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I N   S E N A T E

March 8, 2012

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Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to the settlement of informatory accounts by public administrators

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

1     Section 1. Paragraph (e) of subdivision 2 of section 1123 of the  
2     surrogate's court procedure act, as amended by chapter 655 of the laws  
3     of 1993, is amended to read as follows:  
4     (e) File in the court an informatory account in a form prescribed by  
5     rule where the gross value of the assets of the estate accounted for [is  
6     more than \$500 and less than that as] DOES NOT EXCEED THE MONETARY  
7     AMOUNT defined as a small estate in subdivision 1 of section 1301 of  
8     this act and shall serve a copy of such informatory accounting by certi-  
9     fied mail on all interested parties at least 30 days prior to filing  
10    with the court.  
11    S 2. Paragraph (c) of subdivision 2 of section 1213 of the surrogate's  
12    court procedure act, as amended by chapter 655 of the laws of 1993, is  
13    amended to read as follows:  
14    (c) File in the court after the expiration of 7 months from the time  
15    he OR SHE commences to act as fiduciary of the estate an informatory  
16    account in estates in which the gross value of the assets accounted for  
17    [is less than \$5,000] DOES NOT EXCEED THE MONETARY AMOUNT and a copy of  
18    such account shall be mailed by certified mail, return receipt  
19    requested, to each of the persons entitled to receive process upon an  
20    accounting proceeding provided the names and addresses of such persons  
21    be known to him OR HER. Unless objection or claim be properly filed in  
22    the court within 30 days from mailing such account a final decree settl-  
23    ing his OR HER account may be entered without further notice or  
24    proceedings and with the same effect as in an accounting proceeding and  
25    he OR SHE shall be entitled to the commissions, costs and allowances  
26    allowed him OR HER by the court in the decree.  
27    S 3. This act shall take effect immediately; provided, however, that  
28    it shall apply only to the estates of decedents who shall have died on  
29    or after such effective date.

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

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