administration  
 5-620 Release of Creditor Claim Against Estate

**ELECTIVE SHARE OF SPOUSE**

- 6-100 Notice of Election of Surviving Spouse  
 6-105 Notice to Distributees of Election of Surviving Spouse  
 6-110 Compromise and Settlement - Spousal Election  
 6-115 Affidavit by Surviving Spouse to Obtain Payment of Debt owed to Decedent

**RENUNCIATION OF INTEREST IN ESTATE**

- 6-200 Renunciation of Intestate Share  
 6-205 Notice of Renunciation of Intestate Share  
 6-210 Renunciation of Interest in Estate  
 6-215 Notice of Renunciation of Interest in Estate

**DISTRIBUTION**

- 6-300 Consent to Distribution in Kind  
 6-305 Receipt on Partial Distribution  
 6-310 Application to Pay Funds into Court  
 6-315 Order to Pay Funds into Court

**ACCOUNTING**

- 7-100 Report of Estate Not Fully Distributed (OCA)

**INFORMAL ACCOUNT**

- 7-200 Affidavit that Estate Matters have been Completed  
 7-205 Agreement Settling Account  
 7-210 Beneficiary - Distributee's Receipt and Release  
 7-215 Petition for Decree of Discharge with Informal Accounting  
 7-220 Decree of Release and Discharge (Informal Accounting)

**VOLUNTARY ACCOUNT**

- 7-300 Accounting Schedules A - K  
 7-305 Accounting (Executor or Administrator) (OCA JA-7)  
 7-310 Accounting (with Trust) (OCA JA-4)  
 7-315 Petition for Judicial Settlement of Account (OCA JA-1)  
 7-320 Decree of Judicial Settlement for Executor - Administrator (OCA JA-8)  
 7-325 Decree of Judicial Settlement - Executor with Trust or Trustee (OCA JA-5)  
 7-330 Accounting Citation (OCA JA-6)  
 7-335 Receipt and Release (OCA JA-2)  
 7-340 Waiver of Citation and Consent in Accounting (OCA JA-3)  
 7-345 Checklist - Judicial Settlement of Accounting Proceeding (OCA)  
 7-350 Checklist - Informal Accounting with or without Decree Proceeding (OCA)

**SUPPLEMENTAL ACCOUNT**

- 7-400 Petition for Supplemental Account  
 7-405 Order on Supplemental Account

**COMPULSORY ACCOUNT**

- 7-500 Petition for a Compulsory Accounting and Related Relief (OCA JA-10)  
 7-505 Compulsory Accounting Citation (OCA)  
 7-510 Order for Compulsory Accounting  
 7-515 Checklist - Compulsory Accounting and Related Relief (OCA)

**COMPENSATION**

- 7-600 Petition for Advance Payment of Commissions  
 7-605 Consent to Advance Payment of Commissions  
 7-610 Order for Advance Payment of Commissions  
 7-615 Petition for Compensation of Attorney  
 7-620 Affidavit of Legal Services

**SMALL ESTATE ADMINISTRATION**

- 8-100 Affidavit - Settlement of Estate (Death 1-1-2009 or later) (OCA SE-3A)  
 8-105 Amended Affidavit - Small Estate (Death 1-1-09 or later) (OCA SE-3B)  
 8-110 Affidavit - Settlement of Estate Under Article 13, SCPA (OCA SE-2A)  
 8-115 Amended Affidavit - Settlement of Estate Under Article 13, SCPA (OCA SE-2B)  
 8-120 Renunciation of Voluntary Administration (OCA SE-1C)  
 8-125 Report and Account in Settlement of Estate, Article 13, SCPA (OCA SE-1D)

**ANCILLARY****ANCILLARY PROBATE**

- 8-200 Petition for Ancillary Probate (OCA AP-1)  
 8-205 Decree Granting Ancillary Probate  
 8-210 Ancillary Probate Citation (OCA AP-2)  
 8-215 Notice of Ancillary Probate (OCA AP-3)

**ANCILLARY ADMINISTRATION**

- 8-300 Petition for Ancillary Letters of Administration (OCA AA-1)  
 8-305 Decree Granting Ancillary Letters of Administration  
 8-310 Ancillary Administration Citation (OCA AA-2)  
 8-315 Notice of Application for Ancillary Letters of Administration (OCA AA-3)

**TAX MATTERS**

- 8-400 Stipulation Reserving Domicile (ET-20)  
 8-405 New York Estate Tax Domicile Affidavit (ET-141)

**WRONGFUL DEATH**

- 9-100 Citation - Wrongful Death (OCA WD-1)  
 9-105 Petition - Wrongful Death (OCA WD-2)  
 9-110 Account - Wrongful Death (OCA WD-3)  
 9-115 Attorney's Affidavit - Wrongful Death (WD-4)  
 9-120 Waiver and Consent for Insurance Company - Wrongful Death (OCA WD-5)  
 9-125 Waiver and Consent for Individual - Wrongful Death (OCA WD-6)  
 9-130 Decree - Wrongful Death (OCA WD-7)

**LOCAL FORMS****QUEENS COUNTY**

- 142-100 Order Extending Preliminary Letters Testamentary  
 142-105 Cash Flow Statement  
 142-110 Decree Granting Probate  
 142-115 Order for Preliminary Letters Testamentary  
 142-120 Application for Temporary Letters of Administration  
 142-125 Decree Granting Ancillary Probate  
 142-130 Order Granting Temporary Administration  
 142-135 Decree - Application for Letters of Administration -Queens  
 142-140 Order Extending Temporary Administration  
 142-145 Affidavit - Bond