

# Compulsory Accounting and Related Relief Proceeding Checklist

(see Surrogate's Court Form JA-10, rev. 1/2004)

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

**Fill in All Areas On All Pages - Also Mark When Not Applicable When Necessary**  
**Strike Any Paragraphs/Sections Which Do Not Apply**  
**Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed**

<b>PET #</b>	<b>DESCRIPTION</b>	<b>YES</b>	<b>NO</b>
	Does the caption mirror the estate file name and appointee?		
<b>1.</b>	<b>Is the petitioner a proper party? [see SCPA §2205(2)]</b>  <b>Is the petitioner ...</b> <ul style="list-style-type: none"> <li><b>a creditor</b></li> <li><b>a person interested [see SCPA 103(39)]</b></li> <li><b>a public administrator or county treasurer</b></li> <li><b>a person on behalf of an infant or child born after the making of the will</b></li> <li><b>a fiduciary of a deceased person interested</b></li> <li><b>a surety on the bond of the fiduciary</b></li> <li><b>a successor fiduciary or a remaining fiduciary</b></li> <li><b>a co-fiduciary after the filing of an account and petition for judicial settlement</b></li> <li><b>the attorney general of the state where any part of the estate may escheat to the state of New York</b></li> </ul> <b>Is the petitioner's name, address and citizenship listed?</b>		
<b>2.</b>	<b>Is the decedent's date of death listed?</b>		
<b>3.</b>	<b>Is the type of letters, county and date of issuance listed?</b>  <b>Is fiduciary's name and address listed?</b>		
<b>4.</b>	<b>Check that fiduciary has not filed an account.</b>		
<b>5.</b>	<b>Is the interest of the petitioner and reasons for requesting a compulsory accounting described?</b>		
<b>6.</b>	<b>If additional relief other than a compulsory accounting is requested, are the names, addresses and nature of interest of all parties listed? [see SCPA §2206(2)]</b>		
	<b>Under WHEREFORE Clause: has all relief requested been checked and completed?</b>		
	<b>Has any relief not applicable been struck out?</b>		

PET #	DESCRIPTION	YES	NO
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
	Is attorney's name, address and phone number listed?		
	Has Part 130 Certification been completed?		
	if <b>NOT</b> , 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?			

FEE SCHEDULE	SCPA/EPTL§ or Rule #
Has the proper fee been included with the petition?	2402
Filing fee is according to SCPA §2402(8)(a) <b>\$30.00</b>	

COMMENTS AND COURT NOTES	Form Number	SCPA/EPTL§ or Rule #
When Permitted	On Court's own motion or by petition of proper party.	2205
Forms Always Required	•Petition for a Compulsory Accounting and Related Relief •Compulsory Accounting Citation	JA-10 JA-9
Forms or Documents Sometimes Required	•Order Directing Compulsory Accounting •Affidavit of Service of Citation •Copy of Supreme Court Order (proof of disposition of the matter must be provided: withdrawal, discontinuance, order transferring action/part of action, etc.)	

Proposed Citation must include all relief requested in petition wherefore clauses.

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

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.