

NEW YORK COUNTY SURROGATE'S COURT

31 CHAMBERS STREET • ADMINISTRATION DEPT - ROOM 505 • NEW YORK, NY 10007
Monday-Friday 9am-5pm • (646) 386-5005 • nycourts.gov/forms/surrogates/smallestate



Website

SMALL ESTATES - VOLUNTARY ADMINISTRATION CHECKLIST

If the value of the estate of the person who died (the "decedent") is \$50,000 or less, you may be able to file the Small Estate application and become the Voluntary Administrator. To apply, file the following items in the Court:

- 1. An original certified death certificate (cannot be returned)
 - 2. \$1.00 fee (cash, M.O., attorney or bank check [no personal checks] payable to: Surrogate's Court, N.Y. County)
 - 3. If decedent died with a Will, the original Will and 1 photocopy (do not remove staples when copying Will)
 - 4. If the NYPD is holding decedent's property, a photocopy of each Property Clerk Invoice/Voucher
- The following court form(s), completed and notarized:
- 5. The Small Estate affidavit: "Affidavit in Relation to Settlement of Estate Under Article 13" ([form SE-3A](#))
 - 6. Family tree affidavit (Required if decedent has only one distributee [see ▼] or if the distributees are grandparents, aunts-uncles, or cousins. Must be completed by a person who knows decedent's family tree, has no financial interest, and is not a distributee, a distributee's spouse or child, or a beneficiary of decedent's Will.)

How to apply:

In person between 9am - 3:30pm (recommended), or by mail. If you submit a self-addressed stamped envelope (business size - 2 stamps) the court will mail you the *Certificate(s) of Voluntary Administration* when issued.

What you will receive when your application is complete:

A *Certificate of Voluntary Administration* for each asset or task you list in #9 of the Small Estate affidavit and 1 additional certificate to open an estate account (if needed). The asset or task will be printed on the certificate which you give to the bank or other business holding decedent's property. It authorizes you to collect the asset or do the task, and is accepted in place of Letters Testamentary or Letters of Administration if decedent died with a Small Estate.

What counts toward the \$50,000 limit? What can I receive Certificates for?

Assets in decedent's name alone (without a joint owner or beneficiary who it is paid/transferred to on death). You can receive certificates to **collect assets** (bank accts, stocks, bonds, insurance policies, co-op apt., car, "Property invoiced by NYPD," "Contents of apartment sealed by NYPD," ...), **do tasks** (get medical records, info about assets, close PO Box, ...), but **not** to sell or transfer real property (house, land, condo) or sue for personal injuries or wrongful death.

Who has the right to be the Voluntary Administrator? In what order?

If decedent died with a Will: **1st right:** executor **2nd:** alternate executor **3rd:** residuary beneficiary **4th:** other beneficiary

If decedent died without a Will: A distributee in order of nearest relationship (see order within groups below ▼).

•A person with a lesser right may become the Voluntary Administrator if the persons with a greater right complete the Renunciation of Voluntary Administration ([form SE-1C](#)) or are deceased. (*Examples:* A child needs a spouse's renunciation; a niece needs a brother's renunciation; an alternate executor needs an executor's renunciation.)

•Unless named in a Will, a first cousin cannot be the Voluntary Administrator.

▼What are distributees? Who do I list in #6 of the Small Estate Affidavit?

Distributees (or heirs) are the persons who inherit the property of a decedent who died without a Will, as follows:

1st group: spouse, children, children of predeceased¹ children **2nd:** parents **3rd:** brothers-sisters, children of predeceased brothers-sisters [For the *following* groups, separately list both the maternal & paternal sides] **4th:** grandparents **5th:** aunts-uncles, children of predeceased¹ aunts-uncles (first cousins). *Whether the decedent died with or without a Will, list in #6 the person(s) in the first group where there is a living relative and disregard all other groups.*

[¹ predeceased: died before the decedent died]

What if I find more assets after I become the Voluntary Administrator?

You may file an Amended Article 13 Affidavit ([form SE-3B](#)) to receive additional certificates for additional assets found later, as long as the total value of all assets remains \$50,000.00 or less.