



Surrogate's Court  
541 Hall of Justice  
Rochester, New York 14614-2186  
Phone (585) 371-3310

Edmund A. Calvaruso  
Surrogate

June 27, 2013

**Notice To Bar Re NEW SCPA 2509 - Firearms Inventory.**

Please read the attached material regarding NEW SCPA 2509 - Firearms Inventory.

The requisite NEW forms ("I-1" and "I-2") will be made available at the Statewide Forms link ([www.nycourts.gov/forms/surrogates](http://www.nycourts.gov/forms/surrogates)).

Both the I-1 and the I-2 can be electronically filed. The I-2 will be "impounded" and not available for viewing other than by court personnel in both the NYSCEF system and the Surrogate's Court UCMS public database.

Please note that it is the responsibility of the estate representative to file a copy of the I-2 with the Division of Criminal Justice Services..

For questions, please contact Mark Annunziata or Sarah Sennett. Thank you.



STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
25 BEAVER STREET  
NEW YORK, NEW YORK 10004  
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A. GAIL PRUDENTI  
Chief Administrative Judge

JOHN W. McCONNELL  
Counsel

## MEMORANDUM

To: Judges and Clerks of the Surrogate's Court

From: John W. McConnell  
Holly Nelson Lütz

Re: Filing and Maintenance of Firearms Inventories

Date: March 28, 2013

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As you may recall, section 53 of the New York Secure Ammunition and Firearms Enforcement Act of 2013 (L. 2013 c.1) amended the Surrogate's Court Procedure Act to require the filing of a particularized "Firearms Inventory" with each Inventory of Assets filed by an estate, and further required that the Firearms Inventory be filed with the Division of Criminal Justice Services.<sup>1</sup>

Attached please find an Administrative Order signed by Chief Administrative Judge A. Gail Prudenti, issued at the recommendation of the Unified Court System's Surrogate's Court Advisory Committee, which directs that filed Firearms Inventories be kept in a secure location and made available to inspection only to persons interested in the proceeding and their counsel, unless otherwise ordered by the Court.

You may wish to advise fiduciaries that the Inventory may be filed with DCJS at the following address:

~~Division of Criminal Justice Services~~  
Alfred E. Smith Building  
80 South Swan Street  
Albany, New York 12110

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<sup>1</sup>Section 53 added a new section 2509 to the Surrogate's Court Procedure Act, providing as follows:

→ § 2509. Firearms inventory

Whenever, by regulation, rule or statute, a fiduciary or attorney of record must file a list of assets constituting a decedent's estate, such list must include a particularized description of every firearm, shotgun and rifle, as such terms are defined in section 265.00 of the penal law, that are part of such estate. Such list must be filed with the surrogate's court in the county in which the estate proceeding, if any, is pending and a copy must be filed with the division of criminal justice services.

\* The filing of a certificate of service with the court is not required of the fiduciary when he or she files the inventory with DCJS.

Please feel free to direct questions on this subject to Holly Nelson Lütz of Counsel's Office (516-474-7469; [hlutz@courts.state.ny.us](mailto:hlutz@courts.state.ny.us)).

cc: Hon. Lawrence K. Marks  
Hon. Fern A. Fisher  
Hon. Michael V. Cocco  
Ronald Younkings, Esq.  
Eugene Myers  
Maria Logus, Esq.  
Maria Barrington  
District Executives

**ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, with the consent of the Chief Judge and the Presiding Justices of the Departments of the Appellate Division, I hereby order and direct that, effective immediately, every Firearms Inventory filed with the Surrogate's Court pursuant to Surrogate's Court Procedure Act § 2509 shall be (1) set forth on a separate page filed with the Inventory of Assets, (2) deposited and maintained by the clerk in a secure container or cabinet apart from the Inventory of Assets, and (3) unless otherwise ordered by the court, viewed only by persons interested in the proceeding as defined by SCPA §103(39), their counsel, and court personnel.

  
\_\_\_\_\_  
Chief Administrative Judge of the Courts

Dated: March 28, 2013

AO/137/13

**SURROGATE'S COURT OF THE STATE OF NEW YORK** \_\_\_\_\_ **COUNTY**  
**In The Matter of the Estate of** \_\_\_\_\_ **LIST OF ASSETS/INVENTORY**  
 (Rule §207.20(a))

\_\_\_\_\_ **Deceased.** \_\_\_\_\_ **FILE NUMBER** \_\_\_\_\_

The undersigned, a fiduciary or an attorney for the above estate, certifies that the following recapitulation constitutes the gross estate (for tax purposes) of the above decedent. The following documents are attached: [ ] a detailed list of assets; or a copy of one of the following: [ ] Form ET-90; [ ] Form TT-385; [ ] Form 706 or Form 706NA.

**IF FORM ET-90 IS ATTACHED, ALL RIGHTS TO SECRECY UNDER TAX LAW §994 ARE WAIVED**

Date of Death: \_\_\_\_\_ Date of Letters: \_\_\_\_\_ Type of Letters: \_\_\_\_\_

Name of Each Fiduciary: \_\_\_\_\_

(Address, if changed): \_\_\_\_\_

RECAPITULATION OF ATTACHED SCHEDULES:	Non-Probate, Joint or Trust Property	Individually Owned By Decedent or Payable to Estate
A. Real Estate	\$ _____	\$ _____
B. Stocks and Bonds	_____	_____
C. Mortgages, Notes, Cash, etc.	_____	_____
D. Insurance on Decedent's Life	_____	_____
E. Jointly Owned Property	_____	_____
F. Miscellaneous & Trust Property	_____	_____
G. Transfers During Decedent's Life	_____	_____
H. Powers of Appointment	_____	_____
I. Annuities	_____	_____
<b>TOTALS</b>	<b>\$ _____</b>	<b>\$ _____</b>

Cause of Action Pending for  
Wrongful Death or Conscious  
Pain and Suffering:  
Amount Claimed \$ \_\_\_\_\_

Filing Fee Under §2402(7) \_\_\_\_\_  
 Filing Fee Initially Paid \_\_\_\_\_  
 Balance (Refund) Due \_\_\_\_\_

Certified to be true on \_\_\_\_\_, 20\_\_\_\_

**ATTORNEY**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_

\_\_\_\_\_  
**Signature**  
 \_\_\_\_\_  
**Print Name**

**GROSS ASSETS**  
(Attach Additional Page If Necessary)

**A. REAL ESTATE (Individually owned property)**

<u>Description</u>	<u>Date of Death Value</u>
_____	_____
_____	_____
_____	_____

**B. STOCKS AND BONDS (Individually Owned)**

<u>Description, Including Face Amount of Bonds and Number of Shares</u>	<u>Date of Death Value</u>
_____	_____
_____	_____
_____	_____

**C. MORTGAGES, NOTES AND CASH (Including Bank Deposits)**  
(Jointly owned property should be reported at E and trust property at F)

<u>Description</u>	<u>Date of Death Value</u>
_____	_____
_____	_____
_____	_____

**D. INSURANCE ON DECEDENT'S LIFE**

**(1) Payable to Estate**

<u>Description</u>	<u>Date of Death Value</u>
_____	_____
_____	_____

**(2) Payable to Named Beneficiary**

<u>Description</u>	<u>Date of Death Value</u>
_____	_____
_____	_____

**E. JOINTLY OWNED PROPERTY (Real and Personal Property)**

**(1) Real Estate**

<u>Description</u>	<u>Joint Tenant</u>	<u>Date of Death Value</u>
_____	_____	_____
_____	_____	_____

**(2) Stocks and Bonds**

<u>Description</u>	<u>Joint Tenant</u>	<u>Date of Death Value</u>
_____	_____	_____
_____	_____	_____

**(3) Mortgages, Notes and Cash**

<u>Description</u>	<u>Joint Tenant</u>	<u>Date of Death Value</u>
_____	_____	_____
_____	_____	_____

**F. OTHER MISCELLANEOUS PROPERTY**

**(1) Individually Owned**

<u>Description</u>	<u>Date of Death Value</u>
_____	_____
_____	_____

(2) **Firearms** (Check appropriate box)

- Yes, see attached Firearms Inventory Form
- None

Date of Death Value

(3) **Assets Passing to the Estate from Employment**

Description

Date of Death Value

(4) **Trust Property**

Description

Date of Death Value

**G. TRANSFERS DURING DECEDENT'S LIFE**

Description

Date of Death Value

**H. POWERS OF APPOINTMENT**

Description

Date of Death Value

**I. ANNUITIES**

Description

Date of Death Value

**CAUSE OF ACTION** for decedent's wrongful death and for conscious pain and suffering, as well as any other type of action.

<u>Description</u>	<u>Court in which Action Pending</u>	<u>Index Number</u>	<u>Amount Demanded</u>
_____	_____	_____	_____
_____	_____	_____	_____

**SURROGATE'S COURT OF THE STATE OF NEW YORK** \_\_\_\_\_ **COUNTY**  
**In The Matter of the Estate of** \_\_\_\_\_ **FIREARMS INVENTORY**  
 (SCPA §2509)

\_\_\_\_\_ **Deceased.** **FILE NUMBER** \_\_\_\_\_

The undersigned, [ ] a fiduciary, or [ ] an attorney of record certifies that the following firearms, as defined by Section 265.00 of the Penal Law, make up part of the decedent's estate.

Name of Fiduciary or Attorney: \_\_\_\_\_  
 (Address, if changed): \_\_\_\_\_

	Make:	Model:	Caliber or Gauge:	Serial #:	Valuation:
1					\$
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
<b>TOTAL:</b> (as indicated in section F2 of Inventory of Assets)					
<input type="checkbox"/> (mark box if more entries are necessary - and attach extra pages)					

**ATTORNEY**

Certified to be true on \_\_\_\_\_, 20\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

\_\_\_\_\_  
**Signature**  
 \_\_\_\_\_  
**Print Name**

A copy of this Inventory must also be filed with DCJS at:

Division of Criminal Justice Services  
 Alfred E. Smith Building  
 80 South Swan Street  
 Albany, NY 12110

Firearms Inventories filed with the Surrogate's Court will be kept in a secure location separate from the estate file and will be made available for inspection only to persons interested in the proceeding and their counsel, unless otherwise ordered by the Court.