

REPORT OF ESTATE NOT FULLY DISTRIBUTED (22 NYCRR 207.42)

SURROGATE'S COURT
_____ COUNTY

Estate of _____, Deceased

File No. _____

Date of issuance of first permanent letters _____

Approximate amount of gross estate \$ _____

Approximate amount that has been distributed to beneficiaries
\$ _____

Approximate amount remaining in fiduciary's hands at present
\$ _____

This estate has not yet been fully distributed for the following reason: [state briefly and state date by which distribution may be expected]

Date of this report _____

Fiduciary

Address: _____

Phone: _____

Attorney for above Fiduciary

Address: _____

Phone: _____

Uniform Rule §207.42 Report of estates not fully distributed

(a) Whenever the estate of a decedent has not been fully distributed or a final accounting filed with petition for settlement within two years from the date when the first permanent letters of administration or letters testamentary were issued where the gross taxable estate of such decedent does not require the filing of a federal estate tax return, and within three years if a federal estate tax return is required, the executor or administrator shall, at or before the end of the first complete month following the expiration of such time, file with the clerk of the court a statement in substantially the following form: (see other side of this sheet for form)

(b) The court shall thereupon take steps as it deems appropriate to expedite the completion of the administration of the estate and the distribution of all assets.

(c) Failure to file such statement will be considered by the court on any application for commissions or legal fees and may constitute a ground for disallowance of commissions or fees.

(d) The periods set forth in subdivision (a) hereinabove stated are not intended to set a standard time for completion of estate administration but rather to fix a period after which inquiry may be made by the court.

(e) This section shall not limit the power of the court to direct an accounting at any time on its own initiative or on petition pursuant to SCPA 2205.

SCPA, see McKinney's Book 58A

NOTE: IF YOU HAVE NOT TAKEN THE NECESSARY STEPS TO CLOSE OUT THE ESTATE IN OUR OFFICE, (Judicial Settlement - Affidavit & Final Order, filed all necessary releases and affirmation by attorney or proceedings under SCPA § 2202 and § 2203), THE ESTATE IS **NOT** CONSIDERED CLOSED BY THE SURROGATE'S OFFICE.

THEREFORE, EVEN THOUGH THE ESTATE ASSETS MAY HAVE BEEN DISTRIBUTED, THE PROPER STEPS TO CLOSE OUT THE ESTATE MUST BE TAKEN. IT IS **NOT** SUFFICIENT TO FILE THE ATTACHED FORM AND INDICATE THAT THERE ARE NO FUNDS REMAINING IN THE FIDUCIARY'S HANDS.

STATE OF NEW YORK
SURROGATE'S COURT COUNTY OF BROOME

Voluntary Accounting Proceeding, Estate of

Deceased

RELEASE AND
DISCHARGE OF
REPRESENTATIVE

File No. _____

The undersigned, being OF FULL AGE, ACKNOWLEDGES **FULL PAYMENT AND RECEIPT** of the share to which the undersigned is entitled in the estate of the above named decedent as appears below:

Payment Made By: _____
(Name of Representative)

In Capacity of: _____ Amount of Payment: \$ _____
(Capacity of Representative)

Purpose of Payment: **IN FULL OF:** (Check proper designation)

- Undersigned's gift under decedent's will; or
- Undersigned's distributive share in decedent's estate; or
- Other _____

In consideration of said payment, the undersigned hereby:

(1) RELEASES AND DISCHARGES forever the representative(s) above named of and from all responsibility and liability of every nature to the undersigned by reason of any and all matters relating to, or derived from, said estate and its administration; and

(2) REQUESTS AND EMPOWERS the Surrogate of Broome County, upon filing this instrument to make and enter the proper decree fully and finally releasing and discharging the said representative(s) as to the undersigned; and

(3) WAIVES the issuance and service of a citation to attend any and all judicial settlements of the accounts of said representative(s); and

(4) APPEARS voluntarily in any proceeding instituted for such judicial settlement and authorizes the personal appearance of the undersigned to be entered on the record.

**THIS IS A FULL RECEIPT, RELEASE AND WAIVER
READ BEFORE SIGNING!**

Dated: _____ 20____

(Sign here)

(Acknowledgments on reverse side)

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEW YORK
COUNTY OF BROOME **ss:**

On _____ 20__ before me personally came

to me personally known to be the same person described in and who executed the foregoing instrument and to me such person duly acknowledged that he or she executed the same.

(Notary Public)

CORPORATE ACKNOWLEDGMENT

STATE OF NEW YORK
COUNTY OF BROOME **ss:**

On _____ 20__ the deponent below named came personally before me, and such deponent, being personally known to me and being duly sworn by me, deposed and said:

(1) Deponent's name is _____

(2) Deponent resides at _____
(Street) (City or town and state)

(3) Deponent is _____ **of** _____
(Title) (Name of corporation)

(4) Such corporation is the corporation described in and which executed the above instrument; that the seal affixed to said instrument is the seal of such corporation; that said seal was so affixed by order of the Board of Directors of such corporation; and that deponent's name was signed thereto by like order.

(Notary Public)