§ 2218. Deposit in court for benefit of legatee, distributee or beneficiary. 1. (a) Where it shall appear that a noncitizen legatee, distributee or beneficiary is domiciled or resident within a country to which checks or warrants drawn against funds of the United States may not be transmitted by reason of any executive order, regulation or similar determination of the United States government or any department or agency thereof, the court shall direct that the money or property to which such noncitizen would otherwise be entitled shall be paid into court for the benefit of said noncitizen or the person or persons who thereafter may appear to be entitled thereto. The money or property so paid into court shall be paid out only upon order of the surrogate or pursuant to the order or judgment of a court of competent jurisdiction.

(b) Any assignment of a fund which is required to be deposited pursuant to the provisions of paragraph one (a) of this section shall not be effective to confer upon the assignee any greater right to the delivery of the fund than the assignor would otherwise enjoy.

2. Where it shall appear that a beneficiary would not have the benefit or use or control of the money or other property due him or where other special circumstances make it desirable that such payment should be withheld the decree may direct that such money or property be paid into court for the benefit of the beneficiary or the person or persons who may thereafter appear entitled thereto. The money or property so paid into court shall be paid out only upon order of the court or pursuant to the order or judgment of a court of competent jurisdiction.

2-a. Where it appears to the court that the laws of a foreign country or sovereignty effectively deny a New York state resident beneficiary legatee or distributee of the benefit, use or control of money or other property, a decree issued in a matter concerning the right of a resident of such foreign country or sovereignty to the benefit, use or control of money or other property with a situs in New York state may direct that such money or property be paid into the court for the benefit of the beneficiary or the person or persons who may thereafter appear entitled thereto. The money or property so paid into the court shall be paid out only upon order of the court or pursuant to the order or judgment of a court of competent jurisdiction.

3. In any such proceeding where it is uncertain that a noncitizen beneficiary or fiduciary not residing within the United States, the District of Columbia, the Commonwealth of Puerto Rico or a territory or possession of the United States would have the benefit or use or control of the money or property due him the burden of proving that the noncitizen beneficiary will receive the benefit or use or control of the money or property due him or her shall be upon him or her or the person claiming from, through or under him or her.

4. Nothwithstanding any laws of inheritance or descent and distribution of any state or territory of the United States, and notwithstanding similar laws of foreign countries or sovereignties, such states or territories of the United States or foreign countries or sovereignties may not claim for themselves, as heirs or distributees or by any other theory of inheritance, any funds whose situs is in this state and which have been deposited pursuant to the laws of the state of New York for the benefit of any distributee, heir, legatee or owner of said funds, whether known or unknown, or for any person whose whereabouts are unknown.