

STATE OF NEW YORK

11048

IN ASSEMBLY

June 1, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abinanti) --
read once and referred to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to the
granting of letters of administration and letters of administration
with will annexed

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivisions 6 and 7 of section 1001 of the surrogate's
2 court procedure act, subdivision 6 as amended by chapter 514 of the laws
3 of 1993 and subdivision 7 as amended by chapter 115 of the laws of 1981,
4 are amended to read as follows:

5 6. Letters of administration may be granted to an eligible distributee
6 or to an eligible person who is not a distributee upon the acknowledged
7 and filed consents of all eligible distributees, or if there are no
8 eligible distributees, then on the consents of all distributees, except
9 that the guardian of the property of an infant distributee, the commit-
10 tee of the property of an incompetent distributee or the conservator of
11 property of a conservatee appointed within the State of New York may so
12 consent on behalf of his ward. For purposes of this subdivision, a
13 distributee is eligible if letters of administration could be issued to
14 him or her alone or acting together with the person or persons so nomi-
15 nated.

16 7. Letters of administration may be granted to a trust company or
17 other corporation authorized to act as fiduciary upon the acknowledged
18 and filed consents of all eligible distributees [~~inclusive of those who~~
19 ~~may be non-domiciliary aliens, provided that all such persons are other-~~
20 ~~wise eligible~~], or if there are no eligible distributees, then on
21 consents of all distributees, except that the guardian of the property
22 of an infant distributee, the committee of the property of an incompe-
23 tent distributee or the conservator of property of a conservatee
24 appointed within the state of New York may so consent on behalf of his
25 ward. For purposes of this subdivision, a distributee is eligible if
26 letters of administration could be issued to him or her alone or acting
27 together with the trust company or other corporation so nominated.

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

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1 § 2. Subdivisions 6 and 7 of section 1418 of the surrogate's court
2 procedure act, subdivision 6 as amended by chapter 115 of the laws of
3 1981 and subdivision 7 as amended by chapter 536 of the laws of 1985,
4 are amended to read as follows:

5 6. Administration may be granted to an eligible person or persons not
6 entitled as beneficiaries upon the acknowledged and filed consent of all
7 of the eligible beneficiaries, [~~provided all the beneficiaries are them-~~
8 ~~selves eligible. The~~] or if there are no eligible beneficiaries, then on
9 the consent of all of the beneficiaries, except that the guardian of the
10 property of an infant beneficiary, the committee of the property of an
11 incompetent beneficiary or the conservator of the property of a conser-
12 vatee beneficiary appointed within the state of New York, may so consent
13 on behalf of his or her ward. For purposes of this subdivision, a bene-
14 ficiary is eligible if letters of administration with will annexed could
15 be issued to him or her alone or acting together with the person or
16 persons or so nominated.

17 7. Administration may be granted to a trust company or other corpo-
18 ration authorized to act as fiduciary upon the acknowledged and filed
19 consents of all the eligible beneficiaries [~~inclusive of those who may~~
20 ~~be non-domiciliary aliens, provided that all such beneficiaries are~~
21 ~~otherwise eligible. The~~], or if there are no eligible beneficiaries,
22 then on the consents of all beneficiaries, except that the guardian of
23 the property of an infant beneficiary, the committee of the property of
24 an incompetent beneficiary, or the conservator of the property of a
25 conservatee beneficiary appointed within the state of New York, may so
26 consent on behalf of his or her ward. For purposes of this subdivision,
27 a beneficiary is eligible if letters of administration with will annexed
28 could be issued to him or her alone or acting together with the trust
29 company or other corporation so nominated.

30 § 3. This act shall take effect immediately and shall apply to all
31 proceedings occurring on or after such effective date.