§ 1123. General powers of public administrator.

1. Every public administrator shall have all the powers specifically granted herein and also the powers given by law to a fiduciary of a decedent's estate.

2. In addition to the foregoing grant of powers and without limitation thereon each public administrator is authorized to:

(a) Sell personal property of the decedent at public auction pursuant to notice appearing for 3 successive days prior to the sale in a newspaper published in the county pursuant to the provisions of section 1128 of this article.

(b) Retain marketable securities beyond 4 months after letters have been granted to him provided that the court has so permitted by order.

(c) Serve process on creditors, legatees or other persons interested, distributees, domiciled outside the city of New York by certified mail, return receipt requested, whenever directed by the court by order in any proceeding, the provisions of section 308 notwithstanding. Such service shall be valid if made at least 30 days before the return day thereof.

(d) Distribute without an accounting proceeding the assets of any estate defined as a small estate in subdivision 1 of section 1301 of this act and upon distribution to take the costs and commissions ordinarily allowed by the court upon the entry of a decree upon final accounting.

(e) File in the court an informatory account in a form prescribed by rule where the gross value of the assets of the estate accounted for does not exceed the monetary amount defined as a small estate in subdivision 1 of section 1301 of this act and shall serve a copy of such informatory accounting by certified mail on all interested parties at least 30 days prior to filing with the court.

(f) Pay for the use and benefit of an infant distributee or legatee who has no guardian of the property the share or legacy due the infant if not exceeding $5,000 by payment thereof in the discretion of the public administrator to a parent or to an adult competent person with whom the infant resides.

(g) Pay or deliver to the commissioner of finance of the city of New York the balance of any moneys or other assets in his hands remaining

after settlement of his account or the filing of an informatory account, where payable to persons under disability or whose shares are to be deposited pursuant to section 2218 of this act.

(h) Apply ex parte or upon such notice as directed by the court for an order or decree in any appropriate proceeding requiring the city of New York to return to the public administrator any money or unliquidated assets theretofore deposited by the public administrator and remaining in the treasury of the city of New York and upon further order of the court to make distribution of such recovered funds to the persons entitled thereto.

(i) Receive process or other notice as a necessary party in the following proceedings:

(1) Any proceeding pending in the court where service of process or notice in behalf of any known or unknown person is directed by the court or where the court by order directs the public administrator to appear therein.

(2) Every proceeding for the appointment of an administrator or for the probate of a will where it does not appear that the persons applying or named in the petition are all the distributees of the decedent or where it appears that such persons are related to the decedent in the fourth degree of consanguinity or are more remotely related.

(3) Every proceeding to effect distribution of moneys or property deposited for the account of unknown persons or of infants or incompetents, or of known persons whose shares were deposited pursuant to section 2218. In any such proceeding the public administrator shall be deemed a person interested.

(4) In all such proceedings the public administrator, in his discretion, may take any action in behalf of such person or persons as a person interested might.

(5) Whenever a public administrator acts pursuant to this subparagraph he shall be allowed by the court his proper expenses and his counsel shall be allowed his reasonable fee. Such expenses and fee shall be payable either from the estate generally or from the shares or interests of the respective persons represented by the public administrator, as may be directed by the court.