

# Is Probate Required for All New York Estates?

The legal process of transferring ownership of property upon a person's death is called [probate](#). At the time of a person's death, the probate process ensures that all property in a person's estate is identified and appraised, creditors and taxes paid, and remaining property distributed to the relevant parties before the estate is closed.

Estate laws may differ from state to state, but the general purpose of probating an estate remains the same. During the probating process, there are complexities which must be considered to ensure the distribution of assets are handled according to the wishes of a decedent as well as which assets are subject to the probate process.

## Beginning the Probate Process

Typically, the decedent names a person to manage his or her affairs, called an [executor](#), upon death. However, in some cases a decedent may not have named an executor in his or her will. In these cases, the court will appoint a personal representative, or an administrator, to settle the estate.

To begin a probate proceeding, the executor named in the will should file a petition in Surrogate's Court along with the original of the will. The petition will include the date of death, the beneficiaries named in the will, relevant family members, and an estimated value of the estate.

The probating of an estate includes collecting probate property of the decedent, paying all debts, claims and taxes owed by the estate, collecting rights to income, settling any disputes, and transferring the remaining property and assets to heirs. During the court-supervised probate process, the terms of the

will be approved by a judge, and any assets, property, and possessions are distributed to the beneficiaries after settling certain outstanding debts.

## When is Probate Required for New York Estates?

New York State only requires estates valued over \$30,000 to be probated when there is a will. Probate proceedings in New York State take place in Surrogate's Court in the county where the decedent lived at the time of their death.

Furthermore, only certain assets of the decedent need to be probated. Generally, the person's residence, the property in the residence, bank accounts, and vehicles are subject to probate. Proceeds of insurance policies, retirement accounts, such as a 401k or IRA, and accounts with a named beneficiary [may not be subject to the probate process](#).

## Knowledgeable New York estate planning attorneys

If your family member has recently passed away, it is important that their estate is handled responsibly and professionally to ensure their last wishes are respected as they intended in their will. The Law Offices of Lissner & Lissner is prepared to help you navigate the probate process. Call [\(212\) 307-1499](tel:2123071499) or [contact us](#) to discuss your concerns with a [New York estate planning lawyer](#) and get started with a personalized estate plan today.