

A GUIDE FOR FAMILIES & LEGAL PROFESSIONALS

Understanding Probate in New York

A clear, accurate walkthrough of how estate administration works in New York State, with Westchester and Putnam County specifics.

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A NOTE BEFORE YOU BEGIN

If you're reading this because someone you love has passed, I'm so sorry. Settling an estate often falls on one person at a time when they're already stretched thin, and the court process can feel like a different language. This guide is here to make it a little clearer: what happens, in what order, and roughly how long it takes. You don't have to read it all at once. Start with whatever you need today.

— Alexis

> IF YOU'RE THE EXECUTOR, START HERE
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> The first few weeks usually come down to three things: finding the original will, getting certified death certificates, and choosing an estate attorney. The big turning point comes later, when the court issues your Letters (Step 4). Until then, the practical steps for looking after the house are in The Real Estate Side.

SECTION ONE

What Probate Actually Means

The legal side, explained plainly.

Probate is the court process that confirms a will is valid and gives someone legal authority to handle a loved one's estate. If there's no will, the process is called **administration**, though people often use "probate" to mean both.

Each county in New York has its own **Surrogate's Court** that handles these cases. The **Westchester County Surrogate's Court** is at 111 Dr. Martin Luther King Jr. Blvd., 19th Floor, White Plains, NY 10601 (court website). The **Putnam County Surrogate's Court** is in the Historic Courthouse at 44 Gleneida Avenue, Carmel, NY 10512 (court website).

TERM	MEANING
Executor	The person named in the will to handle the estate.
Administrator	The person the court appoints when there's no will, usually the closest relative.

TERM	MEANING
Letters	The court document that gives the executor (Letters Testamentary) or administrator (Letters of Administration) legal authority to act for the estate.
Beneficiary	Someone who receives something from the estate.

> WORTH KNOWING
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> An executor or administrator can't act for the estate — including listing or selling the house — until the court issues their Letters. Knowing where things stand helps families and their attorneys plan next steps with confidence.

SECTION TWO

The Process, Step by Step

A straightforward New York estate typically takes 7 to 12 months. Complex or contested ones take longer.

STEP 1

Find the Will and Death Certificate

The court needs the original will, so it's worth locating early. If only a copy can be found, let the attorney know right away, since it adds an extra step. Certified death certificates come through the funeral director or the county Department of Health.

STEP 2

File With the Court

The executor, usually working with an attorney, files a petition with the Surrogate's Court in the county where their loved one lived, along with the original will, a death certificate, and a filing fee based on the size of the estate.

STEP 3

Family Is Notified

The court makes sure close family members and beneficiaries are formally notified, so anyone with a concern has a chance to raise it.

STEP 4

Letters Are Issued

If no one objects, the court issues Letters. This is the moment the executor or administrator can open estate accounts, sign a listing agreement, sell property, and act on the estate's behalf. One exception: if the will leaves the house to a specific person, or if there's no will, a sale may need the heirs' consent or court approval. The estate attorney can confirm whether this applies.

STEP 5

Gathering Assets & Paying Debts

The executor takes stock of what the estate owns and lets creditors know. Under New York law, creditors generally have **7 months** from the date Letters are issued to make claims. This window is a big part of why estates can't be wrapped up quickly, even when everyone agrees.

STEP 6

Final Distribution

Final taxes and debts are paid, and what remains, including the house or the proceeds from its sale, is distributed according to the will or state law.

SECTION THREE

If There's No Will: Who Inherits

How New York law divides an estate when there's no will.

WHO SURVIVES	WHO INHERITS
Spouse, no children	Spouse inherits everything.
Spouse + children	Spouse gets the first $50,000, plus half of the rest. Children split the other half equally.
Children, no spouse	Estate divided equally among children.
A child has passed away	That child's share goes to their own children.
No spouse or children	Passes to parents, then siblings, then more distant relatives.

When there's no will, the court follows an order of priority to decide who can serve as administrator. It isn't always the person closest to the loved one, which is why an administrator is sometimes a nephew or a more distant relative.

A QUICK NOTE

Some things pass outside of probate entirely, like a home owned jointly with right of survivorship, accounts with a named beneficiary, or property held in a trust. The estate attorney can confirm what applies to your family.

SECTION FOUR

Small Estates

A simpler, faster path exists for smaller estates.

When a loved one's **personal property** (bank accounts, belongings, vehicles) totals **$50,000 or less**, New York offers a simpler process called Voluntary Administration. It uses shorter court forms and moves faster than full probate.

THE REAL ESTATE NUANCE

The house doesn't count toward the $50,000. So even if the rest of the estate qualifies for the simpler process, the house still goes through its own process. Your attorney can explain what this means for your family.

SECTION FIVE

Timeline, Cost & Estate Tax

The numbers worth having on hand.

ESTATE TYPE	TYPICAL TIMELINE
Simple estate	7–12 months
Average estate	12–18 months
Contested or complex	18+ months, sometimes years

Costs, including court and attorney fees, vary from estate to estate, so it's worth asking the attorney early what to expect.

New York estate tax only applies to larger estates. For deaths in 2026, estates under **$7,350,000** owe no state estate tax (NYS Department of Taxation and Finance). If an estate is near or above that amount, the attorney or accountant will explain what applies.

SECTION SIX

The Real Estate Side

Practical steps for the property while the estate is open.

Secure the Property

Make sure the home is locked and secure, and keep track of who has keys. An empty home is more vulnerable than most families expect.

Review the Insurance

Tell the insurance carrier about the death and ask about coverage while the home is empty.

Plan for Carrying Costs

Taxes, utilities, insurance, and upkeep continue while the estate is open. In colder months, keep the heat on or have the home winterized.

Hold Off on Clearing It Out

Check with the attorney before removing belongings. Some items may have value or be left to a specific person.

Ask About a Date-of-Death Value

The attorney and accountant will typically need the home's value as of the date of death, usually from a licensed appraiser. Ask them early what they'll need.

Know When a Sale Can Happen

Once Letters are issued, the home can generally be sold while the rest of the estate is still being settled. The attorney will confirm when the estate is ready to list.

SECTION SEVEN

A Resource Along the Way

Real estate is often just one piece of a much larger process — but when the time comes, it helps to have someone who understands both sides.

Whether an estate ultimately calls for a traditional listing, a full-service approach that takes the coordination off your plate, or a faster, private sale, having accurate guidance early makes the entire process easier — for families navigating a loss, and for the attorneys guiding them through it.

If a property is part of an estate you're working with, I'm glad to be a resource, whether that means a comparative market analysis, a conversation about timing, or simply a trusted local contact for clean-outs, repairs, or estate sales. Whenever you're ready, I'm here to help, even if it's just a question.

For a complimentary comparative market analysis of an estate property, call or text my cell at (914) 610-8468 or email Apappasrealty@gmail.com.



Guiding families forward, one step at a time.

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