

STATE OF NEW YORK  
TIOGA COUNTY SURROGATE'S COURT  
COURT ANNEX BUILDING  
P. O. BOX 10  
OWEGO, NY 13827  
(607) 687-1303

VINCENT SGUEGLIA  
Surrogate

Deborah A. Stone  
Chief Clerk

**INSTRUCTIONS FOR COMPLETING AN ARTICLE 13 AFFIDAVIT-ESTATES HAVING PERSONAL PROPERTY OF THE DECEDENT NOT TO EXCEED \$20,000.00 (Effective August 29, 1996, prior \$10,000 limit)  
(EXEMPT PROPERTY ONLY PERTAINS TO SURVIVING SPOUSE OR CHILDREN-SECTION 5-3.1 ESTATES, POWERS, TRUSTS LAW, copy attached)**

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- A) Name of deceased.
- B) Name of person wishing to become the voluntary administrator  
(See attached copy of the law that pertains to "Persons who may become a Voluntary Administrator".  
**Renunciation of Voluntary Administrator Form** - anyone who has a prior or equal right to petition the court to become a voluntary administrator must execute this form and have it notarized.
  - 1) Address of the proposed voluntary administrator.
  - 2) Relationship of the proposed voluntary administrator to the deceased.
  - 3) This section pertains to the deceased. (Name, residence, date of death, place of death and citizenship).
  - 4) If he/she died without a Will, check "**Intestate**". If he/she died and had a Will, check "**Testate**".
  - 5) Please read carefully.
  - 6) List next of blood relative. For example, - wife and children. If no wife and children, then grandchildren. If no grandchildren, then father and mother. If no father and mother, then brothers and sisters.

A **Family Tree Form** must be filed, this shows the family structure. The family tree should show any predeceased next of kin, and their closest living relative. For example, if the deceased is only survived by children and one of which died before the deceased and that pre-deceased child had children, those must be noted both on the family tree and on the affidavit.

For all those next of kin listed, there must be a **complete mailing address for each (include zip codes)**.

Indicate relationship to the decedent.

- 7) This applies only if the deceased had a Will and if he/she did, then you must list all beneficiaries (persons receiving something under the Will).
- 8) Read carefully.
- 9) This is the section where you list the assets of the decedent for which you will need a certificate from the court to take to the person or bank holding the asset.

If **bank accounts**, the court needs the name of the bank, account number and approximate amount in the bank.

If there are **stocks**, the court needs the **certificate numbers, company and the approximate value of the stock.**

If there is a **motor vehicle**, the serial number and the **approximate value of the vehicle.**

**Please be as specific as possible.**

- 10) List all liabilities of the deceased.
- 11) Read carefully.
- 12) Read carefully.
- 13) Read carefully.

**The affidavit should be signed before a notary public and the notary should affix his or her stamp to the affidavit.**

**IN ADDITION TO THE ABOVE, THE COURT REQUIRES**

- 1) **Certified copy of the death certificate**
- 2) **Family Tree**
- 3) **Original Will (if this applies)**

**FILING FEES FOR AN ARTICLE 13 SCPA**

\$1.00 (filing fee)

**ALSO INCLUDE WITH YOUR PAPERS STAMPED PLAIN ENVELOPES WITH THE ADDRESSES COMPLETED FOR THOSE PERSONS LISTED UNDER NUMBERS 6 & 7 OF THE AFFIDAVIT.** (These are used for the mailing of the Notice to each person listed as required by law)

I have attached a sample of an affidavit and how it is to be prepared for your help in completing your form.

**§ 1303. Persons who may become a voluntary administrator**

(a) If the deceased dies intestate, the right to act as a voluntary administrator is hereby given first to the surviving adult spouse, if any, of the decedent and if there be none or if the spouse renounce, then in order to a competent adult who is a child or grandchild, parent, brother or sister or niece or nephew of the decedent, or if there be no such person who will act, then to the guardian of the property of an infant, the committee of the property of any incompetent person or the conservator of the property of a conservatee who is a distributee and if none of the foregoing named persons will act or if there are no known distributees within the categories listed above, then to the chief fiscal officer of the county except in those counties in which a public administrator has been appointed under articles eleven and twelve of this act. After the surviving spouse, the first distributee within the class of persons entitled or if no distributee will act or there are no known distributees within the class of persons entitled, then the chief fiscal officer of the county as above who makes and files the required affidavit, is authorized to act as voluntary administrator, or as successor voluntary administrator in the event of the death or resignation of the voluntary administrator before the completion of the settlement of the estate.

(b) If the deceased dies testate, the named executor or alternate executor shall have the first right to act as voluntary administrator, upon filing the last will and testament with the surrogate's court. If the named executor or alternate executor renounces or fails to qualify by filing the required affidavit within thirty days after the last will and testament has been filed in the surrogate's court, then any adult person who would be entitled to petition for letters of administration with will annexed under section 1418 of this chapter may file the required affidavit and have the right to act as voluntary administrator.

(c) No person other than one hereinbefore mentioned can become a voluntary administrator.

### Part 3. Rights of Family Unit

#### § 5-3.1. Exemption for benefit of family

(a) If a person dies, leaving a surviving spouse or children under the age of twenty-one years, the following items of property are not assets of the estate but vest in, and shall be set off to such surviving spouse, unless disqualified, under 5-1.2, from taking an elective or distributive share of the decedent's estate. In case there is no surviving spouse or such spouse, if surviving, is disqualified, such items of property vest in, and shall be set off to the decedent's children under the age of twenty-one years:

(1) All housekeeping utensils, musical instruments, sewing machine, household furniture and appliances, including but not limited to computers and electronic devices, used in and about the house, fuel, provisions and clothing of the decedent, not exceeding in aggregate value ten thousand dollars.

(2) The family bible, family pictures, video tapes, and computer tapes, discs, and software used by such family, and books, not exceeding in value one thousand dollars.

(3) Domestic animals with their necessary food for sixty days, farm machinery, one tractor and one lawn tractor, not exceeding in aggregate value fifteen thousand dollars.

(4) One motor vehicle not exceeding in value fifteen thousand dollars. In the alternative, if the decedent shall have been the owner of one or more motor vehicles each of which exceed fifteen thousand dollars in value, the surviving spouse or decedent's children may acquire one such motor vehicle from the estate, regardless of the fact that the decedent may also have been the owner of another motor vehicle of lesser value than fifteen

thousand dollars, by payment to the estate of the amount by which the value of the motor vehicle exceeds fifteen thousand dollars; in lieu of receiving such motor vehicle, the surviving spouse or children may elect to receive in cash an amount equal to the value of the motor vehicle, not to exceed fifteen thousand dollars. If any motor vehicle so acquired by the spouse or children of the decedent was a specific legacy in decedent's will, the payment to the estate of the amount by which the value of the motor vehicle exceeds fifteen thousand dollars shall vest in the specific legatee.

(5) Money or other personal property not exceeding in value fifteen thousand dollars, except that where assets are insufficient to pay the reasonable funeral expenses of the decedent, the personal representative must apply such money or other personal property to defray any deficiency in such expenses.

(b) No allowance shall be made in money or other property if the items of property described in subparagraph (1), (2), (3) or (4) are not in existence when the decedent dies.

(c) The items of property, set off as provided in paragraph (a), shall, at least to the extent thereof, be deemed reasonably required for the support of the surviving spouse or children under the age of twenty-one years of the decedent during the settlement of the estate.

(d) As used in this section, the term "value" shall refer to the fair market value of each item, reduced by all outstanding security interests or other encumbrances affecting the decedent's ownership of said item.

Derivation: Added from SCA § 200.



(6) The names and addresses of the decedent's distributees under New York law, including non-marital children and decendants of predeceased non-marital children, and their relationship to the decedent, are as follows: [If more space is needed, add a sheet of paper]

<u>Name</u>	<u>Post Office Address (including Zip)</u>	<u>Relationship (Indicate if non-marital)</u>
Mary Smith	555 Morningside Dr., Owego, NY	Wife/Petitioner
Jane Smith	777 Sunny Lane, Owego, NY, 13827	Daughter

(7) (If decedent had a will) The names and addresses of all beneficiaries in the will of the decedent filed herewith are as follows: [If more space is needed, add a sheet of paper]

<u>Name</u>	<u>Post Office Address (including Zip)</u>	<u>Bequest</u>
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N/A (not applicable)

(8) The value of the entire personal property, wherever located, of the decedent, exclusive of joint bank accounts, trust accounts, U.S. savings bonds POD (payable on death), and jointly owned personal property, or property exempt under EPTL §5-3.1, does not exceed \$20,000.00.

(9) The following, exclusive of joint bank accounts, trust accounts, U.S. savings bonds POD (payable on death), and jointly owned personal property, or property exempt under the EPTL §5-3.1, is a complete list of all personal property owned by the decedent, either standing in his/her own name or owned by him/her beneficially and including items of value in any safe deposit box: (If more space is needed, add a sheet of paper)

<u>Items of Personal Property Separately Listed</u>	<u>Value of Each Item</u>
Savings Account, Chase Manhattan Account #22222222	\$2,000.00
1987 Dodge, Serial #1234567890	Approximate value of \$4,500.00

TOTAL: \$ 6,500.00

(10) All the liabilities of the decedent known to me are as follows: (If more space is needed, add a sheet of paper)

<u>Name of Creditor</u>	<u>Amount Owed</u>
Jack Jones Funeral Home	\$5,000.00

(11) I undertake to act as voluntary administrator of the decedent's estate and to administer it pursuant to Article 13 of the Surrogate's Court Procedure Act. I agree to reduce all of the decedent's assets to possession; to liquidate such assets to the extent necessary; to open an estate bank account in a bank of deposit, savings bank or credit union in this state, in which I shall deposit all money received; to sign all checks drawn on or withdrawals from such account in the name of the estate by myself, as voluntary administrator; to pay the expenses of administration, the decedent's reasonable funeral expenses and his/her debts in the order provided by law; and to distribute the balance to the person or persons and in the amount or amounts provided by law. As voluntary administrator, I shall file in this court an account of all receipts and of disbursements made.

(12) I understand that this proceeding will not determine the estate tax liability, if any, in the event that the decedent had any interest in real property or any joint bank accounts, trust accounts, U.S. savings bonds POD (payable on death), or jointly owned or trust property.

(13) If letters testamentary or of administration are later granted, I acknowledge that my powers as voluntary administrator shall cease, and I shall deliver to the court-appointed fiduciary a complete statement of my account and all assets and funds of the estate in my possession.

\_\_\_\_\_  
Signature of Affiant

Mary Smith  
\_\_\_\_\_  
Print Name

Sworn to before me on \_\_\_\_\_, 19 \_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

NAME OF ATTORNEY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_



(6) The names and addresses of the decedent's distributees under New York law, including non-marital children and decendants of predeceased non-marital children, and their relationship to the decedent, are as follows: [If more space is needed, add a sheet of paper]

<u>Name</u>	<u>Post Office Address (including Zip)</u>	<u>Relationship (Indicate if non-marital)</u>
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(7) (If decedent had a will) The names and addresses of all beneficiaries in the will of the decedent filed herewith are as follows: [If more space is needed, add a sheet of paper]

<u>Name</u>	<u>Post Office Address (including Zip)</u>	<u>Bequest</u>
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(8) The value of the entire personal property, wherever located, of the decedent, exclusive of joint bank accounts, trust accounts, U.S. savings bonds POD (payable on death), and jointly owned personal property, or property exempt under EPTL §5-3.1, does not exceed \$20,000.00.

(9) The following, exclusive of joint bank accounts, trust accounts, U.S. savings bonds POD (payable on death), and jointly owned personal property, or property exempt under the EPTL §5-3.1, is a complete list of all personal property owned by the decedent, either standing in his/her own name or owned by him/her beneficially and including items of value in any safe deposit box: (If more space is needed, add a sheet of paper)

<u>Items of Personal Property Separately Listed</u>	<u>Value of Each Item</u>
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TOTAL: \$ \_\_\_\_\_

(10) All the liabilities of the decedent known to me are as follows: (If more space is needed, add a sheet of paper)

Name of Creditor

Amount Owed

(11) I undertake to act as voluntary administrator of the decedent's estate and to administer it pursuant to Article 13 of the Surrogate's Court Procedure Act. I agree to reduce all of the decedent's assets to possession; to liquidate such assets to the extent necessary; to open an estate bank account in a bank of deposit, savings bank or credit union in this state, in which I shall deposit all money received; to sign all checks drawn on or withdrawals from such account in the name of the estate by myself, as voluntary administrator; to pay the expenses of administration, the decedent's reasonable funeral expenses and his/her debts in the order provided by law; and to distribute the balance to the person or persons and in the amount or amounts provided by law. As voluntary administrator, I shall file in this court an account of all receipts and of disbursements made.

(12) I understand that this proceeding will not determine the estate tax liability, if any, in the event that the decedent had any interest in real property or any joint bank accounts, trust accounts, U.S. savings bonds POD (payable on death), or jointly owned or trust property.

(13) If letters testamentary or of administration are later granted, I acknowledge that my powers as voluntary administrator shall cease, and I shall deliver to the court-appointed fiduciary a complete statement of my account and all assets and funds of the estate in my possession.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name

Sworn to before me on \_\_\_\_\_, 19 \_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

NAME OF ATTORNEY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

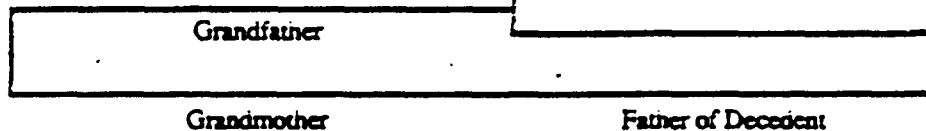




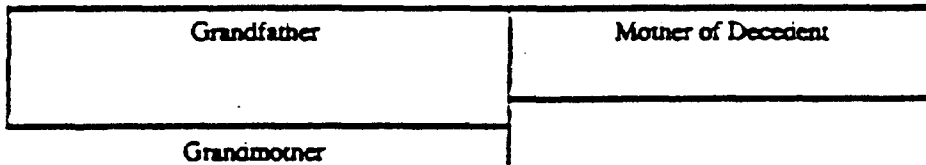
AUNTS AND  
UNCLES

FIRST COUSINS

PATERNAL  
SIDE




MATERNAL  
SIDE




STATE OF NEW YORK ss:  
COUNTY OF

being duly sworn,  
states that the charts contained on this paper are correct.

\_\_\_\_\_

Sworn to before me on \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public