

# The Estate Administration Procedure in New York

Estate administration is the settling and distribution of the possessions and value of a person who is deceased, according to their will. If a loved one recently passed away, what do you need to know about the process?

In New York, the probate process is handled through the Surrogate's Court. In order to administer the estate, the executor named by the deceased must be granted the authority to act on behalf of their estate.

Despite the grief and upset that occurs when a loved one passes away, the probate process is needed to ensure the estate of a loved one is distributed as directed to help loved ones carry on.

The [probate process](#) is not mysterious, but can get complicated. Retaining an experienced [estate administration attorney](#) can help you become familiar with the probate process and assist as needed.

Consider these common points about [estate administration](#):

- **Probate is necessary even with an estate plan:** If your family member or loved one created an estate plan and will, the probate process will likely proceed more smoothly.
- If no will was made or can be located, much of the estate administration process is handled through the court. When there is no will, an individual is described as "intestate." This means they passed away without leaving directions with regard to their possessions or beneficiaries. A will and an estate plan ensure that last wishes are carried out.
- **Trusts:** The estate plan may have created one or more trusts to efficiently transfer assets and value to beneficiaries. When a trust is created and triggered by a will, a trustee will be identified who has a fiduciary

responsibility to manage the trust. The structure of a trust speeds the transfer of wealth and assets to beneficiaries outside of the probate process. It is also an important tool for maintaining the confidentiality of the distribution of wealth after a loved one has passed away.

- **Estate administration:** The process of estate administration in New York or elsewhere takes time, depending on the complexity of the estate. If real estate must be sold, or claims against creditors or the estate are litigated, the closing of the estate is extended.

Estate administration carries out the wishes and choices made by the deceased when they created their will and estate plan. It is an important process to ensure wealth is protected and beneficiaries and family members receive benefits intended by their loved one.

## Talk to experienced estate administration and attorneys serving New York and New Jersey

The legal team at Lissner & Lissner LLP has more than 65 years of experience with estate planning, trusts, Medicaid planning, and restitution claims for victims of Nazi persecution and their heirs. When you have questions about estate administration or litigation, contact us at (212) 307-1499 today.