

RK_{LAW}
GUIDES



STEPS

**To becoming Administrator
of an Estate in NYC
(When there is no Will)**

STEP

1

Figure out the Following:

Did your relative die without a Will?

If you want to be the Administrator of their estate, you will need to know:



STEP

1

Figure out the Following:

a. Who was the decedent survived by?

A spouse ?

A spouse and child?

Parents ?

Siblings ?

Grandparents ?

Uncle / Aunts ?

Niece / Nephews ?



STEP

1

Figure out the Following:

Their names and addresses and relationship to the Decedent.

**Grandma Nora
35 Old Brid**



STEP

1

Figure out the Following:

b. The closest living relative has priority unless another relative can find a reason to knock them out of the running



STEP **2** Gather the Following:

a. A certified copy of the
Death Certificate



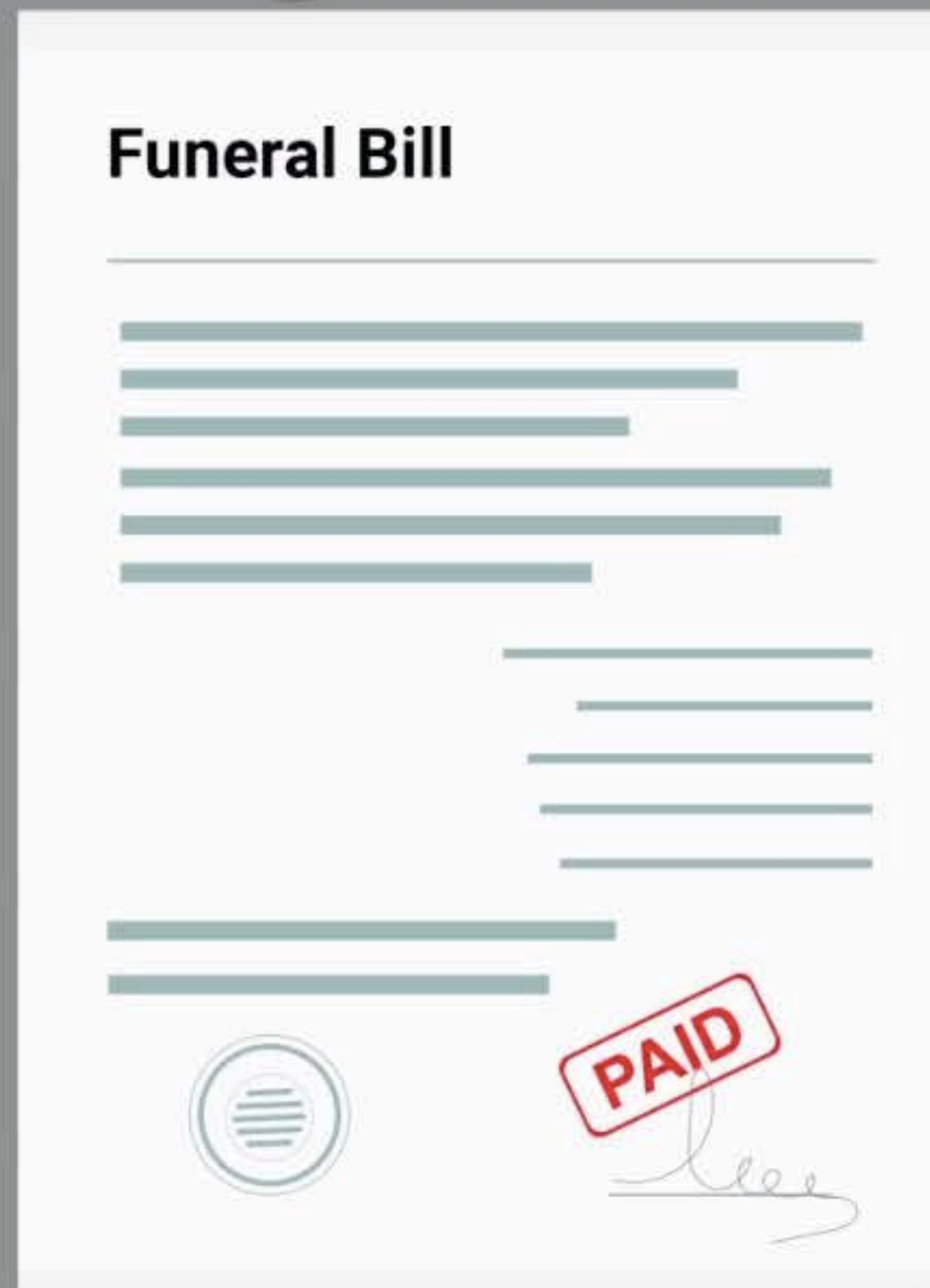
Need help obtaining one?
Visit my Resources page at www.rklawny.com

STEP

2

Gather the Following:

b. A copy of the paid funeral bill



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STEP

2




Gather the Following:

c. And, if the Decedent was survived by only one person, or by cousins, an Affidavit of Heirship from a disinterested person

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Affidavit of Heirship

STEP

3

Fill out the Following Forms:

a. Petition for Letters of Administration;

b. either:

i. “Waiver of Process; Renunciation and Consent to Appointment of Administrator”

or

ii. “Citation”

c. Affidavit of Assets and Liabilities

PETITION FOR LETTERS OF ADMINISTRATION

WAIVER OF PROCESS, RENUNCIATION AND CONSENT TO APPOINTMENT OF ADMINISTRATOR

CITATION

JURORGEON'S COURT OF THE STATE OF NEW YORK
COUNTY OF SENECA

Administrative Proceeding
Estate of _____, Deceased

AFFIDAVIT OF ASSETS & LIABILITIES
(To be done with filing of bond / SCPA 100)

FILE NUMBER: _____

STATE OF NEW YORK

I, the undersigned being duly sworn, depose and say: I have personal knowledge as to the assets, debts and liabilities of the estate of the decedent. The assets of the estate, including real and/or personal property held solely by the decedent, consist of: (Please specify and list the details of each asset, eg. Bank Name, account type and gross value; Type of Real Property, address and gross value. Use attachments if more space is required.)

The decedent or the decedent's estate will hold for the following debts (Estimate AMOUNT DUE or answer "NONE"):

1. Current & back rent to landlord \$_____ on any lease agreement
2. Amount of outstanding mortgages
3. Amount of outstanding notes

14. Amount of federal tax(es) still outstanding

15. Identify and specify amount of any other business expenses payable (ie credit card, utility bills, business premiums, etc. use attachments if more space is required.)

16. At the time of death, was the decedent engaged in any "contract" _____ Employed? _____ Deceased?

17. Amount of outstanding business liabilities payable by the decedent or the decedent's estate

18. Address of any Federal, State or City school which the decedent or any of the decedent's ever attended

Except as otherwise stated above, neither the decedent nor the estate holds for any outstanding debts or claims. All creditors of the estate have been paid in full. Attach hereto and acknowledge reasons from all interested parties of the estate that the filing of a bond is dispensed with by this court. (It is necessary to submit evidence of all payments made as well as copies of the paid receipts.)

Date _____ Signature _____ Notary Public
Notary Public
Commission Expires _____
(Affix Notary Stamp or Seal)

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STEP

4

Calculate the Filing Fee:

**The Fee depends on the
value of the gross estate**

STEP

4

Calculate the Filing Fee:

Here's a quick cheat sheet
chart from SCPA §2402

www.rklawny.com/resources

<u>Value of Estate or Subject Matter Fee</u>	<u>Fee Rate</u>
Less than \$ 10,000	\$ 45.00
10,000 but under 20,000	75.00
20,000 but under 50,000	215.00
50,000 but under 100,000	280.00
100,000 but under 250,000	420.00
250,000 but under 500,000	625.00
500,000 and over	1,250.00

STEP

5

Go to the Surrogates Court:

in the County where your Decedent died, or had property, to submit all the forms

Go to the Administration Department (because you do NOT have the will)



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Submit the Forms



STEP

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Go to the Surrogates Court:

**in the County where your
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property, to submit all the
forms**

**Go to the Administration
Department (because you do
NOT have the will)**

Submit the Forms

Pay the Fee



STEP

5

Go to the Surrogates Court:

If Court issued a Citation, attend Court on the return date listed on the Citation



Facts and circumstances may vary. If you have nuances, consider contacting an estate attorney familiar with the local county rules. I practice mostly in Brooklyn, Manhattan, and Queens.



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