## § 2609. Powers of chief clerk and other officers of the surrogate's court

**1.** The chief clerk and deputy chief clerk of the surrogate's court may exercise, concurrently with the surrogate, the following powers:

(a) To certify and sign, issue or seal in the name of the clerk

(i) any papers or records of the court,

(ii) any process to which a party is entitled as of course,

(iii) any letters or other mandate of the court.

(b) To adjourn to a definite time, not exceeding 30 days, any matter, when the surrogate is absent from his office or unable by reason of other engagements to attend thereto.

(c) In any proceeding of which the court has jurisdiction, to administer oaths, take acknowledgments of deeds and all other written instruments and certify the same at any place within or without the state.

(d) With the approval of the surrogate or surrogates of the county to authorize or deputize one or more of the other clerks of the court, to sign his name and exercise such of the other powers conferred upon him by this section as he shall designate. The surrogate may prohibit the chief clerk or deputy chief clerk from exercising any powers specified in this subdivision but the prohibition does not affect the validity of any act of the clerk done in disregard of the prohibition.

2. In addition to the powers above enumerated, to take proof of a will, unless objections to probate of such will have been filed and are pending at such time.

3. The surrogate or surrogates in their discretion respectively may

(a) Designate the chief clerk, one of the other clerks, a law assistant or any assistant, to take and report the testimony in any proceeding, but without authority to pass upon the issue therein. The person so designated shall have the power to administer oaths to the persons testifying in such proceeding. Whenever the person so designated goes to a place other than the surrogate's office his actual and necessary expenses shall be paid by the party seeking the testimony and the chief clerk of the court shall not be required to make any

collection or return of the money so paid.

(b) Authorize and deputize in writing the chief clerk, one or more other clerks, law assistants or other assistants to sign the name of the respective surrogate to decrees in uncontested proceedings for administration, for the probate of a will or for the appointment of a general guardian of the person or property of an infant, upon a written decision duly filed by the surrogate and authorize and deputize any such officer or employee to sign in his name orders on applications to open safe deposit boxes. Any decree or order signed by such officer or employee pursuant to the designation shall be valid and binding as if signed by the surrogate.

4. Where service upon a respondent is made by personal delivery of process to the chief clerk of the court designated pursuant to 307 the chief clerk shall mail such process to respondent at the address indicated by him in such designation or if not so designated, at the address last indicated by him on the records of the court.

5. Whenever the testimony is taken by commission or by any disclosure device or an attesting witness is examined under 1404, the court may direct that the commission issue to the chief clerk, deputy chief clerk or a law assistant and that the disclosure be held under the supervision of one of such persons.

6. The signature of the chief clerk upon a certificate of letters of any kind or a certificate of comparison or of a search may be a facsimile, imprinted, stamped, photographed or engraved thereon.