

# Ancillary Probate in New York

When a person dies, it is the job of the personal representative, or estate executor, to ensure the decedent's affairs are handled in accordance with their last will and testament. Such responsibilities include identifying creditors, compiling a list of assets, paying taxes, resolving claims against the estate, and ensuring assets are distributed to heirs.

When a person lives and dies in one state, but owns property in another state, such assets must go through ancillary probate. This means that real property is subject to the laws of the state where it is located.

## When the decedent owns property in another state

If a relative has recently passed away and you discover that they own property in New York, the executor of their estate will have to open an "ancillary probate" in NY. This is a second form of probate that is governed specifically by the estate planning laws of New York and not the state where your relative lived and died.

For example, if your loved one passes away in Florida, but has houses in New York, those properties will be subject to New York's laws, not Florida's. In such a case, it is in your best interest to consult with a New York estate planning lawyer who has a deep understanding of the ancillary probate process. They can help you locate, inventory, and liquidate condos, apartments, townhomes and other real property in the Empire State.

If you are the personal representative of your loved one's estate, a [NY probate lawyer](#) can help you file an ancillary probate or administration in whatever county the real estate is located so that you will have legal authority to liquidate the property.

## Using a trust to avoid ancillary probate

Ancillary probate can be avoided if a trust has already been established prior to the decedent's death and property is in the name of the trust. This allows the decedent to have property transferred on death without the need of supervision from the probate courts. For this to work, the decedent must title the property to the trustee prior to their death. Avoiding the probate process can save heirs the hassle, as well as the cost, of ancillary probate.

If you are recently named the personal representative of a loved one's estate who owns property in New York, you need an experienced, local attorney who can simplify the process and help you make decisions with confidence.

## Comprehensive estate planning guidance in New York

At The Law Offices of Lissner & Lissner, we provide clients hands-on advice for all aspects of the probate process. To speak with a knowledgeable [estate planning lawyer in New York](#), call [\(212\) 307-1499](tel:2123071499) or contact us online.