§ 209. Powers incidental to jurisdiction of the court

The court has power:

1. To open, vacate, modify or set aside any decree or order of the court directing distribution of the property of an estate which was made prior to the probate of and without knowledge of a will which affects such distribution, and in the same or a different proceeding, and on notice to the persons or the fiduciaries of the persons to whom the property has been distributed, to make such further and different direction as to such distribution as justice may require, and as an incident thereto, order the refund of any property theretofore distributed erroneously.

2. To sign any decision, decree or order, with its usual signature or initials, and all decisions, decrees or orders heretofore or hereafter so signed shall be valid and binding.

3. To transfer for trial in the surrogate's court having jurisdiction any action or proceeding pending in any court other than the supreme court, which affects or relates to the administration of an estate and to receive for trial any such action or proceeding pending in the supreme court which may by order of the latter court be transferred to the surrogate's court on the prior order of that court and to transfer any action or proceeding other than one which has been previously transferred to it or which affects or relates to the administration of an estate, to any other court, except the supreme court, having jurisdiction of the subject matter in any other judicial district or county provided such other court has jurisdiction over the classes of persons named as parties.

4. To determine a decedent's interest in any property claimed to constitute a part of his gross estate subject to estate tax, or to be property available for distribution under his will or in intestacy or for payment of claims, and to determine the rights of any persons claiming an interest therein, as against the decedent, or as between themselves, and to construe any instruments made by him affecting such

property.

5. To settle the account of a fiduciary of a common trust fund as provided in the banking law.

6. To determine any and all matters relating to lifetime trusts.

7. To entertain a proceeding under EPTL 8-1.1.

8. To dismiss any proceeding which the petitioner has neglected to prosecute diligently.

9. To determine any unfinished business pending before its predecessor in office and to sign or certify papers or records left uncompleted or unsigned by its predecessor.

10. In the exercise of its jurisdiction, the court shall have all of the powers that the supreme court would have in like actions and proceedings including, but not limited to, such incidental powers as are necessary to carry into effect all powers expressly conferred herein.

11. The enumeration of powers herein shall not be deemed exclusive.