STATE OF NEW YORK

7407

2019-2020 Regular Sessions

IN ASSEMBLY

May 1, 2019

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to removing invalid references

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

Section 1. Section 1802 of the surrogate's court procedure act, as amended by chapter 15 of the laws of 1970, is amended to read as follows:

§ 1802. Effect of failure to present claim

If any claim is not presented [~~on or before the day fixed in the notice published pursuant to the preceding section or if no notice is so published,~~] within 7 months from the date of issue of letters, the fiduciary shall not be chargeable for any assets or moneys that he may have paid in good faith in satisfaction of any lawful claims or of any legacies or distributions to the legatees or distributees of the decedent before such claim was presented. Such 7 month period shall begin on the date letters were first issued to any fiduciary, including a temporary administrator or a preliminary executor, and shall not be interrupted by any subsequent issue of letters, except that the time during which there is no fiduciary in office shall not be counted as part of such period.

§ 2. Subdivision 2 of section 1803 of the surrogate's court procedure act, as amended by chapter 514 of the laws of 1993, is amended to read as follows:

2. The notice of claim required by this section shall be presented by delivering a copy thereof to a fiduciary personally or by certified mail return receipt requested addressed to the fiduciary at the place of residence stated in the designation required by 708 [~~or if a notice has been published pursuant to 1801, at the place specified therein~~] or upon the clerk of the court pursuant to the designation required under 708 whenever the fiduciary cannot be found or served within the state after due diligence.

§ 3. 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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