§ 2222. Legacy or distributive share payable to unknown person to be paid to comptroller

1. Where the person entitled to a legacy or distributive share is unknown the decree must direct the fiduciary to pay the amount thereof to the comptroller of the state for the benefit of the person or persons who may thereafter appear to be entitled thereto.

The decree must also direct that such payment be accompanied by a copy of the decree, certified by the clerk of the court to be a true copy of the original on file in his office. The fee for such certification shall be deemed a necessary and proper disbursement, to be charged against and deducted from said legacy or distributive share prior to payment of same to the comptroller, said disbursement to be paid or credited to the person making the same, as the surrogate in said decree may direct.

2. The court or the supreme court upon the petition of a person claiming to be so entitled and upon at least 14 days' notice, accompanied with a copy of the petition, to the attorney general, the state comptroller and the public administrator of the county or if there be none, the county treasurer, may by a reference or by directing the trial of an issue by a jury or otherwise, ascertain the rights of the persons interested and grant an order directing the payment of any money which appears to be due to the claimant, but without interest and after deducting all expenses incurred by the state with respect thereto.

3. The comptroller upon the production of a certified copy of the order must draw his warrant upon the abandoned property fund for the amount therein directed to be paid payable to the person entitled thereto.

4. At any time prior to the granting of an order therein notice of the claim, accompanied with a copy of the petition, shall be given by the petitioner to such persons and in such manner as directed by the court.