

NEW YORK COUNTY SURROGATE'S COURT

31 CHAMBERS STREET • ADMINISTRATION DEPT - ROOM 505 • NEW YORK, NY 10007
Monday-Friday 9am-5pm • (646) 386-5005 • nycourts.gov/forms/surrogates/administration



Website

PETITION FOR LETTERS OF ADMINISTRATION BY CREDITORS/LITIGANTS CHECKLIST

Do you need a court appointed fiduciary of decedent's estate but the distributees/nominated executors have not applied? To apply, file the following items in the Surrogate's Court of the County where decedent was domiciled at the time of death:

- 1. Original or photocopy of decedent's death certificate**
 - NYC Health Code 207.11 ([24 RCNY 207.11](#)) • Uniform Rules for Surrogate's Court ("UR") [207.15\(b\)](#)
- 2. Court fee** • Based on the value of the estate (SCPA 2402); if unknown: \$45.00. Cash, credit/debit, money order, attorney or bank check (no personal checks) payable to: Surrogate's Court, New York County.
- 3. Petition for Letters of Administration** ([form A-1](#))
 - Who can apply? A creditor, person interested in a cause of action in which the decedent's estate would be a proper party (SCPA 1002[1]), or a person interested (SCPA 103[39]) may petition for Letters of Administration to the Public Administrator of New York County or another person (SCPA 1001[8]).
 - An attorney representing any of the above parties may not be the petitioner.
 - List the necessary parties in #7 of the petition: decedent's potential distributees (EPTL 4-1.1; *see ▼*), persons named in a Will of decedent, the Public Administrator of New York County.
- 4. Affidavit in Support**
 - Submit an affidavit from the petitioner or attorney setting forth petitioner's interest, need for an estate fiduciary, and due diligence used (UR 207.16[d]) to ascertain decedent's distributees and persons named in a Will of decedent. Satisfactory due diligence may include:
 - Inquiry of death certificate informant, decedent's relatives, neighbors, friends.
 - Examination of court filings, building records, online funeral home obituaries, internet search resources.
- 5. Citation** ([form A-2](#))
 - List the necessary parties at the top of the citation. Fill in the blanks with information as it appears in the petition. Leave out dates. If your application is complete, the clerk will schedule a mutually agreeable court date, issue the citation and give or email you a copy (provide email address). You arrange for service of a copy of the citation on the necessary parties, file affidavits of service 2 or more business days before the court date, then appear in court at 10am on the scheduled date.
- 6. Decree** ([form A-6](#))
 - If the Surrogate grants your petition, submit a proposed decree consistent with the Surrogate's decision to the Administration Department, Room 505. If directed, serve the proposed decree with Notice of Settlement on the parties who appeared, unless such parties waive same in writing ([UR 207.37](#); [207.7\[a\]\[b\]](#)).
- 7. SASE** • Submit a self-addressed stamped envelope, or purchase one at the cashier when filing the petition (\$2.00), and we will mail you a copy of the decree when signed.

▼ Decedent's distributees (or heirs) are the persons within the nearest group of surviving relatives, as follows:

1st group: spouse, children, descendants of predeceased children* **2nd:** mother and father **3rd:** brothers, sisters, descendants of predeceased brothers-sisters* **4th:** grandparents **5th:** aunts, uncles, children of predeceased aunts-uncles (first cousins) [Maternal and paternal distributee listings in the 4th or 5th group are independent of each other] **6th:** children of predeceased first cousins (first cousins once removed).

*Predeceased: died before the decedent died. See EPTL 1-2.10; 1-2.16 for more information.