STATE OF NEW YORK

8295

2025-2026 Regular Sessions

IN SENATE

May 30, 2025

Introduced by Sen. SEPULVEDA -- 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 requiring all letters granted to personal representatives contain certain restrictions

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

Section 1. Section 702 of the surrogate's court procedure act, subdivision 2 as amended by chapter 685 of the laws of 1967, subdivisions 8 and 9 as added, subdivision 10 as renumbered and the closing paragraph as amended by chapter 514 of the laws of 1993, is amended to read as follows:

§ 702. Limited and restrictive letters

1. Letters granted to a personal representative, or an administrator appointed under section 5-4.1 of the estates, powers and trusts law shall restrain the holder thereof from compromise of any cause of action arising from the death of the decedent or the enforcement of a judgment recovered therein until further order of the court.

2. Letters may be granted limiting and restricting the powers and rights of the holder thereof:

[~~1.~~] **(a)** To the enforcement or prosecution of a cause of action in favor of the decedent or [~~his~~] **such decedent's** fiduciary under general or special provisions of law, to the defense of any claim or cause of action against a decedent or [~~his~~] **such decedent's** fiduciary, and restraining the fiduciary from compromise of the action or the enforcement of a judgment recovered therein until the further order of the court and the filing of satisfactory security if required.

[~~2.~~] **(b)** Where it is impracticable to give a bond in the full amount required by statute, to receiving and administering only the property which the court may specify, and restraining [~~him~~] **such holder** from

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

LBD11973-01-5

receiving or administering other property until further order of the court.

[~~3.~~] (c) To the adjustment, settlement, satisfaction or discharge of any claim in favor of or against the decedent or [~~his~~] such decedent's fiduciary.

[~~4.~~] (d) To the performance of any act required in order to discharge the estate of a decedent from liability.

[~~5.~~] (e) To an account in behalf of the decedent for the performance by [~~him~~] such holder of any trust or other responsibility.

[~~6.~~] (f) To the completion of any transfer made by a decedent or [~~his~~] such decedent's fiduciary and to the execution of any instruments confirming any transfer so made.

[~~7.~~] (g) To the appearance in and conduct of an action in which a decedent or [~~his~~] such decedent's fiduciary is a necessary or proper party.

[~~8.~~] (h) In the discretion of the court, to represent the estate in a transaction in which the acting fiduciary could not or should not act in [~~his or her~~] their fiduciary capacity because of conflict of interest.

[~~9.~~] (i) To commence and maintain any action or proceeding against the fiduciary, in [~~his or her~~] such fiduciary's individual capacity, or against anyone else against whom the fiduciary fails or refuses to bring such a proceeding.

[~~10.~~] (j) To any other purpose or act deemed by the court to be appropriate or necessary in respect of the affairs of the estate, the protection thereof or to the proper administration thereof.

3. In any case where limited and restrictive letters are granted the court may reduce the amount of security otherwise required or dispense therewith according to the circumstances.

4. Any letters may contain appropriate recitals restraining the holder from doing any such acts or exercising any such powers as may be specified therein until the further order of the court and upon the filing, if ordered, of satisfactory security. The issuance of limited or restrictive letters under this section may be in addition to the issuance of general letters or other, limited or restrictive letters.

§ 2. This act shall take effect immediately.