



VOLS Guide to Voluntary Administration

What is voluntary administration?

An estate is eligible for voluntary administration when someone (called a decedent) passes away leaving less than \$50,000 in personal property and no real property (house, condo, plot of land etc.). This is considered a small estate, and voluntary administration is the court proceeding used to obtain access to and distribute the property. The person seeking such access, if granted it, will be called the voluntary administrator. Voluntary administration is a tool that is used when tasks involving the decedent's property need to be completed, such as collecting an asset or identifying the decedent's property (for example, collecting money from a bank account or obtaining information on a pension plan). The voluntary administrator will complete such tasks. Voluntary administration can be done regardless of whether the decedent left a Last Will and Testament.

In calculating the value of a decedent's estate, assets with living beneficiaries (e.g., retirement accounts with living beneficiaries) and assets which are jointly owned (e.g., joint bank accounts or property with more than one person on the deed) are disregarded.

Who can apply to be a voluntary administrator?

If the decedent left a Last Will and Testament, the executor (the person named, whose job is to distribute the estate) can apply to be the voluntary administrator. If the executor is unable to do so and an alternate executor is named, then the alternate executor can apply. If there is no executor or alternate executor who can apply, then the next person who can apply is the sole beneficiary named in the Last Will and Testament, followed by any beneficiary, then the closest distributee (heir) to the decedent (spouse,

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followed by adult children, then adult grandchildren of predeceased children, parents, adult siblings, nieces/nephews, aunts/uncles). If the closest distributee is a minor child, they will be unable to apply, and the next closest distributee should be looked to. If the decedent did not leave a Last Will and Testament, then the court looks to the above-noted distributees.

What steps should I take to get the process started?

In order to be named a volunteer administrator you will need to file for voluntary administration. The following is needed to file for voluntary administration: Affidavit in Relation to Settlement of Small Estate, original death certificate, \$1 filing fee (payable by cash or money order), copy of the funeral bill (if there is one), and the original and one copy of the Last Will and Testament (if there is one). A Family Tree Affidavit (filled out by a party with no financial interest in the proceeding) is needed if the person filing is the sole distributee or is the aunt/uncle of the decedent, or is the child of a deceased man who was never married.

To make the court papers, the Surrogate's Court (the court which deals with estates) has a Small Estate DIY (Do-It-Yourself) Form program [located on their website](http://nycourts.gov/courthelp/DIY/smallEstate.shtml) (nycourts.gov/courthelp/DIY/smallEstate.shtml). This program walks you step-by-step to complete the paperwork. When you complete the program, you receive a PDF of the court forms as well as instructions of what to do next. Volunteers of Legal Service can also help qualifying clients complete the paperwork. You can contact us at 347-521-5704.

Where should I file the paperwork?

The paperwork is filed in the Surrogate's Court of the county in which the decedent was domiciled. Below is the information for the Small Estates departments of the Surrogate's Courts of NYC:

New York County

Phone: 646-386-5005

Email: administration_general@nycourts.gov

Address: 31 Chambers St., New York, NY 10007

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Kings County

Phone: 347-404-9690

Email: KingSurr-Admin@nycourts.gov

Address: 2 Johnson St., Brooklyn, NY 11201

Queens County

Clerk's Office phone: 718-298-0500

Email: qnssurr-admin@nycourts.gov

Address: 88-11 Sutphin Blvd., Jamaica, NY 11435

Bronx County

Phone: 718-618-2309

Address: 851 Grand Concourse, Bronx, NY 10451

Richmond County

Help center phone: 718-675-8508

Help center email: richsurrhelpctr@nycourts.gov

Address: 18 Richmond Terrace, Staten Island, NY 10301

After submission of the necessary paperwork to the Surrogate's Court, the Judge will decide whether you qualify to be the voluntary administrator. Assuming you do, the Surrogate's Court will issue Certificates of Voluntary Administration (either by mail or by pick-up at the court), and you will become the voluntary administrator of the decedent's estate. The voluntary administrator receives one Certificate of Voluntary

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Administration for each item listed in the submitted paperwork, which they then present to the proper entity to complete a task that needs to be completed. It is the voluntary administrator's job to obtain the decedent's property, pay any debts or expenses, and distribute what is left to the beneficiaries of the Last Will and Testament or the decedent's heirs.

Upon completion of these duties, the voluntary administrator lastly needs to close out the estate. They do so by filing a Report and Account in Settlement of Estate with the Surrogate's Court, along with receipts or canceled checks showing the payment of expenses of administration, disbursements, or distributions.

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