

Ancillary Administration Proceeding Checklist

(see Surrogate's Court Form AA-1, 12/97, rev. 4/98)

This Checklist is provided for your convenience while completing the petition and the checklist should not be returned to the Court.

NOTE: An ancillary administration may be used when a non-domiciliary dies without a will and leaves real and/or personal property located in New York State or a cause of action exists which need to be administered and there has been an administration in the foreign (domiciliary) jurisdiction.

**Fill In All Areas On All Pages - Also Mark When Not Applicable When Necessary
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed**

CHECK: IS THE ATTORNEY OF RECORD LICENSED TO PRACTICE IN THE STATE OF NEW YORK?

PET ¶ #	DESCRIPTION	YES	NO
	Is the captioned name the same as that on the foreign documents and ¶2 of the petition?		
	If A/K/A's are they listed in the caption and also under ¶2 of the petition?		
	Has the type of Letters been checked?		
1.	Is the petitioner the person appointed administrator in the foreign/domiciliary jurisdiction or the person acting in that jurisdiction? [see SCPA §1607(2)]		
	If Not: Is petitioner a person entitled to original letters of administration?		
	If Not: Is petitioner the designee of person(s) in either the two classes listed above? [see SCPA §1607(3)]		
	If Not: Is petitioner a creditor, public administrator (County Treasurer) or person interested or to whom letters may issue? (see SCPA §1609.1)		
<i>NOTE: Non-domiciliary alien administrator, though ineligible to act in this jurisdiction (unless said administrator has a co-administrator who is a citizen), has a right to designate an ancillary fiduciary. (see SCPA §707 and §1608)</i>			
2.	Verify information set forth in Authenticated documents from foreign state.		
	<i>NOTE: Exemplified/Authenticated Record should include copies of the foreign administration proceeding, Decree or Order and Letters issued thereon in the foreign jurisdiction. (see SCPA §1614 and CPLR §4540 and §4542)</i>		
	<i>NOTE: Exemplifications and/or authenticated documents must be <u>unaltered</u> - i.e. should <u>not be unstapled</u> to photocopy and <u>should not be attached</u> to petition.</i>		
	<i>NOTE: Documents filed in a foreign language shall be accompanied by an English translation and an affidavit by the translator stating his/her qualifications and that the translation is accurate. [see CPLR §2101(b)].</i>		

PET #	DESCRIPTION	YES	NO
3.	<p>Verify again that all information set forth is as indicated in the Authenticated documents from foreign state.</p> <p><i>NOTE: Bond of Ancillary Fiduciary may be required. [see SCPA §801(c)(ii)]</i></p>		
4a.	<p>Is all the New York State property listed with complete address, description and value?</p> <p>Verify jurisdiction at this time with property situate in your County, real or personal. (see SCPA §206)</p> <p>All items must be completed. If non-applicable, please indicate.</p> <p><i>NOTE: Filing fee on Ancillary Administration is based on the value of New York Property only. (see SCPA §2402)</i></p>		
4b.	<p>If cause of action is listed <u>complete details must be included</u>; if none, so state. (See note at beginning of instructions regarding exemplified or authenticated copies of records from foreign Court.)</p>		
5.	<p>Issue citation for service on Interested parties listed here as set forth in form (unless waivers and consents to ancillary probate have been submitted).</p> <p><u>Always Cite the New York State Department of Taxation and Finance</u> (see SCPA §1609.3) <u>UNLESS</u> a Notice of Appearance and Consent by Tax Commissioner has been filed with Stipulation Reserving Domicile.</p> <p>If Letters Are Requested Cite: 1) Domiciliary (New York State) Creditors or those claiming to be creditors; 2) Those entitled to letters or entitled to designate an appointee. (see instructions on item 1 this checklist for those entitled to letters - SCPA §1607)</p>		
6.	<p>Only domiciliary distributees who reside in New York State need to be listed here.</p> <p>Notice of Application for Letters of Ancillary Administration with proof of mailing to all domiciliary distributees who have not waived or otherwise appeared in the proceeding must be submitted.</p> <p>Both 6(a) and 6(b) must be completed. If none applicable, so indicate.</p>		
7.	<p>This must be completed. Either “except” crossed out or “none” indicated.</p>		
	<p>Under WHEREFORE Clause: has all relief requested been checked and completed?</p> <p>Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary’s commission)?</p> <p>Is Combined Verification, Oath and Designation signed?</p> <p>Does it set forth proposed fiduciary’s physical address?</p>		

PET #	DESCRIPTION	YES	NO
	Is proposed fiduciary a bank? (If yes, submit a combined Corporate Verification, Consent and Designation)		
	<i>NOTE: Certification must be provided from a financial institution that they are qualified to act as a fiduciary in the State of New York.</i>		
	Is attorney's name, address and phone number listed?		
	Has Part 130 Certification been completed?		
	If <u>NOT</u>, has a separate attorney certification as to Part 130 signing requirements been included?		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

PARTIAL FEE SCHEDULE		SCPA/EPTL§ or Rule #														
Filing Fee	Have the proper fees been included with petition? Fees per schedule; \$6.00 for each Certificate of Appointment. Filing fee is based upon the values of the <u>New York State Property only</u> owned individually by the decedent or payable to the Estate - see SCPA §2402(8) <table style="margin-left: auto; margin-right: auto;"> <tr> <td>0 but under 10,000</td> <td style="text-align: right;">\$ 45.00</td> </tr> <tr> <td>10,000 but under 20,000</td> <td style="text-align: right;">75.00</td> </tr> <tr> <td>20,000 but under 50,000</td> <td style="text-align: right;">215.00</td> </tr> <tr> <td>50,000 but under 100,000</td> <td style="text-align: right;">280.00</td> </tr> <tr> <td>100,000 but under 250,000</td> <td style="text-align: right;">420.00</td> </tr> <tr> <td>250,000 but under 500,000</td> <td style="text-align: right;">625.00</td> </tr> <tr> <td>500,000 and over</td> <td style="text-align: right;">1,250.00</td> </tr> </table>	0 but under 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	2402
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500,000 and over	1,250.00															

COMMENTS AND COURT NOTES	Form Number	SCPA/EPTL§ or Rule #

When Permitted	Whenever a non-domiciliary decedent leaves real and/or personal property or a cause of action which needs to be administered under NYS law and there has been an administration in the foreign jurisdiction.		1607
Forms Always Required	<ul style="list-style-type: none"> •Petition for Ancillary Administration •Exemplified/Authenticated Record of Foreign Proceeding, Decree or Order Appointing, Letters of Appointment •Citation (or waiver and consent from tax department) 	AA-1 AA-2	1609 1614 CPLR 4540 1609
Forms or Documents Sometimes Required	<ul style="list-style-type: none"> •Certified Death Certificate •Notice of Ancillary Administration with Affidavit of Mailing •Self-addressed stamped envelope •Bond 	AA-3 P-10	1608(5) 801(c)(ii)

COMMENTS AND COURT NOTES (continued)

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Letters will not be delivered until Notice of Ancillary Administration and Affidavit of Mailing are filed if applicable.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

THIS MATERIAL IS PROVIDED FOR INFORMATIONAL/TRAINING PURPOSES ONLY. – It is intended for use in conjunction with review of the applicable statutes and rules of the Surrogate’s Court and the Surrogate’s Court Operations Manual.