

PROBATE PROCEEDING CHECKLIST
ERIE COUNTY SURROGATE'S COURT

Estate of: _____ Date of Death: _____

FOLLOWING DOCUMENTS ARE ALWAYS REQUIRED

- _____ 1. Original last will and testament plus all original codicils
- _____ 2. Proofs of will (1406)
- _____ 3. Attorney-certified copy of death certificate (Rule 207.15)
- _____ 4. Petition for probate (1402)
- _____ 5. Filing fee (2402)
(+\$6.00 for each short form)
Total: _____

FOLLOWING DOCUMENTS MAY BE REQUIRED

- _____ 1. Waivers of citation and consent to probate (401)

- _____ 2. Notice of probate (1409)

- _____ 3. Proof of handwriting (witness) (1405)
- _____ 4. Proof of handwriting (decedent) (1405)

- _____ 5. Renunciation and waiver of nomination as executor (1417)
- _____ 6. Sole distributee affidavit (Rule 207.16)
- _____ 7. Family tree (Rule 207.16)
- _____ 8. Affidavit of due diligence (Rule 207.16)
- _____ 9. Attorney/executor affidavit
- _____ 10. Acknowledgment of attorney/executor disclosure (2307-a)
- _____ 11. Disclaimer/renunciation (2-1.11)
- _____ 12. Proposed citation (1403)
- _____ 13. Affidavit(s) of service
- _____ 14. Application and order for publication of service (307)
- _____ 15. Affidavit of publication
- _____ 16. Application and order dispensing with testimony of witness(es) (1405)
- _____ 17. Application for preliminary letters (1412)
- _____ 18. Proposed decree

Notes:

References in parentheses are to SCPA, EPTL or Uniform Rules.