S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 26, 2010

Introduced by M. of A. ENGLEBRIGHT, MARKEY, GABRYSZAK, McDONOUGH, JORDAN, HOOPER, ZEBROWSKI, REILLY, FINCH, BACALLES -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, DenDEKKER, GOTTFRIED, KOLB, MILLMAN, ORTIZ -- read once and referred to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to the filing by a public administrator of an informatory accounting for a small estate

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (c) of subdivision 2 of section 1213 of the surrogate's court procedure act, as amended by chapter 655 of the laws of 1993, is amended to read as follows:

(c) File in the court after the expiration of 7 months from the time he OR SHE commences to act as fiduciary of the estate an informatory account in estates in which the gross value of the assets accounted for [is less than $5,000] DOES NOT EXCEED THE MONETARY AMOUNT DEFINED AS A SMALL ESTATE PURSUANT TO SECTION 1301 OF THIS ACT and a copy of such account shall be mailed by certified mail, return receipt requested, to each of the persons entitled to receive process upon an accounting proceeding provided the names and addresses of such persons be known to him OR HER. Unless objection or claim be properly filed in the court within 30 days from mailing such account a final decree settling his OR HER account may be entered without further notice or proceedings and with the same effect as in an accounting proceeding and he OR SHE shall be entitled to the commissions, costs and allowances allowed him OR HER by the court in the decree.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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