

SMALL ESTATE PROCEEDINGS



When a person dies with **less than \$50,000 of personal property**, it's considered a small estate. Personal property includes assets owned in that person's name alone such as money, furniture, jewelry, or a car; and exclude real property such as a house or plot of land. A **Small Estate Proceeding** is necessary to administer the estate of the person who died (the Decedent) to their family. The court proceeding to administer the small estate is called **Voluntary Administration**.

A Small Estate Proceeding is filed in the county where the Decedent was domiciled or had their primary residence. In a small estate proceeding, the Surrogate's Court appoints a Voluntary Administrator. This person will have access to the estate and can distribute the assets.

- **If the Decedent had a Will**, the Executor of the Will is appointed the Voluntary Administrator.
- **If there is no Will**, then the closest relative is usually named the Voluntary Administrator.

If there is a possibility of a wrongful death action or other lawsuit in the future that could pay an award to the Decedent's estate, a small estate proceeding would not be appropriate to settle the estate even if the Decedent owned less than \$50,000 of personal property at the time of death. In that case, a probate or administration proceeding would need to be filed depending on whether the Decedent had or didn't have a Will.

Access Justice Brooklyn can provide assistance with a Small Estate Proceeding of a New York Decedent if:

- You are a Brooklyn resident
- You have the "Original Will", if one was completed
- If the Decedent died without a Will, you are a "distributee" or the closest living relative
- You have knowledge of the deceased other "distributees" and their location
- You are aware of the Decedent's assets and their values
- You can provide documents required by the Court which can be discussed during an attorney consultation.



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