

Index

ABANDONMENT OF PERSON

- Intestacy, this index
- Qualification as surviving spouse, **6:16 to 6:21**

ABUSE OF CHILDREN

- Standby guardianship, **5:58**

ACCOUNTS AND ACCOUNTING

- Addresses of interested persons, **12:72**
- Administration expenses, **12:12**
- Affidavits, **12:25**
- Alternatives to voluntary accounting proceedings, **12:61 to 12:80**
- Answer to petition to institute compulsory accounting proceedings, **12:154 (Form 12-11)**
- Appearance, **12:55 to 12:59**
- Apportioning income, **12:134 to 12:141**
- Attachment of receipts and releases, **12:76**
- Attorney general, **12:32**
- Attorneys' fees, **12:23, 12:59**
- Banking records, **12:94**
- Breach of fiduciary duty, **5:180**
- Brokerage records, **12:95**
- Burden of proof
 - accounting party's burden of proof, voluntary accounting, **12:48**
 - objections to personal representative's accounting, **12:53**
- Case law, **12:88**
- Change in accounting period, **13:77**
- Citation, **12:38, 12:39, 12:147 (Form 12-5)**
- Closing estate, **4:205 to 4:210**
- Co-fiduciaries, **12:30**
- Commissions, **12:23, 12:105, 12:106, 13:77**
- Compulsory accounting
 - generally, **12:81 to 12:86**

ACCOUNTS AND ACCOUNTING

—Cont'd

- Compulsory accounting—Cont'd
 - Claims Against Estate, this index
 - limitations on rights of beneficiaries, **12:4**
 - petition, **5:187, 8:69 (Form 8-3), 12:152 (Form 12-10), 12:154 (Form 12-11), 12:157 (Form 12-14)**
- Construction and interpretation, objections to personal representative's accounting, **12:51**
- Creditors' claims, **12:28, 12:80**
- Damages relating to lack of diversification, **5:181**
- Default rules, **12:120**
- Delay of administration, **12:114 to 12:118**
- Disclosure of administration through accounting, **12:74**
- Discovery of assets prior to accounting, **12:101, 12:103, 12:104**
- Discretion of court, **12:82**
- Discretion of fiduciary, **12:108, 12:120**
- Dynasty trust, **12:133**
- Examination of accounting personal representative, **12:44**
- Executor or administrator, account of (based on Official Form JA-7), **12:143**
- Fiduciaries. See lines throughout this topic
- Generation-skipping transfer tax, **12:132, 12:133**
- Guardian ad litem, **5:80**
- Guardianship, this index
- Health care billing and payment, **1:192.1:50**
- Intermediate accountings, **12:24**
- Inter vivos gifts, **12:111**
- Intestacy, **2:90 to 2:92**

ACCOUNTS AND ACCOUNTING

—Cont'd

- Investments, **5:179, 12:107**
- Irrevocable trusts, **12:126, 12:127**
- Irrevocable trusts, accounting income and deduction for distribution of DNI, **13:174**
- Joinder and representation requirements, **12:40**
- Joint Bank Accounts, this index
- Judgments and decrees, **12:87 to 12:89**
- Judicially settled accounting, binding effect of, **12:87 to 12:89**
- Jurisdiction, **12:5, 12:6**
 - supreme court, **12:5**
 - surrogate's court, **12:6**
- Letters of administration, revocation of, **12:79**
- Limitation of actions, **5:177**
- Marital deduction, **12:131**
- Mortgage salvages, **12:109**
- Multiple capacities, accounting fiduciary acting in, **12:35**
- Names and addresses of interested persons, **12:72**
- Nonprobate assets, **12:119**
- Objections
 - generally, **12:155 (Form 12-12)**
 - personal representative's accounting, **12:50 to 12:54, 12:148 (Form 12-6)**
- Personal representative's accounting
 - generally, **12:142 (Form)**
 - voluntary accounting proceeding review, **12:60**
- Petition
 - compulsory accounting, **5:187, 8:69 (Form 8-3), 12:152 (Form 12-10), 12:154 (Form 12-11), 12:157 (Form 12-14)**
 - discharge without accounting, **12:151 (Form 12-9)**
 - filing of final accounting, **12:153 (Form 12-10.1)**
 - judicial settlement of account, **12:156**
 - supplemental accounting, **12:144 (Form 12-2)**

ACCOUNTS AND ACCOUNTING

—Cont'd

- Petition—Cont'd
 - voluntary accounting, below
- Pre-accounting considerations, **12:90 to 12:104**
- Pre-Death Considerations, this index
- Presumptions. Burden of proof, above
- Principal and income issues
 - generally, **12:107 to 12:133**
 - Trusts, below
- Process, issuance of, **12:26 to 12:42**
- Prudent Investor Act, **12:107**
- QTIP election, **12:132**
- Receipts and releases, **12:62 to 12:67, 12:76, 12:77, 12:149 (Form 12-7)**
- Records and recording
 - pre-accounting considerations, **12:90 to 12:100**
 - receipts and releases, **12:62 to 12:67**
- Release or discharge
 - personal representatives, release and discharge of, **12:68 to 12:80**
 - petition for discharge without accounting, **12:151 (Form 12-9)**
 - receipts and releases, **12:62 to 12:67, 12:76, 12:77, 12:149 (Form 12-7)**
- Remainder interests, **12:130 to 12:133**
- Revocable Trusts, this index
- Revocation of letters of administration, **12:79**
- Settlement of account
 - agreement settling personal representative's accounting, **12:150 (Form 12-8)**
 - alternatives to voluntary accounting proceedings, **12:68 to 12:80**
 - binding effect of judicially settled accounting, **12:87 to 12:89**
 - voluntary accounting, generally, **12:9 to 12:14**

INDEX

ACCOUNTS AND ACCOUNTING

—Cont'd

- Statute of limitations, **5:177, 5:178**
- Stipulation against or for apportionment, **12:139**
- Stock returns in kind, **12:109**
- Stortecky v. Mazzone, reconfirmation in matter of, **12:58**
- Sua sponte review, **12:6, 12:57, 12:59**
- Successor fiduciaries, **12:31**
- Suits by and against executors and other fiduciaries, generally, **5:176 to 5:181**
- Supplemental accounting
 - generally, **12:145 (Form 12-3)**
 - petition, **12:144 (Form 12-2)**
- Supreme court jurisdiction, **12:5**
- Sureties, **12:29**
- Surrogate's Court, this index
- Taxes
 - petition for voluntary accounting, form and content of, **12:22**
 - pre-accounting considerations, **12:96**
 - release or discharge of personal representative, **12:73**
- Time
 - alternatives to voluntary accounting proceedings, **12:78 to 12:80**
 - compulsory accounting, **12:82**
 - delay of administration, **12:110 to 12:118**
 - objections to personal representative's accounting, **12:51**
 - process, issuance of, **12:41**
 - voluntary accounting, generally, **12:8 to 12:14**
- Totten Trust Accounts, this index
- Trusts and estates accountings, generally, **12:1 et seq.**
- Uniform Transfers to Minors Act, **14:92**
- Unitrusts, **12:124**
- Venue, **12:7**
- Voluntary accounting
 - generally, **12:8 et seq.**

ACCOUNTS AND ACCOUNTING

—Cont'd

- Voluntary accounting—Cont'd
 - alternatives to voluntary accounting proceedings, **12:71 to 12:80**
 - burden of proof of accounting party, **12:48**
 - citation, **12:38, 12:39, 12:147 (Form 12-5)**
 - intestacy, **2:90**
 - personal representatives, exercise of review, **12:60**
 - petition
 - generally, **12:8 to 12:25, 12:146 (Form 12-4)**
 - alternatives to voluntary accounting proceedings, **12:75**
 - citation to be issued upon filing, **12:147 (Form 12-5)**
 - standing, **5:193**
 - process, issuance of, **12:26 to 12:42**

ACCUMULATING TRUSTS

- Income tax. Irrevocable Trusts, this index

ACCUMULATION OF INCOME

- Trustee commissions, **13:69**

ACKNOWLEDGMENT

- Disclosure, acknowledgment (pursuant to SCPA Section 2307-a), **3:225 (Form 3-16)**
- Revocable trusts, **2:149**
- Uncontested estates, practice in surrogate's court in, **4:119**

ADDRESS

- Accounts and accounting, names and addresses of interested persons, **12:72**
- Pre-death considerations, personal information required to develop estate plan, **1:17**

AD LITEM GUARDIAN

- Guardian Ad Litem, this index

ADMINISTRATION EXPENSES

Accounts and accounting, **12:12**
 Claims against estate, **8:31**
 Estate Taxes, this index
 Intestacy, **6:16**
 Irrevocable trusts, **13:168**
 Revocable trusts, **2:165 to 2:167**

ADMINISTRATORS

Executors and Administrators, this index

ADOPTED CHILDREN

Intestacy, **7:42 to 7:47, 7:64**

ADULT ADOPTION

Intestacy, **7:47**

ADULT GUARDIAN

Health care decision-making, **1:278 to 1:323, 1:334 (Form)**
 Power of attorney, **1:217**

ADVANCEMENTS

Interim distributions to estate beneficiaries, **4:99**
 Intestacy, **7:19**
 Irrevocable trusts, share advance, **13:135**

AFFIDAVITS

Accounts and accounting, **12:25**
 Children and minors, compromise of controversies, **14:111, 14:112**
 Claims against estate, **8:68 (Form 8-2)**
 Conservatorships, physician's affidavits, **5:123**
 Estate tax domicile, **10:60 (Form 10-1)**
 Post-Mortem Planning, this index
 Probate Proceedings, this index
 Revocable trusts, settlement of estate under Article 13, SCPA, **2:306 (Forms 2-2:2.2 and 2-2:2.3), 2:307 (Forms 2-2:2.2 and 2-2:2.3)**
 Small Estate Affidavit Program, **2:7**

AFTER-ACQUIRED PROPERTY

Irrevocable trusts, **13:256, 13:265**

AFTERBORN CHILDREN

Guardian ad litem, **5:83**

AGENCY

Health Care Proxies, this index
 Power of Attorney, this index

AGRICULTURE

Estate taxes, **9:281, 9:282**

ALASKA ASSET PROTECTION TRUSTS

Mobile client: multijurisdictional issues, **15:44**

ALIENS AND CITIZENS

Estate Taxes, this index
 Nonprobate assets, property passing to non-citizen, **4:79 to 4:87**
 Post-mortem planning, **11:68 to 11:75, 11:84**
 Pre-Death Considerations, this index

ALIMONY

Estate taxes, **9:503**

ALLOCATION OF RECEIPTS

Accounts and Accounting, this index

ALTERNATIVES TO PROBATE

Probate Proceedings, this index

AMENDMENT

Change or Modification, this index

AMORTIZATION

Income tax, **11:219**

ANATOMICAL GIFTS

Health Care Decision-Making, this index

ANCIENT WILLS

Probate proceedings, **3:146, 3:163**

ANCILLARY ADMINISTRATION

Intestacy, **7:6**

ANCILLARY PROBATE

Probate proceedings, **3:207**

ANNUAL EXCLUSION

estate taxes, § 17,000, **9:6**

INDEX

ANNUAL EXCLUSION GIFTS

Lifetime gifts and other transfers,
1:55, 1:56

ANNUAL GIFT TAX EXCLUSION

Lifetime gifts and other transfers,
1:111

ANNUAL INCOME

Pre-death considerations, information
required to develop estate plan,
1:47

ANNUAL REPORTS

Adult guardian, **1:319**
Charitable trusts, **13:314, 13:317,**
15:77

ANNUITIES

Claims against estate, **8:55 to 8:64**
Estate Taxes, this index
Lifetime Gifts and Other Transfers,
this index
Principal and income, allocating
receipts between, **13:194**
Uniform Transfers to Minors Act,
14:72, 14:83

ANNULMENT OF MARRIAGE

Intestacy, **7:71, 7:72**

ANSWER

Accounts and accounting, answer to
petition to institute compulsory
accounting proceedings, **12:154**
(Form 12-11)

APPEAL AND REVIEW

Accounts and accounting, sua sponte
review, **12:56, 12:57, 12:59**
Commissions of trustees, **13:81**
Do Not Resuscitate (DNR) Orders,
1:257

APPEARANCE

Accounts and accounting, **12:55 to**
12:59
Children and minors, **14:97 to 14:99,**
14:113
Letters testamentary, **3:181**
Noncontested estate, administration
of, **4:124, 4:214 (Form 4-2)**

APPORTIONMENT

Accounts and accounting, **12:134 to**
12:141
Estate taxes, **10:46 to 57**

APPRAISALS

Estate taxes, **9:254, 9:255, 9:406,**
9:467
Lifetime gifts and other transfers,
1:137

ARBITRATION

Children and minors, **14:114**

ARMED FORCES

Power of Attorney, this index

ARTISTIC ITEMS

Estate taxes, **9:138, 9:461, 9:530**

ASSETS

See specific index topics

ATTACHED PAPERS

Accounts and accounting, attachment
of receipts and releases, **12:76**
Estate taxes, **9:390, 9:405, 9:432,**
9:444, 9:454, 9:468, 9:478,
9:479, 9:483, 9:488, 9:533

ATTESTATION OF WITNESSES TO WILL

Probate Proceedings, this index

ATTORNEY GENERAL

Accounts and accounting, **12:32**
Closing estate, **4:211**
Probate citation issuant, **3:88**

ATTORNEY IN FACT

Power of Attorney, this index

ATTORNEYS

Children and minors, compromise of
controversies, **14:112**
Conservatorships, **5:128 to 5:133**
Ethical Issues, this index
Fees. Attorneys' Fees, this index
Guardian ad litem, **5:66, 14:56**
Noncontested estate, administration
of, **4:114, 4:181 to 4:182, 4:195**
Power of Attorney, this index
Pre-Death Considerations, this index

ATTORNEYS—Cont'd

Probate petition requirements, **3:69 to 3:72**

ATTORNEYS' FEES

Accounts and accounting, **12:23, 12:59**

Conservatorships, **5:132**

Estate taxes, **9:100, 9:102, 9:493, 9:499**

Noncontested estate, administration of, **4:172, 4:183 to 4:185**

Spousal rights, attorney-client fee dispute resolution program, **6:129**

AUCTIONS

Noncontested estate, administration of, **4:188**

AUDITS

Estate taxes, **9:395**

BANKRUPTCY OR INSOLVENCY

Claims against estate, **8:29, 8:46**

Survivorship estates, joint tenancies, **2:32**

BANKS AND BANKING

Accounts and accounting, **12:94**

Joint Bank Accounts, this index

Minors, distributions to, **14:11**

Mobile client: multijurisdictional issues, qualification of foreign banks, **15:100**

Pre-Death Considerations, this index

Trust property, segregation of, **13:121**

BARGAIN SALES

Lifetime gifts and other transfers, **1:129**

BELOW MARKET INTEREST LOANS

Lifetime gifts and other transfers, **1:141**

BENEFICIARIES

See specific index topics

BEQUESTS

Pre-Death Considerations, this index

BIDS AND BIDDING

Estate taxes, **9:237, 9:239**

BIFURCATION

Uncontested estates, practice in surrogate's court in, **4:162 to 4:165**

BIRTH DATES

Pre-death considerations, personal information required to develop estate plan, **1:18**

BLOCKAGE DISCOUNTS

Noncontested estate, administration of, **4:196**

BLOOD GENETIC MARKER TEST

Intestacy, **7:56**

BONDS AND STOCKS

Stocks and Bonds, this index

BONDS AND UNDERTAKINGS

Guardianship, **14:44 to 14:46**

Intestacy, **2:85, 2:86**

Post-mortem planning, executor's bond, **11:125**

Uncontested estates, practice in surrogate's court in, **4:161**

Uniform Transfers to Minors Act, **14:90**

BOXES

Noncontested estate, administration of, **4:190**

BROKERAGE RECORDS

Accounts and accounting, **12:95**

BURDEN OF PROOF

Presumptions and Burden of Proof, this index

BUSINESS

Continuation of a business, administration of noncontested estate, **4:127**

Elective share, closely held business interests, **6:115**

Estate Taxes, this index

Moving trusts, business income, **15:79**

Pre-Death Considerations, this index

INDEX

BUSINESS—Cont'd

Uncontested estates, practice in surrogate's court in, executor's business judgments, **4:126**

BUY-SELL AGREEMENTS

Elective share, **6:117**
Power of attorney, **1:204**

CALENDAR OF COURT

Uncontested estates, practice in surrogate's court in, **4:120**

CANCELLATION

Elective share, **5:101**
Lifetime gifts and other transfers, self-cancelling installment sale of assets to third party, divestment of assets for Medicaid qualifying purposes, **1:163**

CAPACITY OR INCAPACITY

Client's capacity, **1:84 to 1:92**
Conservatorships, this index
Contest of will, **5:203, 5:205**
Disabilities, Persons Under, this index
Guardianship, this index
Health Care Decision-Making, this index
Incompetent Persons, this index
Intestacy, appointment of administrator for incapacitated distributees, **2:72**
Irrevocable trusts, incapacitated testator. Irrevocable Trusts, this index
Language disabilities, capacity of client, **1:86**
Power of Attorney, this index
Pre-death considerations
client's capacity, **1:84 to 1:92**
planning for incapacity, generally, **1:166 to 1:323, 1:334 (Form)**
Presumption of competency of client, **1:91**
Probate petition, **1:58, 3:46 to 3:48**
Record of testator's mental and physical state, **1:92**
Revocable trusts, capacity required for, **1:89, 13:128**

CAPACITY OR INCAPACITY

—Cont'd

Time of determination of testamentary capacity, **1:87**
Undue influence, **1:90**
Wills, generally, **1:85 to 1:89, 1:92**

CARRYOVERS

Income tax, **11:241 to 11:243**

CASE LAW

Accounts and accounting, **12:88**
Competing rights of former spouse and current spouse, **6:81 to 6:83**
Estate taxes, **10:5**
Health care decision-making, **1:227**

CASH LEASE

Estate taxes, **9:277**

CAUSA MORTIS GIFTS

Testamentary substitutes, **6:50**

CERTIFICATES AND CERTIFICATION

Estate Taxes, this index

CHANGE OR MODIFICATION

Accounting period, **13:77**
Adult guardian, change in status, **1:323**
Claims against estate, amendment of, **8:24**
Irrevocable trusts, termination or amendment other than by express terms, **13:25 to 13:28**
Malpractice, change of law, **5:114**
Revocable Trusts, this index
Totten trust accounts, evidence of change of signature/ledger cards, **2:18**

CHARITABLE TRUSTS

Generally, **13:312 et seq.**
Annual reports, **13:314, 13:317, 15:77**
Appointment of additional trustee, **13:358**
Charitable foundation trust agreement generally, **13:354 to 13:357 (Forms)**

CHARITABLE TRUSTS—Cont'd

- Charitable foundation trust agreement—Cont'd
 - committee, payments directed by, **13:356 (Form)**
 - corporate settlor, **13:355 (Form)**
 - trustees, payments directed by, **13:357 (Form)**
- Estate Taxes, this index
- Filing required by state, **13:315**
- Grantor trusts, **13:310**
- Moving trusts, **15:75 to 15:77**
- Nonprobate assets, charitable remainder unitrusts, **4:72**
- Office of Charities Registration, **13:315, 13:316**
- Petition for termination of testamentary charitable trust under \$100,000 because uneconomical, **5:234 (Form 5-3)**
- Post-mortem planning, **11:8**
- Reformation and revocation, **5:43 to 5:46**
- Registration
 - generally, **13:313**
 - how to register, **13:316**
 - moving trusts, **15:75 to 15:77**
- SCPA section 2308, trustee commissions, **13:68**
- Standing to enforce, **13:312**
- Types, **13:312 et seq.**
- Unitrusts
 - accounts and accounting, **12:124**
 - additional trustee, application for appointment, **13:358**
 - estate taxes, **9:131**
 - nonprobate assets, charitable remainder unitrusts, **4:72**

CHARITIES

- Charitable Trusts, this index
- Estate taxes, **9:123 to 9:138**
- Income tax, charitable set-asides, **11:216**
- Post-Mortem Planning, this index
- Pre-death considerations, identification of intended beneficiaries, **1:72**

CHARITIES—Cont'd

- Revocable trusts, **2:219 to 2:226, 2:280**

CHATTELS

- As to particular matters, see specific topics

CHECKS

- Estate taxes, **9:438 to 9:440**

CHILDREN AND MINORS

- Ad litem guardian. Guardian Ad Litem, this index
- Adopted Children, this index
- Appearance, **14:97 to 14:99, 14:113**
- Arbitration of controversies, **14:114**
- Beneficiaries, minors as, generally, **14:1 et seq.**
- Claims against estate, **8:65**
- Compromise of controversies, **14:104 to 14:113**
- Costs of action, **14:101 to 14:103**
- Default judgments, **14:100**
- Distributions to minors, generally, **14:5 to 14:12**
- Generation-skipping transfer tax, predeceased child exception, **9:311, 9:312, 9:316, 9:318**
- Guardian Ad Litem, this index
- Guardianship, this index
- Intestacy, this index
- Judgments and decrees
 - default judgments, **14:100**
 - Guardianship, this index
- Lifetime Gifts and Other Transfers, this index
- Lifetime Planning, this index
- Majority, age of, **14:2 to 14:4**
- Post-mortem planning, **11:30, 11:57**
- Pre-Death Considerations, this index
- Probate Proceedings, this index
- Process and service of process and papers
 - generally, **14:94 to 14:96**
 - Guardianship, this index
- Support, withdrawal of infant's property for, **14:116 (Form 14-2)**
- Uniform Transfers to Minors Act, this index

INDEX

CHILDREN AND MINORS—Cont'd

Withdrawal of infant's property for support and education, **14:116 (Form 14-2)**

CHOICE OF LAW

Governing Law, this index

CITATION

Accounts and accounting, **12:38, 12:39, 12:147 (Form 12-5)**

Claims against estate, citation for compulsory accounting, **8:70 (Form 8-4)**

Probate Proceedings, this index

Revocable trusts, waiver of citation, renunciation and consent to appointment of administrator, **2:312 (Form 2-2:7)**

CITIZENSHIP

Pre-Death Considerations, this index

CLAIMS AGAINST ESTATE

Generally, **8:1 et seq.**

Administration expenses, **8:31**

Affidavits, **8:68 (Form 8-2)**

Amending claims, **8:24**

Annuities, **8:55 to 8:64**

Bankruptcy or insolvency, **8:29, 8:46**

Compromising claims, **8:26**

Compulsory accounting
citation, **8:70 (Form 8-4)**

order, **8:71 (Form 8-5)**

petition, **8:69 (Form 8-3)**

Contingent or unliquidated claims
generally, **8:25**

closing estate, **4:203**

Domestic partners, **8:66**

Elective share, **8:38 to 8:42**

Estate Taxes, this index

Evidence, **8:16 to 8:18**

Exemptions

generally, **8:51 to 8:64**

elective share, **8:40**

fiduciary liability, **8:5**

Family property exemptions, **8:52**

Federal and state debts, **8:33**

Fiduciaries, generally, **8:1 to 8:10**

Forum, **8:11**

CLAIMS AGAINST ESTATE

—Cont'd

Funeral expenses, **8:32**

Identifying claims, **8:4**

Infants, **8:65**

Irrevocable trusts, **8:54**

Joint bank accounts, **8:57**

Judgments and decrees, **8:35**

Life insurance, **8:53, 8:54**

Limitation of actions, **8:10, 8:15**

Medicaid, **7:44**

Notice

generally, **8:67 (Form 8-1)**

election by surviving spouse, **8:73 (Form 8-7)**

publication, notice by, **8:9**

service of process, **8:14**

Objections

elective share, **8:42**

third parties, **8:17**

Pensions, **8:55 to 8:64**

Petition

compulsory accounting, **8:69 (Form 8-3)**

validity of claim, fiduciary's petition, **8:72 (Form 8-6)**

Power of attorney, **1:190**

Presentation, generally, **8:11 to 8:27**

Priorities, **8:28 to 8:49**

Property taxes, **8:34**

Publication, notice by, **8:9**

Qualified state tuition programs, **8:62 to 8:64**

Refunds by transferees on behalf of late claimants, **8:47 to 8:50**

Safe harbor against personal liability, **8:6 to 8:10**

Secured claims, **8:36**

Service of process, **8:14**

Status as surviving spouse, elective share, **8:41**

Taxation

estate taxes, **9:108 to 9:121**

property taxes, **8:34**

transfer taxes, **8:50**

Third-party objections to claims, **8:17**

Totten trust accounts, **8:56**

Transfer taxes, **8:50**

CLAIMS AGAINST ESTATE

—Cont'd

Tuition programs, **8:62 to 8:64**

Unliquidated claims. Contingent or unliquidated claims, above

CLARK, MATTER OF

Mobile client: multijurisdictional issues, **15:21, 15:24, 15:30**

CLAT PROPERTY

Generation-skipping transfer tax, **9:349**

CLEAR AND CONVINCING EVIDENCE

Intestacy, paternity, **7:55**

CLIENTS

Mobile Client: Multijurisdictional Issues, this index

Pre-Death Considerations, this index

CLOSELY HELD BUSINESS INTERESTS

Elective share, **6:115**

Estate taxes, **9:590 to 9:608**

CLOSING ESTATE

Noncontested estate, administration of, **4:201 to 4:211**

CODICILS

Probate proceedings, **3:82, 3:143**

CO-FIDUCIARIES

Accounts and accounting, **12:30**

Irrevocable trusts, co-trustees, **13:304**

Petition, standing to, **5:192**

Revocable trusts, audition of corporate co-trustee during lifetime, **2:107**

Suits by and against, **5:165**

COHEN'S ESTATE

Reopening and vacating probate, **5:109**

COIN AND CURRENCY COLLECTIONS

Estate taxes, **9:462**

COLLECTIONS

Noncontested estate, administration of, **4:187**

COMMINGLING OF PROPERTY

Uniform Transfers to Minors Act, **14:76**

COMMISSIONS (COMPENSATION)

Accounts and accounting, **12:23, 12:105, 12:106, 13:77**

Accumulation of income, trustee authorized or required, **13:69**

Annual commissions, **13:65 et seq., 13:74**

Contest of will, **5:196**

Corporate trustee, fee for common trust fund management, **13:83**

Estate taxes, **9:99, 9:492, 9:498, 9:499**

Guardianship, **14:52**

Investment advisory and custodial fees, **13:82**

Multiple trustees, **13:78 et seq.**

Noncontested estate, administration of, **4:143 to 4:145, 4:151 to 4:171, 4:183 to 4:185**

Other commissions, **13:75**

Paying out commissions, **13:72, 13:73**

Post-mortem planning, **11:87, 11:93 to 11:97**

Property considered as money, **13:70**

SCPA section 2308. Trustees, below

Split trusts, **13:336**

Time bifurcation, **13:71**

Time of valuation for purposes of commissions, **13:76**

Trustees

generally, **13:63 et seq.**

accounting period, change in, **13:77**

annual fee commission, comparison to, **13:74**

corporate trustee, fee for common trust fund management, **13:83**

investment advisory and custodial fees, **13:82**

multiple trustees, **13:78 et seq.**

INDEX

COMMISSIONS

(COMPENSATION)—Cont'd

Trustees—Cont'd

other commissions, **13:75**

paying out commissions, **13:72, 13:73**

property considered as money, **13:6**

SCPA section 2308

generally, **13:64**

accumulation of income, trustee authorized or required, **13:69**

annual commissions, **13:65 et seq.**

charitable trusts, **13:68**

computation, **13:66**

educational trusts, **13:68**

fraternal trusts, **13:68**

literary trusts, **13:68**

public trusts, **13:68**

religious trusts, **13:68**

scientific trusts, **13:68**

statement to beneficiaries, trustee's duty to provide, **13:67**

time bifurcation, **13:71**

time of valuation for purposes of commissions, **13:76**

COMMODITY TRANSACTIONS

Power of attorney, **1:185**

COMMON LAW

Health care decision-making, **1:225**

Revocable trusts, pourover, **2:139, 2:147**

Survivorship estates, joint tenancy at common law, **2:51**

COMMON LAW MARRIAGE

Surviving spouse, qualification as, **6:26**

COMMON TRUST FUND

Corporate trustee, management fee, **13:83**

COMMUNITY PROPERTY

Mobile client: multijurisdictional issues, **15:81 to 15:90**

COMPENSATION

Adult guardian, **1:316**

Commissions (Compensation), this index

Guardian ad litem, **5:86 to 5:88, 14:65**

Uniform Transfers to Minors Act, **14:88**

COMPETENCY

Capacity or Incapacity, this index

COMPLETENESS OR COMPLETION

Estate taxes, completion of Schedule F, **9:573**

Lifetime gifts and other transfers, **1:105**

COMPROMISE

Children and minors, **14:104 to 14:113**

Claims against estate, **8:26**

Post-mortem planning, charitable bequests, **11:92**

COMPULSORY ACCOUNTING

Accounts and Accounting, this index

CONCURRENT JURISDICTION

Inter vivos vs. testamentary trusts, **13:41 et seq.**

CONDOMINIUMS

Revocable trusts, **2:126**

CONFERENCES

Uncontested estates, practice in surrogate's court in, **4:130 to 4:140**

CONFIDENTIALITY

Elective share, **6:127**

Pre-death considerations, joint representation, **1:5**

CONFLICT OF INTEREST

Conservatorships, **5:137**

Guardian ad litem, **5:73**

Sale of assets, **4:105**

Trustees, **13:117**

CONFLICT OF LAWS

Governing Law, this index

CONSENT

- Do Not Resuscitate (DNR) Orders, **1:251**
- Elective share, **6:126**
- Health Care Decision-Making, this index
- Irrevocable trusts, termination or amendment other than by express terms, **13:26**
- Medical treatment. Health Care Decision-Making, this index
- Pre-death considerations, consent to joint representation, **1:4**
- Probate Proceedings, this index
- Revocable trusts, waiver of citation, renunciation and consent to appointment of administrator, **2:312 (Form 2-2:7)**
- Statutory trust splitting. Trusts, this index
- Survivorship estates, severance of joint tenancies during marriage, mutual consent, **2:36 to 2:38**
- Trusts, this index
- Uniform Transfers to Minors Act, consenting to reorganizations, **14:71**

CONSERVATORSHIPS

- Article 81 proceedings, **5:115 to 5:143**
- Attorney, appointment of, **5:128 to 5:133**
- Attorneys' fees, **5:132**
- Burden of proof, **5:124**
- Conflict of interest, **5:137**
- Court-appointed guardian, **5:137**
- Court evaluator, **5:126 to 5:128, 5:133**
- Death of incapacitated person, **5:142**
- Guardianship, generally, **5:92 to 5:96, 5:116 to 5:128, 5:135 to 5:142**
- Hearings, **5:134**
- Jurisdiction, **5:119**
- Medical care or treatment, **5:139**
- Notice, **5:125**
- Petition, **5:120 to 5:124**
- Physician's affidavits, **5:123**

CONSERVATORSHIPS—Cont'd

- Post-mortem planning, disclaimer on behalf of conservatee, **11:58**
- Psychiatric treatment, **5:139**
- Revocable trusts, **5:141**

CONSIDERATION

- Estate taxes, **9:87 to 9:89**

CONSOLIDATION OR MERGER

- Trusts
 - generally, **13:6, 13:7**
 - petition for permission to consolidate, **13:359 (Form)**
 - separating and consolidating, **13:123**

CONSTRUCTION AND INTERPRETATION

- Accounts and accounting, objections to personal representative's accounting, **12:51**
- Elective share, liberal construction, **6:5**
- Irrevocable Trusts, this index
- Mobile client: multijurisdictional issues, interpretation of dispositions when testator becomes New York domiciliary prior to death, **15:13**
- Power of attorney, **1:175**
- Probate Proceedings, this index
- Supplemental needs trusts, **13:340**

CONSTRUCTIVE

ABANDONMENT OF SPOUSE

- Qualification as surviving spouse, **6:16 to 6:20**

CONSTRUCTIVE FRAUD

- Contest of will, **5:206**

CONTEMPLATION OF DEATH

- Lifetime gifts and other transfers, sales in, **1:128 to 1:130**

CONTESTED PROCEEDINGS

- Probate Proceedings, this index

CONTINGENT OR UNLIQUIDATED CLAIMS

- Claims Against Estate, this index

INDEX

CONTRIBUTION

Estate taxes, **9:617**

CONTROLLED CORPORATION'S STOCK

Estate taxes, **9:28**

CONVENIENCE ACCOUNTS

Survivorship estates, **2:47, 6:57**

CONVEYANCES

Sales, this index

COOPERATIVE APARTMENTS

Estate taxes, **9:427, 15:46**

Pre-death considerations, information required to develop estate plan, **1:26**

Revocable trusts, **2:127**

Survivorship estates, tenancies by entirety, **2:35**

COPIES

Probate proceedings, copies of wills, **3:67**

Uncontested estates, practice in surrogate's court in, **4:123**

COPYRIGHTS

Estate taxes, **9:138, 9:530**

Noncontested estate, administration of, **4:186**

CORPORATIONS

Charitable foundation trust agreement, corporate settlor, **13:355 (Form)**

Common trust fund, management fee of corporate trustee, **13:83**

Estate Taxes, this index

Mobile client: multijurisdictional issues, **15:101**

Principal and income, special corporate yields, **13:210 et seq.**

Revocable Trusts, this index

S Corporations, this index

Stocks and Bonds, this index

Trusts

charitable foundation trust agreement, corporate settlor, **13:355 (Form)**

CORPORATIONS—Cont'd

Trusts—Cont'd

common trust fund, management fee of corporate trustee, **13:83**

corporate obligations purchased at discount, treatment of, **13:203**

mobile client: multijurisdictional issues, **15:101**

principal and income, special corporate yields, **13:210 et seq.**

Revocable Trusts, this index

trustees, generally, **13:49**

Uncontested estates, practice in surrogate's court in, **4:165**

CORRESPONDENCE WITH COURT PERSONNEL

Uncontested estates, practice in surrogate's court in, **4:131**

COSTS OF ACTION

Attorneys' Fees, this index

Children and minors, **14:101 to 14:103**

COTENANCY

Joint Tenancies, this index

COURT EVALUATOR

Adult guardian, appointment of, **1:292 to 1:296**

Conservatorships, **5:126 to 5:128, 5:133**

CPLR

Generally, **5:155 to 5:157**

CREDITORS' RIGHTS

Accounts and accounting, **12:28, 12:80**

Claims Against Estate, this index

Executors and other fiduciaries, suits by and against, **5:173**

Grantor trusts, **13:311**

Insurance trusts, **13:349**

Intestacy, petitioner for appointment of administrator as creditor, **2:79**

Irrevocable trusts, rights in appointive property, **13:235 et seq.**

Life insurance, **2:66**

CREDITORS' RIGHTS—Cont'd

- Petition, standing to, **5:188**
- Probate proceedings, **3:90**
- Qualified plan benefits, **2:60**
- Revocable trusts, **2:110**
- Survivorship estates, joint tenancies, **2:42, 2:54**
- Totten trust accounts, **2:23 to 2:25**

CREDITS AGAINST TAX

- Estate Taxes, this index
- Income tax, **11:213 to 11:221**

CREDIT SHELTER

- Elective share, **6:108**

CRIMINAL OFFENSES

- Lifetime gifts and other transfers, divestment of assets for Medicaid qualifying purposes, **1:154**

CRUMMEY POWERS

- Life insurance, **2:65**
- Lifetime gifts and other transfers, **1:112**

C.T.A LETTERS OF ADMINISTRATION

- Probate proceedings, **3:197 to 3:200, 3:219 (Form 3-11)**

CURRENCY COLLECTIONS

- Estate taxes, **9:462**

CUSTODIANS

- Multiple trustees, investment advisory and custodial fees, **13:82**
- Uniform Transfers to Minors Act, this index

CY RES DOCTRINE

- Conditions for applying, **5:45**

DAMAGES

- Accounts and accounting, damages relating to lack of diversification, **5:181**

DATE

- Time or Date, this index

DEATHBED USES

- Revocable trusts, **2:113**

DEATH CERTIFICATES

- Probate proceedings, **3:68**

DEATH TAXES

- Estate Taxes, this index

DEBTOR AND CREDITORS

- Creditors' Rights, this index

DECLARATORY RELIEF

- Estate taxes, deferral of taxes attributable to closely held business interests, **9:594**

DECREEs

- Judgments and Decrees, this index

DEDUCTIONS

- Estate Taxes, this index
- Income Tax, this index
- Intestacy, **7:17**
- Marital Deduction, this index
- Revocable Trusts, this index

DEED OF TRUST

- Revocable trusts, declaration of trust vs. deed of trust, **2:112**

DEEDS

- Guardianship, this index
- Trusts, deed as evidence of creation of, **13:11**

DEFAULT

- Accounts and accounting, **12:120**
- Elective share, relief from default in timely filing, **6:79**
- Irrevocable trusts, default rules, **13:250**
- Letters of administration, renunciation by default, **3:190**
- Post-mortem planning, **11:47**
- Trusts, this index

DEFAULT JUDGMENTS

- Children and minors, **14:100**

DEFERRAL OF TAXES

- Estate Taxes, this index

DEFERRED COMPENSATION

- Allocating receipts between principal and income, **13:194**

INDEX

DEFINITIONS

Adjusted value, **9:278**
Adult guardian, **1:280**
Annuity, **9:50**
Descendants, **13:24**
Disclaimer or renunciation, **13:51**
Distributee, **7:3**
DNI, **11:223, 13:173**
Do Not Resuscitate (DNR) Orders, **1:250**
Family member, **9:280**
Farm or farming purposes, **9:281, 9:282**
Fiduciaries, **13:55, 13:61**
General power of appointment, **9:63**
Gift, **1:104**
Gross estate for nonresidents, **10:18**
Gross estate for residents, **10:16**
Income, **13:212**
Intestate, **7:1**
IRD, **11:175**
Issue, **7:21, 13:24, 13:287**
Issue “by representation,” **7:20**
Life estates, **9:549**
Organ donation, **1:270**
Persons interested, **13:54, 13:332**
Principal, **13:211**
Property, **9:547 to 9:549**
QDOT, **9:175**
Qualified heir, **9:279**
Qualifying income interest, **9:158**
Reversionary interest, **9:35**
Taxable estate, **10:22**
Testamentary capacity, **1:86**
Testamentary substitutes, **6:47**
“The end,” testator’s signature on will, **3:115**
Totten trust accounts, **2:11**
Trusts, **13:47 et seq.**
Unified credit trusts, **9:548**

DELAWARE ASSET PROTECTION TRUSTS

Mobile client: multijurisdictional issues, **15:44**

DELAY

Laches or Delay, this index

DELEGATION OF AUTHORITY

Marshalling and holding estate assets, investment responsibility, **4:30**
Mobile client: multijurisdictional issues, **15:42**
Trusts, this index

DELIVERY

Organ donation, delivery of documents, **1:274**
Post-mortem planning, delivery of disclaimers, **11:14 to 11:17**

DE MINIMIS PROBATE

Revocable trusts, **2:125**

DEPOSITOR

Totten trust accounts, death of beneficiary prior to death of depositor, **2:15**

DEPRECIATION

Income tax, **11:218, 13:171**
Lifetime gifts and other transfers, sale, **1:130**

DERIVATIVE ACTIONS

Executors and other fiduciaries, suits by and against, **5:169**

DERIVATIVES

Allocation of receipts, principal and income, **13:198**

DESCENT AND DISTRIBUTION

Intestacy, this index

DESCRIPTION

Identity and Identification, this index

DESTROYED WILLS

Probate Proceedings, this index

DEVICES

Pre-Death Considerations, this index

DICKSTEIN, WILL OF

Revocable trusts, **2:152**

DISABILITIES, PERSONS UNDER

Capacity of client, **1:86**
Closing estate, **4:207**
Guardian ad litem, **5:75, 5:81**
Probate Proceedings, this index

DISCHARGE

Release or Discharge, this index

DISCLAIMERS

Estate Taxes, this index
 Intestacy, **7:25, 7:81, 7:82**
 Post-Mortem Planning, this index
 Power of attorney, **1:203**
 Revocable trusts, **2:158, 2:215, 2:269**

DISCLOSURE

Accounts and accounting, disclosure of administration through accounting, **12:74**
 Acknowledgment of disclosure (pursuant to SCPA Section 2307-a), **3:225 (Form 3-16)**
 Survivorship estates, joint bank accounts, **2:49**

DISCOUNTS

Corporate obligations purchased at discount, **13:203**
 Estate Taxes, this index
 Lifetime gifts and other transfers, **1:138**
 Noncontested estate, administration of, blockage discounts, **4:196**

DISCOVERY

Accounting, discovery of assets prior to, **12:101, 12:103, 12:104**

DISCRETION OF COURT

Accounts and accounting, **12:82**
 Moving trusts, **5:144 to 5:154**
 Uncontested estates, practice in surrogate's court in, **4:136**

DISCRETION OF FIDUCIARY

Accounts and accounting, **12:108, 12:120**
 Irrevocable Trusts, this index
 Principal and income, generally, **13:201**

DISPUTE MEDIATION SYSTEM

Do Not Resuscitate (DNR) Orders, **1:257**

DIVIDENDS

Estate taxes, **9:242, 9:269, 9:420, 9:431, 9:447**

DIVIDENDS—Cont'd

Income tax, **11:228**

DIVORCE AND SEPARATION

Competing rights of former spouse and current spouse, **6:83, 6:86**
 Intestacy, **7:71 to 7:73**
 Qualification as surviving spouse, **6:11, 6:13 to 6:15, 6:17**

DOCUMENTATION

Pre-death considerations, information required to develop estate plan, **1:60 to 1:63**

DOMESTIC PARTNERS

Claims against estate, **8:66**

DOMICILE AND RESIDENCE

Estate Taxes, this index
 Mobile Client: Multijurisdictional Issues, this index
 Nonresidents, this index
 Pre-Death Considerations, this index
 Venue, this index

DO NOT RESUSCITATE (DNR) ORDERS

Health care decision-making, **1:248 to 1:267, 1:329 (Form)**

DOWER AND CURTESY

Estate taxes, **9:20**

DURABLE POWER OF ATTORNEY

Power of Attorney, this index

DURATION

Health care proxy's authority, **1:244**
 Power of attorney, **1:174**

DYNASTY TRUST

Accounts and accounting, **12:133**

EDUCATION

Schools and Education, this index

EFFECTIVE DATE

Power of attorney, **1:173**

EINS

Revocable trusts, taxpayer numbers, **2:104**

INDEX

ELECTIVE SHARE

Generally, **5:97 to 5:102**
Buy-sell agreements, **6:117**
Cancellation, **5:101**
Claims against estate, **8:38 to 8:42**
Closely held business interests, **6:115**
Confidentiality, **6:127**
Consent, **6:126**
Credit shelter, impact on use of, **6:108**
Default in timely filing, relief from, **6:79**
Engagement letter, **6:128, 6:134 (Form 6-5)**
Ethical issues, **6:121 to 6:129**
Exempt property
 generally, **6:39, 6:92, 6:96**
 claims against estate, **8:40**
Funding, generally, **6:75**
Homestead exemption, **6:96**
Insurance as testamentary substitute for purpose of elective share, **13:350**
Intestacy, **6:43, 6:91**
Joint representation, **6:125**
Jurisdiction, **5:100**
Liberal construction, **6:5**
Life insurance, **2:66, 6:112**
Lifetime gifts, **6:114**
Limited partnerships, **6:119**
Marital deduction, **6:99**
Mobile client: multijurisdictional issues, **15:83 to 15:90**
Notice, **5:98, 5:236 (Form 5-5), 6:76 to 6:78, 6:130 (Form 6-1), 8:73 (Form 8-7)**
Pensions, **6:73, 6:113**
Petition, **5:99**
Post-1992 right of election, **6:27 to 6:46**
Post-mortem planning, **11:76**
Premarital transfers, **6:111**
Procedure for exercise of right, generally, **6:76 to 6:79**
QTIP and QDOT trusts, **6:98 to 6:103**
Qualification as surviving spouse, **6:23 to 6:25**

ELECTIVE SHARE—Cont'd

Qualified plan benefits, **2:59**
Service of notice, **6:77**
Spousal rights, generally, **6:1 et seq.**
Survivorship estates, **2:56, 8:41**
Tax planning, **6:97 to 6:129**
Testamentary substitutes, **6:47 to 6:64**
Third parties, contributions from, **6:74**
Time, **6:76, 6:79**
Totten trust accounts, elective share, **2:22**
Trusts, **6:6, 6:98 to 6:108, 6:116, 6:118**
Voluntary administrators, **6:94**
Voting trusts, **6:118**
Waiver
 generally, **6:65 to 6:73, 6:120**
 mutual waiver of right to share of estate, **6:132 (Form 6-3), 6:133 (Form 6-4)**
 trusts, **6:104 to 6:107, 6:116**
Wrongful death award, **6:95**

EMPLOYER AND EMPLOYEE

Pension and Retirement Plans, this index
Pre-Death Considerations, this index

ENCUMBRANCES

Liens and Encumbrances, this index

ENDOWMENTS

Estate taxes, **9:154**

ENGAGEMENT LETTER

Elective share, **6:128, 6:134 (Form 6-5)**

ENTIRETY, TENANCIES BY

Survivorship estates, **2:33 to 2:35, 6:58**

ESCHEAT

Intestacy, **7:36**

ESTATE TAXES

Administration expenses
 generally, **9:98, 9:103, 9:119**
 charitable, religious, and public uses, transfers for, **9:136**

ESTATE TAXES—Cont'd

Administration expenses—Cont'd
 Schedule J: funeral expenses and expenses incurred in administering property subject to claims, **9:489 to 9:499**
 Schedule L: net losses during administration and expenses incurred in administering property not subject to claims, **9:509, 9:510**
 spouses, **9:168**
 Affidavits, domicile, **10:60 (Form 10-1)**
 Aliens and citizens
 generally, **9:222**
 credit for foreign death taxes, **9:220**
 generation-skipping transfer tax, **9:372 to 9:374**
 spouses
 generally, **9:173 to 9:199, 9:452, 9:520**
 post-mortem planning, **11:68 to 11:75, 11:84**
 Alimony, **9:503**
 Alternate valuation, **9:262 to 9:270, 9:570**
 Annuities
 generally, **9:49 to 9:53, 9:130, 9:154, 9:161**
 generation-skipping transfer tax, **9:557**
 Schedule I, **9:484 to 9:488**
 surviving spouse who is not United States citizen, **9:178**
 valuation, **9:256, 9:257, 9:487, 9:488**
 Apportionment, **10:46 to 57**
 Appraisals, **9:254, 9:255, 9:406, 9:467**
 Artistic items, **9:138, 9:461, 9:530**
 Attachments to returns, **9:390, 9:405, 9:432, 9:444, 9:454, 9:468, 9:478, 9:479, 9:483, 9:488, 9:533**
 Attorneys' fees, **9:100, 9:102, 9:493, 9:499**

ESTATE TAXES—Cont'd

Audits, **9:395**
 Bids and bidding, **9:237, 9:239**
 Bonds. Stocks and bonds, below
 Business interests
 buy-sell agreements, options, valuation, **9:247**
 closely held business interests, deferral of taxes attributable to, **9:590 to 9:608**
 family owned business deduction, **9:297**
 valuation, generally, **9:244**
 Calculation of tax, generally, **10:9 et seq.**
 Case law, **10:5**
 Cash, **9:251, 9:433 to 9:440**
 Certificates and certification
 foreign death tax, **9:540 to 9:542**
 liens, discharge of, **10:33**
 state estate tax, generally, **9:582, 10:65 (Form 10-6)**
 Charities and charitable trusts
 generally, **9:123 to 9:138**
 apportionment, **10:50**
 generation-skipping transfer tax, **9:558**
 Post-Mortem Planning, this index
 Schedule O: charitable, public, and similar gifts and bequests, **9:526 to 9:535**
 Checks, **9:438 to 9:440**
 Claims against estate, generally, **9:108 to 9:121**
 Closely held business interests, deferral of taxes attributable to, **9:590 to 9:608**
 Closing estate, **4:204**
 Coin and currency collections, **9:462**
 Commissions (compensation), **9:99, 9:492, 9:498, 9:499**
 Completion of Schedule F, **9:573**
 Consideration, **9:87 to 9:89**
 Contest of will
 Schedule M: bequests, etc., to surviving spouse, **9:523**
 settlement, **9:506**
 Contribution, **9:617**

INDEX

ESTATE TAXES—Cont'd

- Controlled corporation's stock, voting of, **9:28**
- Cooperative apartments, **9:427, 15:46**
- Copyrights on art, **9:138, 9:530**
- Corporations
 - insurance, **9:83, 9:448**
 - stocks and bonds, below
 - surviving spouse who is not United States citizen, **9:179**
- Co-signors, **9:507**
- Credits against tax
 - generally, **9:200 to 9:221**
 - foreign death taxes, credit for, **9:214 to 9:221, 9:536 to 9:542**
 - Schedule Q: credit for tax on prior transfers, **9:543 to 9:552**
 - state estate tax, generally, **9:565**
 - surviving spouse who is not United States citizen, **9:189**
 - tables, **10:72 (Table 10 to 2)**
 - time to claim, **9:632**
- Currency collections, **9:462**
- Declaratory relief, deferral of taxes attributable to closely held business interests, **9:594**
- Deductions
 - generally, **9:120, 9:121**
 - apportionment, **10:50**
 - charitable, religious, or public uses, transfers for, **9:132**
 - closely held business interests, deferral of taxes attributable to, **9:593**
 - family owned businesses, **9:297**
 - income tax, **11:193 to 11:201**
 - limitation on deduction for terminable interests, **9:143**
 - marital deduction, **9:90 to 9:94, 9:525**
 - mobile client: multijurisdictional issues, **15:47**
 - Post-Mortem Planning, this index spouses, **9:146, 9:164, 9:170, 9:171**
 - state death tax, generally, **9:565 to 9:567**
 - valuation, **9:270**

ESTATE TAXES—Cont'd

- Deferral by transferor's estate, **9:552**
- Deferral of taxes. See more specific lines throughout this topic
- Determination of gross estate, **9:9 to 9:16**
- Discharge. Release or discharge, below
- Disclaimers
 - charitable bequests, **9:125, 9:532**
 - illustrations, **11:5**
 - Post-Mortem Planning, this index
 - power of appointment, **9:73**
 - Schedule M: bequests, etc., to surviving spouse, **9:524**
- Discounts
 - apportionment, **10:53**
 - common trust funds, **9:429**
 - federal estate taxes, **9:227 to 9:231, 9:268, 9:284, 9:429, 9:437, 9:466**
- Dividends, **9:242, 9:269, 9:420, 9:431, 9:447**
- Domicile and residence, generally, **10:2 to 10:6**
- Dower and curtesy, **9:20**
- Employees' pension or profit-sharing plan, notice of payment of death benefit under, **10:63 (Form 10-4)**
- Endowments, **9:154**
- Evidence
 - nonresidence, **10:6**
 - payment of tax, **9:217**
- Executors and other fiduciaries
 - commissions (compensation), **9:99, 9:492, 9:498, 9:499**
 - payment of tax, liability for, **9:610 to 9:645**
 - post-mortem planning, **11:31, 11:123 to 11:128**
- Exemptions
 - apportionment, **10:50**
 - Generation-Skipping Transfer Tax, this index
 - surviving spouse who is not United States citizen, **9:182-9:184**
- Exoneration, **10:57**

ESTATE TAXES—Cont'd

Extension for filing of New York
State estate tax return, **11:132**

Extension of time to pay tax, **9:579**
to **9:589, 9:608, 10:70 (Form**
10-11), 11:134

Family and relatives
deduction for family owned busi-
ness, **9:297**
definition of family member, **9:280**

Farm or farming purposes defined,
9:281, 9:282

Federal estate tax, generally, **9:1 et**
seq.

Fees
attorneys' fees, **9:100, 9:102,**
9:493, 9:499
liens, release of, **10:38**

Fiduciaries. Executors and other
fiduciaries, above

Filing of New York State estate tax
return, **11:131, 11:132**

Flower bonds, **9:243, 9:424, 9:579 to**
9:609, 11:117

Foreign state or country
aliens and citizens, above
credit for death taxes, **9:214 to**
9:221, 9:536 to 9:542
mobile client: multijurisdictional
issues, **15:45 to 15:48**
nonresident decedents, generally,
10:2 to 10:6

Form 706, generally, **9:379 to 9:395,**
9:568 to 9:570, 9:572, 9:574,
9:575

Form ET-30, **10:27, 10:35**

Form ET-85, **10:28, 10:36**

Form ET-90, **10:39 et seq., 10:68**
(Form 10-9)

Form ET-99, **10:29, 10:66 (Form**
10-7)

Form ET-117, **10:37, 10:67 (Form**
10-8)

Fraud, interest and penalties, **9:653**

Funeral expenses, **9:97, 9:489 to**
9:498

Generation-Skipping Transfer Tax,
this index

ESTATE TAXES—Cont'd

Gift taxes
generally, **9:23, 9:93, 9:115**
credits against tax, **9:203 to 9:212**
elimination of gift tax, **10:20**
resident and nonresident
decedents, **10:3**
Schedule G: transfers during
decedent's life, **9:471**

Goodwill, **9:246**

Gross estate, generally, **9:9 to 9:58**

Guarantee of another's debt, **9:507**

Historical overview, **9:1 to 9:3**

Household and personal effects, **9:56,**
9:460

Income taxes, **9:116, 10:21, 11:193**
to **11:201**

Installments, deferral of taxes attrib-
utable to closely held business
interests, **9:605, 9:609**

Insurance
annuities, **9:53**
executor or fiduciary, liability for
payment of taxes, **9:618**
generation-skipping transfer tax,
9:557
life insurance, below
valuation, **9:257, 9:445**

Interest on money
federal estate tax, **9:105 to 9:107,**
9:267, 9:268, 9:420, 9:431,
9:447, 9:494, 9:592, 9:593,
9:646 to 9:655
state estate tax, generally, **10:52**

Interim distributions to estate benefi-
ciaries, **4:93**

Intestacy, **7:18**

Itemization of property, **9:253**

Jointly owned securities, **9:415**

Joint tenancies
Schedule E, **9:449 to 9:455**
Schedule M: bequests, etc., to
surviving spouse, **9:519**
United States citizen, surviving
spouse who is not, **9:196**

Leased property, **9:274, 9:277**

Liens
generally, **9:188, 9:633 to 9:645,**
10:31 to 37

INDEX

ESTATE TAXES—Cont'd

Liens—Cont'd

- closely held business interests,
deferral of taxes attributable
to, **9:607**
- generation-skipping transfer tax,
9:371
- post-mortem planning, **11:126**
- release, **10:33 to 37, 10:64 (Form
10-5), 10:67 (Form 10-92)**
- Schedule K: debts of decedent, and
mortgages and liens, **9:500 to
9:508**
- special lien for deferred estate tax,
9:637 to 9:642
- waivers/release of estate tax lien,
application for, **10:64 (Form
10-5)**

Life estates, remainders, and rever- sions

- charitable, public, or religious
uses, transfers for, **9:129**
- deferral of taxes on reversionary or
remainder interest, **9:571**
- extension of time to pay tax, **9:585
to 9:589**
- life insurance proceeds, **9:84**
- retained life estate, transfers with,
4:63 to 4:69, 9:27 to 9:33
- Schedule Q, credit for tax on prior
transfers, **9:549**
- spouses, **9:169**
- transfers taking effect at death,
9:34 to 9:40
- valuation, **9:256, 9:258, 9:259,
9:465**

Life insurance

- generally, **2:63, 9:78 to 9:86,
9:154**
- apportionment, **10:50**
- Schedule D, **9:441 to 9:448**

Lifetime gifts and other transfers, **9:13, 9:479, 9:615**

Limitation of actions, **9:625 to 9:627, 9:631**

List of assets, **10:71 (Form 10-12)**

Loan co-signors, **9:507**

Losses, **9:122**

ESTATE TAXES—Cont'd

Marital deduction

- generally, **9:90 to 9:94, 9:525**
- executor or fiduciary, liability for
payment of taxes, **9:620 to
9:632**
- generation-skipping transfer tax,
9:556

post-mortem planning, **11:6**

Medical expenses, **9:111**

Method of payment, generally, **9:578 to 9:609**

Mineral royalties, **9:463**

Mobile client: multijurisdictional issues, **15:45 to 15:48**

Mortgages, **9:118, 9:433 to 9:440, 9:500 to 9:508, 10:32**

Mutual funds, **9:425**

Nonresident decedents, generally, **10:2 to 10:6**

Nonresidents, formula for, **10:15**

Notes, **9:250, 9:433 to 9:440**

Notice

- employees' pension or profit-shar-
ing plan, notice of payment of
death benefit under, **10:63
(Form 10-4)**
- generation-skipping transfer tax,
notice to trustee of tax due,
9:562
- interest and penalties, **9:651**
- payment of tax, generally, **10:24 to
29**

Patents, **9:464**

Payment, generally, **9:8, 9:576 to 9:655, 10:23 to 57, 11:109 to 11:130, 11:133, 11:134**

Penalties, **9:496, 9:646 to 9:655**

Pension or profit-sharing plan, notice of payment of death benefit under, **10:63 (Form 10-4)**

Pledges to charities paid at death, **9:535**

Pooled income fund, **9:260**

Post-Mortem Planning, this index

Power of attorney, **9:440, 10:23, 10:62 (Form 10-3)**

Powers of appointment

- generally, **9:59 to 9:77, 9:134,
9:147, 9:153, 9:155**

ESTATE TAXES—Cont'd

Powers of appointment—Cont'd
 executor or fiduciary, liability for
 payment of taxes, **9:619**
 Schedule H, **9:480 to 9:483**
 Premiums, **9:227 to 9:231, 9:420**
 Priority of lien, **9:642**
 Privacy of New York returns, **10:45**
 Profit-sharing plan, notice of payment
 of death benefit under, **10:63**
 (Form 10-4)
 Property taxes, **9:113**
 QDOT trusts, **9:173 to 9:199**
 QTIP Election, this index
 Rate, annual exclusion, **9:6**
 Rate of tax
 schedule, **9:5 to 9:7**
 state estate tax, generally, **10:8**
 Recapitulation on Form 706, **9:572**
 Redemption of stock
 exception for stock redemptions,
9:601
 post-mortem planning, **11:117 to**
11:122
 Reformation
 non-qualifying interests, **9:133**
 post-mortem planning, **11:67,**
11:72, 11:91
 United States citizen, surviving
 spouse who is not, **9:198,**
11:72, 11:91
 Refunds
 foreign death taxes, **9:542, 9:628**
 interest and penalties, **9:655**
 time to claim, **9:632**
 Release or discharge
 executor or fiduciary, liability for
 payment of taxes, **9:613 to**
9:615, 9:641, 11:124, 11:127
 liens, **10:33 to 37, 10:64 (Form**
10-5), 10:67 (Form 10-92)
 powers of appointment, **9:72, 9:74**
 Religious uses, transfers for, **9:123 to**
9:138
 Remainders. Life estates, remainders,
 and reversions, above
 Removal of trustee
 powers of appointment, **9:70,**
9:481

ESTATE TAXES—Cont'd

Removal of trustee—Cont'd
 retained life estate, transfers with,
9:32
 Repeal of Section 4980A tax, **9:54**
 Resident decedents, generally, **10:2**
to 10:6
 Residuary bequests, **9:522**
 Retained interest rule, **9:24**
 Retroactivity
 generation-skipping transfer tax,
9:338
 Returns, generally, **9:375 to 9:575,**
10:39 et seq.
 Reversions. Life estates, remainders,
 and reversions, above
 Revocable transfers, **9:41 to 9:48**
 Revocable Trusts, this index
 Royalties, **9:463**
 Safe deposit boxes, **9:458**
 Sales
 certain sales excluded, **9:602**
 costs or expenses of sales, **9:104,**
9:404, 9:495
 exception for stock sales, **9:601**
 valuation, **9:236**
 Schedule A: real estate, **9:396 to**
9:406
 Schedule A-1-Section 2032A valua-
 tion, **9:407 to 9:413**
 Schedule C: mortgages notes and
 cash, **9:433 to 9:440**
 Schedule D: insurance on decedents'
 life, **9:441 to 9:448**
 Schedule E, jointly owned property,
9:449 to 9:455
 Schedule F: other miscellaneous
 property not reportable under
 any other schedule, **9:456 to**
9:467, 9:573
 Schedule G: transfers during
 decedent's life, **9:469 to 9:479**
 Schedule H: powers of appointment,
9:480 to 9:483
 Schedule I: annuities, **9:484 to 9:488**
 Schedule J: funeral expenses and
 expenses incurred in administer-
 ing property subject to claims,
9:489 to 9:499

INDEX

ESTATE TAXES—Cont'd

- Schedule K: debts of decedent, and mortgages and liens, **9:500 to 9:508**
- Schedule L: net losses during administration and expenses incurred in administering property not subject to claims, **9:509, 9:510**
- Schedule M: bequests, etc., to surviving spouse, **9:511 to 9:525**
- Schedule O: charitable, public, and similar gifts and bequests, **9:526 to 9:535**
- Schedule P: credit for foreign death taxes, **9:536 to 9:542**
- Schedule Q: credit for tax on prior transfers, **9:543 to 9:552**
- Schedule R and R-1: generation-skipping transfer tax, **9:553 to 9:564**
- Settlement of estate
 - charitable bequests pursuant to settlement of estate litigation, **9:137**
 - will contest, settlement of, **9:137**
- Sop tax, **10:11, 10:12, 15:48**
- Special use property, **9:551**
- Special use valuation, **9:271 to 9:296, 9:569, 11:103 to 11:106**
- Spouses
 - administration expenses, **9:168**
 - aliens and citizens, above
 - alimony, **9:503**
 - charitable, public, or religious uses, transfers for, **9:529**
 - deductions, **9:146, 9:164, 9:170, 9:171**
 - marital deduction, above
 - reduction for death taxes and debts payable from marital bequest, **9:167**
 - relinquishment of marital rights, **9:88**
 - Schedule M: bequests, etc., to surviving spouse, **9:511 to 9:525**
 - surviving spouse, bequests to, **9:139 to 9:199**
 - terminable interests in property, **9:142**

ESTATE TAXES—Cont'd

- Spouses—Cont'd
 - trust principal, power to distribute to spouse, **9:160**
- State estate tax, generally, **10:1 et seq.**
- Stipulation reserving domicile, **10:61 (Form 10-2)**
- Stocks and bonds
 - closely held business interests, deferral of taxes attributable to, **9:590 to 9:608**
 - controlled corporation's stock, voting of, **9:28**
 - flower bonds, **9:243, 9:424, 9:579 to 9:609, 11:117**
 - redemption of stock, above
 - Schedule B, **9:414 to 9:431**
 - valuation, **9:233 to 9:235, 9:240 to 9:243, 9:267 to 9:269**
- Successive estates, property in, **9:550**
- Supplemental filing, **9:383**
- Support obligations, **9:503**
- Surrogate's court, simultaneous filing with, **10:44**
- Surviving spouse. Spouses, above
- Taxable estate, generally, **9:95 to 9:199**
- Taxation of estates of residents, **10:13, 10:14**
- Tentative payment of estate tax, **10:69 (Form 10-10)**
- Terminable interests in property
 - generally, **9:142, 9:143, 9:146, 9:157**
 - Schedule M: bequests, etc., to surviving spouse, **9:514**
- Three years of death, transfers within, **9:21 to 9:26**
- Time
 - alternate valuation method, date of death, **9:262 to 9:270**
 - collection of tax, **9:630**
 - credit or refund of overpayment, time to claim, **9:632**
 - extension for filing of New York State estate tax return, **11:132**
 - extension of time to pay tax, **9:579 to 9:589, 9:608, 10:70 (Form 10-11), 11:134**

ESTATE TAXES—Cont'd

Time—Cont'd
 limitation of actions, **9:625 to 9:627, 9:631**
 Totten trust accounts, **2:20**
 Treaties, **9:221, 9:538, 9:539**
 Undistributed net income, payment of deferred tax, **9:604**
 Unified credit trusts, **9:548**
 Unified system, generally, **9:4**
 Uniform Principal and Income Act, **10:22**
 Uniform Transfers to Minors Act, **9:46, 9:476**
 United States bonds, **9:426**
 Value and valuation
 generally, **9:223 to 9:297**
 alternate valuation, **9:262 to 9:270, 9:570**
 annuities, **9:52, 9:256, 9:257, 9:487, 9:488**
 business interests, above credits against tax, **9:213**
 date of death, alternate valuation method, **9:262 to 9:270**
 generation-skipping transfer tax, **9:327 to 9:329, 9:351, 9:563**
 insurance, **9:257, 9:445**
 interest and penalties, **9:652**
 post-mortem planning, **11:98 to 11:108**
 retained life estate, transfers with, **9:33**
 returns, **9:394, 9:400 to 9:404, 9:407 to 9:413**
 reversionary interest, **9:36**
 Schedule C: mortgages notes and cash, **9:433 to 9:440, 9:437**
 Schedule F: other miscellaneous property not reportable under any other schedule, **9:459 to 9:467**
 Schedule G: transfers during decedent's life, **9:477**
 Schedule H: powers of appointment, **9:482**
 stocks and bonds, **9:429, 9:430**
 Waiver
 lien, application for waivers/release of, **10:64 (Form 10-5)**

ESTATE TAXES—Cont'd

Waiver—Cont'd
 notice, **10:24 to 29, 10:66 (Form 10-7)**
Warms adjustment, **9:534**
 Worthless securities, **9:421**

ETHICAL ISSUES

Elective share, **6:121 to 6:129**
 Noncontested estate, administration of, **4:175 to 4:177**
 Pre-death considerations, **1:1 to 1:14**

EVIDENCE

Claims against estate, **8:16 to 8:18**
 Estate Taxes, this index
 Intestacy, this index
 Irrevocable Trusts, this index
 Post-mortem planning, acceptance of disclaimers, **11:19, 11:20**
 Presumptions and Burden of Proof, this index
 Probate proceedings, this index
 Totten trust accounts, evidence of change of signature/ledger cards, **2:18**
 Trusts, this index

EXAMINATION

Accounts and accounting, examination of accounting personal representative, **12:44 to 12:56**
 Adult guardian, examination of reports, **1:322**

EXCLUSIONS

Exemptions and Exclusions, this index

EXECUTORS AND ADMINISTRATORS

Accounts and Accounting, this index
 Commissions (Compensation), this index
 Estate Taxes, this index
 Intestacy, this index
 Letters Testamentary, this index
 Marshalling and holding estate assets, executor's obligations regarding investment of estate assets, **4:17 to 4:36**

INDEX

EXECUTORS AND

ADMINISTRATORS—Cont'd

Noncontested estate, administration of, **4:43, 4:126, 4:199**

Nonprobate assets, **4:47, 4:73, 4:86**

Post-mortem planning, **11:31, 11:123 to 11:128**

Pre-Death Considerations, this index

Probate Proceedings, this index

Public Administrators, this index

Revocable Trusts, this index

Small estates, voluntary administrators, **2:4 to 2:6**

Suits by and against, generally, **5:158 to 5:186**

Voluntary Administrators, this index

EXEMPTIONS AND EXCLUSIONS

Claims Against Estate, this index

Elective Share, this index

Estate Taxes, this index

Family Exemption, this index

Generation-Skipping Transfer Tax, this index

Income Tax, this index

Interim distributions to estate beneficiaries, **4:100**

Lifetime Gifts and Other Transfers, this index

EXONERATION

Estate taxes, **10:57**

EXTENSION OF TIME

Estate taxes, payment of, **9:579 to 9:589, 9:608, 10:70 (Form 10-11), 11:134**

Life of trust, extending, **13:318 et seq.**

EXTRINSIC EVIDENCE

Irrevocable trusts, incapacitated testator, **13:276**

FAMILY AND RELATIVES

Estate Taxes, this index

Exemption. Family Exemption, this index

Intestacy, this index

Pre-Death Considerations, this index

FAMILY EXEMPTION

Claims against estate, **8:52**

Intestacy, **7:14, 7:16**

FAMILY HEALTH CARE DECISIONS ACT

Generally, **1:249**

FAMILY HISTORY

Pre-death considerations, personal information required to develop estate plan, **1:23**

FAMILY TREE SAMPLE

Probate proceedings, **3:222 (Form 3-14)**

FARM OR FARMING PURPOSES

Estate taxes, **9:281, 9:282**

FEDERAL ESTATE TAX

Estate Taxes, this index

FEES

Adult guardian, fees payable to court evaluator, **1:295**

Attorneys' Fees, this index

Commissions (Compensation), this index

Estate Taxes, this index

Guardian ad litem, **5:88**

Mobile client: multijurisdictional issues, **15:38**

Probate Proceedings, this index

Trusts, this index

FIDUCIARIES

Accounts and Accounting, this index

Claims Against Estate, this index

Co-Fiduciaries, this index

Commissions (Compensation), this index

Estate Taxes, this index

Executors and Administrators, this index

Guardianship, this index

Health Care Decision-Making, this index

Moving trusts, **5:150**

Noncontested estate, administration of, **4:174 to 4:185**

Power of Attorney, this index

FIDUCIARIES—Cont'd

Powers of Appointment, this index
 Pre-Death Considerations, this index
 Probate Proceedings, this index
 Revocable trusts, **2:252 to 2:294**
 Suits by and against, generally, **5:158 to 5:186**
 Survivorship estates, joint bank accounts, **2:46**
 Trustees. Trusts, this index
 Uncontested estates, practice in surrogate's court in, **4:141 to 4:171**

FINAL REPORT

Adult guardian, **1:321**

FINANCIAL INFORMATION

Pre-death considerations, documentation, **1:61**

FINANCIAL INSTITUTIONS

Banks and Banking, this index

FINDINGS

Adult guardian, appointment of, **1:302, 1:313**

FLOWER BONDS

Estate taxes, **9:243, 9:424, 9:579 to 9:609, 11:117**

FORCING NOTICES

Generally, **5:230**

FOREIGN STATE OR COUNTRY

Aliens and Citizens, this index
 Estate Taxes, this index
 Health care proxy executed in, **1:246**
 Income tax, foreign tax credit, **11:214 to 11:221**
 Intestacy, **7:37**
 Mobile Client: Multijurisdictional Issues, this index
 Moving Trusts, this index

FORGED WILLS

Probate proceedings, **3:169**

401(K) ACCOUNTS

Lifetime planning, **1:96**

FRATERNAL TRUSTS

SCPA section 2308, trustee commissions, **13:68**

FRAUD

Contest of will, constructive fraud, **5:206**
 Estate taxes, interest and penalties, **9:653**
 Intestacy, fraudulent adoption, **7:64**

FUNERAL EXPENSES

Claims against estate, **8:32**
 Estate taxes, **9:97, 9:489 to 9:498**
 Guardianship, **14:29**
 Intestacy, **6:16**

FUTURE INTERESTS

Post-mortem planning, **11:48**

GAINS TAX

Revocable trusts, **2:130**

GENERATION-SKIPPING TRANSFER TAX

Generally, **10:59**
 Accounts and accounting, **12:132, 12:133**
 Annuities, **9:557**
 Calculation, generally, **9:341 to 9:351**
 Charitable bequests, **9:558**
 CLAT property, **9:349**
 Direct skips, **9:309**
 Exemptions, generally, **9:330 to 9:340**
 Federal, generally, **9:298 to 9:374**
 Filing requirements, **9:358 to 9:361, 9:370**
 History, generally, **9:299**
 Insurance, **9:557**
 Irrevocable trusts, **9:301**
 Lifetime gifts and other transfers, **1:121 to 1:125**
 Marital deduction, **9:556**
 Notice to trustee of tax due, **9:562**
 Post-mortem planning, **11:135 to 11:146**
 Predeceased child exception, **9:311, 9:312**
 Reverse QTIP election, **9:307, 9:561, 11:141 to 11:144**

INDEX

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

Revocable trusts, **2:176, 2:261, 2:275, 2:290, 9:302**
Schedule R and R-1, **9:566 to 9:577**
Separate trust rules, **9:354 to 9:357**
Split gifts, **9:306**
Trust property, generally, **9:560**
Valuation, **9:327 to 9:329, 9:351, 9:563**

GIFTS

As to particular matters, see more specific topics
Generation-skipping transfer tax, split gifts, **9:306**
Lifetime Gifts and Other Transfers, this index
Noncontested estate, administration of, **4:193**
Nonprobate assets, property passing to non-citizen spouse, **4:83 to 4:86**
Organ donation. Health Care Decision-Making, this index
Pre-Death Considerations, this index
Splitting of Spousal Gifts, this index
Taxes. Gift Taxes, this index
Testamentary substitutes, **6:50, 6:51**
Uniform Transfers to Minors Act, this index

GIFT TAXES

Disclaimers, illustrations, **11:5**
Estate Taxes, this index
Lifetime gifts and other transfers, **1:107 to 1:113**
Post-mortem planning, **11:4, 11:5, 11:127, 11:128**

GOODWILL

Estate taxes, **9:246**

GOVERNING LAW

Intestacy, **7:4**
Mobile client: multijurisdictional issues, **15:1 to 15:44**
Revocable trusts, **2:116**
Surviving spouse, qualification as, **6:9**

GOVERNING LAW—Cont'd

Trust reformation and revocation, **5:41**
Uncontested estates, practice in surrogate's court in, **4:111**

GOVERNMENT BENEFITS

Power of attorney, **1:206**

GRANDCHILDREN

Intestacy, **7:34, 7:35**

GRANDFATHERING

Revocable trusts, **2:148**

GRANTOR TRUSTS

Generally, **13:308 et seq.**
Charitable trusts, **13:310**
Creditors, trust for benefit of grantors void as against, **13:311**
Income tax consequences, **13:309**

GROSS VALUE

Uncontested estates, practice in surrogate's court in, **4:152 to 4:171**

GUARANTY

Estate taxes, **9:507**
Lifetime gifts and other transfers, loan guarantee as gift, **1:140**

GUARDIAN AD LITEM

Generally, **5:65 to 9:91**
Accounting proceedings, **5:80**
Afterborn children, **5:83**
Appointment, generally, **14:58 to 14:60**
Attorneys, **5:66, 14:56**
Beneficiaries, minors as, generally, **14:53 to 14:65**
Compensation, **5:86 to 5:88, 14:65**
Conflict of interest, **5:73**
Disabilities, persons under, **5:75, 5:81**
Fees, **5:88**
Noncontested estate, administration of, **4:173**
Prisoner, ward as, **5:84**
Probate citation of person under disability, **3:98, 5:57**
Qualification, **5:66, 14:57**
Removal from office, **5:90, 14:64**

GUARDIAN AD LITEM—Cont'd

Sale of ward's property, **5:82**
 Service of process, **5:76**
 Tenure, **14:62 to 14:64**

GUARDIANSHIP

Accounts and accounting
 generally, **14:49 to 14:51**
 ad litem guardian, **5:80**
 Ad litem guardian. Guardian Ad Litem, this index
 Administration of infant's property,
 generally, **14:27 to 14:32**
 Adult Guardian, this index
 Appointment of guardian
 generally, **14:33 to 14:48**
 decree, **5:242 (Form 5-10)**
 petition, **5:237 (Form 5-6)**
 Beneficiaries, minors as, generally,
 14:13 to 14:52
 Bonding requirements, **14:44 to 14:46**
 Commissions, **14:52**
 Conservatorships, this index
 Court-appointed guardian, **11:32**
 Deed of guardianship
 generally, **5:1 to 5:14**
 minors, permanent guardianship
 for, **5:24, 5:232 (Form 5-1)**
 pre-death considerations, deed
 appointing guardian, **1:324 (Form)**
 surviving parent, appointment of,
 5:11 to 5:13
 Distributions to minors, generally,
 14:10
 Education of minor, use of assets for,
 14:28
 Funeral expenses, **14:29**
 Hearings
 adult guardian, appointment of,
 1:298
 appointment of guardian, gener-
 ally, **14:41 to 14:48**
 minors, permanent guardianship
 for, **5:23**
 real property, disposition of, gener-
 ally, **14:25**

GUARDIANSHIP—Cont'd

Judgments and decrees
 appointment of guardian, gener-
 ally, **14:43**
 standby guardianship, **5:61**
 Jurisdiction, **5:16, 14:34**
 Minors, generally, **5:15 to 5:24**
 Petition
 administration of infant's property,
 generally, **14:32**
 adult guardian, appointment of,
 1:290
 appointment of guardian, **5:237 (Form 5-6)**
 appointment of guardian, gener-
 ally, **14:35 to 14:40**
 deed of guardianship, **5:7**
 guardian ad litem, **5:74**
 minors, permanent guardianship
 for, **5:18 to 5:21**
 real property, disposition of, gener-
 ally, **14:23**
 standby guardianships, **5:49 to 5:51, 5:53, 5:61, 5:240 (Form 5-8), 5:241 (Form 5-9)**
 standing to petition, **5:191**
 Post-mortem planning, **11:32**
 Power of attorney
 actions under durable power of
 attorney, **5:229**
 Pre-Death Considerations, this index
 Preference of minor, **14:42**
 Process and service of process and
 papers
 adult guardian, appointment of,
 1:291
 appointment of guardian, gener-
 ally, **14:38**
 guardian ad litem, **5:76**
 minors, permanent guardianship
 for, **5:20**
 real property, disposition of, gener-
 ally, **14:24**
 Prudent investor standard, **14:20**
 Qualification after recordation of
 deed of guardianship, **5:6 to 5:8**
 Real property, disposition of, gener-
 ally, **14:21 to 14:26**

INDEX

GUARDIANSHIP—Cont'd

- Records and recording
 - adult guardian, appointment of, **1:300**
 - deed of guardianship, **5:2 to 5:8**
- Removal from office
 - generally, **14:48**
 - ad litem guardian, **5:90, 14:64**
- Social Security payments, **14:30**
- Standby Guardianships, this index
- Support and education of minor, use of assets for, **14:28**
- Surrogate's court jurisdiction, **14:34**
- Temporary letters of administration, **5:21**
- Term of office, **14:47**

HALF-BLOOD RELATIVES

- Intestacy, **7:41**

HANDWRITING

- Affidavit in probate proceedings proving, **3:217 (Form 3-9)**

HEALTH CARE BILLING AND PAYMENT

- Generally, **1:192.1:50**

HEALTH CARE

DECISION-MAKING

- Generally, **1:220 to 1:277, Appx 1 to 1**
- Adult guardian, **1:278 to 1:323, 1:334 (Form)**
- Anatomical gifts. Organ donation, below
- Attending physician's obligations, **1:252**
- Capacity, generally, **1:251**
- Case law, **1:227**
- Common law, **1:225**
- Conscience objections, **1:258**
- Consent
 - Do Not Resuscitate (DNR) Orders, **1:248 to 1:267, 1:329 (Form)**
 - revocation of consent to withhold or withdraw life-sustaining treatment, **1:255**
- Definitions
 - adult guardian, **1:280**

HEALTH CARE

DECISION-MAKING—Cont'd

- Definitions—Cont'd
 - Do Not Resuscitate (DNR) Orders, **1:250**
 - organ donation, **1:270**
- Do Not Resuscitate (DNR) Orders, **1:248 to 1:267, 1:329 (Form)**
- Ethics review committee, **1:257**
- Family Health Care Decisions Act, **1:249**
- Fiduciaries
 - Proxies. Health Care Proxies, this index
 - surrogates, health care decisions for adult patients by
- Life-sustaining treatment, withholding and withdrawal of, **1:248, 1:252, 1:256**
- Living Wills, this index
- Next of kin or other authorized person, anatomical gift by, **1:333 (Form)**
- Nonhospital orders not to resuscitate, **1:259 to 1:267**
- Objections of conscience, **1:258**
- Obligations of attending physician, **1:252**
- Organ donation
 - generally, **1:268 to 1:277**
 - general form, **1:332 (Form)**
 - information, **1:330 (Form)**
 - next of kin or other authorized person, **1:333 (Form)**
 - uniform donor card, **1:331 (Form)**
- Physicians
 - Do Not Resuscitate (DNR) Orders, review of, **1:256, 1:257, 1:262**
 - ethics review committee, **1:257**
 - life-sustaining treatment, review of decision to withhold or withdraw, **1:256**
 - obligations of attending physician, **1:252**
- Proxies. Health Care Proxies, this index
- Revocation
 - Do Not Resuscitate (DNR) Orders, **1:255, 1:266**

HEALTH CARE

DECISION-MAKING—Cont'd

- Revocation—Cont'd
 - health care proxies, **1:245**
 - life-sustaining treatment, consent to withhold or withdraw, **1:255**
 - living wills, **1:233**
 - organ donation, **1:275**
- Surrogates, health care decisions for adult patients by, **1:253**
- Withholding and withdrawal of life-sustaining treatment, **1:248, 1:255**

HEALTH CARE PROXIES

- Generally, **5:25 to 5:33, 5:233 (Form)**
- Duration of health care proxy's authority, **1:244**
- Foreign state, health care proxy executed in, **1:246**
- Living wills, **5:26**
- Objection to commencement of agency, **5:28**
- Pre-death considerations, **1:236 to 1:247, 1:328 (Form)**
- Removal from office, **5:31**
- Revocation, **1:245**
- Special proceedings, **5:30 to 5:33**
- Termination of agency, **5:29**

HEARINGS

- Children and minors, compromise of controversies, **14:113**
- Conservatorships, **5:134**
- Executors and other fiduciaries, suits by and against, **5:164**
- Guardianship, this index
- Uncontested estates, practice in surrogate's court in, **4:135**

HOLDING ESTATE ASSETS

- Marshalling and Holding Estate Assets, this index

HOLOGRAPHIC WILLS

- Mobile client: multijurisdictional issues, **15:35**
- Probate Proceedings, this index

HOMESTEAD EXEMPTION

- Elective share, **6:96**

HOMICIDE

- Intestacy, **7:76 to 7:79**

HOSPITALS

- Do Not Resuscitate (DNR) Orders, **1:265**

HOUSEHOLD AND PERSONAL EFFECTS

- Estate taxes, **9:56, 9:460**

HUSBAND AND WIFE

- Spouses, this index

IDENTITY AND IDENTIFICATION

- Claims against estate, **8:4**
- Intestacy, identity of administrator, **2:69 to 2:74**
- Irrevocable trusts, failure to amend description of property, **13:266**
- Noncontested estate, administration of, **4:198, 4:199**
- Pre-Death Considerations, this index
- Revocable trusts, **2:145, 13:125**

ILLEGITIMATE CHILDREN

- Intestacy, **7:48 to 7:57**
- Paternity, **7:48 to 7:57**

IMPARTIALITY

- Interim distributions to estate beneficiaries, **4:92**
- Revocable trusts, fiduciaries, **2:252 to 2:294**

INCAPACITY

- Capacity or Incapacity, this index

INCARCERATED PERSONS

- Guardian ad litem, **5:84**
- Probate proceedings, venue, **3:31**

INCOME

- See specific index topics

INCOME TAX

- Generally, **11:160 to 11:243**
- Amortization, **11:219**
- Carryovers, **11:241 to 11:243**
- Charitable set-asides, **11:216**
- Credits against tax, **11:213 to 11:221**

INDEX

INCOME TAX—Cont'd

- Decedent's final income tax return, **11:160 to 11:173**
- Deductions
 - distributable net income (DNI), **11:230**
 - estate taxes, **11:193 to 11:201**
 - foreign tax credit, **11:220**
 - irrevocable trusts, **13:140 et seq., 13:166 et seq.**
 - medical expenses, **11:170**
 - mobile client: multijurisdictional issues, **15:68**
 - Section 642, **11:213**
 - termination of estate, **11:237 to 11:240**
- Depreciation and depletion, **11:218, 13:171**
- Distributable net income (DNI), **11:222 to 11:235, 13:172 et seq.**
- Dividends, **11:228**
- Estate taxes, **9:116, 10:21, 11:193 to 11:201**
- Exemptions
 - generally, **11:186**
 - distributable net income (DNI), **11:227**
 - foreign tax credit, **11:215**
- Foreign tax credit, **11:214 to 11:221**
- Grantor trusts, **13:309**
- Income in respect of a decedent (IRD), generally, **11:174 to 11:201**
- ING trusts, **13:309**
- Installments, **11:187**
- Interest on money
 - irrevocable trusts, mortgage interest, **13:170**
 - Series E or EE savings bonds, **11:169**
- Interim distributions to estate beneficiaries, **4:95 to 4:103**
- Irrevocable Trusts, this index
- Joint income tax returns
 - generally, **11:171**
 - post-mortem planning, **11:86**
- Life insurance, **2:63**
- Medical expenses, **11:170, 11:173**

INCOME TAX—Cont'd

- Mobile client: multijurisdictional issues, **15:49 to 15:68**
- Partnership interests, **11:167, 11:202 to 11:204**
- Post-mortem planning, **11:86, 11:127, 11:128**
- Qualified plan benefits, **2:58**
- Returns
 - generally, **11:211**
 - decedent's final return, **11:160 to 11:173**
 - estate's returns, **11:205 to 11:235**
- Revocable Trusts, this index
- Savings bonds, **11:169, 11:172**
- S corporation interests, **11:168**
- Series E or EE savings bonds, interest on, **11:169**
- Survivorship estates, **2:55**
- Termination of estate, **11:236 to 11:243**
- Totten trust accounts, **2:19**

INCOMPETENT PERSONS

- Conservatorships, this index
- Guardianship, this index
- Post-mortem planning, disclaimer on behalf of incompetent, **11:58**
- Pre-death considerations, **1:84 to 1:92**
- Probate proceedings, **3:59, 3:170**
- Revocable trusts, **13:127**

INCORPORATION BY REFERENCE

- Mobile client: multijurisdictional issues, **15:36**
- Trusts, this index

INDIRECT GIFTS

- Lifetime gifts and other transfers, **1:59**

INDIVIDUAL RETIREMENT ACCOUNTS (IRA)

- Lifetime planning, **1:96**
- Post-mortem planning, **11:80**
- Revocable trusts, **2:243**

INFANTS

- Children and Minors, this index

INFLATION ADJUSTMENT

Lifetime gifts and other transfers,
generation-skipping transfer tax
exemption, **1:121 to 1:125**

ING TRUSTS

Income tax consequences, **13:309**

INITIAL REPORT

Adult guardian, **1:318**

IN KIND DISTRIBUTION

Marshalling and holding estate assets,
4:7

INSANE PERSONS

Incompetent Persons, this index

INSOLVENCY

Bankruptcy or Insolvency, this index

INSTALLMENTS

Estate taxes, deferral of taxes attrib-
utable to closely held business
interests, **9:605, 9:609**

Income tax, **11:187**

Lifetime gifts and other transfers,
divestment of assets for
Medicaid qualifying purposes,
1:163

INSURANCE

Estate Taxes, this index
Life Insurance, this index
Nonprobate assets, **4:70, 4:71**
Pre-Death Considerations, this index
Principal and interest, allocating
receipts between, **13:193**
Revocable trusts, title insurance,
2:105
Trusts, this index

INTENT

Pre-death considerations, intentions
of client, **1:65**
Trust reformation and revocation,
5:40

**INTEREST, POWER COUPLED
WITH**

Revocation, **1:214**

INTEREST ON MONEY

Estate Taxes, this index

INTEREST ON MONEY—Cont'd

Income Tax, this index
Interim distributions to estate benefi-
ciaries, **4:103**
Lifetime gifts and other transfers,
interest-free or below market
interest loans, **1:141**

**INTERIM DISTRIBUTIONS TO
ESTATE BENEFICIARIES**

Noncontested estate, administration
of, **4:90 to 4:103**

INTERMEDIATE ACCOUNTINGS

Generally, **12:24**

INTERMEDIATE REPORT

Adult guardian, **1:320**

INTERPRETATION

Construction and Interpretation, this
index

IN TERROREM CLAUSE

Pre-death considerations, **1:74**
Probate Proceedings, this index

INTERVENTION BY COURT

Letters of administration, dilatory
petitioner, **3:187**

INTER VIVOS GIFTS

Accounts and accounting, **12:111**

INTER VIVOS TRUSTS

Mobile client: multijurisdictional
issues, **15:39, 15:53 to 15:68,
15:74**
Testamentary trusts compared, **13:39
et seq.**

INTESTACY

Generally, **2:67 et seq., 7:1 et seq.**
Abandonment
children, **7:61 to 7:68**
spouse, **7:74**
Accounting, **2:90 to 2:92**
Administrators
generally, **7:5, 7:6**
appointment, generally, **2:68 to
2:81**
bonding requirements, **2:85, 2:86**

INDEX

INTESTACY—Cont'd

- Administrators—Cont'd
 - powers and duties, generally, **2:87 to 2:94**
 - successor administrators, **2:84**
- Adopted distributees, **7:42 to 7:47, 7:64**
- Adult adoption, **7:47**
- Advancements, **7:19**
- Ancillary administration, **7:6**
- Annulment of marriage, **7:71, 7:72**
- Blood genetic marker test, **7:56**
- Bonding requirements, **2:85, 2:86**
- Children, generally, **7:20, 7:21, Appx 7 to 5**
- Clear and convincing evidence of paternity, **7:55**
- Creditor, petitioner for appointment of administrator as, **2:79**
- Decree, **2:82 to 2:84**
- Deductions, **7:17**
- Definitions
 - generally, **7:20 to 7:25**
 - distributee, **7:3**
 - intestate, **7:1**
 - issue, **7:21**
 - issue “by representation,” **7:20**
- Diagrams
 - disclaimer, effect on intestate distribution, **Appx 7 to 3**
 - final eligible distributees, **Appx 7 to 4**
 - operation of EPTL Section 4-1.1, **Appx 7 to 2**
 - unborn children, effect on intestate distribution, **Appx 7 to 5**
- Disclaimers, **7:25, 7:81, 7:82**
- Disqualification of distributees, **7:59 to 7:82**
- Divorce and separation, **7:71 to 7:73**
- Elective share, **6:43, 6:91**
- Eligible distributees, **7:38 to 7:58**
- Escheat, **7:36**
- Estate taxes, **7:18**
- Evidence
 - generally, **2:95 et seq.**
 - paternity, clear and convincing evidence of, **7:55**

INTESTACY—Cont'd

- Executors and administrators.
 - Administrators, above
- Exemption, family, **7:14, 7:16**
- Expenses of administration, **6:16**
- Family and relatives
 - see, also, particular lines throughout this topic
 - exemption, **7:14, 7:16**
 - half-blood relatives, **7:41**
 - intra-family settlements, **7:83**
- Foreign state or country, property in, **7:37**
- Fraudulent adoption, **7:64**
- Funeral expenses, **6:16**
- Governing law, **7:4**
- Grandchildren, **7:34, 7:35**
- Half-blood relatives, **7:41**
- Homicide, **7:76 to 7:79**
- Identity of administrator, **2:69 to 2:74**
- Illegitimate children, **7:48 to 7:57**
- Illustration
 - generally, **7:2**
 - diagrams, above
- Incapacitated distributees, appointment of administrator for, **2:72**
- Intra-family settlements, **7:83**
- Joint tenants in bank accounts, special statutory provision regarding killer of decedent, **7:79**
- Killer of decedent, **7:76 to 7:79**
- Legitimacy of children, **7:48 to 7:57**
- Missing distributees, **7:58**
- Murder, **7:76 to 7:79**
- Non-marital children, **7:48 to 7:57**
- Nonprobate property, **7:10 to 7:13**
- Notice, **2:82 to 2:84, 2:88, 2:89**
- Per capita, **7:22**
- Per stirpes, **7:23**
- Petition, appointment of administrator, **2:75 to 2:81**
- Posthumous distributees, **7:40**
- Post-mortem tax planning, **7:82, 11:76**
- Priorities, appointment of administrator, **2:70, 2:78 to 2:80**

INTESTACY—Cont'd

- Process and service of process and papers, **2:77 to 2:81, 2:93, 2:94**
- Public administrators, **2:74, 2:80**
- Spouses, generally, **7:27 to 7:29**
- Subsequent marriage by parents of non-marital child, **7:50 to 7:57**
- Successor administrators, **2:84**
- Support of children
 - disqualification of distributees, **7:61 to 7:68**
 - non-marital children, **7:57**
- Support of spouse, **7:75**
- Survivorship estates, joint tenancies, **2:31, 2:41**
- Taxation
 - estate taxes, **7:18**
 - post-mortem tax planning, **7:82, 11:76**
- Time
 - accountings, **2:91**
 - eligible distributees, determination of, **7:39**
- Totten trusts, **7:12**
- Voluntary accounting, **2:90**
- Waiver of intestate share, **7:80**

INTRA-FAMILY SETTLEMENTS

- Intestacy, **7:83**

INVASION OF TRUST PRINCIPAL

- Moving trusts, **5:154**

INVENTORY

- Marshalling and holding estate assets, **4:37 to 4:42**
- Noncontested estate, administration of, **4:213 (Form 4-10)**
- Nonprobate assets, **4:47**
- Probate assets, **3:65**

INVESTMENT ADVISORS

- Multiple trustees, investment advisory and custodial fees, **13:82**
- Prudent investor standard, **13:100**

INVESTMENTS

- Accounts and accounting, **5:179, 12:107**
- Marshalling and holding estate assets, executor's obligations regarding

INVESTMENTS—Cont'd

- investment of estate assets, **4:17 to 4:36**
- Prudent Investor Act or Rule, this index
- Sale of assets, **4:105**
- Stocks and Bonds, this index
- Uniform Transfers to Minors Act, **14:70**

IRA

- Individual Retirement Accounts (IRA), this index

IRREVOCABLE TRUSTS

- Generally, **13:129 et seq., 13:224 et seq.**
- Accounting income and deduction for distribution of DNI, **13:174**
- Accounts and accounting, **12:126, 12:127**
- Accumulating trusts. Income tax, below
- Administration expenses, **13:168**
- After-acquired property
 - express exclusion, **13:265**
 - what trust can receive under will, **13:256**
- All my property, disposition of, **13:268**
- Ambiguity, creation of power of appointment, **13:232**
- Amendment. Termination or amendment other than by express terms, below
- Appointment. Powers of appointment, below
- Capacity. Incapacitated testator, below
- Claims against estate, **8:54**
- Co-trustees, **13:304**
- Creditors' rights in appointive property
 - generally, **13:235 et seq.**
 - general powers, **13:237**
 - intent of donor, **13:241**
 - matured powers, **13:238**
 - postponed powers not yet exercisable, **13:239**

INDEX

IRREVOCABLE TRUSTS—Cont'd

- Creditors' rights in appointive property—Cont'd
 - real property, powers relating to, **13:240**
 - special powers, **13:236**
- Debts relating to specific bequests at death. Mortgages and other encumbrances, below
- Default rules, **13:250**
- Dependent relative revocation, application of doctrine, **13:293**
- Description of property, failure to amend, **13:266**
- Discretionary items, manipulation of, equitable adjustments of income tax, **13:187**
- Equitable adjustments, income tax, **13:175 et seq.**
- Extrinsic evidence, **13:276**
- Generation-skipping transfer tax, **9:301**
- Incapacitated testator
 - generally, **13:263 et seq.**
 - after-acquired property, express exclusion, **13:265**
 - all my property, disposition, **13:268**
 - debts relating to specific bequests at death. Mortgages and other encumbrances, below
 - description of property, failure to amend, **13:266**
 - disposition of property of kind covered by power, **13:272**
 - execution of will, power granted after, **13:270**
 - exercise "by necessary implication," **13:273 et seq.**
 - ineligible appointees, where presumption operates to include, **13:271**
 - lapse and its prevention, below mortgages and other encumbrances, below
 - presumption of exercise, **13:269**
 - prior will, revival, **13:292**
 - residuary gift as exercise of power, **13:267**

IRREVOCABLE TRUSTS—Cont'd

- Incapacitated testator—Cont'd
 - what is not covered, **13:264**
- Income beneficiaries, powers and duties
 - generally, **13:129 et seq.**
 - other rights unless otherwise specified in governing instrument, **13:132**
 - principal, application to income beneficiary, **13:133**
 - retained interest trust, **13:131**
 - share advance, **13:135**
 - spendthrift provisions, **13:130**
 - trust created after September 1, 1967, **13:134**
- Income tax
 - generally, **13:136 et seq.**
 - accumulating trusts. Simple vs. accumulating trusts, below this group
 - administration expenses, **13:168**
 - allocation of taxable income and deductions between trust or estate and beneficiaries, **13:140 et seq.**
 - beneficial interests
 - generally, **13:136 et seq.**
 - allocation of taxable income and deductions between trust or estate and beneficiaries, **13:140 et seq.**
 - cash method, **13:137**
 - tax vs. beneficial accounting, **13:138**
 - temporary entities, **13:139**
 - capital gains, **13:148, 13:153, 13:165**
 - deductions, **13:166 et seq.**
 - depreciation and depletion, **13:171**
 - distributable net income (DNI)
 - accounting income and deduction for distribution of DNI, **13:174**
 - allocation, **13:162**
 - defined, **13:173**
 - distributions, **13:146**
 - interplay between DNI and principal and income law, **13:172**

IRREVOCABLE TRUSTS—Cont'd

Income tax—Cont'd

- equitable adjustments
 - generally, **13:175 et seq.**
 - discretionary items, manipulation, **13:187**
 - drafting solutions, **13:183**
 - fiduciary practice, **13:182**
 - income and principal, **13:181, 13:185**
 - inequities, **13:176, 13:177**
 - instruction to make adjustment, **13:184**
 - limitations under code, **13:186**
 - repayment, **13:178 et seq.**
- fiduciary allocations, **13:170**
- mortgage interest, **13:170**
- ordinary income, **13:147, 13:151**
- proration, **13:152**
- recognition of gain on distribution
 - of appreciated assets
 - generally, **13:158 et seq.**
 - accumulating trust, **13:163**
 - allocation of DNI, **13:162**
 - basis, **13:161**
 - sale treatment at distribution, **13:160**
 - simple trust, **13:159**
- repayment, **13:178 et seq.**
- simple vs. accumulating trusts
 - generally, **13:144 et seq.**
 - accumulating trusts and their beneficiaries, income taxation, **13:150 et seq.**
 - administration expenses, **13:168**
 - capital gains, **13:148, 13:153, 13:165**
 - deductions, **13:166 et seq.**
 - depreciation and depletion, **13:171**
 - distributable net income (DNI), **13:172 et seq.**
 - equitable adjustments, **13:175 et seq.**
 - fiduciary allocations, **13:170**
 - mortgage interest, **13:170**
 - ordinary income, **13:147, 13:151**
 - proration, **13:152**

IRREVOCABLE TRUSTS—Cont'd

Income tax—Cont'd

- simple vs. accumulating trusts
 - Cont'd
 - recognition of gain on distribution of appreciated assets, above this group
 - repayment, **13:178 et seq.**
 - simple trusts and their beneficiaries, **13:145 et seq.**
 - sixty-five day election, **13:157**
 - throwback rule, **13:154 et seq.**
 - trust and estate expenses, **13:169**
 - undistributed net income, **13:164**
 - trust and estate expenses, **13:169**
 - undistributed net income, **13:164**
- Insurance proceeds, liability of, where testator has become incapacitated, **13:283**
- Interpretation of instruments
 - generally, **13:251 et seq., 13:293 et seq.**
 - lifetime trusts, **13:260 et seq.**
 - partial invalidity, **13:252**
 - revival of prior will, **13:293**
 - vesting and termination, presumptions applicable, **13:294 et seq.**
 - will, what trust can receive under, below
- Invalidity
 - partial invalidity, **13:252**
 - remedies, invalid contract to appoint, **13:245**
- Jurisdiction, distribution by spouse trustee, **13:305**
- Lapse and its prevention
 - generally, **13:285 et seq.**
 - gifts covered, **13:286, 13:287**
 - per stirpes, timing distinction due to change in definition, **13:288 et seq.**
- Lifetime trusts, **13:260 et seq.**
- Marital trusts, **13:298, 13:299**
- Mortgages and other encumbrances
 - generally, **13:277 et seq.**
 - assumption of liability to avoid sale, **13:279, 13:280**

INDEX

IRREVOCABLE TRUSTS—Cont'd

- Mortgages and other encumbrances—Cont'd
 - general instruction to pay debts, effect of, **13:282**
 - income tax, mortgage interest, **13:170**
 - insurance proceeds, liability of, **13:283**
 - multiple takers, liability of, **13:284**
 - residue, direction to pay from, **13:281**
 - specific asset, mortgage and other liens relating to, **13:278**
- Partial invalidity, **13:252**
- Perpetuities, rule against, **13:243, 13:307**
- Per stirpes, timing distinction due to change in definition, **13:288**
- Powers of appointment
 - generally, **13:224 et seq.**
 - classified powers, exercise of, **13:233, 13:234**
 - contracts, **13:244, 13:245**
 - creation of power, **13:231, 13:232**
 - creditors' rights in appointive property, above
 - default rules, **13:250**
 - directions of creator, conforming to, **13:249**
 - EPTL, **13:226 et seq.**
 - imperative or discretionary powers, **13:230**
 - intention to exercise, making clear, **13:246**
 - intent of creator, **13:225**
 - plain language of power, donee's powers and duties
 - generally, **13:242 et seq.**
 - contracts, **13:244, 13:245**
 - default rules, **13:250**
 - directions of creator, conforming to, **13:249**
 - intention to exercise, making clear, **13:246**
 - invalid contract to appoint, remedies, **13:245**
 - manifest, defined, **13:247**
 - rule against perpetuities, **13:243**

IRREVOCABLE TRUSTS—Cont'd

- Powers of appointment—Cont'd
 - plain language of power, donee's powers and duties—Cont'd
 - technical requirements, construing and meeting, **13:248**
 - special powers, **13:229**
 - technical requirements, construing and meeting, **13:248**
- Presumptions
 - power of appointment, exercise of, **13:269, 13:271**
 - vesting and terminations, **13:294 et seq.**
- Principal and income. Trusts, this index
- Receipts, allocation of, **13:303**
- Residuary gift as exercise of power of appointment, **13:267**
- Retained interest trust, **13:131**
- Revival of prior will, **13:292, 13:293**
- Sale treatment at distribution, **13:160**
- Savings clauses, **13:306**
- Share advance, **13:135**
- Simple trusts
 - income tax, above
 - phantom income, **13:206**
- Spendthrift provisions, **13:130**
- Spouse trustee, distribution by
 - generally, **13:300 et seq.**
 - beneficiary/trustee, distribution by and to, **13:301**
 - co-trustees, **13:304**
 - discretionary power only affected, **13:302**
 - jurisdiction, **13:305**
 - receipts, allocation between principal and income, **13:303**
- Termination, vesting and, presumptions applicable, **13:294 et seq.**
- Termination or amendment other than by express terms
 - generally, **13:25 to 13:28**
 - grantor's death, revocation after, **13:27**
 - waiver or laches, **13:28**
 - who must consent, **13:26**
- Testator, incapacity of, **13:263 et seq.**
- Throwback rule, **13:154 et seq.**

IRREVOCABLE TRUSTS—Cont'd

- Vesting, **13:294 et seq.**
- Will, what trust can receive under
 - generally, **13:253 et seq.**
 - after-acquired property, **13:256**
 - partial change in interest, meaning of, **13:259**
 - partial disposition, **13:258**
 - property under contract, **13:257**

ITEMIZATION OF PROPERTY

- Estate taxes, **9:253**

JALKUT

- Revocable trusts, **2:164**

JOINDER OF PARTIES

- Accounts and accounting, **12:40**

JOINT BANK ACCOUNTS

- Claims against estate, **8:57**
- Intestacy, special statutory provision regarding killer of decedent joint tenants in bank accounts, **7:79**
- Survivorship estates, **2:43 to 2:54, 6:53 to 6:58**
- Totten trust accounts distinguished, **2:16**

JOINT INCOME TAX RETURNS

- Income Tax, this index

JOINT REPRESENTATION

- Elective share, **6:125**
- Pre-death considerations, **1:3 to 1:5**

JOINT TENANCIES

- Bank accounts. Joint Bank Accounts, this index
- Estate Taxes, this index
- Lifetime planning, **1:99, 1:135**
- Post-mortem planning, **11:33, 11:81 to 11:87**
- Survivorship Estates, this index

JOINT TRUSTS

- Revocable trusts, **2:154**

JOINT WILLS

- Competing rights of former spouse and current spouse, **6:82, 6:85**
- Probate proceedings, **3:85, 3:167**

JUDGMENTS AND DECREES

- Accounts and accounting, **12:87 to 12:89**
- Children and Minors, this index
- Claims against estate, **8:35**
- Guardianship, this index
- Intestacy, **2:82 to 2:84**
- Probate decree, **3:138 to 3:145, 3:159**
- Revocable trusts, decree appointing administrator, **2:313 (Form 2-2:8)**
- Standby guardianship, **5:61**

JUDICIAL REVIEW

- Appeal and Review, this index

JUNK

- Noncontested estate, administration of, **4:190**

JURISDICTION

- Accounts and accounting, **12:5, 12:6**
- Accounts and Accounting, this index
- Adult guardian, **1:281**
- Conservatorships, **5:119**
- Elective share, **5:100**
- Guardianship, **5:16, 14:34**
- Mobile Client: Multijurisdictional Issues, this index
- Personal Jurisdiction, this index
- Probate Proceedings, this index
- Subject Matter Jurisdiction, this index
- Trusts, this index
- Venue, this index

“KIDDIE TAX” ISSUES

- Lifetime gifts and other transfers, **1:146**

KILLER OF DECEDENT

- Intestacy, **7:76 to 7:79**

KINSHIP

- Generally. Family and Relatives, this index
- Anatomical gift by next of kin or other authorized person, **1:333 (Form)**

INDEX

LACHES OR DELAY

- Accounts and accounting, **12:110 to 12:118**
- Reopening and vacating probate, **5:107**
- Revocable trusts, delay in opening probate, **2:108**

LANGUAGE DISABILITIES

- Capacity of client, **1:86**

LAPSE

- Irrevocable trusts, **13:285 et seq.**

LAW ASSISTANTS

- Uncontested estates, practice in surrogate's court in, **4:129**

LAW JOURNAL

- Uncontested estates, practice in surrogate's court in, **4:133**

LEASED PROPERTY

- Estate taxes, **9:274, 9:277**

LEGACIES

- Pre-Death Considerations, this index

LEGAL DOCUMENTS

- Pre-death considerations, legal documents that may affect disposition of estate, **1:49, 1:50**

LEGITIMACY OF CHILDREN

- Intestacy, **7:48 to 7:57**

LETTERS ISSUED IN PROBATE PROCEEDINGS

- Letters of Administration, this index
- Letters of Guardianship, this index
- Letters Testamentary, this index

LETTERS OF ADMINISTRATION

- Accounts and accounting, revocation of letters, **12:79**
- C.t.a. proceedings, letters of administration
 - generally, **3:197**
 - citation in administration, **3:200**
 - petition for letters of administration c.t.a. after probate, **3:210**
 - procedure, **3:198 to 3:200**
 - renunciation of letters and waiver of process (Official Form

LETTERS OF ADMINISTRATION—Cont'd

- C.t.a. proceedings, letters of administration—Cont'd
 - P-11), **3:219 (Form3-11)**
 - who may apply for, **3:199**
- Revocable Trusts, this index

LETTERS OF GUARDIANSHIP

- Standby guardianship, **5:59**
- Temporary, **5:21**

LETTERS OF INSTRUCTION

- Mobile client: multijurisdictional issues, **15:37**

LETTERS TESTAMENTARY

- Generally, **3:178 to 3:192**
- Appearance, **3:181**
- Citation to primary nominated executor, **3:80**
- Default, renunciation by, **3:190**
- Eligibility, **3:182 to 3:184**
- Form, renunciation of nominated executor and/or trustee (Official Form P-10), **3:218 (Form 3-10)**
- Intervention by court, dilatory petitioner, **3:187**
- Necessity of preliminary letters testamentary, determining, **3:44**
- Nominated executor
 - citation to primary nominated executor, **3:80**
 - outside of the will, **3:180**
 - renunciation of right (Official Form P-10), **3:218 (Form 3-10)**
 - under the will, **3:179**
- Preliminary letters testamentary
 - generally, **3:201**
 - authority and duties, **3:202**
 - necessity, **3:44**
 - procedure for obtaining, **3:204**
 - prohibited powers, **3:203**
 - termination for cause, **3:206**
 - term of authority, **3:205 to 3:206**
- Qualification
 - generally, **3:185**
 - court intervention, **3:187**
 - process, **3:186**

LETTERS TESTAMENTARY

—Cont'd

- Renunciation of right to letters
 - generally, **3:188**
 - appointment of alternate fiduciary, **3:191**
 - by default, **3:190**
 - form, nominated executor and/or trustee, renunciation of (Official Form P-10), **3:218 (Form 3-10)**
 - retraction of, **3:192**
 - voluntary, **3:189**
- Retraction of renunciation of right to letters, **3:192**
- Supplementary letters
 - generally, **3:193 to 3:196**
 - effect on existing letters, **3:196**
 - procedure, **3:195**

LIBERAL CONSTRUCTION

- Elective share, **6:5**

LIENS AND ENCUMBRANCES

- Estate Taxes, this index
- Irrevocable Trusts, this index
- Lifetime gifts and other transfers, divestment of assets for Medicaid qualifying purposes, **1:158**
- Mortgages, this index
- Survivorship estates, encumbrance of joint tenancies, **2:40**

LIFE ESTATES, REMAINDERS AND REVERSIONS

- Accounts and accounting, **12:130 to 12:133**
- Estate Taxes, this index
- Nonprobate assets, **4:63 to 4:69**

LIFE INSURANCE

- Generally, **2:62 to 2:66**
- Categories of assets, estate plan development, **1:44**
- Claims against estate, **8:53, 8:54**
- Creditors' rights, **2:66**
- Crummey withdrawal powers, **2:65**
- Elective share, **2:66, 6:112**
- Estate Taxes, this index
- Income taxes, **2:63**

LIFE INSURANCE—Cont'd

- Lifetime planning, **1:97**
- Mobile client: multijurisdictional issues, **15:97**
- Noncontested estate, administration of, **4:194**
- Nonprobate assets, **4:71**
- Ownership, giving up incidents of, **2:64**
- Post-mortem planning, **11:34**
- Premiums, payment of, **2:65**
- Revocable trusts, **13:346**
- Testamentary substitutes, **6:60**
- Trusts, **2:64, 4:71, 13:346**
- Uniform Transfers to Minors Act, **14:72, 14:83**

LIFETIME GIFTS AND OTHER TRANSFERS

- Generally, **1:103 to 1:165**
- Aliens and citizens
 - generally, **1:148**
 - spousal gifts, **1:116, 1:147**
- Annual exclusion gifts, **1:55, 1:56**
- Annual gift tax exclusion, **1:111**
- Annuities
 - Medicaid qualifying purposes, divestment of assets for, **1:165**
 - private annuities, **1:142 to 1:144**
- Appraisals, **1:137**
- Bargain sales, **1:129**
- Below market interest loans, **1:141**
- Children and minors
 - “kiddie tax” issues, **1:146**
 - Medicaid qualifying purposes, divestment of assets for, **1:161**
- Completion of gift, **1:105**
- Contemplation of death, sales in, **1:128 to 1:130**
- Criminal offenses, divestment of assets for Medicaid qualifying purposes, **1:154**
- Crummey powers, **1:112**
- Deceased spouse, **1:117**
- Definition of gift, **1:104**
- Depreciated assets, sale of, **1:130**
- Discounts, **1:138**

INDEX

LIFETIME GIFTS AND OTHER TRANSFERS—Cont'd

- Elective share, **6:114**
- Estate taxes, **9:13, 9:479, 9:615**
- Exclusions. Exemptions and exclusions, below
- Exemptions and exclusions
 - annual exclusion gifts, **1:55, 1:56**
 - annual gift tax exclusion, **1:111**
 - applicable exclusion amount, **1:120**
 - generation-skipping transfer tax exemption, **1:121 to 1:125**
- Family limited partnerships, divestment of assets for Medicaid qualifying purposes, **1:164**
- Generation-skipping transfer tax exemption, **1:121 to 1:125**
- Gift tax, **1:107 to 1:113**
- Guarantee of loan as gift, **1:140**
- Income in respect of decedent, **1:134**
- Indirect gifts, **1:59**
- Inflation adjustment, generation-skipping transfer tax exemption, **1:121 to 1:125**
- Information required to develop estate plan, generally, **1:53 to 1:59**
- Installment sale of assets to third party, divestment of assets for Medicaid qualifying purposes, **1:163**
- Interest-free or below market interest loans, **1:141**
- “Kiddie tax” issues, **1:146**
- Liens, divestment of assets for Medicaid qualifying purposes, **1:158**
- Loans
 - guarantee as gift, **1:140**
 - interest-free or below market interest loans, **1:141**
- Look-back period, divestment of assets for Medicaid qualifying purposes, **1:152**
- Medicaid qualifying purposes, divestment of assets for, **1:149 to 1:165**

LIFETIME GIFTS AND OTHER TRANSFERS—Cont'd

- Medical expenses, payment of, **1:58, 1:119**
- Net gifts, **1:145**
- Nursing homes, divestment of assets for Medicaid qualifying purposes, **1:150**
- Outright gifts or transfers
 - annual exclusion amount, outright gifts in excess of, **1:56**
 - Medicaid qualifying purposes, divestment of assets for, **1:161**
- Partnerships, divestment of assets for Medicaid qualifying purposes, **1:164**
- Post-mortem planning, **11:66**
- Premiums, **1:139**
- Private annuities, **1:142 to 1:144**
- QTIP election, **1:125**
- Reporting of gift and paying of gift tax, **1:109**
- Reverse QTIP election, **1:125**
- Sales
 - contemplation of death, sales in, **1:128 to 1:130**
 - Medicaid qualifying purposes, divestment of assets for, **1:163**
- Section 2503(c) trusts, **1:113**
- Self-cancelling installment sale of assets to third party, divestment of assets for Medicaid qualifying purposes, **1:163**
- Splitting of spousal gifts, **1:114 to 1:118, 1:123**
- Spousal gifts
 - generally, **1:54**
 - non-citizen spouses, **1:116, 1:147**
 - splitting of spousal gifts, **1:114 to 1:118, 1:123**
- Taxation
 - generation-skipping transfer tax exemption, **1:121 to 1:125**
 - gift tax, **1:107 to 1:113**
 - “kiddie tax” issues, **1:146**
- Third parties, divestment of assets for Medicaid qualifying purposes, **1:161, 1:163**

LIFETIME GIFTS AND OTHER TRANSFERS—Cont'd

Three years of death, transfers within, **1:126**

Timing of divestment of assets for Medicaid qualifying purposes, **1:159**

Trusts

generally, **1:57, 1:127**

definitions, **13:53, 13:62**

interpreting, **13:260 et seq.**

jurisdiction and venue, **13:42**

Section 2503(c) trusts, **1:113**

Tuition and medical expenses, payment of, **1:58, 1:119**

Valuation issues, **1:136 to 1:139**

LIFETIME PLANNING

Generally, **1:93 to 1:165**

Children and minors

Lifetime Gifts and Other Transfers, this index

Uniform Transfers to Minors Act accounts, **1:100**

401(k) accounts, **1:96**

Gifts and other transfers. Lifetime Gifts and Other Transfers, this index

Individual retirement accounts (IRA), **1:96**

Jointly held property, **1:99, 1:135**

Life insurance, **1:97**

Non-probate assets, **1:93 to 1:102**

Pension plans, **1:95, 1:96**

Totten trust account, **1:98**

Uniform Transfers to Minors Act accounts, **1:100**

LIMITATION OF ACTIONS

Accounts and accounting, **5:177**

Claims against estate, **8:10, 8:15**

Estate taxes, **9:625 to 9:627, 9:631**

LIMITED ADMINISTRATION

Revocable trusts, petition for letters of administration, limited administration, administration with limitations or temporary administration, **2:309 (Form 2-2:4)**

LIMITED PARTNERSHIPS

Elective share, **6:119**

Lifetime gifts and other transfers, divestment of assets for Medicaid qualifying purposes, **1:164**

LIQUIDATED ASSETS

Principal and income, allocating receipts between, **13:195**

LIQUIDITY OF ASSETS

Pre-death considerations, **1:52**

LISTS AND LISTING

Estate taxes, list of assets, **10:71 (Form 10-12)**

Noncontested estate, administration of, **4:191, 4:192, 4:213 (Form 4-10)**

LITERARY TRUSTS

SCPA section 2308, trustee commissions, **13:68**

LIVING WILLS

Health care decision-making, **1:228 to 1:235, 1:327 (Form)**

Health care proxies, **5:26**

Revocation, **1:233**

LOANS

Estate taxes, loan co-signors, **9:507**

Lifetime Gifts and Other Transfers, this index

LOCATION

Pre-death considerations, information required to develop estate plan, **1:28, 1:31, 1:36**

LOOK-BACK PERIOD

Lifetime gifts and other transfers, divestment of assets for Medicaid qualifying purposes, **1:152**

LOST WILLS

Probate Proceedings, this index

LOYALTY

Trusts, this index

INDEX

LUMP-SUM DISTRIBUTION

Revocable trusts, **2:242**

MAIL AND MAILING

Post-mortem planning, mailing of disclaimers, **11:16**

MAJORITY, AGE OF

Generally, **14:2 to 14:4**

MALPRACTICE

Change of law, **5:114**

Privity, **1:10, 5:111**

Standing of beneficiary to sue for, **5:110 to 5:114**

Survival of actions, **5:113, 5:171**

MANAGEMENT OF PROPERTY

Adult guardian, **1:285**

Common trust fund, management fee of corporate trustee, **13:83**

Revocable Trusts, this index

MARITAL DEDUCTION

Elective share, **6:99**

Estate Taxes, this index

MARITAL TRUSTS

Generally, **13:298, 13:299**

MARRIED PERSONS

Spouses, this index

MARSHALLING AND HOLDING ESTATE ASSETS

Delegation of investment responsibility, **4:30**

Equitable adjustments between income and principal, **4:13 to 4:16**

Executor's obligations regarding investment of estate assets, **4:17 to 4:36**

In kind distribution, **4:7**

Inventory of assets, **4:37 to 4:42**

Noncontested estate, administration of, **4:1 to 4:40**

Pecuniary bequests in trust, **4:6**

Principal and income at decedent's death, determination of, generally, **4:2 to 4:12**

Residuary estates, **4:9, 4:10**

Revocable trusts, **4:12**

MARSHALLING AND HOLDING ESTATE ASSETS—Cont'd

Testamentary trusts, **4:10**

Warms case and its progeny, **4:14, 4:15**

MEDICAID

Claims against estate, **7:44**

Lifetime gifts and other transfers, divestment of assets for Medicaid qualifying purposes, **1:149 to 1:165**

MEDICAL CARE OR TREATMENT

Conservatorships, **5:139**

Decision making. Health Care Decision-Making, this index

Expenses. Medical Expenses, this index

MEDICAL EXPENSES

Estate taxes, **9:111**

Income tax, **11:170, 11:173**

Lifetime gifts and other transfers, **1:58, 1:119**

Post-mortem planning, **11:146**

MEDICAL EXPERTS

Hiring medical expert, **5:79**

MEMORIAL GIFTS

Noncontested estate, administration of, **4:193**

MENTAL COMPETENCY

Incompetent Persons, this index

MERGER OR CONSOLIDATION

Trusts, **13:6, 13:7, 13:123**

MILITARY SERVICE

Power of Attorney, this index

MINERAL ROYALTIES

Estate taxes, **9:463**

MINORS

Children and Minors, this index

MISSING PERSONS

Intestacy, **7:58**

Notice of probate, **3:107**

Proving the will, **3:133, 3:134**

MIXED ASSET FORM

Mobile client: multijurisdictional issues, **15:7**

MOBILE CLIENT:

MULTIJURISDICTIONAL ISSUES

Generally, **15:1 et seq.**

Alaska and Delaware asset protection trusts, **15:44**

Clark, Matter of, **15:21, 15:24, 15:30**

Community property, preservation of, **15:81 to 15:90**

Cooperative apartments, estate taxes, **15:46**

Corporate trustee, payment from New York probate to, **15:101**

Delaware asset protection trusts, **15:44**

Delegation of authority, **15:42**

Elective share, **15:83 to 15:90**

Estate taxes, **15:45 to 15:48**

Fee schedules, **15:38**

Foreign banks, qualification of, **15:100**

Foreign trustees, **15:99 to 15:102**

Governing law, **15:1 to 15:44**

Holographic wills, **15:35**

Income tax, **15:49 to 15:68**

Incorporation by reference, **15:36**

Interpretation of dispositions when testator becomes New York domiciliary prior to death, **15:13**

Inter vivos trusts, **15:39, 15:53 to 15:68, 15:74**

Letters of instruction, **15:37**

Life insurance, **15:97**

Mixed asset form, **15:7**

Moving Trusts, this index

Pension benefits, **15:49**

Personal property, generally, **15:6**

Pour-up trusts, **15:32**

Powers of appointment, **15:10 to 15:12**

Real property, generally, **15:5**

Renyard, Matter of, **15:18 to 15:30**

Revocations, **15:14**

Self-trusteed trusts, **15:33**

Separate property, **15:90**

MOBILE CLIENT:

MULTIJURISDICTIONAL ISSUES—Cont'd

Signature on income tax return, **15:65**

Standard of care, **15:41**

Stock owned by non-domiciliary, **15:98**

Surrogate's court jurisdiction, **15:91 to 15:98**

Totten trust accounts, **15:29**

Trusts

additional trustee, **15:34**

foreign trustees, **15:99 to 15:102**

income tax, **15:53 to 15:68**

inter vivos trusts, **15:39, 15:53 to 15:68, 15:74**

Moving Trusts, this index

pour-up trusts, **15:32**

self-trusteed trusts, **15:33**

Totten trust accounts, **15:29**

Uniform Disposition of Community Property Rights at Death Act, **15:83 to 15:90**

Venue, **15:93, 15:95**

Wills, generally, **15:8, 15:9**

MODIFICATION

Change or Modification, this index

MORTGAGES

Accounts and accounting, mortgage salvages, **12:109**

Estate taxes, **9:118, 9:433 to 9:440, 9:500 to 9:508, 10:32**

Irrevocable Trusts, this index

MORTGAGE TRANSFER TAX

Revocable trusts, **2:129**

MOVING TRUSTS

Generally, **5:144 to 5:154**

Business income, **15:79**

Charitable trusts subject to registration, **15:75 to 15:77**

Discretion of court, **5:144 to 5:154**

Fiduciaries, **5:150**

Inter vivos trusts, **15:74**

Invasion of trust principal, transfer by, **5:154**

INDEX

MOVING TRUSTS—Cont'd

- Mobile client: multijurisdictional issues, generally, **15:69 to 15:80**
- Reciprocity, **5:151**
- Registration
 - generally, **15:79**
 - charitable trusts, **15:75 to 15:77**
- Testamentary trusts, **15:73**
- Transfer to different jurisdiction or another state, generally, **5:145 to 5:148**

MULTI-GENERATIONAL REPRESENTATION

- Pre-death considerations, **1:6**

MURDER

- Intestacy, **7:76 to 7:79**

MUTUAL FUNDS

- Estate taxes, **9:425**

NAMES

- Accounts and accounting, names and addresses of interested persons, **12:72**
- Pre-death considerations, personal information required to develop estate plan, **1:17**

NATURAL RESOURCES

- Principal and income, allocating receipts between, **13:196**

NECESSARY PARTIES

- Probate citation, **3:91**

NET GIFTS

- Lifetime gifts and other transfers, **1:145**

NEXT OF KIN

- Anatomical gift by next of kin or other authorized person, **1:333 (Form)**

NO-CONTEST CLAUSES

- Generally, **5:209, 5:212, 5:215 to 5:220**

NOLS

- Revocable trusts, **2:189, 2:211, 2:212**

NON-CONTESTED ESTATE, ADMINISTRATION OF

- Generally, **4:1 et seq.**
- Administration checklist, **4:212**
- Closing estate, **4:201 to 4:211**
- Continuation of a business, **4:127**
- Draftsman as beneficiary or fiduciary, **4:174 to 4:185**
- Executors and administrators, **4:43**
- Guardian ad litem, **4:173**
- Interim distributions to estate beneficiaries, **4:90 to 4:103**
- Marshaling and holding estate assets, **4:1 to 4:40**
- Nonprobate assets, **4:44 to 4:87**
- Notice, **4:89**
- Priorities, **4:88**
- Sales of assets, **4:104 to 4:109**
- Separation of estate assets, **4:18**
- Surrogate's court, practice in, **4:110 to 4:172**
- Time table, **Appx 4 to 1**

NONDURABLE POWER OF ATTORNEY

- Power of Attorney, this index

NON-MARITAL CHILDREN

- Intestacy, **7:48 to 7:57**

NONPROBATE ASSETS

- Accounts and accounting, **12:119**
- Intestacy, **7:10 to 7:13**
- Noncontested estate, administration of, **4:44 to 4:87**
- Pre-Death Considerations, this index
- Revocable trusts, **4:50 to 4:53**

NONRESIDENTS

- Estate Taxes, this index
- Mobile Client: Multijurisdictional Issues, this index
- Pre-Death Considerations, this index
- Probate proceedings, **3:19 to 3:21**
- Surviving spouse, qualification as, **6:22 to 6:25**

NOTES

- Estate taxes, **9:250, 9:433 to 9:440**

NOTICE

- Adult guardian, court approval for transfers to benefit others, **1:309 to 1:313**
- Claims Against Estate, this index
- Conservatorships, **5:125**
- Elective share, **5:98, 5:236 (Form 5-5), 6:76 to 6:78, 6:130 (Form 6-1)**
- Estate Taxes, this index
- Forcing notices, **5:230**
- Generation-skipping transfer tax, notice to trustee of tax due, **9:562**
- Intestacy, **2:82 to 2:84, 2:88, 2:89**
- Noncontested estate, administration of, **4:89, 4:125, 4:214 (Form 4-2)**
- Post-Mortem Planning, this index
- Probate Proceedings, this index
- Process and Service of Process and Papers, this index
- Publication, this index
- Standby guardianship, **5:55**

NUNCUPATIVE WILLS

- Probate Proceedings, this index

NURSING HOMES

- Lifetime gifts and other transfers, divestment of assets for Medicaid qualifying purposes, **1:150**

OBJECTIONS

- Accounts and Accounting, this index
- Burden of proof, will contests, **5:204**
- Claims Against Estate, this index
- Health care decision-making, conscience objections, **1:258**
- Health care proxies, **5:28**
- Probate proceedings, **3:89, 3:170, 5:194 to 5:224, 5:243 (Form 5-11)**
- Timeliness of objection, probate, **5:198**

O'BRIEN, ESTATE OF

- Revocable trusts, **2:150**

OFFICE OF CHARITIES REGISTRATION

- Annual reports, **13:317**
- Filings required of charitable trusts, **13:316**
- Registration, **13:315**

OPENING PROBATE

- Revocable trusts, delay in opening probate, **2:108**

OPTIONS

- Principal and income, allocation of receipts, **13:198**

ORAL WILLS

- Probate proceedings, **3:146, 3:160 to 3:162**

ORGAN DONATION

- Health Care Decision-Making, this index

OUTRIGHT GIFTS OR TRANSFERS

- Lifetime Gifts and Other Transfers, this index

OWNERSHIP

- Title and Ownership, this index

PARALEGALS

- Uncontested estates, practice in surrogate's court in, **4:134**

PARENTS

- Children and Minors, this index

PARTNERSHIPS

- Income tax, **11:167, 11:202 to 11:204**
- Lifetime gifts and other transfers, divestment of assets for Medicaid qualifying purposes, **1:164**
- Limited Partnerships, this index
- Revocable trusts, **2:244 to 2:251**
- Trusts
 - distributions under principal and income law, **13:215 et seq.**
 - revocable trusts, **2:244 to 2:251**

PASSIVE INCOME AND LOSSES

- Characterization, **13:214**

INDEX

PATENTS

Estate taxes, **9:464**

PATERNITY

Illegitimate children, **7:48 to 7:57**

PAY-ON-DEATH

ARRANGEMENTS (PODS)

Generally, **2:61**

PENALTIES

Estate taxes, **9:496, 9:646 to 9:655**

PENSION AND RETIREMENT

PLANS

Claims against estate, **8:55 to 8:64**

Elective share, **6:73, 6:113**

Estate taxes, notice of payment of death benefit under employees' pension or profit-sharing plan, **10:63 (Form 10-4)**

Individual Retirement Accounts (IRA), this index

Mobile client: multijurisdictional issues, **15:49**

Post-mortem planning, **11:77 to 11:80**

Pre-Death Considerations, this index

Principal and income, allocating receipts between, **13:194**

Revocable administrative trust as plan beneficiary, **8:59 to 8:61**

Testamentary substitutes, **6:62**

PER CAPITA

Intestacy, **7:22**

PERPETUITIES RULE

Irrevocable trusts, **13:243, 13:307**

PERSONAL JURISDICTION

Executors and other fiduciaries, suits by and against, **5:161**

Probate proceedings, **3:23 to 3:25**

PERSONAL NEEDS

Adult guardian, **1:284**

PERSONAL PROPERTY

As to particular matters, see specific topics

PERSONAL REPRESENTATIVES

Fiduciaries, this index

PER STIRPES

Intestacy, **7:23**

Irrevocable trusts, timing distinction due to change in definition, **13:288**

PETITION

Accounts and Accounting, this index

Adult guardian, appointment of, **1:290**

Charitable trusts, petition for termination of testamentary charitable trust under \$100,000 because uneconomical, **5:234 (Form 5-3)**

Children and minors, compromise of controversies, **14:106, 14:110**

Claims Against Estate, this index

Conservatorships, **5:120 to 5:124**

Elective share, **5:99**

Guardianship, this index

Intestacy, appointment of administrator, **2:75 to 2:81**

Probate Proceedings, this index

Property only, **5:239 (Form 5-7)**

Revocable trusts

ancillary letters of administration, petition for, **2:310 (Form 2-2:4.1)**

letters of administration, limited administration, administration with limitations or temporary administration, petition for, **2:309 (Form 2-2:4)**

letters of administration d.b.n., petition for, **2:310 (Form 2-2:4.2)**

Standing to petition, **5:187 to 5:193**

Uncontested estates, practice in surrogate's court in, **4:126**

PHANTOM INCOME

Trusts, **13:204 et seq.**

PHYSICAL CAPACITY

Pre-death considerations, **1:84 to 1:92**

PHYSICIANS

Conservatorships, physician's affidavits, **5:123**

PHYSICIANS—Cont'd

- Do Not Resuscitate (DNR) Orders,
review of, **1:256, 1:257, 1:262**
- Health Care Decision-Making, this
index
- Life-sustaining treatment, review of
decision to withhold or
withdraw, **1:256**

PLEADINGS

- Uncontested estates, practice in sur-
rogate's court in, **4:116 to 4:119**

PLEDGES TO CHARITIES

- Estate taxes, **9:535**

POOLED INCOME FUND

- Estate taxes, **9:260**

POSTHUMOUS DISTRIBUTEES

- Intestacy, **7:40**

POST-MORTEM PLANNING

- Generally, **11:1 to 11:159**
- Acceptance, **11:18 to 11:20, 11:49**
- Affidavits
 - disclaimer, **11:51**
 - renunciation, post
- Alien spouses, **11:68 to 11:75, 11:84**
- Bond of executor, **11:125**
- Charities
 - bequests, **11:88 to 11:92**
 - distributions, **11:154, 11:157**
 - split interest trust, **11:8**
- Children, **11:30, 11:57**
- Commissions, **11:87, 11:93 to 11:97**
- Compromise, charitable bequests,
11:92
- Conservatee, disclaimer on behalf of,
11:58
- Deductions
 - generally, **11:130**
 - marital deduction, **11:6, 11:7**
- Default rule, **11:47**
- Delivery of disclaimers, **11:14 to 11:17**
- Disclaimers
 - generally, **11:2 et seq.**
 - charitable bequests, **11:92**
 - surviving spouses, **11:67, 11:72**
- Distributions, **11:147 to 11:159**

POST-MORTEM PLANNING

—Cont'd

- Elective share, **11:76**
- Estate taxes, generally, **11:107, 11:109 to 11:132**
- Evidence of acceptance of disclaim-
ers, **11:19, 11:20**
- Executors, **11:31, 11:123 to 11:128**
- Flower bonds, redemption of, **11:117**
- Form 706, **11:41**
- Future interests, **11:48**
- Generation-skipping transfer tax,
11:135 to 11:146
- Gift taxes, **11:4, 11:5, 11:127, 11:128**
- Guardianship, **11:32**
- Income tax, **11:86, 11:127, 11:128**
- Incompetent, disclaimer on behalf of,
11:58
- Individual Retirement Accounts,
11:80
- Intestacy, **7:82, 11:76**
- Joint income tax returns, **11:86**
- Joint tenancies, **11:33, 11:81 to 11:87**
- Lien on Section 6166 property,
11:126
- Life insurance beneficiaries, **11:34**
- Lifetime gifts, **11:66**
- Mailing of disclaimers, **11:16**
- Marital deduction, **11:6, 11:7**
- Medical payments, **11:146**
- Notice
 - disclaimer, **11:52**
 - renunciation of certain interests in
estate, **11:246 (Form 11-3)**
- Partial disclaimers, **11:35 to 11:39, 11:55**
- Pension benefits, **11:77 to 11:80**
- Power of appointment, **11:25, 11:26, 11:29, 11:37**
- Process and service of process and
papers
 - disclaimer, **11:53**
 - renunciation of certain interests in
estate, affidavit of service,
11:247 (Form 11-4)
- QDOT trusts, **11:70**
- QTIP election, **11:61 to 11:65**
- Redemption of stocks and bonds,
11:117 to 11:122

INDEX

POST-MORTEM PLANNING —Cont'd

Reformation, **11:67, 11:72, 11:91**
Release of power to consumer
charitable bequests, **11:89**
Renunciation of certain interests in
estate
generally, **11:244 (Form 11-1)**
affidavit
generally, **11:245 (Form 11-2)**
service, affidavit of, **11:247**
(Form 11-4)
notice, **11:246 (Form 11-3)**
Rollover of pension benefits, **11:77 to**
11:80
S corporation stock, **11:148**
Severable property, **11:39**
Special use valuation, **11:103 to**
11:106
Surviving spouse, **11:24, 11:25,**
11:60 to 11:87, 11:94, 11:158
Taxpayer Relief Act of 1997, **11:115**
Timing of disclaimers, **11:14 to 11:17**
Trusts, generally, **11:10**
Tuition payments, **11:146**
Valuation of assets, **11:98 to 11:108**
Waiver of commissions, **11:87**

POUROVER

Revocable trusts, **2:134 to 2:152,**
4:50 to 4:53

POURUPS

Mobile client: multijurisdictional
issues, **15:32**
Revocable trusts, **2:141**

POWER OF ATTORNEY

Adult guardian, appointment of,
1:217
Armed forces. Military service,
below
Banking transactions, **1:186**
Bond, share and commodity transac-
tions, **1:185**
Business operating transactions,
1:187
Buy-sell agreements, **1:204**
Chattel and goods transactions, **1:184**
Claims and litigation, **1:190**

POWER OF ATTORNEY—Cont'd

Commodity transactions, **1:185**
Construction and interpretation,
1:175
Disclaimers and elections, **1:203**
Durable power of attorney
actions under, **5:225 to 5:229**
statutory short form, **1:179, 1:326**
(Form)
Duration, **1:174**
Effective date, **1:173**
Elections, **1:203**
Estate taxes, **9:440, 10:23, 10:62**
(Form 10-3)
Gift transactions, **1:195, 1:201**
Government benefits, **1:206**
Guardians
adult guardian, appointment of,
1:217
nomination of guardians, **1:205**
Guardianship, **5:229**
Incapacity, planning for, generally,
1:166 to 1:219
Insurance transactions, **1:188**
Interest, revocation of power coupled
with, **1:214**
Interpretation, **1:175**
Marital status, revocation of powers,
1:216
Military service
benefits, **1:192**
revocation, **1:213**
Multiple agents, **1:172**
Nomination of guardians, **1:205**
Nondurable powers
revocation of, **1:215**
Personal and family maintenance,
1:191
Personal care of principal, power
concerning, **1:207**
Pre-death considerations, generally,
1:182 to 1:207
Real estate transactions, **1:183**
Records, reports, and statements,
1:193
Retirement benefit transactions,
1:194
Revocable trusts, **1:202**

POWER OF ATTORNEY—Cont'd

- Revocation, **1:211 to 1:217, 5:228**
- Short form power of attorney. Statutory short form power of attorney, below
- Springing power of attorney, **1:180**
- Statutory short form power of attorney
 - generally, **1:177 to 1:181, 1:210**
 - durable general power of attorney, **1:179, 1:326 (Form)**
- Tax matters, **1:196**
- Time or date
 - duration, **1:174**
 - effective date, **1:173**

POWERS OF APPOINTMENT

- Estate Taxes, this index
- Irrevocable Trusts, this index
- Mobile client: multijurisdictional issues, **15:10 to 15:12**
- Nonprobate assets, **4:74 to 4:78**
- Post-mortem planning, **11:25, 11:26, 11:29, 11:37**
- Probate citation, **3:84**
- Revocable trusts, **2:268**
- Testamentary substitutes, **6:63**

PRE-DEATH CONSIDERATIONS

- Generally, **1:1 et seq.**
- Accounts and accounting
 - bank accounts as information required to develop estate plan, **1:39, 1:40**
 - pensions and retirement accounts, **1:43, 1:96**
 - Totten trust account, **1:98**
 - Uniform Transfers to Minors Act accounts, below
- Address, personal information required to develop estate plan, **1:17**
- Aliens and citizens
 - Lifetime Gifts and Other Transfers, this index
 - personal information required to develop estate plan, **1:19**
- Annual income of client, information required to develop estate plan, **1:47**

PRE-DEATH CONSIDERATIONS—Cont'd

- Assets and liabilities, information required to develop estate plan, generally, **1:24 to 1:47**
- Attorneys
 - adult guardian, appointment of, **1:296, 1:297**
 - beneficiary of estate, attorney as, **1:12 to 1:14**
 - clients, below
 - ethical issues, **1:1 to 1:14**
 - fiduciary, attorney as, **1:11**
 - Power of Attorney, this index
- Banks and banking
 - information required to develop estate plan, bank accounts, **1:39, 1:40**
 - power of attorney, **1:186**
- Beneficiaries
 - ethical considerations, **1:8, 1:9, 1:12 to 1:14**
 - identification of intended beneficiaries, **1:66 to 1:75**
 - information required to develop estate plan, generally, **1:40**
- Bequests. Wills, below
- Birth dates, personal information required to develop estate plan, **1:18**
- Bonds. Stocks and bonds, below
- Business
 - information required to develop estate plan, business interests, **1:32 to 1:34**
 - power of attorney, **1:187**
- Capacity or Incapacity, this index
- Charities, identification of intended beneficiaries, **1:72**
- Chattels, generally, **1:29 to 1:31**
- Children and minors
 - Do Not Resuscitate (DNR) Orders, **1:251, 1:254**
 - identification of intended beneficiaries, **1:69, 1:70**
 - Lifetime Planning, this index
 - Uniform Transfers to Minors Act accounts, below
- Citizens. Aliens and citizens, above

INDEX

PRE-DEATH CONSIDERATIONS

—Cont'd

Clients

- annual income, information required to develop estate plan, **1:47**
- capacity of client, **1:84 to 1:92**
- ethical considerations, **1:2 to 1:10**
- intentions of client, **1:65**

Competency of client, **1:84 to 1:92**

Confidentiality of information in joint representation, **1:5**

Consent to joint representation, **1:4**

Cooperative apartments, information required to develop estate plan, **1:26**

Date. Time or date, below

Deed appointing guardian, **1:324 (Form)**

Definitions

- adult guardian, **1:280**
- Do Not Resuscitate (DNR) Orders, **1:250**
- gift, **1:104**
- organ donation, **1:270**
- testamentary capacity, **1:86**

Devises. Wills, below

Documentation, information required to develop estate plan, **1:60 to 1:63**

Domicile and residence

- aliens and citizens, above
- personal information required to develop estate plan, **1:20**

Employer and employee. Pensions and retirement plans, below

Ethical issues, **1:1 to 1:14**

Executors

- ethical considerations, representation of executor, **1:7 to 1:9**
- information required to develop estate plan, generally, **1:77, 1:80**

Family history, personal information required to develop estate plan, **1:23**

Family relationships

- children and minors, above

PRE-DEATH CONSIDERATIONS

—Cont'd

Family relationships—Cont'd

- documentation of family trust agreements, **1:63**
- family history, personal information required to develop estate plan, **1:23**
- lifetime gifts and other transfers, family limited partnerships, divestment of assets for Medicaid qualifying purposes, **1:164**

personal information required to develop estate plan, generally, **1:21**

spouses, below

Fiduciaries

attorney as fiduciary, **1:11**

executors, above

information required to develop estate plan, generally, **1:76 to 1:83**

Power of Attorney, this index

Financial information, documentation of, **1:61**

Gifts

Lifetime Gifts and Other Transfers, this index

power of attorney, **1:195, 1:201**

Uniform Transfers to Minors Act accounts, below

Guardians

Adult Guardian, this index

deed appointing guardian, **1:324 (Form)**

information required to develop estate plan, **1:81, 1:82**

Power of Attorney, this index

Husband and wife. Spouses, below

Identity and identification

- beneficiaries, **1:66 to 1:75**
- probate and non-probate assets, **1:51**

Incapacity. Capacity or Incapacity, this index

Income

- client's annual income, information required to develop estate plan, **1:47**

PRE-DEATH CONSIDERATIONS

—Cont'd

Income—Cont'd
 lifetime gifts and other transfers,
 income in respect of decedent,
 1:134
 Incompetency of client, **1:84 to 1:92**
 Infants. Children and minors, above
 Information required to develop
 estate plan, generally, **1:15 to**
 1:93
 Insurance
 life insurance, **1:97**
 power of attorney, **1:188**
 Intentions of client, **1:65**
 In terrorem clause, **1:74**
 Joint representation, **1:3 to 1:5**
 Legacies. Wills, below
 Legal documents that may affect dis-
 position of estate, **1:50**
 Liabilities, categories of, **1:46**
 Lifetime Gifts and Other Transfers,
 this index
 Liquidity of assets, **1:52**
 Location of property, information
 required to develop estate plan,
 1:28, 1:31, 1:36
 Malpractice, privity rule for, **1:10**
 Married persons. Spouses, below
 Mental competency of client, **1:84 to**
 1:92
 Minors. Children and minors, above
 Multi-generational representation,
 1:6
 Name and address, personal informa-
 tion required to develop estate
 plan, **1:17**
 Non-probate assets
 identity of, **1:51**
 lifetime planning, **1:93 to 1:102**
 Nonresidents. Aliens and citizens,
 above
 Ownership, information required to
 develop estate plan, **1:37**
 Parents. Children and minors, above
 Pension and retirement plans
 power of attorney, **1:194**

PRE-DEATH CONSIDERATIONS

—Cont'd

Pensions and retirement plans
 information required to develop
 estate plan, **1:43**
 lifetime planning, **1:95, 1:96**
 Personal information required to
 develop estate plan, **1:16 to 1:23**
 Personal property, generally, **1:29 to**
 1:31
 Physical capacity of client, **1:84 to**
 1:92
 Power of Attorney, this index
 Prior wills, documentation of, **1:63**
 Privity rule for malpractice purposes,
 1:10
 Probate and non-probate assets,
 identity of, **1:51**
 Putnam rule, **1:14**
 Real property, generally, **1:26 to 1:28**
 Relatives. Family relationships,
 above
 Residence. Domicile and residence,
 above
 Retirement plans. Pensions and
 retirement plans, above
 Side letters to fiduciaries, **1:83**
 Spouses
 identification of intended benefi-
 ciaries, **1:68**
 joint representation, **1:3 to 1:5**
 Lifetime Gifts and Other Transfers,
 this index
 power of attorney, revocation of,
 1:216
 Standby guardians, **1:82, 1:325**
 (Form)
 Stocks and bonds
 information required to develop
 estate plan, **1:35 to 1:38**
 power of attorney, **1:185**
 Tangible personal property, generally,
 1:29 to 1:31
 Taxation
 documentation of tax returns, **1:62**
 information required to develop
 estate plan, generally, **1:75**
 Lifetime Gifts and Other Transfers,
 this index

INDEX

PRE-DEATH CONSIDERATIONS

—Cont'd

Taxation—Cont'd

power of attorney, **1:196**

Testamentary dispositions. Wills,
below

Time or date

adult guardian, appointment of,
1:301

birth date, personal information
required to develop estate
plan, **1:18**

lifetime gifts and other transfers,
divestment of assets for
Medicaid qualifying purposes,
1:159

Power of Attorney, this index
testamentary capacity, determina-
tion of, **1:87**

Transfers

Lifetime Gifts and Other Transfers,
this index

Uniform Transfers to Minors Act
accounts, below

Transfers to Minors Act accounts.

Uniform Transfers to Minors
Act accounts, below

Trustees, **1:78, 1:80**

Uniform Transfers to Minors Act
(UTMA) accounts

information required to develop
estate plan, **1:41, 1:42**

lifetime planning, **1:100**

Valuation considerations

information required to develop
estate plan, **1:27, 1:30, 1:33**

lifetime gifts and other transfers,
1:136 to 1:139

Wife. Spouses, above

Wills

capacity of client, **1:85 to 1:89,**
1:92

contract to make will, **1:50**

living wills, **1:228 to 1:235, 1:327**
(Form)

prior wills, documentation of, **1:63**

PREDECEASED CHILD

EXCEPTION

Generation-skipping transfer tax,
9:311, 9:312, 9:316, 9:318

PREFERENCES

Guardianship, minor's preference,
14:42

Uncontested estates, surrogate's
discretion and preference, **4:136**

PRELIMINARY LETTERS

TESTAMENTARY

Probate Proceedings, this index

PREMARITAL TRANSFERS

Elective share, **6:111**

PREMIUMS

Estate taxes, **9:227 to 9:231, 9:420**

Life insurance, **2:65**

Lifetime gifts and other transfers,
1:139

PRESUMPTIONS AND BURDEN OF PROOF

Accounts and Accounting, this index

Adult guardian, appointment of,
1:299

Competency of client, **1:91**

Conservatorships, **5:124**

Do Not Resuscitate (DNR) Orders,
1:251

Executors and other fiduciaries, suits
by and against, **5:166**

Guardianship, deed of, **5:12**

Irrevocable Trusts, this index

Probate proceedings

executors and other fiduciaries,
suits by and against, **5:166**

proving the will, **3:111**

will contests, objections to probate
burden of proof, **5:204**

Survivorship estates, joint bank
accounts, **2:44 to 2:46, 6:54**

PRINCIPAL AND AGENT

Power of Attorney, this index

PRINCIPAL AND INCOME

Trusts, this index

PRIORITIES

Claims against estate, **8:28 to 8:49**

Estate tax liens, **9:642**

Intestacy, appointment of administra-
tor, **2:70, 2:78 to 2:80**

PRIORITIES—Cont'd

- Noncontested estate, administration of, **4:88**
- Revocable trusts, priority of executor for estate tax-related duties, **2:286**

PRIOR WILLS

- Pre-death considerations, documentation, **1:63**

PRIVACY

- Estate tax returns, **10:45**
- Revocable trusts, **2:99**

PRIVATE ANNUITIES

- Lifetime gifts and other transfers, **1:142 to 1:144**

PRIVILEGED OR CONFIDENTIAL INFORMATION

- Confidentiality, this index

PRIVITY

- Malpractice, **1:10, 5:111**

PROBATE PROCEEDINGS

- Generally, **3:1 et seq.**
- Affidavits
 - attestation of witnesses, affidavit proving will generally, **3:124**
 - contents of 1406 affidavit, **3:125**
 - exceptions, **3:128**
 - form, **3:211 (Form 3-3)**
 - prepared after will execution, **3:127**
 - prepared at time of will execution, **3:126**
 - comparison, affidavit of, **3:221 (Form 3-13)**
- forms
 - amended affidavit (Form 2-2.3), **2:307**
 - attestation of witnesses, proving, **3:211 (Form 3-3)**
 - comparison, affidavit of, **3:221 (Form 3-13)**
 - handwriting, proving, **3:217 (Form 3-9)**
 - no debt, affidavit of, **3:220 (Form 3-12)**

PROBATE PROCEEDINGS

—Cont'd

- Affidavits—Cont'd
 - forms—Cont'd
 - Putnam affidavit, **3:226 (Form 3-17)**
 - service of citation, affidavit of, **3:215 (Form 3-7)**
 - 1406 probate affidavit contents, **3:125**
 - handwriting, affidavit proving, **3:217 (Form 3-9)**
 - no debt, affidavit of, **3:220 (Form 3-12)**
 - Putnam affidavits, **3:73, 3:226 (Form 3-17)**
 - service of citation, affidavit of, **3:215 (Form 3-7)**
 - Small Estate Affidavit Program, **2:7**
- All beneficiaries and fiduciaries predeceased, **3:12**
- All decedent's assets pass outside will, **3:11**
- Alleged decedents, purpose of probating wills of, **3:4**
- Alternatives to probate
 - generally, **2:1 et seq.**
 - forms, **2:305 et seq.**
 - Intestacy, this index
 - Life Insurance, this index
 - pay-on-death arrangements (PODS), **2:61**
 - petition for letters of administration
 - ancillary letters, **2:310 (Form 2-2:4.1)**
 - d.b.n., **2:311 (Form 2-2:4.2)**
 - limited administration, administration with limitations or temporary administration, **2:309 (Form 2-2:4)**
- Qualified Plan Benefits, this index
- Revocable Trusts, this index
- Small Estates, this index
- Survivorship Estates, this index
- Totten Trust Accounts, this index

INDEX

PROBATE PROCEEDINGS

—Cont'd

Alternatives to probate—Cont'd
Transfer on Death Security
Registration Act, this index
Ancient wills, **3:146, 3:163**
Ancillary probate, **3:207**
Assets of probated estate. Size of
estate, below
Attestation of witnesses to will
generally, **3:123 et seq**
affidavits of attesting witnesses.
Affidavits, above
application and order dispensing
with examination of witness,
3:216 (Form 3-8)
dispensing with examination of
witness
generally, **3:130**
application and order, **3:216**
(Form 3-8)
1405 probate, below
interested witnesses, **3:137**
reasons for, **3:131**
examination of attesting witnesses
generally, **3:129**
dispensing with examination of
witness, above
forgetful or conflicting witnesses,
3:135
forms
affidavit for proving will, **3:211**
(Form 3-3)
dispensing with testimony to
prove will, application and
order, **3:216 (Form 3-8)**
1405 probate proceedings
generally, **3:132**
all witnesses missing, **3:134**
forgetful or conflicting wit-
nesses, **3:135**
one witness available and one
missing, **3:133**
situations not addressed by stat-
ute, **3:136**
interested witnesses, **3:137**
missing witnesses, **3:132 to 3:134**
Attorney general, issuing citation to,
3:88

PROBATE PROCEEDINGS

—Cont'd

Attorney requirements, probate peti-
tion, **3:69 to 3:72**
Burden of proof. Presumptions and
burden of proof, below
Checklist, Surrogate's Court, **Appx 3**
to 2
Children and minors, in terrorem
clauses, **3:170**
Citation
generally, **3:75 to 3:100**
affidavit of service of citation,
3:215 (Form 3-7)
alleged decedent, **3:86**
attorney general, **3:88**
codicils, **3:82**
contents, **3:76**
creditors, **3:90**
c.t.a. proceedings, **3:200**
distributees, **3:55, 3:79**
form, **3:213 (Form 3-5)**
joint will conundrum, **3:85**
later wills or instruments, **3:81,**
3:83
parties adversely affected by later
instrument or another will or
file in court, **3:81 to 3:85**
parties under disability, **3:92 to**
3:98
persons entitled to object to will,
3:89
powers of appointment, service
requirement, **3:84**
primary nominated executors, **3:80**
State Tax Commission, **3:87**
sufficiency of citation, **3:77**
timing of determining necessary
parties, **3:91**
waiver and consent, **3:99 to 3:100**
who must get citation, **3:55 to**
3:57, 3:78 to 3:90
Codicils, **3:82, 3:143**
Common vs. solemn probate, **3:5**
Consent to probate without process.
Waiver and consent, below
Construction of will proceedings
contested probate and construction
proceedings, **3:176**

PROBATE PROCEEDINGS

—Cont'd

- Construction of will proceedings
 - Cont'd
 - decrees, simple vs. special or modified, **3:142**
 - in terrorem clauses, **3:175**
- Contents of petition for probate
 - generally, **3:49 to 3:65**
 - cause of action, **3:64 to 3:65**
 - description of distributees and others entitled to receive citation, **3:55 to 3:57**
 - description of persons entitled to receive notice of probate, **3:58**
 - description of persons under disability, **3:59**
 - general requirements, **3:50**
 - information about decedent, **3:53**
 - information about instrument, **3:54**
 - inventory of assets, **3:65**
 - size of estate, **3:60 to 3:63**
 - specific requirements, generally, **3:51**
 - using official court forms, **3:52**
- Contested probate
 - construction of will proceeding and, **3:176**
 - Estate Taxes, this index
 - objections to probate, **5:194 to 5:224**
 - sufficiency of evidence, **5:207**
 - summary judgment, **5:210**
- Copies of wills, **3:67**
- Creditors' rights, **3:90**
- Death certificates, **3:68**
- Decree
 - generally, **3:138**
 - denial of, **3:140**
 - missing will proceeding, **3:159**
 - missing will proceedings, **3:159**
 - requirements, **3:139**
 - simple vs. special or modified decrees, **3:141 to 3:145**
- Destroyed wills. Missing, lost, or destroyed wills, below
- Dilatory petitioner, court intervention, **3:82**

PROBATE PROCEEDINGS

—Cont'd

- Disability, persons under
 - entitlement to receive citation
 - generally, **3:92**
 - guardian ad litem, **3:98**
 - virtual representation, **3:93 to 3:97**
 - in terrorem will clauses, **3:170**
 - petition for probate, requirements, **3:59**
- Dispensing with examination of witness. Attestation of witnesses, above
- Due diligence for probate assets. Size of estate, below
- Due execution of will
 - generally, **3:112**
 - attestation clause, compare, **3:122**
 - declaration and publication, **3:118**
 - presence of witnesses, **3:117**
 - signature of testator, location, **3:113 to 3:116**
 - signature of witnesses, **3:119 to 3:122**
- "End" of testator's will, defined, **3:115**
- Evidence
 - presumptions and burden of proof, below
 - proving the will, below
 - witnesses, below
- Executors
 - citation to primary nominated executor, **3:80**
 - Letters Testamentary, this index
- Family tree, sample, **3:222 (Form 3-14)**
- Fees
 - filing fees, **3:63, Appx 3 to 1**
 - uncontested estates, practice in surrogate's court in, **4:141 to 4:150**
- Fiduciaries
 - attorney-fiduciaries, **3:69 to 3:72**
 - executors and administrators, above
 - notice to secondary fiduciaries, **3:106**

INDEX

PROBATE PROCEEDINGS

—Cont'd

Fiduciaries—Cont'd

- predeceased, effect on probate's necessity, **3:12**
- uncontested estates, practice in surrogate's court in, **4:141 to 4:171**

Forged wills, **3:169**

Forms

- acknowledgment of disclosure (pursuant to SCPA Section 2307-a), **3:225 (Form 3-16)**
- affidavits, section 1406, **3:227 (Form 3-18)**
- affidavits in probate
 - attesting witnesses, **3:211 (Form 3-3)**
 - comparison, affidavit of, **3:221 (Form 3-13)**
 - handwriting, proving, **3:217 (Form 3-9)**
 - no debt affidavit, **3:220 (Form 3-12)**
 - Putnam affidavit, **3:226 (Form 3-17)**
 - service of citation affidavit, **3:215 (Form 3-7)**
- application and order for dispensing with testimony of attesting witness, **3:216 (Form 3-8)**
- application for preliminary letters testamentary, **3:209 (Form 3-2)**
- change of address, letter request to postmaster, **3:224 (Form 3-16)**
- citation, **3:213 (Form 3-5)**
- citation, affidavit of service, **3:215 (Form 3-7)**
- diligent search, suggestions for conducting, **3:223 (Form 3-15)**
- family tree, sample, **3:222 (Form 3-14)**
- notice of probate, **3:214 (Form 3-6)**
- petition for probate, **3:208 (Form 3-1)**

PROBATE PROCEEDINGS

—Cont'd

Forms—Cont'd

- preliminary letters testamentary, application for, **3:209 (Form 3-2)**
- renunciation of letters of administration c.t.a. and waiver of process, **3:219 (Form 3-11)**
- renunciation of nominated executor and/or trustee, **3:218 (Form 3-10)**
- waiver of process; consent to probate, **3:212 (Form 3-4)**
- 1405 probate proceedings
 - generally, **3:132**
 - all witnesses missing, **3:134**
 - forgetful or conflicting witnesses, **3:135**
 - one witness available and one missing, **3:133**
 - situations not addressed by statute, **3:136**
- 1406 probate affidavit
 - contents, **3:125**
- Guardian ad litem, citation of person under disability, **3:101, 5:57**
- Handwriting, affidavit proving, **3:217 (Form 3-9)**
- Historical perspective, **3:1 to 3:5**
- Holographic or nuncupative wills
 - generally, **3:160**
 - affidavit proving handwriting, **3:217 (Form 3-9)**
 - requirements, **3:162**
 - when allowed, **3:161**
- Incompetent persons. Disability, above
- Infants. Children and minors, above
- In terrorem clauses and probate proceedings
 - generally, **3:168**
 - forged will, **3:169**
 - infant or incompetent objectant, **3:170**
 - jurisdiction of court, **3:171**
 - nonconsent to probate, **3:173**
 - preliminary examinations, **3:174**

PROBATE PROCEEDINGS

—Cont'd

- In terrorem clauses and probate proceedings—Cont'd
 - relevant information, **3:172**
 - revoked will, **3:169**
 - will construction proceeding, **3:175**
- Inventory of assets, **3:65**
- Joint wills, **3:85, 3:167**
- Jurisdiction
 - generally, **3:14**
 - in terrorem clauses, **3:171**
 - notice of probate, **3:102**
 - personal jurisdiction, **3:23 to 3:25**
 - subject matter jurisdiction, **3:17 to 3:22**
 - supreme court, **3:15**
 - surrogate court, **3:16 to 3:25**
- Letters
 - generally, **3:177**
 - Letters of Administration, this index
 - Letters Testamentary, this index
- Lost wills. Missing, lost, or destroyed wills, below
- Minors. Children and minors, above
- Missing, lost, or destroyed wills
 - generally, **3:146 et seq.**
 - allegedly deceased person, **3:166**
 - compelling production of will suspected to be lost
 - generally, **3:152**
 - 1401 proceeding, result of, **3:156**
 - scope of inquiry, **3:155**
 - who may petition, **3:153**
 - who to summon, **3:154**
 - decree, unavailable but existing will, **3:159**
 - legitimately lost or destroyed wills
 - generally, **3:148**
 - original will contents can be proven, **3:151**
 - original will duly executed, **3:150**
 - original will revoked, **3:149**

PROBATE PROCEEDINGS

—Cont'd

- Missing, lost, or destroyed wills
 - Cont'd
 - unavailable but existing will
 - generally, **3:157**
 - decree, **3:159**
 - limitation on need for Section 1404(2), **3:158**
- Missing persons
 - notice of probate, **3:107**
 - proving the will, **3:132 to 3:134**
- Mobile client: multijurisdictional issues, payment from New York probate to out-of-state corporate trustee, **15:101**
- Multiple original wills, **3:165**
- Mutual or joint wills, irrevocable, **3:167**
- Necessary parties, timing of determination, **3:91**
- Necessity of probate
 - generally, **3:10**
 - all beneficiaries and fiduciaries predeceased, **3:12**
 - all decedent's assets pass outside will, **3:11**
 - small estates, **3:13**
- Nonresidents, jurisdiction, **3:18 to 3:21**
- Notice, contest of will, **5:199, 5:201, 5:218**
- Notice of probate
 - generally, **3:101**
 - contents, generally, **3:105**
 - effect of, **3:104**
 - form, **3:214 (Form 3-6)**
 - jurisdiction, **3:102**
 - legatees, **3:106**
 - missing parties, **3:107**
 - purpose, **3:102**
 - secondary fiduciaries, **3:106**
 - timing of giving notice, **3:103**
 - virtual representation, **3:108**
 - who must get notice, **3:105 to 3:108**
- Nuncupative wills. Holographic or nuncupative wills, above

INDEX

PROBATE PROCEEDINGS

—Cont'd

- Objections, **3:89, 3:170, 5:194 to 5:224, 5:243 (Form 5-11)**
- Obtaining the will
 - generally, **3:37**
 - decedent's attorney or family, surrogate's court and other sources, **3:38**
 - decedent's home, **3:39**
 - safe deposit box, **3:40**
- Oral wills, **3:146, 3:160 to 3:162**
- Partial will, probate of, **3:143**
- Personal jurisdiction
 - generally, **3:23**
 - forms of jurisdiction, **3:24**
 - obtaining, **3:25**
- Petition for probate
 - generally, **3:45 et seq.**
 - additional requirements, generally, **3:66**
 - attorney-fiduciaries, **3:69 to 3:72**
 - citation. Citation, above
 - contents. Contents of petition for probate, above
 - death certificate, **3:68**
 - dilatory petitioner, **3:187**
 - discovery of assets, **3:109**
 - extraordinary circumstances, **3:74**
 - filing fees, **3:63**
 - form, **3:208 (Form 3-1)**
 - notice. Notice of probate, above
 - public administrator's role, **3:48**
 - Putnam affidavits, **3:73**
 - who may petition, **3:46 to 3:48**
 - will or copies of will or other wills affected, **3:67**
- Powers of appointment, probate citation, **3:84**
- Pre-death considerations, identity of probate and non-probate assets, **1:51**
- Preliminary letters testamentary
 - generally, **3:201**
 - application for, **3:209 (Form 3-2)**
 - authority and duties of preliminary executor, **3:202 to 3:203**

PROBATE PROCEEDINGS

—Cont'd

- Preliminary letters testamentary
 - Cont'd
 - for cause termination of preliminary executor's authority, **3:206**
 - procedure for obtaining, **3:204**
 - prohibited powers of preliminary executor, **3:203**
 - term of preliminary executor's authority, **3:205 to 3:206**
- Preliminary matters
 - Generally, **3:36**
 - fact finding issues, **3:41 to 3:44**
 - letters. Preliminary letters testamentary, above
 - necessity of probate proceeding, determining, **3:44**
 - obtaining the will, **3:37 to 3:40**
 - safe deposit box, opening, **3:40**
 - security and preservation of assets, **3:43**
 - was will properly executed, **3:42**
- Presumptions and burden of proof
 - executors and other fiduciaries, suits by and against, **5:166**
 - proving the will, **3:111**
 - sufficiency of evidence, **5:207**
 - will contests, objections, **5:204**
- Process and service of process and papers
 - generally, **3:84, 3:154**
 - service of citation, affidavit of, **3:215 (Form 3-7)**
 - waiver, **3:212 (Form 3-4), 3:219 (Form 3-11)**
- Proving the will
 - generally, **3:110**
 - attestation of witnesses. Attestation of witnesses, above
 - burden of proof, **3:111**
 - due execution, **3:112 to 3:122**
- Public administrator's role, **3:48**
- Publication of will, **3:118**
- Purpose of probate
 - generally, **3:2**
 - solemn vs. common probate, **3:5**
 - wills of decedents, **3:3**

PROBATE PROCEEDINGS

—Cont'd

Purpose of probate—Cont'd
wills of individuals alleged to be deceased, **3:4**

Putnam affidavits, **3:73, 3:226 (Form 3-17)**

Reopening and vacating, **5:103 to 5:109**

Revocable Trusts, this index

Revoked wills, **3:169**

Safe deposit boxes, **3:40**

Secondary fiduciaries, notice of probate, **3:106**

Signature
attestation of witnesses. Attestation of witnesses, above
contest of will, **5:219**
testator's signature on will, **3:113 to 3:116**
witnesses to will, **3:119 to 3:122**

Size of estate
generally, **3:60**
categories of property, **3:62**
filing fees, **3:63**
inventory of assets, **3:65**
preservation of assets, preliminary assessment, **3:43**
probate vs non-probate assets, **3:61**
small estates, **3:13**
suggestions for conducting a diligent search, **3:223 (Form)**

Small Estates, this index

Solemn vs. common probate, **3:5**

State Tax Commission, citation issued to, **3:87**

Statutory framework, **3:6 to 3:9**

Subject matter jurisdiction, **3:17 to 3:22**

Supreme court jurisdiction, **3:15**

Surrogate court
generally, **3:16**
checklist, **Appx 3 to 2**
personal jurisdiction, **3:23 to 3:25**
procedure, generally, **3:35**
subject matter jurisdiction, **3:17 to 3:22**
uniform rules, **3:9**

PROBATE PROCEEDINGS

—Cont'd

Time
execution of will, signatures, **3:116**
necessary parties, determination of, **3:91**
notice of probate, **3:103**
objections, **5:198**

Vacating, **5:103 to 5:109**

Venue
generally, **3:26**
change of domicile, **3:29**
debt, county of domicile of, **3:34**
definition of "domicile," **3:27**
improper venue, **3:32**
incarcerated decedent, **3:31**
instate decedents, **3:28 to 3:31**
multiple domiciles, **3:30**
out-of-state decedents, **3:33 to 3:34**
property, county where located, **3:34**
wrongful death defendant, county of domicile of, **3:34**

Virtual representation, citation to party under disability
generally, **3:93**
additional criteria, **3:96**
basic rule, **3:94**
caveats, **3:97**
eligible individuals, **3:95**
notice of probate proceedings ("virtual" virtual representation), **3:108**

Waiver and consent
generally, **3:75, 3:99**
form
waiver of process; consent to probate, **3:212 (Form 3-4)**
waiver of process; renunciation of letters of administration c.t.a., **3:219 (Form 3-11)**
in terrorem clauses and probate proceedings, nonconsent to probate, **3:173**
withdrawal of waiver and consent, **3:100**

INDEX

PROBATE PROCEEDINGS

—Cont'd

Witnesses

- attestation. Attestation of witnesses, above
- contest of will, **5:219**
- interested witnesses, **3:137**
- presence of witnesses, will execution, **3:117**
- signature of witnesses, will execution, **3:119 to 3:122**
- Wrongful death defendants, venue, **3:34**

PROCESS AND SERVICE OF PROCESS AND PAPERS

- Accounts and accounting, **12:26 to 12:42**
- Children and Minors, this index
- Claims against estate, **8:14**
- Elective share, **6:77**
- Guardianship, this index
- Intestacy, **2:77 to 2:81, 2:93, 2:94**
- Post-Mortem Planning, this index
- Probate Proceedings, this index

PROFIT-SHARING PLANS

- Estate taxes, notice of payment of death benefit under employees' pension or profit-sharing plan, **10:63 (Form 10-4)**

PROOF

- Evidence, this index

PROPERTY TAXES

- Claims against estate, **8:34**
- Estate taxes, **9:113**

PROVISIONAL REMEDIES

- Adult guardian, appointment of, **1:314**

PROXIES

- Health Care Proxies, this index

PRUDENT INVESTOR ACT OR RULE

- Accounts and accounting, **12:107**
- Guardianship, **14:20**
- Trusts, this index

PSYCHIATRIC TREATMENT

- Conservatorships, **5:139**

PUBLIC ADMINISTRATORS

- Intestacy, **2:74, 2:80**
- Probate petition, role of public administrator, **3:48**

PUBLICATION

- Claims against estate, **8:9**
- Will duly executed, **3:118**

PUBLICITY RIGHTS

- Noncontested estate, administration of, **4:186**

PUTNAM RULE

- Noncontested estate, administration of, **4:178 to 4:180**
- Pre-death considerations, **1:14**
- Probate proceedings, Putnam affidavits, **3:73, 3:226 (Form 3-17)**

QDOT TRUSTS

- Elective share, **6:98 to 6:103**
- Estate taxes, **9:173 to 9:199**
- Nonprobate assets, property passing to non-citizen spouse, **4:82 to 4:86**
- Post-mortem planning, **11:70**

QTIP ELECTION

- Accounts and accounting, **12:132**
- Elective share, **6:98 to 6:103**
- Lifetime gifts and other transfers, **1:125**
- Marital deduction, **9:94, 9:525**
- Nonprobate assets, **4:54 to 4:62**
- Post-mortem planning, **11:61 to 11:65**
- Reverse QTIP election
 - generation-skipping transfer tax, **9:307, 9:561, 11:141 to 11:144**
 - lifetime gifts and other transfers, **1:125**
- Revocable trusts, **2:158, 2:262, 2:266, 2:267**
- Schedule M: bequests, etc., to surviving spouse, **9:511 to 9:525**

QTIP ELECTION—Cont'd

State estate tax, separate election required, **10:19**

QUALIFIED DOMESTIC RELATIONS ORDER

Spousal rights, **6:131 (Form 6-2)**

QUALIFIED PLAN BENEFITS

Generally, **2:57 to 2:60**
Creditors' rights, **2:60**
Elective share, **2:59**
Income tax consequences, **2:58**

RATE OF TAX

Estate Taxes, this index

RATE SCHEDULE

annual excusion, § 17,000, **9:6**

REAL PROPERTY

As to particular matters, see specific topics

RECAPITULATION

Estate taxes, Form 706, **9:572**

RECEIPTS

Accounts and accounting, **12:62 to 12:67, 12:76, 12:77, 12:149 (Form 12-7)**
Closing estate, receipt and release agreements, **4:206 to 4:208**
Principal and income, allocation of receipts, **13:189 et seq., 13:303**

RECIPROCITY

Moving trusts, **5:151**

RECORDS AND RECORDING

Accounts and accounting, recording or filing receipts and releases, **12:62 to 12:67**
Capacity of client, record of testator's mental and physical state, **1:92**
Do Not Resuscitate (DNR) Orders, **1:263**
Guardianship, this index
Power of attorney, **1:193**

REDEMPTION OF STOCK

Estate Taxes, this index

REFERENCE, INCORPORATION BY

Incorporation by Reference, this index

REFORMATION

Estate Taxes, this index
Trusts, **5:34 to 5:45**

REFUNDS

Claims against estate, refunds by transferees on behalf of late claimants, **8:47 to 8:50**
Estate Taxes, this index

REGISTRATION

Charitable Trusts, this index
Moving Trusts, this index
Transfer-on-Death Security Registration Act, this index

RELATIVES

Family and Relatives, this index

RELEASE OR DISCHARGE

Accounts and Accounting, this index
Closing estate, **4:206 to 4:208**
Estate Taxes, this index
Post-mortem planning, release of power to consumer charitable bequests, **11:89**

RELIGIOUS TRUSTS

SCPA section 2308, trustee commissions, **13:68**

RELIGIOUS USES

Estate taxes, **9:123 to 9:138**

REMAINDERS

Life Estates, Remainders and Reversions, this index

REMOVAL FROM OFFICE

Estate Taxes, this index
Guardian ad litem, **5:90, 14:64**
Guardianship, this index
Health care proxies, **5:31**
Trustees. Trusts, this index
Uniform Transfers to Minors Act, custodians under, **14:91**

INDEX

RENTAL PROPERTY

Principal and income, allocating receipts between, **13:191**

RENUNCIATION

Guardianship, deed of, **5:8**
Letters testamentary or of administration, **3:188 to 3:192, 3:218 (Form 3-10), 3:219 (Form 3-11)**
Post-Mortem Planning, this index
Revocable Trusts, this index
Small estates, renunciation of voluntary administrator, **2:4**

RENYARD, MATTER OF

Mobile client: multijurisdictional issues, **15:18 to 15:30**

REOPENING

Probate proceedings, **5:103 to 5:109**

REORGANIZATION

Uniform Transfers to Minors Act, consenting to reorganizations, **14:71**

REPORTS AND REPORTING

Adult guardian, **1:317 to 1:322**
Annual Reports, this index
Lifetime gifts and other transfers, reporting of gift and paying of gift tax, **1:109**
Noncontested estate, administration of, **4:198**
Power of attorney, **1:193**
Revocable Trusts, this index
Status report, **5:231**

RESERVES

Closing estate, **4:202 to 4:211**

RESIDENCE

Domicile and Residence, this index

RESIDUARY ESTATES

Estate taxes, **9:522**
Irrevocable trusts, residuary gift as exercise of power of appointment, **13:267**
Marshalling and holding estate assets, **4:9, 4:10**

RETAINED INTEREST RULE

Estate taxes, **9:24**
Irrevocable trusts, **13:131**

RETIREMENT PLANS

Pension and Retirement Plans, this index

RETRACTION OF RENUNCIATION

Letters testamentary, right to, **3:192**

RETROACTIVITY

Estate Taxes, this index

RETURNS

Estate Taxes, this index
Income Tax, this index

REVERSE POUROVERS

Revocable trusts, **2:141**

REVERSE QTIP ELECTION

QTIP Election, this index

REVERSIONS

Life Estates, Remainders and Reversions, this index

REVIEW

Appeal and Review, this index

REVIVAL OF PRIOR WILL

Irrevocable trusts, **13:292, 13:293**

REVOCABLE TRUSTS

Generally, **13:124 et seq.**
Accounts and accounting
executors and administrators, **2:314 (Form 2-2:9)**
settlement of estate pursuant to Article 13, SCPA, **2:308 (Form 2-2:3)**
Acknowledgment, **2:149**
Administering revocable trusts, generally, **2:153 to 2:213**
Affidavits, settlement of estate under Article 13, SCPA, **2:306 (Forms 2-2:2.2 and 2-2:2.3), 2:307 (Forms 2-2:2.2 and 2-2:2.3)**
Assets, identification of, **13:125**
Capacity required, **1:89, 13:128**

REVOCABLE TRUSTS—Cont'd

Change in New York law
 pourovers, **2:143**
 self-trusteed trusts, **2:106**
 Charitable beneficiaries, **2:219 to 2:226, 2:280**
 Common law, pourover, **2:139, 2:147**
 Condominium interests, **2:126**
 Conflict of laws, **2:116**
 Conservatorships, **5:141**
 Control of assets, **13:126**
 Cooperative apartment interests, **2:127**
 Coordination of probate and trust administrations, **2:276 to 2:294**
 Corporations
 co-trustee, audition during lifetime, **2:107**
 S corporations, **2:231 to 2:240, 2:293**
 Creditors' rights, **2:110**
 Deathbed uses, **2:113**
 Decree appointing administrator, **2:313 (Form 2-2:8)**
 Deductions
 distributing administrative trust, **2:208, 2:213, 2:218**
 fiduciary obligations and problems, **2:264, 2:271, 2:280, 2:285, 2:292**
 partnership interests, **2:249**
 pass-through of income and deductions, **2:187 to 2:190**
 transfer taxes, **2:165**
 Deed of trust, declaration of trust vs., **2:112**
 Delay in opening probate, **2:108**
 De minimis probate, **2:125**
 Dickstein, Will of, **2:152**
 Disclaimer, **2:158, 2:215, 2:269**
 EINs, **2:104**
 Estate taxes. Taxation, below
 Executors and administrators, generally, **2:153 to 2:213**
 Expenses of administration, **2:165 to 2:167**
 Fiduciary obligations and problems, **2:252 to 2:294**
 Gains tax, **2:130**

REVOCABLE TRUSTS—Cont'd

Generation-skipping transfer tax, **2:176, 2:261, 2:275, 2:290, 9:302**
 Governing law, **2:116**
 Grandfathering, **2:148**
 Identification of assets, **13:125**
 Identification of trust or assets, **2:145**
 Impartiality of fiduciaries, **2:252 to 2:294**
 Income tax. Taxation, below
 Incompetence, avoiding court proceeding, **13:127**
 Incorporation by reference, **2:145, 2:147**
 Individual Retirement Accounts (IRA), **2:243**
 Jalkut, **2:164**
 Joint trusts, **2:154**
 Letters of administration, petitions
 ancillary letters of administration, **2:310 (Form 2-2:4.1)**
 letters of administration, limited administration, administration with limitations or temporary administration, **2:309 (Form 2-2:4)**
 letters of administration d.b.n., **2:311 (Form 2-2:4.2)**
 Life insurance trusts, **13:346**
 Loyalty of fiduciaries, **2:252 to 2:294**
 Lump-sum distribution, **2:242**
 Management
 centralization, **2:101**
 transition, **2:100**
 Marshalling and holding estate assets, **4:12**
 Mortgage transfer tax, **2:129**
 Multiple trust agreements, **13:14**
 NOLs, **2:189, 2:211, 2:212**
 Nonprobate assets, **4:50 to 4:53**
 O'Brien, Estate of, **2:150**
 Opening probate, delay in, **2:108**
 Partnership interests, **2:244 to 2:251**
 Petitions. Letters of administration, above
 Pourover, **2:134 to 2:152, 4:50 to 4:53**
 Pourups, **2:141**

INDEX

REVOCABLE TRUSTS—Cont'd

- Power of attorney, **1:202**
- Powers of appointment, **2:268**
- Priority of executor for estate tax-related duties, **2:286**
- Privacy, **2:99**
- Probate, alternatives to, generally, **2:98 to 2:294**
- QTIP election, **2:158, 2:262, 2:266, 2:267**
- Reasons for choosing, **13:124 et seq.**
- Reference, incorporation by, **2:145, 2:147**
- Renunciation
 - voluntary administration, **2:305 (Form 2-2:1)**
 - waiver of citation, renunciation and consent to appointment of administrator, **2:312 (Form 2-2:7)**
- Reports and reporting
 - separate taxpayer status, **2:191**
 - settlement of estate pursuant to Article 13, SCPA, report and account in, **2:308 (Form 2-2:3)**
- Reverse pourovers, **2:141**
- Rollovers of benefits to Individual Retirement Accounts (IRA), **2:243**
- Sackler, Matter of Will of, **2:151**
- S corporations, **2:231 to 2:240, 2:293**
- Self-dealing, **2:224**
- Self-trusted trusts, **2:106**
- Settlement of estates
 - affidavit in relation to settlement of estate under Article 13, SCPA, **2:306 (Forms 2-2:2.2 and 2-2:2.3), 2:307 (Forms 2-2:2.2 and 2-2:2.3)**
 - report and account in settlement of estate pursuant to Article 13, SCPA, **2:308 (Form 2-2:3)**
- Simultaneous administration, **2:284, 2:287**
- Splitting of spousal gifts, **2:270**
- Spouses
 - multiple post-mortem trusts, problems with, **2:273**

REVOCABLE TRUSTS—Cont'd

- Spouses—Cont'd
 - splitting of spousal gifts, **2:270**
- Stock of S corporations, **2:231 to 2:240**
- Taxation
 - deductions, above
 - disclaimer, **2:158, 2:215, 2:269**
 - distributing administrative trust, **2:204 to 2:213**
 - estate taxes, generally, **2:168, 2:174, 2:192 to 2:195**
 - fiduciary obligations and problems, **2:254 to 2:294**
 - income tax, generally, **2:128 to 2:132, 2:154 to 2:158, 2:174, 2:177, 2:196 to 2:203, 11:209**
 - mobile client: multijurisdictional issues, **15:53 to 15:68**
 - post-mortem problems in administering revocable trusts, **2:214 to 2:251**
 - reporting and election of separate taxpayer status, **2:191**
 - taxpayer numbers, **2:104**
 - Taxpayer Relief Act of 1997, **2:170 to 2:186**
 - transfers within three years of death, **9:25**
 - transfer taxes, below
- Taxpayer Relief Act of 1997, **2:170 to 2:186**
- Termination of trust, **2:179, 2:187 to 2:190, 2:208, 2:213, 2:218, 2:226, 2:241**
- Third-party revocable trusts, pourovers to, **2:140**
- Throwback rule, **2:281, 15:62**
- Time
 - delay in opening probate, **2:108**
 - partnership interests, time when income is realized, **2:245**
- Title and ownership
 - generally, **2:102 to 2:106, 2:119, 2:168**
- Title insurance, **2:105**
- Transfer taxes
 - generally, **2:160 to 2:169**

REVOCABLE TRUSTS—Cont'd

- Transfer taxes—Cont'd
 - fiduciary obligations and problems, **2:258**
 - generation-skipping transfer tax, **2:176, 2:261, 2:275, 2:290, 9:302**
 - mortgage transfer tax, **2:129**
- Valuation, transfer taxes, **2:169**

REVOCATION

- Accounts and accounting, revocation of letters, **12:79**
- Contest of will, **5:209, 5:223**
- Estate taxes, revocable transfers, **9:41 to 9:48**
- Health Care Decision-Making, this index
- Irrevocable Trusts, this index
- Joint bank accounts with right of survivorship, revocability of deposits in, **6:56**
- Mobile client: multijurisdictional issues, **15:14**
- Power of attorney, **1:211 to 1:217, 5:228**
- Revocable Trusts, this index
- Totten trust accounts, **2:13**
- Trusts, this index
- Wills, **3:169, 5:209, 5:220**

ROLLOVERS

- Post-mortem planning, pension benefits, **11:77 to 11:80**
- Revocable trusts, Individual Retirement Accounts (IRA), **2:243**

ROYALTIES

- Estate taxes, **9:463**

SACKLER, MATTER OF WILL OF

- Revocable trusts, **2:151**

SAFE DEPOSIT BOXES

- Estate taxes, **9:458**
- Probate proceedings, **3:40**

SAFE HARBOR

- Claims against estate, safe harbor against personal liability, **8:6 to 8:10**

SALES

- Buy-Sell Agreements, this index
- Estate Taxes, this index
- Guardian ad litem, **5:82**
- Irrevocable trusts, sale treatment at distribution, **13:160**
- Lifetime Gifts and Other Transfers, this index
- Noncontested estate, administration of, **4:104 to 4:109, 4:188, 4:191, 4:192**
- Power of attorney, buy-sell agreements, **1:204**
- Survivorship estates, conveyance of joint tenancies to third parties, **2:39**
- Uniform Transfers to Minors Act, **14:70**

SAME-SEX RELATIONSHIP

- Surviving spouse, qualification as, **6:26**

SAVINGS BONDS

- Income tax, **11:169, 11:172**

SAVINGS CLAUSES

- Irrevocable trusts, **13:306**

SCHOOLS AND EDUCATION

- Guardianship, use of assets for education of minor, **14:28**
- SCPA section 2308, trustee commissions, **13:68**
- Tuition, this index
- Withdrawal of infant's property for support and education, **14:116 (Form 14-2)**

SCIENTIFIC TRUSTS

- SCPA section 2308, trustee commissions, **13:68**

S CORPORATIONS

- Income tax, **11:168**
- Noncontested estate, administration of, **4:17**
- Post-mortem planning, **11:148**
- Revocable trusts, **2:231 to 2:240, 2:293**

INDEX

SECONDARY FIDUCIARIES

Probate proceedings, **3:106**

SECTION 2503(C) TRUSTS

Lifetime gifts and other transfers,
1:113

SECURED TRANSACTIONS

Claims against estate, **8:36**

SECURITIES

Allocating receipts between principal
and income, asset-backed secu-
rity, **13:199**

Stocks and Bonds, this index

SECURITY REGISTRATION

Transfer-on-Death Security Registra-
tion Act, this index

SEGREGATION OF TRUST PROPERTY

Trusts, this index

SELF-CANCELLING INSTALLMENT SALE OF ASSETS

Lifetime gifts and other transfers,
divestment of assets for
Medicaid qualifying purposes,
1:163

SELF-DEALING

Trusts, this index

SELF-TRUSTEED TRUSTS

Mobile client: multijurisdictional
issues, **15:33**

Revocable trusts, **2:106**

SEPARATE PROPERTY

Mobile client: multijurisdictional
issues, **15:90**

SEPARATION OF SPOUSES

Divorce and Separation, this index

SERIES E OR EE SAVINGS BONDS

Income tax, interest on Series E or
EE savings bonds, **11:169**

SERVICE OF PROCESS

Process and Service of Process and
Papers, this index

SETTLEMENT OF ESTATES

Accounts and Accounting, this index

Estate Taxes, this index

Intestacy, intra-family settlements,
7:83

Revocable Trusts, this index

Trusts

generally, **13:52**

Revocable Trusts, this index

SEVERANCE

Post-mortem planning, severable
property, **11:39**

Survivorship estates, joint tenancies,
2:30, 2:36 to 2:42

SHARE ADVANCE

Irrevocable trusts, **13:135**

SHIPPING COSTS

Uncontested estates, practice in sur-
rogate's court in, **4:171**

SHORT FORM POWER OF ATTORNEY

Power of Attorney, this index

SHOW CAUSE ORDERS

Adult guardian, appointment of,
1:289

SIDE LETTERS TO FIDUCIARIES

Pre-death considerations, **1:83**

SIGNATURE

Mobile client: multijurisdictional
issues, signature on income tax
return, **15:65**

Probate Proceedings, this index

Totten trust accounts, signature/
ledger cards, **2:17, 2:18**

Uncontested estates, practice in sur-
rogate's court in, **4:117**

SIMULTANEOUS ADMINISTRATION

Revocable trusts, **2:284, 2:287**

SMALL ESTATES

Generally, **2:1 to 2:6, 3:13**

Renunciation of voluntary
administrator, **2:4**

Small Estate Affidavit Program, **2:7**

SMALL ESTATES—Cont'd

Voluntary administrators, **2:4 to 2:6**

Waiting period, **2:3**

SOCIAL SECURITY

Guardianship, **14:30**

SOP TAX

Estate taxes, **10:11, 10:12, 15:48**

SPECIAL PROCEEDINGS

Health care proxies, **5:30 to 5:33**

SPECIAL USE VALUATION

Estate taxes, **9:271 to 9:296, 9:569, 11:103 to 11:106**

SPENDTHRIFT

Irrevocable trusts, **13:130**

SPLITTING OF SPOUSAL GIFTS

Lifetime gifts and other transfers, **1:114 to 1:118, 1:123**

Revocable trusts, **2:270**

SPLITTING TRUSTS

Statutory trust splitting. Trusts, this index

SPOUSES

Abandonment, **6:16 to 6:21**

Attorney-client fee dispute resolution program, **6:129**

Competing rights of former spouse and current spouse, **6:80 to 6:90**

Divorce and Separation, this index

Elective Share, this index

Estate Taxes, this index

Guardian ad litem, **5:82**

Interim distributions to estate beneficiaries, **4:100**

Intestacy, this index

Irrevocable trusts, distribution by spouse trustee, **13:300 et seq.**

Lifetime Gifts and Other Transfers, this index

Marital Deduction, this index

Nonprobate assets, property passing to non-citizen spouse, **4:79 to 4:86**

Post-mortem planning, **11:24, 11:25, 11:60 to 11:87, 11:94, 11:158**

Pre-Death Considerations, this index

SPOUSES—Cont'd

Qualification as surviving spouse, **6:9 to 6:27**

Qualified domestic relations order, **6:131 (Form 6-2)**

Rights, generally, **6:1 et seq.**

Splitting of Spousal Gifts, this index

Survivorship Estates, this index

SPRINGING POWER OF ATTORNEY

Generally, **1:180**

STANDARD OF CARE

Mobile client: multijurisdictional issues, **15:41**

STANDBY GUARDIANSHIPS

Generally, **5:47 to 5:64, 5:235 (Form 5-4)**

Divestiture of rights, lack of, **5:63**

Petitions, **5:49 to 5:51, 5:53, 5:61, 5:240 (Form 5-8), 5:241 (Form 5-9)**

Pre-death considerations, **1:82, 1:325 (Form)**

STATUS AS SURVIVING SPOUSE

Generally, **8:41**

STATUS REPORT

Reports and reporting, **5:231**

STATUTE OF LIMITATIONS

Limitation of Actions, this index

STATUTORY SHORT FORM POWER OF ATTORNEY

Generally, **1:177 to 1:181, 1:210**

STATUTORY TRUST SPLITTING

Trusts, this index

STIPULATIONS

Accounts and accounting, stipulation against or for apportionment, **12:139**

Estate taxes, stipulation reserving domicile, **10:61 (Form 10-2)**

STOCKS AND BONDS

Accounts and accounting, **12:109**

Derivative actions, **5:169**

Dividends, this index

INDEX

STOCKS AND BONDS—Cont'd

- Estate Taxes, this index
- Mobile client: multijurisdictional issues, **15:98**
- Noncontested estate, administration of, **4:195 to 4:200**
- Pre-Death Considerations, this index
- Revocable trusts, S corporation stock held in trust, **2:231 to 2:240**
- S Corporations, this index
- Testamentary substitutes, shareholders' agreements, **6:61**
- Uniform Transfers to Minors Act, this index
- United States Bonds, this index

STORTECKY v. MAZZONE

- Accounts and accounting, **12:58**

STRAW MAN RULE

- Survivorship estates, joint tenancies, **2:29**

SUA SPONTE REVIEW

- Accounts and accounting, **12:56, 12:57, 12:59**

SUBJECT MATTER JURISDICTION

- Executors and other fiduciaries, suits by and against, **5:160**
- Probate proceedings, **3:17 to 3:22**

SUBSEQUENT LITIGATION

- Totten trust accounts, **2:9**

SUBSTITUTES AND SUBSTITUTION

- Elective share, testamentary substitutes, **6:47 to 6:64**

SUCCESSIVE ESTATES

- Estate taxes, **9:550**

SUCCESSOR FIDUCIARIES

- Intestacy, **2:84**
- Trustees, **13:36**

SUMMONS

- Process and Service of Process and Papers, this index

SUPPLEMENTAL ACCOUNTING

- Accounts and Accounting, this index

SUPPLEMENTAL FILING

- Estate taxes, **9:383**

SUPPLEMENTAL NEEDS TRUSTS

- Trusts, this index

SUPPLEMENTARY LETTERS TESTAMENTARY

- Probate proceedings, **3:193 to 3:196**

SUPPORT OF PERSONS

- Estate taxes, **9:503**
- Guardianship, **14:28**
- Intestacy, this index
- Surviving spouse, qualification as, **6:21**
- Withdrawal of infant's property for support and education, **14:116 (Form 14-2)**

SUPREME COURT

- Accounts and accounting, **12:5**
- Jurisdiction, probate proceedings, **3:15**

SURETIES

- Accounts and accounting, **12:29**

SURROGATE'S COURT

- Accounts and accounting generally, **12:6, 12:87**
 - binding effect of judicially settled accounting, **12:87**
 - jurisdiction of Surrogate's Court, **12:6**
 - objections to account, **12:155 (Form 12-12)**
- Estate taxes, simultaneous filing, **10:44**
- Guardianship, **14:34**
- Mobile client: multijurisdictional issues, **15:91 to 15:98**
- Noncontested estate, administration of, **4:110 to 4:172**
- Probate Proceedings, this index

SURVIVAL OF ACTIONS

- Executors and other fiduciaries, suits by and against, **5:167 to 5:171**
- Malpractice, standing of beneficiary to sue for, **5:113, 5:171**

SURVIVING SPOUSE

Spouses, this index

SURVIVORSHIP ESTATES

Alternatives to probate, generally, **2:26 to 2:56**

Common law, joint tenancy at, **2:51**

Convenience accounts, **2:47, 6:57**

Conveyance of joint tenancies to third parties, **2:39**

Creditors' rights, joint tenancies, **2:42, 2:54**

Descent and distribution, joint tenancies, **2:31, 2:41**

Disclosure requirements, joint bank accounts, **2:49**

Elective share, **2:56, 8:41**

Encumbrance of joint tenancies, **2:40**

Entirety, tenancies by, **2:33 to 2:35, 6:58**

Fiduciary relationship, joint bank accounts, **2:46**

Income tax consequences, **2:55**

Insolvency, joint tenancies, **2:32**

Joint bank accounts, **2:43 to 2:54, 6:53 to 6:58**

Joint tenancies
generally, **2:27 to 2:32**
bank accounts, **2:43 to 2:54, 6:53 to 6:58**

Presumptions and burden of proof, joint bank accounts, **2:44 to 2:46, 6:54**

Severance of joint tenancies, **2:30, 2:36 to 2:42**

Spouses
entirety, tenancies by, **2:33 to 2:35, 6:58**

severance of joint tenancies during marriage, mutual consent, **2:36 to 2:38**

status as surviving spouse, elective share, **8:41**

Straw man rule, joint tenancies, **2:29**

Taxation
income tax consequences, **2:55**
joint bank accounts, **2:52, 2:53**

Third parties, conveyance of joint tenancies to, **2:39**

SURVIVORSHIP ESTATES—Cont'd

Totten trust accounts and survivorship accounts distinguished, **2:16**

Transfer taxes, **2:53**

Waiver of taxes, **2:52**

TANGIBLE PERSONAL PROPERTY

As to particular matters, see specific topics

TAXATION

Accounts and Accounting, this index

Claims Against Estate, this index

Credits Against Tax, this index

Elective share, **6:97 to 6:129**

Estate Taxes, this index

Generation-Skipping Transfer Tax, this index

Gift Taxes, this index

Income Tax, this index

Intestacy, this index

Lifetime Gifts and Other Transfers, this index

Property Taxes, this index

Revocable Trusts, this index

Sale of assets, **4:108**

Survivorship Estates, this index

Totten Trust Accounts, this index

Transfer Taxes, this index

TAX COMMISSION (STATE)

Probate citation issuance, **3:87**

TAXPAYER RELIEF ACT OF 1997

Post-mortem planning, **11:115**

Revocable trusts, **2:170 to 2:186**

TAX RETURNS

Pre-Death Considerations, this index

TELEPHONE COMMUNICATIONS

Uncontested estates, practice in surrogate's court in, **4:138**

TEMPORARY LETTERS OF ADMINISTRATION

Guardianship, **5:21**

Revocable trusts, petition for letters of administration, limited administration, administration

INDEX

TEMPORARY LETTERS OF ADMINISTRATION—Cont'd

with limitations or temporary
administration, **2:309 (Form
2-2:4)**

TENANCIES BY ENTIRETY

Survivorship estates, **2:33 to 2:35,
6:58**

TENURE

Guardian ad litem, **14:62 to 14:64**

TERMINATION

Charitable trusts, petition for termina-
tion of testamentary charitable
trust under \$100,000 because
uneconomical, **5:234 (Form
5-3)**

Divorce and Separation, this index
Estate taxes, terminable interests in
property, **9:142, 9:143, 9:146,
9:157**

Health care proxies, **5:29**

Income tax, termination of estate,
11:238 to 11:243

Irrevocable trusts, **13:294 et seq.**

Irrevocable Trusts, this index

Preliminary letters testamentary, for
cause termination, **3:206**

Revocable trusts, **2:179, 2:187 to
2:190, 2:208, 2:213, 2:218,
2:226, 2:241**

Trust reformation and revocation,
5:37, 5:42, 5:46

Uniform Transfers to Minors Act,
custodians under, **14:75**

TERM OF OFFICE

Guardianship, **14:47**

TESTAMENTARY DISPOSITIONS

Wills, this index

TESTAMENTARY TRUSTS

As to particular matters, see more
specific topics

Appointment of trustee by, **13:19**

Insurance trusts, **13:347, 13:350**

Inter vivos trusts vs. testamentary
trusts, **13:39 et seq.**

TESTAMENTARY TRUSTS —Cont'd

Marshalling and holding estate assets,
4:10

Moving trusts, **15:73**

“THE END”

Signature of testator on will, “the
end” defined, **3:115**

THIRD PARTIES

Claims against estate, third-party
objections to claims, **8:17**

Contest of will, **5:221**

Elective share, contributions from
third parties, **6:74**

Guardianship, deed of, **5:10**

Lifetime gifts and other transfers,
divestment of assets for
Medicaid qualifying purposes,
1:161, 1:163

Revocable trusts, pourovers to third-
party revocable trusts, **2:140**

Survivorship estates, conveyance of
joint tenancies to third parties,
2:39

Uniform Transfers to Minors Act,
14:89

THROWBACK RULE

Irrevocable trusts, **13:154 et seq.**

Revocable trusts, **2:281, 15:62**

TIMBER

Principal and income, allocating
receipts between, **13:197**

TIME OR DATE

Accounts and accounting, time for
voluntary accounting, **12:8 to
2:14**

Duration, this index

Elective share, **6:76, 6:79**

Estate Taxes, this index

Extention of Time, this index

Intestacy, this index

Laches or Delay, this index

Limitation of Actions, this index

Non-contested estate, time table,
Appx 4 to 1

TIME OR DATE—Cont'd

Post-mortem planning, timing of
disclaimers, **11:14 to 11:17**
Power of Attorney, this index
Pre-Death Considerations, this index
Probate Proceedings, this index
Revocable Trusts, this index
Testamentary substitutes, **6:48, 6:55**
Uncontested estates, practice in sur-
rogate's court in, valuation for
commission purposes, **4:152,**
4:158 to 4:161

TITLE AND OWNERSHIP

Life insurance, giving up incidents of
ownership, **2:64**
Pre-death considerations, information
required to develop estate plan,
1:37
Revocable Trusts, this index
Trusts
divestiture of ownership and
control, **13:17**
Revocable Trusts, this index
segregation of trust property,
13:120, 13:121
transfer of legal title, **13:2 to 13:7**

TITLE INSURANCE

Revocable trusts, **2:105**

TORT ACTIONS

Executors and other fiduciaries, suits
by and against, **5:168**

TOTTEN TRUST ACCOUNTS

Generally, **2:8 to 2:25**
Claims against estate, **8:56**
Creditors' rights, **2:23 to 2:25**
Definition, **2:11**
Depositor, death of beneficiary prior
to death of, **2:15**
Elective share, **2:22**
Estate tax consequences, **2:20**
Evidence of change, signature/ledger
cards, **2:18**
Income tax consequences, **2:19**
Interest of beneficiary, **2:12**
Intestacy, **7:12**
Joint and survivorship accounts
distinguished, **2:16**

TOTTEN TRUST ACCOUNTS

—Cont'd

Lifetime planning, **1:98**
Mobile client: multijurisdictional
issues, **15:29**
Revocation, **2:13**
Signature/ledger cards, **2:17, 2:18**
Subsequent litigation, **2:9**
Survivorship and joint accounts
distinguished, **2:16**
Taxation
estate tax consequences, **2:20**
income tax consequences, **2:19**
waiver of taxes, **2:21**
Testamentary substitutes, **6:52**
Vesting in beneficiary, **2:14**
Waiver of taxes, **2:21**

TRANSFER ON DEATH

**SECURITY REGISTRATION
ACT**

Generally, **2:295 to 2:304**
Applicable law, **2:297**
Beneficiary form, registration in,
2:296
Effect of registration, **2:300**
Form of registration, **2:299**
Nontestamentary transfer on death,
2:303
Origination of registration, **2:298**
Ownership on death of owner, **2:301**
Protection of registering entity, **2:302**
Sole or joint tenancy ownership,
2:296
Terms, conditions and forms, **2:304**

TRANSFERS

As to particular transfers or matters,
see more specific topics
Adult guardian, **1:309 to 1:313**
Claims against estate, refunds by
transferees on behalf of late
claimants, **8:47 to 8:50**
Elective share, premarital transfers,
6:111
Lifetime Gifts and Other Transfers,
this index
Moving Trusts, this index
Pre-Death Considerations, this index

INDEX

TRANSFERS—Cont'd

- Taxes. Transfer Taxes, this index
- Transfer-on-Death Security Registration Act, this index
- Uniform Transfers to Minors Act, this index

TRANSFERS TO MINORS ACT

- Uniform Transfers to Minors Act, this index

TRANSFER TAXES

- Claims against estate, **8:50**
- Generation-Skipping Transfer Tax, this index
- Revocable Trusts, this index
- Survivorship estates, **2:53**
- Trusts, extending life of, tax avoidance, **13:323**

TRAVEL EXPENSES

- Uncontested estates, practice in surrogate's court in, **4:168 to 4:170**

TREATIES

- Estate taxes, **9:221, 9:538, 9:539**

TRUSTEES

- Trusts, this index

TRUSTS

- As to particular matters, see more specific topics
- Generally, **13:1 et seq.**
- Accounts and Accounting, this index
- Beneficiaries
 - generally, **13:20 to 13:24**
 - friction between trustee and beneficiary, **13:38**
 - interests of trustee vs. beneficiaries, **13:116**
 - issue and descendants, defined, **13:24**
 - multiple beneficiaries, **13:23**
 - not qualified to take, **13:22**
 - same sole trustee and sole beneficiary, **13:21**
- Charitable Trusts, this index
- Commissions (Compensation), this index

TRUSTS—Cont'd

- Concurrent jurisdiction, inter vivos vs. testamentary trusts, **13:41 et seq.**
- Conflict of interest, exonerating trustee, **13:117**
- Consent
 - irrevocable trusts, termination or amendment of irrevocable trusts other than by express terms, **13:26**
 - reformation and revocation, **5:36**
 - revocable trusts, waiver of citation, renunciation and consent to appointment of administrator, **2:312 (Form 2-2:7)**
 - statutory trust splitting, below
- Consolidating and separating, **13:123**
- Consolidation or merger, **13:6, 13:7, 13:359 (Form)**
- Corporations, this index
- Coverage under SCPA, **13:47 et seq.**
- Creation of trust. Evidence, below
- Death of trustee, **13:35**
- Deed as evidence of creation of trust, **13:11**
- Default
 - generally, **13:86**
 - insurance trusts, **13:348**
 - irrevocable trusts, **13:250**
- Definitions, **13:47 et seq., 13:57 et seq.**
- Delegation of authority
 - prudent investor standard, **13:99**
 - reformation and revocation, **5:36**
- Descendants, defined, **13:24**
- Disclaimer or renunciation, defined, **13:51**
- Distribution by trustee, **13:115**
- Elective share, **6:6, 6:98 to 6:108, 6:116, 6:118**
- Evidence
 - creation of trust
 - generally, **13:9 to 13:14**
 - deed, **13:11**
 - expression of terms, **13:12**
 - multiple trust agreements, **13:14**
 - what is not necessary, **13:13**
 - writing, **13:10**

TRUSTS—Cont'd

Evidence—Cont'd

Irrevocable Trusts, this index
totten trust accounts, evidence of
change of signature/ledger
cards, **2:18**

Extending life of trust

generally, **13:318 et seq.**
amendment to trust compared,
13:325
appointment in further trust by
trustee, **13:318**
bests interests of beneficiaries,
13:320
exclusion of beneficiaries, **13:321**
notice of exercise of power, **13:324**
restrictions on appointment
generally, **13:319**
bests interests of beneficiaries,
13:320
exclusion of beneficiaries,
13:321
intent of creator, **13:319**
miscellaneous, **13:322**

transfer tax, avoidance of, **13:323**

Fees. Commissions (Compensation),
this index

Fiduciary duties and powers, **13:87**

Forms

generally, **13:352 et seq.**
charitable foundation trust agree-
ment, **13:354 et seq.**
charitable remainder unitrust,
application for appointment of
additional trustee, **13:358**
consolidation of trusts, petition for
permission, **13:359**
proposed order, agreement, and
settlement, **13:353**
supplemental needs trust, **13:352**
(**Form 13-1**)

Friction between trustee and benefi-
ciary, **13:38**

Generation-Skipping Transfer Tax,
this index

Governance of EPTL

generally, **13:85**
default mode, generally, **13:86**
fiduciary duties and powers, **13:87**

TRUSTS—Cont'd

Grantor Trusts, this index

Incorporation by reference

revocable trusts, **2:145, 2:147**
trustee powers, **13:111**

Insurance trusts

generally, **13:344 et seq.**
beneficiary designations, **13:244 et**
seq.
creditors' rights, **13:349**
default, no designation of benefi-
ciary, **13:348**
elective share, insurance as
testamentary substitute,
13:350
life insurance, revocable trusts,
2:105, 13:346
proceeds as income or principal,
13:351
testamentary trust created by will
of insured, **13:347**

Inter Vivos Trusts, this index

Irrevocable Trusts, this index

Issue, defined, **13:24**

Jurisdiction

concurrent jurisdiction, inter vivos
vs. testamentary trusts, **13:41**
et seq.

irrevocable trusts, distribution by
spouse trustee, **13:305**

Life insurance, **2:64, 4:71**

Lifetime Gifts and Other Transfers,
this index

Loyalty

duty of loyalty, trustee's, **13:112**
revocable trusts, **2:252 to 2:294**

Marshalling and Holding Estate

Assets, this index

Merger or consolidation, **13:6, 13:7**

Mobile Client: Multijurisdictional
Issues, this index

Moving Trusts, this index

Multiple trustees, generally, **13:29 et**
seq.

Partnerships, this index

Phantom income. Principal and
income, below

Post-Mortem Planning, this index

Powers of trustee, **13:102 et seq.**

INDEX

TRUSTS—Cont'd

- Pre-death considerations, trustees, **1:78, 1:80**
- Principal and income
 - generally, **13:188 et seq.**
 - allocations between principal and income
 - generally, **13:188 et seq.**
 - asset-backed security, **13:199**
 - deferred compensation, annuities, and equivalents, **13:194**
 - derivatives and options, **13:198**
 - expenses, allocation of, **13:200**
 - insurance policies and similar contracts, **13:193**
 - liquidating assets, **13:195**
 - natural resources, **13:196**
 - obligation to pay money, **13:192**
 - receipts, allocation of, **13:189 et seq.**
 - rental property, **13:191**
 - timber, **13:197**
- characterization rules, problems caused by, **13:204 et seq.**
- commencement of beneficiary's interest, **13:223**
- companion changes, **13:220, 13:221**
- corporate obligations purchased at discount, treatment of, **13:203**
- corporate yields, special, **13:210 et seq.**
- discretionary areas, **13:201**
- expenses, allocation of, **13:200**
- other trusts or estates, income from, **13:190**
- partnership distributions, **13:215 et seq.**
- passive income and losses, **13:214**
- phantom income
 - generally, **13:204 et seq.**
 - burden of phantom income, **13:204**
 - DNI, phantom income included, **13:205**
 - New York law, **13:207**
 - partnership distributions, **13:218**
 - simple trusts, **13:206**

TRUSTS—Cont'd

- Principal and income—Cont'd
 - prudent investor rule, **13:219**
 - qualified plan benefits passing to and distributed from trust, **13:202**
 - receipts, allocation of, **13:189 et seq.**
 - successive income beneficiaries, **13:209**
 - underproductive property, **13:208**
 - unitrust, option to treat trust as, **13:222**
- Prudent Investor Rule
 - generally, **13:88 et seq.**
 - delegation, **13:99, 13:100**
 - investing prior to rule, **13:88 et seq.**
 - investment advisor delegate, liability, **13:100**
 - principal and income, **13:219**
 - professional trustee, higher standard, **13:101**
 - prudent investor standard, **13:93 et seq.**
 - standard of care, **13:100, 13:101**
- QDOT trusts, this index
- Reformation, **5:34 to 5:45**
- Removal of trustees
 - generally, **13:37**
 - Estate Taxes, this index
 - friction with beneficiary, **13:38**
- Revocable Trusts, this index
- Revocation
 - generally, **5:34 to 5:45**
 - Revocable Trusts, this index
 - totten trust accounts, **2:13**
 - transfer of legal title, **13:5**
- Segregation of trust property
 - generally, **13:119**
 - bank trustee, nominee title permitted, **13:121**
 - non-bank trustee, nominee title forbidden, **13:120**
 - written override in trust instrument, effect of, **13:122**
- Self-dealing
 - generally, **13:113 et seq.**

TRUSTS—Cont'd

Self-dealing—Cont'd
 conflict of interest, exonerating trustee, **13:117**
 interests of trustee vs. beneficiaries, **13:116**
 limits, **13:118**
 purchases by trustee, **13:114**
 revocable trusts, **2:224**
 Self-Trusteed Trusts, this index
 Separating and consolidating, **13:123**
 Settlement of Estates, this index
 Splitting trust. Statutory trust splitting, below
 Statutory trust splitting
 generally, **13:326 et seq.**
 consent as key distinction
 generally, **13:327 et seq.**
 other appropriate reasons, **13:329 et seq.**
 specified purpose, **13:328**
 documenting split when court proceeding not held, **13:334**
 funding, **13:335**
 interested persons, defined, **13:332**
 judicial proceeding, **13:330**
 nonjudicial proceeding, **13:331**
 purpose, **13:326**
 trustee commissions, **13:336**
 types of trusts that can be split, **13:333**
 Successor trustees, **13:36**
 Supplemental needs trusts
 generally, **13:337 et seq.**
 compensable disbursements by trustee, **13:343**
 form, **13:352 (Form 13-1)**
 history, **13:337**
 income beneficiary's statutory entitlements, coordination with, **13:341**
 rules of construction in event of policy change, **13:340**
 scope, **13:338**
 trusts not covered, **13:339**
 Terms of trust, **13:8, 13:12**
 Testamentary Trusts, this index
 Title and Ownership, this index

TRUSTS—Cont'd

Totten Trust Accounts, this index
 Transfer taxes, avoidance, extending life of trust, **13:323**
 Trustees
 generally, **13:15**
 appointment by will, **13:19**
 Commissions (compensation), this index
 conflict of interest, exonerating trustee, **13:117**
 corporate, **13:49**
 death of, **13:35**
 distribution by trustee, **13:115**
 divestiture of ownership and control, **13:17**
 failure to specify, **13:18**
 friction between trustee and beneficiary, **13:38**
 friction with beneficiary, **13:38**
 individual, **13:50**
 interests of trustee vs. beneficiaries, **13:116**
 loyalty, duty of, **13:112**
 multiple trustees, **13:29 et seq., 13:78 et seq.**
 powers, **13:102 et seq.**
 prudent investor rule, higher standard for professional trustee, **13:101**
 purchases by trustee, **13:114**
 removing, **13:37, 13:38**
 self-dealing, above
 successor, **13:36**
 what passes to, **13:16**
 Unitrust, option to treat as, **13:222**
 Validity, generally, **13:1 et seq.**
 Writing, evidence of trust creation, **13:10**

TUITION

Claims against estate, qualified state tuition programs, **8:62 to 8:64**
 Lifetime gifts and other transfers, **1:58, 1:119**
 Post-mortem planning, **11:146**

UNBORN CHILDREN

Intestacy, diagram illustrating effect of unborn children on intestate

INDEX

UNBORN CHILDREN—Cont'd distribution, **Appx 7 to 5**

UNCONTESTED ESTATE, ADMINISTRATION OF Noncontested Estate, Administration of, this index

UNDERTAKINGS Bonds and Undertakings, this index

UNDUE INFLUENCE Capacity of client, **1:90** Contest of will, **5:206** Noncontested estate, administration of, **4:182**

UNIFIED CREDIT TRUSTS Estate taxes, **9:548**

UNIFORM DISPOSITION OF COMMUNITY PROPERTY RIGHTS AT DEATH ACT Mobile client: multijurisdictional issues, **15:83 to 15:90**

UNIFORM PRINCIPAL AND INCOME ACT Estate taxes, **10:35**

UNIFORM RULES AND FORMS Uncontested estates, practice in sur- rogate's court in, **4:112, 4:137**

UNIFORM TRANSFERS TO MINORS ACT Generally, **14:4, 14:115 (Form 14-1)** Accounting, **14:92** Annuity contracts, **14:72, 14:83** Bond of custodian, **14:90** Commingle of property, **14:76** Compensation, **14:88** Consenting to reorganizations, **14:71** Custodians generally, **14:66 to 14:92** distributions to custodian, **14:12** estate taxes, **9:476** Estate taxes, **9:46, 9:476** Investment and sale of custodial property, **14:70** Life insurance policies, **14:72, 14:83** Money, transfer of, **14:82**

UNIFORM TRANSFERS TO MINORS ACT—Cont'd Payments to or for minor, generally, **14:73 to 14:75** Personal property, generally, **14:85,** **14:86** Pre-Death Considerations, this index Real property, generally, **14:84** Removal of custodian, **14:91** Reorganizations, consenting to, **14:71** Sale of custodial property, **14:70** Stocks and bonds registered securities, **14:80** unregistered securities, **14:80** Termination of custodianship, **14:75** Testamentary transfers, **14:67** Third parties, liability of, **14:89**

UNITED STATES BONDS Estate taxes, **9:426** Income tax, interest on Series E or EE savings bonds, **11:169**

UNITRUSTS Charitable Trusts, this index Option to treat trust as unitrust, **13:222**

UNLIQUIDATED CLAIMS Claims Against Estate, this index

VACATING Probate proceedings, **5:103 to 5:109**

VALUE AND VALUATION Estate Taxes, this index Interim distributions to estate benefi- ciaries, alternate valuation elec- tion, **4:94** Post-mortem planning, **11:98 to** **11:108** Pre-Death Considerations, this index Revocable trusts, transfer taxes, **2:169** Sale of assets, alternate valuation election, **4:109** Uncontested estates, practice in sur- rogate's court in, **4:145 to** **4:149, 4:151 to 4:171**

VENUE Accounts and accounting, **12:7**

VENUE—Cont'd

- Adult guardian, **1:281**
- Executors and other fiduciaries, suits by and against, **5:159**
- Lifetime trusts, **13:42**
- Mobile client: multijurisdictional issues, **15:93, 15:95**
- Probate proceedings, **3:26 to 3:33**

VERIFICATION OF PLEADINGS

- Uncontested estates, practice in surrogate's court in, **4:118**

VESTING

- Irrevocable trusts, **13:294 et seq.**
- Totten trust accounts, **2:14**

VIRTUAL REPRESENTATION

- Probate proceedings, **3:93 to 3:97, 3:108**

VOLUNTARY ACCOUNTING

- Accounts and Accounting, this index

VOLUNTARY ADMINISTRATORS

- Elective share, **6:94**
- Revocable trusts, renunciation of voluntary administration, **2:305 (Form 2-2:1)**
- Small estates, **2:4 to 2:6**

VOTING TRUSTS

- Elective share, **6:118**

WAITING PERIOD

- Small estates, **2:3**

WAIVER

- Elective Share, this index
- Estate Taxes, this index
- Intestate share, **7:80**
- Irrevocable trusts, termination or amendment other than by express terms, **13:28**
- Post-mortem planning, waiver of commissions, **11:87**
- Probate Proceedings, this index

WAIVER—Cont'd

- Revocable trusts, waiver of citation, renunciation and consent to appointment of administrator, **2:312 (Form 2-2:7)**
- Survivorship estates, waiver of taxes, **2:52**
- Totten trust accounts, waiver of taxes, **2:21**

WARDS

- Guardianship, this index

WARMS CASE AND ITS PROGENY

- Estate taxes, **9:534**
- Marshalling and holding estate assets, **4:14, 4:15**

WIFE

- Spouses, this index

WILLS

- See also, specific index topics
- Capacity or Incapacity, this index
- Elective Share, this index
- Holographic Wills, this index
- Intestacy, this index
- Living Wills, this index
- Mobile Client: Multijurisdictional Issues, this index
- Noncontested Estate, Administration of, this index
- Pre-Death Considerations, this index
- Probate Proceedings, this index
- Trusts. Testamentary Trusts, this index

WITNESSES

- Hiring medical expert, **5:79**
- Probate Proceedings, this index

WORTHLESS SECURITIES

- Estate taxes, **9:421**

WRONGFUL DEATH

- Elective share, **6:95**
- Probate proceedings, venue, **3:34**