

From: Mark Annunziata
Sent: Thursday, June 11, 2015 3:15 PM
To: rulecomments
Cc: John Owens
Subject: Proposed adoption of new 22 NYCRR 207.20 and adoption of new Inventory of Assets form

Dear John:

For E-filing courts (7th JD; 8th JD; part of 6th JD; and coming to 9th JD) it does not make sense to have a section of the form "to be filled out by court clerk" because it will require the form, which will be E-filed, to be printed at the court to add the information, and then court staff would have to scan the document into our UCMS data base, rather than simply uploading the document from NYSCEF to UCMS. This is not efficient and defeats the purpose and benefit of E-filing.

On a more general note, it is my opinion that the Inventory of Assets need not be a required filing in all estates, rather it should be a form that an interested party may request from the estate fiduciary after a period of time. We are going from requiring more information that we need and making it public, to requiring a little less information but keeping it "secret" (restricted). I think more consideration should be given to not requiring information be filed, unless there is a specific reason.

And if we are being honest, most simply use the LOA as a filing fee catch up mechanism and we can do that in less intrusive ways.

Respectfully submitted, Mark

Mark L. Annunziata, Esq.
Chief Clerk
Monroe County Surrogate's Court

From: Bruce C. Johnson <bjohnson@wilkauslander.com>
Sent: Friday, May 22, 2015 11:43 AM
To: rulecomments
Subject: Proposed change in Surrogate's Court Uniform Rule 207.20

TO: John W. McConnell, Esq., Counsel
Office of Court Administration

RE: Proposed Adoption of Rule Relating to Inventory of Assets; and Adoption of New Inventory of Assets Form

I am an attorney admitted in New York with 35-plus years of experience in trusts and estates law.

I agree with the proposal to change Uniform Rule 207.20 for Surrogate's Courts to cut back on the amount and detail of information required in the list of assets-inventory. In particular, there should be no need for the Surrogate's Court, in most cases, to have any information under oath from the fiduciary other than the gross value of probate assets. This will enable the court to ascertain that the appropriate filing fee was paid when the value of the probate estate was estimated at the time of applying for letters. The value of non-probate assets should be of no concern to the court for this purpose. It should also not be necessary to specify what particular securities were owned by the decedent, nor the identity and location of banks and brokerages where the decedent had assets.

-Bruce C. Johnson

Bruce C. Johnson
Wilk Auslander LLP
1515 Broadway
New York, NY 10036
(212) 981-2317
Fax (212) 752-6380
bjohnson@wilkauslander.com

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed within.

NOTES: This message and any attachments are confidential to the ordinary user of the e-mail address to which it was addressed and may also be privileged. If you are not the addressee you may not copy, forward, disclose or use any part of the message or its attachments. If you have received this message in error, please notify the sender immediately by return e-mail and delete this message from your system. Wilk Auslander LLP reserves the right to monitor and review the content of all e-mail communications sent to and received by its employees.

Internet communications cannot be guaranteed to be secure or error-free as information could arrive late or contain viruses or be intercepted, corrupted, or lost. The sender, therefore, does not accept liability for any errors or omissions in the content of this message which arise as a result of Internet transmission. If verification is required please request a hard-copy version.



From: Carl F. Becker
Sent: Monday, May 04, 2015 3:25 PM
To: rulecomments
Subject: Rule 207.20 change

The current rule regarding filing of a inventory is, many instances, the only notice a distribute gets before being presented with final accounting of what the decedent's estate consists of. Without a requirement for this type of informal inventory estate assets may be lost or never found. Further this would be inconsistent with the requirement for disclosure of firearms possessed by the decedent. I oppose the rule change.

Hon. Carl F. Becker
Delaware County Multi-Bench Judge