

New York Voluntary Administration Checklist (2026)

Filing steps, the SCPA 1303 priority list and an account record for the final filing

Use this checklist once the asset worksheet shows \$50,000 or less in counted personal property. The Surrogate's Court filing fee is \$1. The statute requires no bond, sets no waiting period after the death, and no court order is needed (SCPA 1304). Full guide and sources: clearlegaltips.com/new-york-small-estate-affidavit/

Who may serve (SCPA 1303)

Situation	Order of priority
No will	1. Surviving adult spouse
No will	2. Competent adult child or grandchild
No will	3. Parent
No will	4. Brother or sister
No will	5. Niece or nephew
No will	6. Aunt or uncle
No will	7. Guardian of the property of a minor distributee, committee of an incompetent distributee or conservator; then the county chief fiscal officer (except in counties with a public administrator)
Will	Named executor acts first; if the executor renounces or does not file within 30 days after the will is filed, an adult entitled to letters with the will annexed may act

Name of the person filing and relationship to the decedent: _____

Filing steps

- ☐ 1. Get certified death certificates.
- ☐ 2. Complete the asset worksheet; confirm counted personal property is \$50,000 or less after the set-off.
- ☐ 3. Complete Form SE-3A (Affidavit in Relation to Settlement of Estate under Article 13) and sign it before a notary.
- ☐ 4. Check the Medicaid box on the worksheet; list every known debt on the affidavit.
- ☐ 5. File it with the Surrogate's Court clerk in the county where the person lived (someone who lived elsewhere: the county where the property is), with a certified death certificate and the original will, if any. Pay the \$1 fee.
- ☐ 6. Receive the short certificates, one for each asset listed. The clerk mails notice to each distributee who has not renounced and to each beneficiary other than you.

- ☐ 7. Open an estate bank account; sign every check in the estate's name as voluntary administrator.
- ☐ 8. Pay administration expenses first, then reasonable funeral expenses, then debts in the order the law provides; then distribute under the will or intestacy rules (SCPA 1307).
- ☐ 9. File your account (Form SE-1D) with the court listing everything collected, paid and distributed, with receipts or cancelled checks. No fee for this filing.

Limits to keep in mind (SCPA 1306 and 1308)

- ☐ You serve without compensation.
- ☐ You cannot bring a wrongful death or personal injury claim.
- ☐ Your powers end if a regular executor or administrator is appointed.
- ☐ A suit to recover property is allowed only while the amount claimed plus the rest of the estate stays within \$50,000. Assets found later can be added with Form SE-3B.
- ☐ You answer to creditors, distributees, will beneficiaries and any later fiduciary. A knowingly false affidavit can lead to a perjury prosecution.

Account record (attach receipts)

Date	Asset collected or payment made	Paid to / received from	Amount (\$)	Receipt or check no.

Total collected (\$): _____

Total paid for expenses and debts (\$): _____

Total distributed (\$): _____

INSTRUCTIONS FOR USE

General information, not legal advice. Steps reflect SCPA 1301-1310, EPTL 5-3.1 and the Unified Court System checklist as checked in October 2026. Check the current affidavit form and local practice with the Surrogate's Court clerk, or talk to a New York attorney. Full guide and sources: clearlegaltips.com/new-york-small-estate-affidavit/