

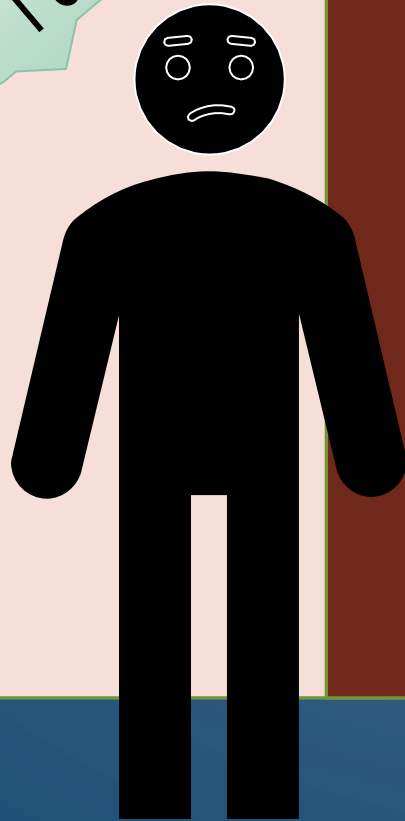
HOW TO PROPERLY ACCESS AN APARTMENT SEALED BY NYPD AND RECOVER INVOICED PROPERTY IN NEW YORK CITY SURROGATE'S COURTS

SURROGATE'S COURT PRESENTERS:

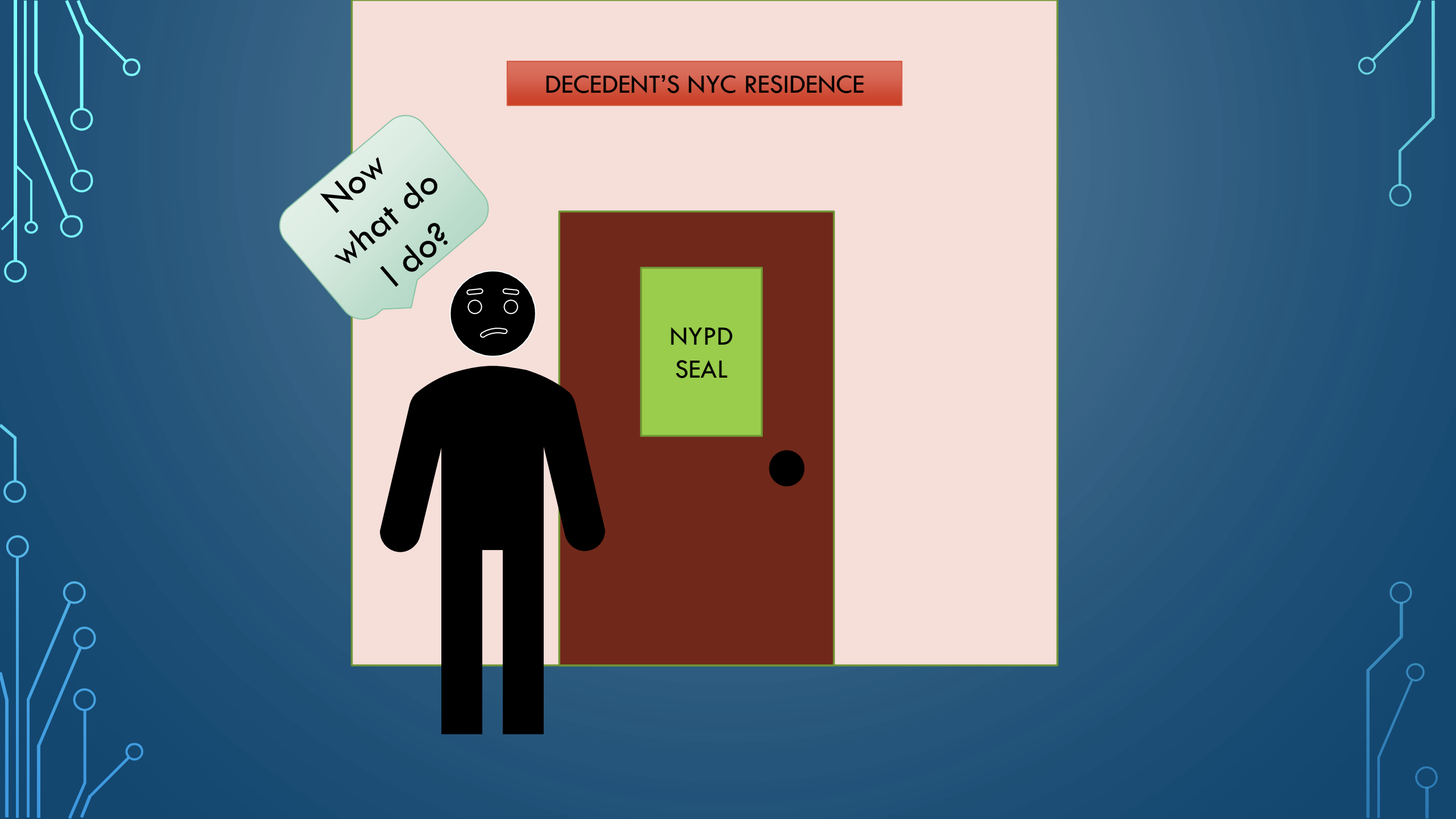
BRONX-	MICHAEL HAUSLER, CHIEF CLERK
BROOKLYN-	DOREEN QUINN, CHIEF CLERK
MANHATTAN-	DIANA SANABRIA, CHIEF CLERK
STATEN ISLAND-	RONALD CERRACHIO, CHIEF CLERK
QUEENS-	JAMES BECKER, CHIEF CLERK

DECEDENT'S NYC RESIDENCE

Now
what do
I do?



NYPD
SEAL



WHERE DO I GO?

ANY PROCEEDING TO UNSEAL AN APARTMENT MUST BE INITIATED IN THE COUNTY WHERE THE DECEDENT LIVED.



SURROGATE'S COURTS CITYWIDE

Manhattan

New York County Surrogate's Court
31 Chambers Street
New York, NY 10007

Brooklyn

Kings County Surrogate's Court
2 Johnson Street
Brooklyn, NY 11201

Bronx

Bronx County Surrogate's Court
851 Grand Concourse
Bronx, NY 10451

Queens

Queens County Surrogate's Court
88-11 Sutphin Boulevard
Jamaica, NY 11435

Staten Island

Richmond County Surrogate's Court
18 Richmond Terrace
Staten Island, NY 10301



WHAT GETS FILED?

Options, depending on what is applicable:

- APARTMENT SEARCH
- SMALL ESTATE (VOLUNTARY ADMINISTRATION)
- ADMINISTRATION
- PROBATE



You can file in your county **BY MAIL**
or **IN PERSON** (before 3:30pm).

APARTMENT SEARCH

- FILED WITH: **SURROGATE'S COURT**
- RESULTING DOCUMENT: **SEARCH ORDER**

- Judge grants **TEMPORARY ACCESS** to the apartment.
- Person takes the Search Order to NYPD.
- NYPD accompanies them to the apt, breaks the seal, and lets them search for:



- 1) **WILL**
- 2) **CEMETARY DEED**
- 3) **INSURANCE POLICY**

- NYPD then reseals the apartment.
- Provides immediate access to papers needed for funeral or estate proceeding.

WHO CAN REQUEST A SEARCH ORDER

1) **EXECUTOR**, in a Will

- ONLY IF they bring a copy of the Will

OR

2) **HEIR**, priority is given in the following order:

- | | |
|----------------|-------------------|
| a) Spouse | f) Nieces/Nephews |
| b) Adult Child | g) Grandparents |
| c) Grandchild | h) Aunts/Uncles |
| d) Parents | i) NO COUSINS!!! |
| e) Siblings | |



WHAT TO BRING TO COURT TO GET A SEARCH ORDER:

1) **WILL**, if there is one



2) **PROOF OF DEATH**, document with decedent's NAME, DATE OF DEATH, and ADDRESS, such as:

- DEATH CERTIFICATE
- ID SHEET FROM MEDICAL EXAMINER
- **NYPD INCIDENT REPORT**
- FUNERAL BILL



SMALL ESTATE (VOLUNTARY ADMINISTRATION)

-FILED WITH: **ADMINISTRATION DEPARTMENT**

-RESULTING DOCUMENT: **CERTIFICATES OF VOLUNTARY ADMINISTRATION**

- ONLY APPLICABLE WHEN VALUE OF ESTATE IS **\$30,000 OR LESS**
- Small Estate proceedings can be used to:

- Gain **PERMANENT ACCESS** to a sealed apt,

and/or

- **RETRIEVE PROPERTY VOUCHERED** by the NYPD



WHO CAN FILE A SMALL ESTATE?

- Applicant must be Executor (if Will) or Heir (if no Will) to file.

WHAT IS NEEDED AT COURT TO FILE FOR A SMALL ESTATE?

- Original Death Certificate
- \$1.00 Fee
- Paid Funeral Bill
- Original Will (if there is one)
- NYPD Property Voucher (if there is one)
- Small Estate Affidavit (available at the Court or online)



SMALL ESTATE (VOLUNTARY ADMINISTRATION)

continued...

FOR PROPERTY INVOICED BY NYPD...



- THE COURT CANNOT ISSUE A CERTIFICATE FOR THE RECOVERY OF INVOICED ITEMS WITHOUT AN NYPD VOUCHER. THE APPLICANT MUST HAVE AN NYPD VOUCHER AT THE TIME OF FILING.

FOR APARTMENTS SEALED BY NYPD...

- The court tries to issue a certificate to access a sealed apt the same day.

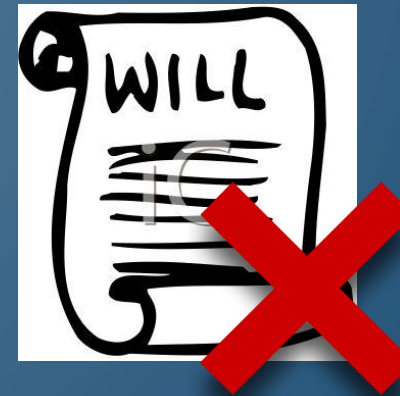
FOR BOTH...

- Applicants go to the property clerk's office located in the decedent's borough.

OTHER POSSIBILITIES FOR UNSEALING AN APT...

ADMINISTRATION PROCEEDING, usually filed by HEIR

- WHEN **THERE IS NO WILL** AND
- THE VALUE OF PROPERTY IS **OVER \$30,000**
- REQUIRES DEATH CERTIFICATE
- FILED WITH: **ADMINISTRATION DEPARTMENT**
- RESULTING DOCUMENT: **LETTERS OF ADMINISTRATION**



- In an Administration matter, entry to a sealed apt is granted at the end of the proceeding, after the submission of all papers.

OTHER POSSIBILITIES FOR UNSEALING AN APT...

continued...

PROBATE PROCEEDING, usually filed by EXECUTOR

- WHEN **THERE IS A WILL** AND
- THE VALUE OF PROPERTY IS **OVER \$30,000**
- REQUIRES DEATH CERTIFICATE AND ORIGINAL WILL
- FILED WITH: **PROBATE DEPARTMENT**
- RESULTING DOCUMENT: **LETTERS TESTAMENTARY**



- In a Probate matter, PRELIMINARY LETTERS TESTAMENTARY may be requested for the limited purpose of entering a sealed apt, before full Letters Testamentary are issued.

IF NOTHING ELSE APPLIES, THERE IS ALWAYS... ...THE PUBLIC ADMINISTRATOR'S OFFICE

- Every county has a Public Administrator. You must go to county where decedent lived.
- The Public Administrator administers an estate when there is:

1) **NO WILL, and**

2) **NO PERSON ELIGIBLE OR WILLING TO ADMINISTER THE DECEDENT'S ESTATE**

- To notify the PA of a death, anyone may file a **REPORT OF DEATH.**
- After the PA is appointed, they put their own seal on the apt:



THESE PREMISES HAVE BEEN SEALED BY THE N.Y.C. POLICE DEPT. PURSUANT TO SEC. 435, ADMINISTRATIVE CODE AND IS UNDER THE CUSTODY OF THE PUBLIC ADMINISTRATOR OF NEW YORK COUNTY. ENTRY INTO THESE PREMISES WITHOUT THE EXPRESS AUTHORITY OF THIS OFFICE IS PROHIBITED BY LAW AND VIOLATORS WILL BE PROSECUTED.

FOR INFORMATION CALL
(212) 788-8430

PUBLIC ADMINISTRATOR, NEW YORK COUNTY
31 CHAMBERS STREET, ROOM 311
NEW YORK, NEW YORK 10007