

Probate Proceeding Checklist

(see Surrogate's Court Form P-1, rev. 2/08)

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

If the will was previously admitted to probate the petitioner should submit Administration c.t.a. form CTA-1.

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

PET #	DESCRIPTION	YES	NO
	Is the captioned name the same as the signature on the Will and ¶2 of petition?		
	If A/K/A's, are they listed in the caption and also under ¶2 of petition?		
	Has the type of Letters been checked?		
1.(a)	Is the name of each fiduciary the same as in Will? If <u>NO</u> , does petitioner explain why?		
	Is the petitioner ... the nominated executor alternate executor or person eligible under SCPA §1402 or 1418 (admin. c.t.a.)		
	<i>NOTE: A Non-domiciliary alien is ineligible to be sole fiduciary (SCPA §707)</i>		
1.(b)	If an attorney and sole executor: has a statement been filed pursuant to Court Rules §207.16(e)?		
1.(c)	Has SCPA §2307-a been complied with?		
2.(a)	Is the name of the decedent the same as the signature on Will? Are all A/K/A's listed?		
2.(b)	Does date of death agree with death certificate? Certified death certificate must be filed with petition		
2.(c)	Is the place of death the same as that listed on death certificate?		
2.(d)	Is the address on petition and death certificate the same? this county? If <u>NOT</u> , has an explanatory affidavit with proofs of domicile been filed? (SCPA §206 & 208) If decedent was a non-domiciliary of the State, has information been furnished pursuant to SCPA §1605 showing ...		

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PET ¶ #	DESCRIPTION	YES	NO
2.(d) cont.	(1) no original probate or administration proceeding has been or will be filed in any other jurisdiction (2) statement that testator left probatable assets in this jurisdiction (3) statement listing the distributees in the domiciliary jurisdiction or that they are the same as under New York State Law		
2.(e)	Is the citizenship of decedent listed? <i>NOTE: Does all information provided under ¶2 agree with death certificate; if not, has an explanatory affidavit been provided? Check that marital status is correct; submit divorce decree if requested by the court.</i>		
3.	Make sure that original will and codicil are filed with affidavit(s) of attesting witnesses or necessary documents requesting that the affidavits be dispensed with are filed. (With one surviving witness submit form P-8; if all witnesses are deceased submit forms P-8 and P-9 for one witness and P-9 for decedent.) Are dates listed correctly for Will and Codicils? Are all witnesses listed correctly? If necessary - did witnesses see original will or a court-certified copy? see SCPA §1406(2) Is affidavit of comparison with copy of will (& codicils) submitted? <i>NOTE: Witnesses may not notarize each other's signatures on witness depositions.</i>		
4.	Answer "NONE" or specify?		
5.	<i>NOTE: Distributee: Any person entitled to take/share in property under EPTL §4-1.1 and 4-1.2.</i> Has the number of survivors been listed? Has "NO" been inserted in all prior classes? Has an "X" been inserted in all subsequent classes? <i>NOTE: If alleged that the decedent was survived by no distributee or only one distributee or where the relationship of distributees to the decedent is grandparents, aunts, uncles, first cousins or first cousins once removed, has an Affidavit of Heirship been submitted - see Court Rules §207.16(c).</i>		
6.(a)	Are all distributees (who are of full age and sound mind) listed with the required information? (Court needs Form P-4 [Acknowledged Waiver of Process/Consent to Probate] see SCPA §401(4), or proposed citation for each person listed under 6(a). Provide copy of death certificate or date of death for any deceased distributee.) NOTE: Administrator c.t.a. see SCPA §1418 - use waiver P-11.		

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____

PROBATE PROCEEDING,
WILL OF _____

a/k/a _____

Deceased. _____ X

RENUNCIATION OF LETTERS OF
ADMINISTRATION c.t.a. AND
WAIVER OF PROCESS
(SCPA 1418)

File No. _____

The undersigned, _____, a person interested in this estate, and in all respects eligible to receive letters, hereby personally appears in this proceeding in the Surrogate's Court of _____ County and

1. Renounces all rights to Letters of Administration c.t.a..
2. Waives the issuance and service of citation in the above entitled proceeding and consents that the will dated _____ 20 _____, a copy of which has been received by the undersigned, be admitted to probate.
3. Consents that Letters of Administration c.t.a. be granted by the Court to _____ or any other person or persons entitled thereto without any notice whatsoever to the undersigned.
4. Consents to dispense with the bond of the Administrator c.t.a., and if such consent be filed by some but not all of the persons interested in the estate, specifically releases any claim by me under any bond that may be required of such Administrator c.t.a..

Date	Signature	Street Address	Relationship
	Print Name	Town/State/Zip	

STATE OF NEW YORK
COUNTY OF _____ ss.:

On _____, 20_____, before me personally came _____

to me known and known to me to be the person described in and who executed the foregoing waiver and consent and duly acknowledged the execution thereof.

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Name of Attorney _____ Tel. No.: _____

Address of Attorney _____

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PET #	DESCRIPTION	YES	NO
6.(a) cont.	<p>Is each person designated as primary executor listed?</p> <p>Are all persons adversely affected by the purported exercise by such Will of any power of appointment listed?</p> <p>Are all persons adversely affected by any codicil listed?</p> <p>Are all persons listed under any other Will of the decedent on file in the Surrogate's Court listed?</p> <p>If there is an inter vivos trust or other testamentary substitute, are trustees and beneficiaries affected by the will listed?</p> <p>Has a copy of the Trust been submitted?</p>		
6.(b)	Same as 6.(a) above but are persons under disability		
<p>NOTE: IF THERE ARE PERSONS UNDER DISABILITY LISTED UNDER 6(b) A GUARDIAN AD LITEM WILL HAVE TO BE APPOINTED AND A CITATION ISSUED. (see SCPA §306 & 307)</p>			
<p>NOTE: THE FOLLOWING INFORMATION HAS TO BE PROVIDED UNDER 6(b) AND 7(b) IF THERE ARE PERSONS UNDER DISABILITY.</p>			
<p><u>INFANTS:</u></p> <p>Name, birth date, relationship to decedent, domicile/residence address, person with whom he/she resides</p> <p>Is there a court-appointed guardian? If so, submit name and residence address and information regarding appointment (submit proof of appointment).</p> <p>Are parents living?</p>			
<p><u>ALL OTHER PERSONS UNDER DISABILITY:</u></p> <p>Name, relationship to decedent, residence address</p> <p>Facts regarding disability: has a committee, conservator, guardian, or any other fiduciary been appointed (submit proof of appointment)</p> <p>Has the person under disability been committed to any institution?</p> <p>Are the names and addresses of any committee, person or institution having care and custody of him/her, conservator, guardian and any relative or friend having an interest in his/her welfare listed?</p> <p>If a person is confined as a prisoner: place of incarceration listed and name and address of any person(s) having an interest in his/her welfare</p> <p>Unknowns: described in the same language as will be used in the citation</p>			

PET ¶ #	DESCRIPTION	YES	NO
6.(b) cont.	<p>NOTE: IF THERE ARE UNKNOWNNS, the following proof has to be submitted: <i>affidavit showing that diligent efforts have been made to locate unknown distributees or distributees whose whereabouts are unknown [Court Rules §207.16(d)]</i></p> <p>"DILIGENT SEARCH" requires extensive research, e.g.: <i>cemetery and marriage records; telephone books; conversation with other distributees, neighbors, etc.; records of varied Surrogate's Court; military records; Bureau of Immigration & Naturalization; Social Security Administration; Bureau of Vital Statistics; Department of Motor Vehicles; Bureau of the Census; City directories; Internet</i></p>		
7.(a)	<p>Court needs Form P-6 [Notice of Probate/Affidavit of Mailing] for all persons listed under 7(a) & 7(b) - see SCPA §1409.</p> <p>Are the names and domiciliary addresses of all substitute or successor executors, trustees, guardians listed? If predeceased - provide death certificate or date of death.</p> <p>Are all legatees (any person designated to receive a transfer by will of personal property) who is of full age and sound mind listed?</p> <p>Are all devisees (any person to whom real property is transferred by will) who is of full age and sound mind listed?</p> <p>Are all other beneficiaries, who are of full age and sound mind, named in the will listed?</p> <p>Are charities receiving a residuary share? If so the State Attorney General must receive a notice of probate.</p> <p>Are any trustees and beneficiaries of any inter vivos trust designated in the purported will other than those named in paragraph 6 listed?</p>		
7.(b)	Same as 7.(a) above but are persons under a disability (see ¶6b). see SCPA §1409(2) and SCPA §307(3) and (4).		
8.	Has "NONE" been entered or is there an indication of the confidential relationship? (May require a PUTNAM hearing.)		
9.(a)	Has value of estate been listed? (do not include joint assets, insurance left to a beneficiary, non-probate assets)		
9.(b)	Has "NONE" been entered or has cause of action been specified?		
10.	Under WHEREFORE Clause: has type of letters and all relief requested been checked and completed?		

PET #	DESCRIPTION	YES	NO
10. cont.	<p>Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?</p> <p>Is oath and designation signed?</p> <p>does it set forth proposed fiduciary's physical address?</p> <p>Is proposed fiduciary a Bank? use combined corporate verification, consent and designation [use page 6 of the petition]</p> <p>Is attorney's name, address and phone number listed?</p> <p>Is Part 130 Certification completed by attorney or self-represented party? if <u>NOT</u>, has a separate certification as to Part 130 signing requirements been included?</p>		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

PARTIAL FEE SCHEDULE	SCPA/EPTL§ or Rule #														
<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 estate owned individually by the decedent or payable to the Estate - see SCPA §2402(8)</p> <table data-bbox="245 1354 743 1623"> <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> <p>If Letters of Trusteeship are requested include an additional \$45.00 for this appointment (after checking with individual court of filing as to fee policies).</p>	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
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														

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever decedent dies with a Will.		1402
Forms Always Required	<ul style="list-style-type: none"> •Petition for Probate •Original Will of decedent and Codicil(s), if any •Affidavit of Comparison (unless waived by court) •Certified Death Certificate •Affidavit of Attesting Witnesses •Self-addressed stamped envelope (if court requires) 	P-1 P-13 P-3	1402 207.15(b) 1406
Forms or Documents Sometimes Required	<ul style="list-style-type: none"> •Application to Dispense with Testimony of Attesting Witness •Waiver of Process; Consent to Probate •Notice of Appearance •Authorization to Appear on Behalf of Party •Attorney/Fiduciary Statement •Family Tree Chart (if required by court) •Affidavit Proving Handwriting of Decedent/Witness •Renunciation of Nominated Executor and/or Trustee •Renunciation of Letters of Admin. c.t.a./Waiver of Process •Affidavit of No Debt (Admin. c.t.a.) •Citation on Probate •Affidavit for Supplemental Citation •Order for Mailing and/or Publication •Notice to Consul General •Notice of Probate & Affidavit of Service •Affidavit of Due Diligence •Application for Preliminary Letters Testamentary & Oath & Designation of Preliminary Executor •Sole Heir Affidavit •Affidavit of Service (Personal/Mail/Publication) •Affidavit as to Military Service •Bond •Death Certificate of deceased spouse, distributee, beneficiary or named executor •Notice of Election by Surviving Spouse •Waiver or Release of the Right of Election •Obituary Notice (if court requires) 	P-8 P-4 FT-1 P-9 P-10 P-11 P-12 P-5 P-6 P-2	1405 207.16(e) & 2307-a 207.16(c) 1403 1412 207.16(c) 314 801-805 207.15(c) 5-1.1 5-1.1

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COMMENTS AND COURT NOTES (continued)

All Waivers and Proofs of Service must show that each interested party actually received a copy of the Will.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Petition & Notice of Probate must include names of all persons designated in Will as legatee, devisee, fiduciary or alternate fiduciary not otherwise listed as an interested party.

Letters will not be delivered until Notice of Probate and Mailing Affidavit are filed.

Review carefully instructions to paragraphs 6 and 7 of the Petition and be sure interested parties are listed in the correct places.

NYS Department of Taxation & Finance may be a necessary party for estates of non-domiciliary decedents. Review SCPA §1403(1)(g).

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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.

STATE OF NEW YORK
SURROGATE'S COURT: COUNTY OF _____ X

PROBATE PROCEEDING,
WILL OF _____

a/k/a _____

Deceased. _____ X

Filing Fee Paid \$ _____
Certs \$ _____
Certs \$ _____
\$ _____ Bond, Fee: \$ _____
Receipt No: _____ No: _____

PETITION FOR PROBATE AND:
 Letters Testamentary
 Letters of Trusteeship
 Letters of Administration c.t.a.

File No. _____

To the Surrogate's Court, County of _____

It is respectfully alleged:

1.(a) The name, citizenship, domicile (or, in the case of a bank or trust company, its principal office) and interest in this proceeding of the petitioner are as follows:

Name: _____

Domicile or Principal Office: _____
(Street and Number)

(City, Village or Town) (State) (Zip Code)

Mailing Address: _____
(If different from domicile)

Citizen of: _____

Name: _____

Domicile or Principal Office: _____
(Street and Number)

(City, Village or Town) (State) (Zip Code)

Mailing Address: _____
(If different from domicile)

Citizen of: _____

Interest (s) of Petitioner (s): [Check one] Executor (s) named in decedent's Will
 Other (Specify)

1.(b) The proposed Executor is is not an attorney.
[NOTE: A sole Executor-Attorney must comply with 22 NYCRR 207.16(e)]

1.(c) The proposed Executor is is not the attorney-draftsperson, a then-affiliated attorney or employee thereof.
[NOTE: An attorney-draftsperson, a then-affiliated attorney or employee thereof must comply with SCPA 2307-a]

2. The name, domicile, date and place of death, and national citizenship of the above-named decedent as follows:

(a) Name: _____

(b) Date of death _____

(c) Place of death _____

(d) Domicile: Street _____
City, Town, Village _____

County _____ State _____

(e) Citizen of: _____

3. The Last Will, herewith presented, relates to both real and personal property and consists of an instrument or instruments dated as shown below and signed at the end thereof by the decedent and the following attesting witnesses:

(Date of Will)

(Names of All Witnesses to Will)

(Date of Codicil)

(Names of All Witnesses to Codicil)

(Date of Codicil)

(Names of All Witnesses to Codicil)

4. No other will or codicil of the decedent is on file in this Surrogate's Court, and upon information and belief, after a diligent search and inquiry, including a search of any safe deposit box, there exists no will, codicil or other testamentary instrument of the decedent later in date to any of the instruments mentioned in Paragraph 3 except as follows:
[Enter "NONE" or specify]

5. The decedent was survived by distributees classified as follows: [Information is required only as to those classes of surviving relatives who would take the property of decedent pursuant to EPTL 4-1.1 and 4-1.2. State the **number** of survivors in each class. Insert "**NO**" in all prior classes. Insert "**X**" in all subsequent classes].

- a. _____ [] Spouse (husband/wife).
- b. _____ [] Child or children and/or issue of predeceased child or children. **[Must include marital, nonmarital, adopted, or adopted-out of child under DRL Section 117]**
- c. _____ [] Mother/Father.
- d. _____ [] Sisters and/or brothers, either of the whole or half blood, and issue of predeceased sisters and/or brothers (nieces/nephews, etc.)
- e. _____ [] Grandparents. [Include maternal and paternal]
- f. _____ [] Aunts and/or uncles, and children of predeceased aunts and/or uncles (first cousins). [Include maternal and paternal]
- g. _____ [] First cousins once removed (children of predeceased first cousins). [Include maternal and paternal]

6. The names, relationships, domicile and addresses of all distributees (under EPTL 4-1.1 and 4-1.2), of each person designated in the Will herewith presented as primary executor, of all persons adversely affected by the purported exercise by such Will of any power of appointment, of all persons adversely affected by any codicil and of all persons having an interest under any other will of the decedent on file in the Surrogate's Court, are hereinafter set forth in subdivisions (a) and (b).

[If the propounded will purports to revoke or modify an inter vivos trust or any other testamentary substitute, list the names, relationships, domicile and addresses of the trustee and beneficiaries affected by the will in subparagraphs (a) and (b) below. **Submit trust agreement]**

(a) All persons and parties so interested who are of **full age and sound mind** or which are corporations or associations, are as follows:

Name and Relationship	Domicile Address and Mailing Address	Description of Legacy, Devise or Other Interest, or Nature of Fiduciary Status

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(b) All persons so interested who are **persons under disability**, are as follows:
[Furnish all information specified in NOTE following 7b]

Name and Relationship	Domicile Address and Mailing Address	Description of Legacy, Devise or Other Interest, or Nature of Fiduciary Status

7. (a) The names and domiciliary of all substitute or successor executors and of all trustees, guardians, legatees, devisees, and other beneficiaries named in the Will and/or trustees and beneficiaries of any inter vivos trust designated in the propounded Will other than those named in Paragraph 6 herewith are as follows:

Name	Domicile Address and Mailing Address	Description of Legacy, Devise or Other Interest, or Nature of Fiduciary Status

(b) All such legatees, devisees and other beneficiaries who are persons under disability are as follows: [Furnish all information specified in NOTE below]

Name	Domicile Address and Mailing Address	Description of Legacy, Devise or Other Interest, or Nature of Fiduciary Status

[NOTE: In the case of each infant, state (a) name, birth date, relationship to decedent, domicile and residence address, and the person with whom he/she resides, (b) whether or not he/she has a court-appointed guardian (if not, so state), and whether or not his/her father and/or mother is living, and (c) the name and residence address of any court-appointed guardian and the information regarding such appointment. In the case of each other person under a disability, state (a) name, relationship to decedent, and residence address, (b) facts regarding his disability including whether or not a committee, conservator, guardian, or any other fiduciary has been appointed and whether or not he/she has been committed to any institution, and (c) the names and addresses of any committee, person or institution having care and custody of him/her, conservator, guardian, and any relative or friend having an interest in his/her welfare. In the case of a person confined as a prisoner, state place of incarceration and list any person having an interest in his/her welfare. In the case of unknowns, describe such person in the same language as will be used in the process.]

8. (a) No beneficiary under the propounded will, listed in Paragraph 6 or 7 above, had a confidential relationship to the decedent, such as attorney, accountant, doctor, or clergyperson, except: **[Enter "NONE" or indicate the nature of the confidential relationship]**, _____

(b) No persons, corporations or associations are interested in this proceeding other than those mentioned above.

9. (a) To the best of the knowledge of the undersigned, the approximate total value of all property constituting the decedent's gross testamentary estate is greater than \$ _____ but less than \$ _____.

Personal Property \$ _____ Improved real property in New York State \$ _____

Unimproved real property in New York State \$ _____

Estimated gross rents for a period of 18 months \$ _____

(b) No other testamentary assets exist in New York State, nor does any cause of action exist on behalf of the estate, except as follows: **[Enter "NONE" or specify]**

10. Upon information and belief, no other petition for the probate of any will of the decedent or for letters of administration of the decedent's estate has heretofore been filed in any court.

WHEREFORE your petitioner (s) pray (s) that process be issued to all necessary parties to show cause why the Will and the Codicil (s) set forth in Paragraph 3 and presented herewith should not be admitted to probate; (b) that an order be granted directing the service of process, pursuant to the provisions of Article 3 of the S.C.P.A., upon the persons named in Paragraph (6) hereof whose names or whereabouts are unknown and cannot be ascertained, or who may be persons on whom service by personal delivery cannot be made; and (c) that such Will and Codicil (s) be admitted to probate as a Will of real and personal property and that letters issue thereon as follows: [Check and complete all relief requested.]

[] Letters Testamentary to _____

[] Letters of Trusteeship to _____ f/b/o _____

_____ f/b/o _____

_____ f/b/o _____

[] Letters of Administration c.t.a. to _____

and that petitioner (s) have such other relief as may be proper.

Dated: _____

1. _____
(Signature of Petitioner)

(Print Name)

3. _____
(Name of Corporate Petitioner)

(Signature of Officer)

2. _____
(Signature of Petitioner)

(Print Name)

(Print Name and Title of Officer)

COMBINED VERIFICATION, OATH AND DESIGNATION

[For use when petitioner is an individual]

STATE OF NEW YORK)
COUNTY OF _____) ss.:

The undersigned, the petitioner named in the foregoing petition, being duly sworn, says:

1. VERIFICATION: I have read the foregoing petition subscribed by me and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

2. OATH OF [] EXECUTOR [] ADMINISTRATOR c.t.a. [] TRUSTEE as indicated above: I am over eighteen (18) years of age and a citizen of the United States and I will well, faithfully and honestly discharge the duties of Fiduciary of the goods, chattels and credits of said decedent according to law. I am not ineligible to receive letters and will duly account for all moneys and other property that will come into my hands.

3. DESIGNATION OF CLERK FOR SERVICE OF PROCESS: I hereby designate the Clerk of the Surrogate's Court of _____ County, and his/her successor in office, as a person on whom service of any process, issuing from such Court may be made in like manner and with like effect as if it were served personally upon me, whenever I cannot be found and served within the State of New York after due diligence used.

My domicile is : _____
(Street Address) (City/Town/Village) (State) (Zip)

(Signature of Petitioner)

(Print Name)

On _____, 20 _____, before me personally came

_____ to me known to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he/she executed the same.

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature of Attorney: _____

Print Name: _____

Firm Name: _____ Tel No. : _____

Address of Attorney: _____

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COMBINED CORPORATE VERIFICATION, CONSENT AND DESIGNATION

[For use when a petitioner to be appointed is a bank or trust company]

STATE OF NEW YORK)
COUNTY OF _____) ss.:

I, the undersigned, a _____ of
(Title)

(Name of Bank or Trust Company)

a corporation duly qualified to act in a fiduciary capacity without further security, being duly sworn says:

1. VERIFICATION: I have read the foregoing petition subscribed by me and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

2. CONSENT: I consent to accept the appointment as [] Executor [] Administrator c.t.a [] Trustee under the Last Will and Testament of the decedent described in the foregoing petition and consent to act as such fiduciary.

3. DESIGNATION OF CLERK FOR SERVICE OF PROCESS: I designate the Chief Clerk of the Surrogate's Court of _____ County, and his/her successor in office, as a person on whom service of any process issuing from such Surrogate's Court may be made, in like manner and whenever one of its proper officers cannot be found and served within the State of New York after due diligence used.

(Name of Bank or Trust Company)

BY _____
(Signature)

(Print Name and Title)

On _____, 20_____, before me personally came _____, to me known, who duly swore to the foregoing instrument and who did say that he/she resides at _____ and that he/she is a _____ of _____ the corporation/national banking association described in and which executed such instrument, and that he/she signed his/her name thereto by order of the Board of Directors of the corporation.

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature of Attorney: _____

Print Name: _____

Firm Name: _____ Tel No. : _____

Address of Attorney: _____

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STATE OF NEW YORK
SURROGATE'S COURT: COUNTY OF _____X

PROBATE PROCEEDING,
WILL OF _____

a/k/a _____

Deceased. _____X

APPLICATION FOR
PRELIMINARY LETTERS TESTAMENTARY
(See SCPA 1412)

File # _____

1. The proposed preliminary executor (s) is/are _____
_____ and is/are designated as executor (s) in the Will of the above
named decedent dated _____
(together with Codicil (s) dated _____) and duly filed with the
court.

2. The person (s) who would have a right to letters testamentary pursuant to Section 1412.1 is/are: [Enter "NONE"
or specify name and interest]

3. Preliminary letters are requested for the following reasons:

4. Probate is expected to be completed by: _____

5. A contest [] is [] is not expected.

6. The testamentary assets of decedent's estate are estimated as follows: [describe and state value; annex
schedule if space is insufficient]

Personal Property: _____

Total Personal Property: \$ _____

Real Property: _____

Total Real Property: \$ _____

18 months rent, if applicable: _____

Total of 18 months rent: \$ _____

7. The liabilities of this estate are: _____

8. By provision in the propounded will, the applicant(s) [is/are] [are not] required to file a bond or other security
for the performance of his/her/their duties.

Your applicant (s) respectfully request the issuance to _____

of preliminary letters testamentary upon qualifying.

Dated: _____

Applicant

Applicant

OATH & DESIGNATION OF PRELIMINARY EXECUTOR

STATE OF NEW YORK)
COUNTY OF _____) ss.:

I, the undersigned, _____ being duly sworn say:

1. OATH OF PRELIMINARY EXECUTOR: I am over eighteen (18) years of age and a citizen of the United States; I am an executor named in the Will described in the foregoing petition and will well, faithfully and honestly discharge the duties of preliminary executor and duly account for all money or property which may come into my hands. I am not ineligible to receive letters.

2. DESIGNATION OF CLERK FOR SERVICE OF PROCESS: I hereby designate the Clerk of the Surrogate's Court of _____ County, and his/her successor in office, as a person on whom service of any process issuing from such Surrogate's Court may be made, in like manner and with like effect as if it were served personally upon me whenever I cannot be found and served within the State of New York after due diligence used.

My domicile is : _____
(Street Address) (City/Town/Village) (State) (Zip)

(Signature of Petitioner)

(Print Name)

On _____, 20 _____, before me personally came

to me known to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he/she executed the same.

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature of Attorney: _____

Print Name: _____

Firm Name: _____ Tel No. : _____

Address of Attorney: _____

NOTE: Each Preliminary Executor must complete a combined Oath & Designation of Preliminary Executor.

CONSENT AND DESIGNATION OF CORPORATE PRELIMINARY EXECUTOR

STATE OF NEW YORK)
COUNTY OF _____) ss.:

I, the undersigned, a _____ of
(Title)

(Name of Bank or Trust Company)

a corporation duly qualified to act in a fiduciary capacity without further security, being duly sworn, says:

1. CONSENT: I consent to accept the appointment as Preliminary Executor under the Last Will and Testament of the decedent described in this application and consent to act as such fiduciary.

2. DESIGNATION OF CLERK FOR SERVICE OF PROCESS: I designate the Chief Clerk of the Surrogate's Court of _____ County, and his/her successor in office, as a person on whom service of any process issuing from such Surrogate's Court may be made, in like manner and whenever one of its proper officers cannot be found and served within the State of New York after due diligence used.

(Name of Bank or Trust Company)

BY _____
(Signature)

(Print Name and Title)

On _____, 20 _____, before me personally came _____,
to me known, who duly swore to the foregoing instrument and who did say that he/she resides at _____
and that he/she is a _____ of _____
the corporation/national banking association described in and which executed such instrument, and that he/she signed his/her
name thereto by order of the Board of Directors of the corporation.

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature of Attorney: _____

Print Name: _____

Firm Name: _____ Tel No. : _____

Address of Attorney: _____

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SURROGATE'S COURT STATE OF NEW YORK
COUNTY OF _____ X
PROBATE PROCEEDING
WILL OF _____
a/k/a _____
Deceased. _____ X

AFFIDAVIT OF ATTESTING WITNESS
(After Death)
Pursuant to SCPA 1406
File No. _____

STATE OF NEW YORK)
COUNTY OF _____) ss.:

The undersigned witness, being duly sworn, deposes and says:

- (1) I have been shown [check one]
() the original instrument dated _____,
() a court-certified photographic reproduction of the original instrument dated _____,
purporting to be the last Will and Testament/Codicil of the above-named decedent.
- (2) On the date indicated in such instrument (under the supervision of an attorney), I saw the decedent subscribe the same at the place where decedent's signature appears, and I heard the decedent declare such instrument to be his/her last Will and Testament/Codicil.
- (3) I thereafter signed my name to such instrument as a witness thereto at the request of the decedent, and I saw the other witness (es) _____ sign his/her/their names (s) at the end of such instrument as a witness thereto.
- (4) At the time the decedent subscribed and executed such instrument, the decedent was to the best of my knowledge and belief upwards of 18 years of age, and in all respects appeared to be of sound and disposing mind, memory and understanding, competent to make a will, and not under any restraint.
- (5) The decedent could read, write and converse in the English language, and was not suffering from defects of sight, hearing or speech, or any other physical or mental impairment, which would affect his/her capacity to make a valid will. The purported instrument was the only copy of said Will/Codicil executed on that occasion, and was not executed in counterparts.
- (6) I am making this affidavit at the request of _____.

(Witness Signature)

(Print Name)

(Street Address)

(Town/State/Zip)

Sworn before me this _____
day of _____, 20_____

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

[Note: Each witness must be shown either the Original Will or a Court-Certified Reproduction thereof. The Notary Public subscribing to this affidavit may Not be a party or witness to the Will.]

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STATE OF NEW YORK
SURROGATE'S COURT: COUNTY OF _____
_____ X

PROBATE PROCEEDING,
WILL OF _____

WAIVER OF PROCESS:
CONSENT TO PROBATE

a/k/a _____

File No. _____

Deceased.
_____ X

To the Surrogate's Court, County of _____

The undersigned, being of full age and sound mind, residing at the address written below and interested in this proceeding as set forth in paragraph 6a of the petition, hereby waives the issuance and service of citation, in this matter and consents that the court admit to probate the decedent's Last Will and Testament dated _____, 20____ (and codicils, if any, dated _____), a copy of each of which testamentary instrument had been received by me, and that

[] Letters Testamentary issue to _____

[] Letters if Trusteeship issue to _____
of the following trusts: _____

_____	_____	_____	_____
Date	Signature	Street Address	Relationship
	_____	_____	
	Print Name	Town/State/Zip	

STATE OF NEW YORK
COUNTY OF _____ ss.:

On _____, 20____, before me personally appeared _____

to me known and known to me to be the person described in and who executed the foregoing waiver and consent and duly acknowledged the execution thereof.

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature of Attorney: _____
Print Name: _____
Firm Name: _____ Tel No. _____
Address of Attorney: _____

SURROGATE'S COURT - _____ COUNTY
CITATION

THE PEOPLE OF THE STATE OF NEW YORK,
By the Grace of God Free and Independent

TO _____

A petition having been duly filed by _____, who is
domiciled at _____

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, _____ County,
at _____, New York, on _____ 20____,
at _____ o'clock in the _____ noon of that day, why a decree should not be made in the estate of _____

_____ lately domiciled at _____
admitting to probate a Will dated _____,
(a Codicil dated _____) (a Codicil dated _____),
a copy of which is attached, as the Will of _____
deceased, relating to real and personal property, and directing that

- Letters Testamentary issue to: _____
- Letters of Trusteeship issue to: _____
- Letters of Administration c.t.a. issue to _____

(State any further relief requested)

Dated, Attested and Sealed
_____, 20____

HON. _____
Surrogate

Chief Clerk

Attorney for Petitioner

Telephone Number

Address of Attorney

[NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you.]

STATE OF NEW YORK
SURROGATE'S COURT: COUNTY OF _____

PROBATE PROCEEDING,
WILL OF _____

a/k/a _____

Deceased.
_____ X

NOTICE OF PROBATE
(SCPA 1409)

File No. _____

Notice is hereby given that:

1. The Will dated _____ (and Codicil dated _____)
(and Codicil dated _____) of the above named decedent,
domiciled at _____ County of _____, New York,
has been/will be offered for probate in the Surrogate's Court for the County of _____.

2. The name (s) of proponent (s) of said Will is/are _____
whose address(es) is/are _____

3. The name and post office address of each person named or referred to in the petition who has not been served or has not appeared, or waived service of process, with a statement whether such person is named or referred to in the will as legatee, devisee, trustee, guardian or substitute or successor executor, trustee or guardian, and as to any such person who is an infant or an incompetent, the name and post office address of a person upon whom service of process may be made on behalf of such infant or incompetent, is as follows:

NAME	MAILING ADDRESS	NATURE OF INTEREST OR STATUS

(USE ADDITIONAL SHEETS IF NECESSARY)

Date _____, 20____

[Note: Complete Affidavit of Mailing. If serving infant 14 years of age or older, list and mail to infant as well as parent or guardian.]

Name of Attorney: _____ Tel. No: _____

Address of Attorney: _____

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AFFIDAVIT OF MAILING NOTICE OF PROBATE

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

_____, residing at _____
being duly sworn, says that he/she is over the age of 18 years, that on the _____ day of
_____, 20_____, he/she deposited in the post office box regularly maintained by the government
of the United States in the _____ of _____, State of New York, a copy of the
foregoing Notice of Probate contained in a securely closed postpaid wrapper directed to each of the persons
named in said notice at the places set opposite their respective names.

Sworn to be fore me this _____
day of _____, 20_____

Signature

Print Name

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Name of Attorney _____ Tel. No.: _____

Address of Attorney _____

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STATE OF NEW YORK
SURROGATE'S COURT: COUNTY OF _____X
PROBATE PROCEEDING,
WILL OF _____

a/k/a _____
Deceased.
_____X

Note: File Proof of Service at least 2 days before return date. State clearly date, time and place of service and name of person served.
(Uniform Rule 207.7 (c) [22 NYCRR])

AFFIDAVIT OF SERVICE
OF CITATION

File No. _____

STATE OF NEW YORK)
COUNTY OF _____) ss.:

_____ of _____, being duly sworn, says that I am over the age of eighteen years; that I made personal service of the citation herein dated _____, 20_____, and a copy of the Will/Codicil on each person named below, each of whom deponent knew to be the person mentioned and described in said citation, by delivering to and leaving with each of them personally a true copy of said citation and Will/Codicil, as follows:

_____, description: sex _____, color of skin _____, color of hair _____, approximate age _____, weight _____, height _____, at _____ o'clock _____ .m. on the _____ day of _____, 20_____, at _____

_____, description: sex _____, color of skin _____, color of hair _____, approximate age _____, weight _____, height _____, at _____ o'clock _____ .m. on the _____ day of _____, 20_____, at _____

_____, description: sex _____, color of skin _____, color of hair _____, approximate age _____, weight _____, height _____, at _____ o'clock _____ .m. on the _____ day of _____, 20_____, at _____

That none of the aforesaid persons is in the military service as defined by the Act of Congress known as the "Soldiers' and Sailors' Civil Relief Act of 1940" and in the New York "Soldiers' and Sailors' Civil Relief Act."

Sworn to before me this _____
day of _____, 20____

Signature

Print Name

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Name of Attorney_ _____ Tel. No.: _____

Address of Attorney _____

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____

PROBATE PROCEEDING,
WILL OF _____

a/k/a _____

Deceased.

Note: File Proof of Service at least 2 days before
return date. State clearly date, time and place of
service and name of person served. (Uniform
Rule 207.7 (c) [22 NYCRR])

APPLICATION TO DISPENSE WITH
TESTIMONY OF ATTESTING WITNESS
(SCPA 1405)

File No. _____

STATE OF NEW YORK)
COUNTY OF _____) ss.:

_____, being duly sworn, deposes and says:

The testimony of _____ an attesting witness to the
Will/Codicil of the above-named decedent, dated _____, offered for probate, cannot be obtained
because of [] death [] absence [] disability [] inability to locate.

[Explain in detail and add additional affidavit if necessary] _____

Wherefore it is respectfully requested, pursuant to SCPA 1405, that the testimony of said witness be dispensed
with.

Sworn to before me this _____
day of _____, 20_____

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature

Print Name

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____

PROBATE PROCEEDING,
WILL OF _____

ORDER DISPENSING
WITH TESTIMONY OF
ATTESTING WITNESS

a/k/a _____

Deceased.
_____ X

Upon reading and filing the foregoing affidavit which states why the attesting witness therein named is unable to appear in this Court, it is

ORDERED that the testimony of _____, as an attesting witness to the instrument offered for probate herein, is hereby dispensed with in this probate proceeding.

Dated _____, 20____

_____, Surrogate

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SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____

AFFIDAVIT PROVING
HANDWRITING

PROBATE PROCEEDING,
WILL OF _____

File No. _____

a/k/a _____

Deceased.

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

_____ being duly sworn, deposes and
says:

1. My address is : _____
2. I was well-acquainted with [] the testator [] an attesting witness to the testator's Will/Codicil.
3. I am familiar with the manner and style of the testator's/witness's handwriting, having often seen him/her write his/her signature and having seen his/her signature on documents I know to have been signed by him/her.
4. The signature subscribed at the end of the instrument in writing now produced and shown to me, purporting to be the testator's Last Will and Testament dated _____, _____, is the signature of and is the handwriting of _____.

Signature

Print Name

Sworn to before me this _____
day of _____, 20____

Notary Public
Commission Expires
(Affix Notary Stamp or Seal)

Name of Attorney _____ Tel. No: _____
Address of Attorney: _____

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____ X

PROBATE PROCEEDING,
WILL OF _____

a/k/a _____

Deceased.

_____ X

(Note: Attach a copy of the Will/Codicil to this Affidavit of Comparison executed by any two persons; if a photocopy of the Will is used, only one person need make the affidavit.)

AFFIDAVIT OF COMPARISON

File No. _____

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

I/We _____ (and) _____ being duly
sworn, say(s), that (he/she has) (we have) carefully compared the copy of decedent's Will/Codicil propounded herein to
which this affidavit is annexed with the original Will dated the _____ day of _____, (and the original
Codicil dated the _____ day of _____, _____), about to be filed for probate, and that the same is in all
respects a true and correct copy of said original Will/Codicil and of the whole thereof.

Sworn to be fore me this _____
day of _____, 20____

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature

Print Name

Signature

Print Name

Name of Attorney _____ Tel. No.: _____

Address of Attorney _____

STATE OF NEW YORK
SURROGATE'S COURT: COUNTY OF _____ X

RENUNCIATION OF NOMINATED
EXECUTOR and/or TRUSTEE

PROBATE PROCEEDING,
WILL OF _____

File No. _____

a/k/a _____
Deceased. _____ X

I, _____ domiciled at (or, in the case of a bank or trust company, its principal office) _____, nominated as an executor and/or trustee in the (Will) (Codicil) of _____ dated _____, late of _____ in the County of _____ New York, hereby renounce the appointment and all right and claim to letters testamentary and/or letters of trusteeship of and under the (Will) (Codicil) or to act as executor and/or trustee thereof.

I hereby waive the issuance and service of a citation in the above entitled matter, and consent that the Will dated _____ (and Codicil dated _____) (and Codicil dated _____), a copy of which has been received by the undersigned, be forthwith admitted to probate. I hereby consent that Letters [] Testamentary [] of Administration c.t.a. [] of Trusteeship issue to _____ without the necessity of furnishing a bond. If a bond is furnished, I hereby waive and release all right to make any claim on the bond in any capacity whatsoever.

(Signature)

(Name of Corporation)

(Print Name)

(Name of Officer)

Date: _____

STATE OF NEW YORK
COUNTY OF _____ ss.:

On _____, 20_____, before me personally appeared [INDIVIDUAL] [] _____ to me known and known to me to be the person described in and who executed the foregoing renunciation and duly acknowledged the execution thereof. [CORPORATION] [] _____ to me known, who duly swore to the foregoing instrument and who did say that he/she resides at _____ and that he/she is a _____ of _____ the corporation/national banking association described in and which executed such instrument; and that he/she signed his/her name thereto by order of the Board of Directors of the corporation.

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Name of Attorney _____ Tel. No.: _____

Address of Attorney _____

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