

Ancillary Administration Proceeding Checklist

(see Surrogate's Court Form AA-1, 12/97, rev. 4/98)

This Checklist is provided for your convenience while completing the petition and the checklist should not be returned to the Court.

NOTE: An ancillary administration may be used when a non-domiciliary dies without a will and leaves real and/or personal property located in New York State or a cause of action exists which needs to be administered and there has been an administration in the foreign (domiciliary) jurisdiction.

**Fill In All Areas On All Pages of Petition - Also Mark When Not Applicable Where Necessary
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed**

CHECK: IS THE ATTORNEY OF RECORD LICENSED TO PRACTICE IN THE STATE OF NEW YORK?

PET ¶ #	DESCRIPTION	YES	NO
	Is the captioned name the same as that on the foreign documents and ¶2 of the petition?		
	If A/K/A's are they listed in the caption and also under ¶2 of the petition?		
	Has the type of Letters been checked?		
1.	<p>Is the petitioner the person appointed administrator in the foreign/domiciliary jurisdiction or the person acting in that jurisdiction? [see SCPA §1607(2)]</p> <p>If Not: Is petitioner a person entitled to original letters of administration?</p> <p>If Not: Is petitioner the designee of person(s) in either the two classes listed above? [see SCPA §1607(3)]</p> <p>If Not: Is petitioner a creditor, public administrator (County Treasurer) or person interested or to whom letters may issue? [see SCPA §1609(1)]</p> <p><i>NOTE: Non-domiciliary alien administrator, though ineligible to act in this jurisdiction (unless said administrator has a co-administrator who is a citizen), has a right to designate an ancillary fiduciary. (see SCPA §707 and §1608)</i></p>		
2.	<p>Verify information set forth in Authenticated documents from foreign state.</p> <p><i>NOTE: Exemplified/Authenticated Record should include copies of the foreign administration proceeding, Decree or Order and Letters issued thereon in the foreign jurisdiction. (see SCPA §1614 and CPLR §4540 and §4542)</i></p> <p><i>NOTE: Exemplifications and/or authenticated documents must be <u>unaltered</u> - i.e. should <u>not be unstapled</u> to photocopy and <u>should not be attached</u> to petition.</i></p> <p><i>NOTE: Documents filed in a foreign language shall be accompanied by an English translation and an affidavit by the translator stating his/her qualifications and that the translation is accurate. [see CPLR §2101(b)].</i></p>		

PET #	DESCRIPTION	YES	NO
3.	<p>Verify again that all information set forth is as indicated in the Authenticated documents from foreign state.</p> <p><i>NOTE: Bond of Ancillary Fiduciary may be required. [see SCPA §801(c)(ii)]</i></p>		
4a.	<p>Is all the New York State property listed with complete address, description and value?</p> <p>Verify jurisdiction at this time with property situate in your County, real or personal. (see SCPA §206)</p> <p>All items must be completed. If non-applicable, please indicate.</p> <p><i>NOTE: Filing fee on Ancillary Administration is based on the value of New York Property only. (see SCPA §2402)</i></p>		
4b.	<p>If cause of action is listed <u>complete details must be included</u>; if none, so state.</p>		
5.	<p>Issue citation for service on Interested parties listed here as set forth in form (unless waivers and consents have been submitted).</p> <p><u>Always cite</u> the New York State Department of Taxation and Finance (see SCPA §1609.3) <u>UNLESS</u> a Notice of Appearance and Consent by Tax Commissioner has been filed with Stipulation Reserving Domicile.</p> <p>If Letters Are Requested Cite: 1) Domiciliary (New York State) creditors or those claiming to be creditors; 2) Those entitled to letters or entitled to designate an appointee. (see instructions on item 1 of this checklist for those entitled to letters - SCPA §1607)</p>		
6.	<p>Only domiciliary distributees who reside in New York State need to be listed.</p> <p>Notice of Application for Letters of Ancillary Administration with proof of mailing to all domiciliary distributees who have not waived or otherwise appeared in the proceeding must be submitted.</p> <p>Both 6(a) and 6(b) must be completed. If none applicable, so indicate.</p>		
7.	<p>This must be completed. Either “except” crossed out or “none” indicated.</p>		
	<p>Under WHEREFORE Clause: has all relief requested been checked and completed?</p> <p>Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary’s commission)?</p> <p>Is Combined Verification, Oath and Designation signed?</p> <p>Does it set forth proposed fiduciary’s physical address?</p> <p>Is proposed fiduciary a bank? (If yes, submit a combined Corporate Verification, Consent and Designation)</p>		

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<i>NOTE: Certification must be provided from a financial institution that they are qualified to act as a fiduciary in the State of New York.</i>			
Is attorney's name, address and phone number listed?			
Is Part 130 Certification completed by attorney or self-represented party? If NOT , has a separate certification as to Part 130 signing requirements been included?			
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

PARTIAL FEE SCHEDULE		SCPA/EPTL§ or Rule #														
Filing Fee	<p>Have the proper fees been included with petition?</p> <p>Fees per schedule; \$6.00 for each Certificate of Appointment.</p> <p>Filing fee is based upon the values of the <u>New York State Property only</u> owned individually by the decedent or payable to the Estate - see SCPA §2402(8)</p> <table data-bbox="487 1218 1015 1501"> <tr> <td>0 but under 10,000</td> <td>\$ 45.00</td> </tr> <tr> <td>10,000 but under 20,000</td> <td>75.00</td> </tr> <tr> <td>20,000 but under 50,000</td> <td>215.00</td> </tr> <tr> <td>50,000 but under 100,000</td> <td>280.00</td> </tr> <tr> <td>100,000 but under 250,000</td> <td>420.00</td> </tr> <tr> <td>250,000 but under 500,000</td> <td>625.00</td> </tr> <tr> <td>500,000 and over</td> <td>1,250.00</td> </tr> </table>	0 but under 10,000	\$ 45.00	10,000 but under 20,000	75.00	20,000 but under 50,000	215.00	50,000 but under 100,000	280.00	100,000 but under 250,000	420.00	250,000 but under 500,000	625.00	500,000 and over	1,250.00	2402
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500,000 and over	1,250.00															

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL § or Rule #
When Permitted	Whenever a non-domiciliary decedent leaves real and/or personal property or a cause of action which needs to be administered under NYS law and there has been an administration in the foreign jurisdiction.		1607
Forms Always Required	<ul style="list-style-type: none"> •Petition for Ancillary Administration •Exemplified/Authenticated Record of Foreign Proceeding, Decree or Order Appointing, Letters of Appointment •Citation (or waiver and consent from Tax Department) 	AA-1 AA-2	1609 1614 CPLR 4540 1609
Forms or Documents Sometimes Required	<ul style="list-style-type: none"> •Certified Death Certificate •Notice of Ancillary Administration with Affidavit of Mailing •Self-addressed stamped envelope •Bond 	AA-3	1608(5) 801(c)(ii)
<p>Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.</p> <p>Letters will not be delivered until Notice of Ancillary Administration and Affidavit of Mailing are filed if applicable.</p> <p>Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).</p> <p>Check to be certain all documents are properly acknowledged.</p>			

THIS MATERIAL IS PROVIDED FOR INFORMATIONAL/TRAINING PURPOSES ONLY. – It is intended for use in conjunction with review of the applicable statutes and rules of the Surrogate’s Court and the Surrogate’s Court Operations Manual.