

NEW YORK COUNTY SURROGATE'S COURT

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

ANCILLARY LETTERS OF ADMINISTRATION CHECKLIST

For use when there is an actual administration in the domicile of an intestate decedent and property in need of administration in New York State. To apply, file the following items in the Surrogate's Court of a County where decedent's property is located or a wrongful death defendant is domiciled:

- 1. An authenticated copy of the record of the domiciliary court or agency**
 - **U.S. records:** CPLR 4540 **Foreign records:** CPLR 4542 or Apostille certification: hcch.net
 - Documents in a foreign language must be accompanied by an English translation and an affidavit by the translator stating his or her qualifications and that the translation is accurate (CPLR 2101[b]).

- 2. Foreign law affidavit**
 - If the domiciliary administration occurred in a foreign country and no fiduciary was appointed, submit an affidavit from an attorney admitted to practice in that jurisdiction identifying the person(s) entitled to administer the assets in that jurisdiction, with applicable supporting legal authority (see SCPA 1601, 1607[1]).

- 3. Court forms** • *Submit the following forms, as necessary [see ▼]:*
 - 1 • Petition for Ancillary Letters of Administration (AA-1) • When completing the petition:**
 - #4:** Specify the location (with address) of the NY County assets (all NYS assets may be listed). If the property is a cause of action or its location is unclear, indicate how NY County is the proper venue (see SCPA 206, 208).
 - #5:** List the necessary parties: 1) the person(s) appointed or acting in decedent's domicile, 2) the NYS Dept. of Taxation and Finance, 3) all NYS domiciliary creditors.
 - #6:** List any estate heirs domiciled in New York State.
 - 2 • Waiver of Citation Renunciation and Consent to Appointment of Ancillary Administrator**
 - 3 • Ancillary Administration Citation (AA-2)**
 - 4 • Notice of Application for Ancillary Letters of Administration (AA-3)**
 - 5 • Decree Granting Ancillary Letters of Administration**

[Submit above numbered forms as indicated below]

▼ A person appointed or acting in decedent's domicile may petition¹ to act here if eligible (a US citizen [residing anywhere] or a "green card" holder residing in NYS); designate² any eligible person to petition; or co-petition to act with an eligible *NYS resident* (see SCPA 707[1][c]). The other necessary parties must consent² to the appointment of the petitioner(s) or be cited.³ Heirs who are not acting do not have to consent or be cited, but if they live in NYS, must be served with Notice of Application.⁴ Prepare and submit the decree.⁵

- Documents notarized in a foreign country (other than Canada) must be legalized/authenticated by a U.S. consular official or an Apostille certificate annexed to the document (usembassy.gov; hcch.net).

- 4. Waiver of Citation by the NYS Department of Taxation and Finance**
 - SCPA 1609(2); NYS Tax Law 971-a(a) • phone: (518) 457-5387; internet: tax.ny.gov

- 5. Court fee** • Based on the value of the NYS assets (SCPA 2402). Cash, credit/debit, money order, attorney or bank check (no personal checks) payable to: Surrogate's Court, New York County.

- 6. SASE** • Submit a self-addressed stamped envelope and when Ancillary Letters of Administration issue, you will be mailed the letters, a copy of the decree, and any pre-paid certificates.

Other resources:

EPTL 13-3.4. Payment or delivery of property to foreign fiduciaries

EPTL 13-3.5. Action or proceeding by foreign personal or other legal representative

(12/12- rev '19)