

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Hon. Nelida Malavé-Gonzalez, Surrogate

-----X

In the Matter of the Application of
_____, as the
Administrator of the Estate of

File No.:

PETITION TO LIFT
SCPA 702 (1) RESTRICTIONS

Deceased,
to lift SCPA 702(1) restrictions on Letters
of Administration.

-----X

The petition of _____ (the "Petitioner"), Administrator of
the Estate of _____, deceased (the "Decedent"),
duly appointed on _____ and residing at
_____ respectfully shows:

1. The Decedent died on _____, a resident of Bronx County and the State
of New York.
2. The petition for Letters of Administration with limitations, filed by the Petitioner, alleges that the
estate consisted of personal and real property of a value not exceeding \$_____,
which the Petitioner believed to have been correct from his/her investigation.
3. On _____, Limited Letters of Administration were issued by this Court to
the Petitioner to pursue a cause of action for the Decedent's personal injury, thereby restricting
him/her from collecting or receiving any funds or other property of the Decedent in excess of
\$_____ without further Order of the Surrogate.
4. Recently, the Petitioner received a firm and final settlement offer from _____
in the amount of \$ _____ (the "Offer"), which represents the settlement of
a cause of action for personal injury only. No cause of action was ever pleaded, nor ever filed, for

the Decedent's wrongful death and no part of the Offer is attributable to a cause of action for the Decedent's wrongful death (**attach a copy of the settlement letter from the settling party and/or the settlement order, if a court settlement**).

5. The following persons/entities have an interest in the Decedent's estate other than the Petitioner and are of full age and under no disability:

Name	Domicile and Post-Office Address	Nature of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. The following persons have an interest in the Decedent's estate and are either infants or persons under another disability:

Name	Domicile and Post-Office Address	Nature of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. The following are the debts, claims and/or liens that are asserted in the personal injury action or in the general estate administration.

8. The OCA filed retainer number for the pending personal injury action is _____.

9. The Petitioner respectfully requests that the Court dispense with imposing a surety bond.

Wherefore, the Petitioner respectfully prays that the restrictions on the Limited Letters of Administration granted to him/her by this Court be modified to permit the marshaling of additional funds in the amount of \$_____, which represent the proceeds from a personal injury action settlement, without posting a bond. All other restrictions in the Petitioner's limited letters, including those as to other causes of action, remain in effect.

Dated:_____

Petitioner's Signature:_____

Petitioner's Printed Name:_____

STATE OF NEW YORK

COUNTY OF

The undersigned, the Petitioner named in the foregoing Petition, being duly sworn, deposes and says: I have read the foregoing Petition subscribed by me and know the contents thereof, and the same is true to my own personal knowledge, except as to those matter therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Petitioner

Sworn to before me this _____ day

of _____, 202__.

Notary Public

(Affix Notary Stamp or Seal)

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Hon. Nelida Malavé-Gonzalez, Surrogate

-----X

In the Matter of the Application of
_____, as the
Administrator of the Estate of

File No.:

WAIVER AND CONSENT

_____,

Deceased,

to lift SCPA 702 (1) restrictions on
Letters of Administration.

-----X

The undersigned, a distributee or creditor of the above named decedent, being of full age and sound mind hereby voluntarily appears in this proceeding in the Surrogate's Court of Bronx County, New York; waives the issuance and service of citation in this matter; agrees that the Estate's personal injury settlement in the amount of \$_____ is an adequate and acceptable settlement, and consents to the following relief:

1. The restrictions on the Limited Letters of Administration granted to him/her by this Court be modified to include additional funds in the amount of \$_____, representing the proceeds from a personal injury action settlement.
2. The undersigned recognizes that the Court may impose a bond in this matter but specifically consents to waiving the requirement of a bond.
3. All other restrictions on the Petitioner's limited Letters of Administration will remain in effect and the Court may grant such other and further relief as it deems just and proper.

Dated:

Signature/Print Name:_____

Relationship: _____

Street address:_____

Telephone Number:_____ Email Address:_____

STATE OF NEW YORK
COUNTY OF _____

On _____, 20____, before me personally appeared _____
_____ to me known and known to be
the person described in and who executed the forgoing Waiver and Consent. Such person
duly swore to such instrument before me and duly acknowledged that he/she executed the
same.

Sworn to before me this _____ day of _____, 20____

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

Signature of Attorney: _____

Print Name: _____

Firm Name: _____

Attorney Address: _____

Telephone Number: _____

Email Address: _____

SURROGATE'S COURT, BRONX COUNTY

CITATION

THE PEOPLE OF THE STATE OF NEW YORK,

By the Grace of God Free and Independent

TO: _____

A petition having been filed by _____, who
resides at _____.

YOU ARE HEREBY CITED TO SHOW CAUSE BY MAKING A VIRTUAL OR IN-PERSON APPEARANCE before
the Surrogate's Court, located at 851 Grand Concourse, Courtroom 406, Bronx, New York 10451, on
_____, 20____, why an order should not be made in the Estate of _____,
lately domiciled at _____, granting the following relief:

The restrictions on the Limited Letters of Administration granted to him/her by this Court be modified to include additional
funds in the amount of \$_____, which represent the proceeds from the settlement of a
personal injury action, without posting a bond All other restrictions on said Letters will remain in effect and the Court may
grant such other and further relief as it smit deems just and proper.

**THE CITATION MUST BE SERVED WITH THE COURT'S VIRTUAL APPEARANCE NOTICE. THE AFFIDAVIT OF
SERVICE MUST INDICATE THAT THE CITATION AND SAID NOTICE WERE SERVED TOGETHER.**

Dated, Attested and Sealed

Hon. Nelida Malavé-Gonzalez

Hon. Nelida Malavé-Gonzalez, Surrogate

_____, 20____

John J. Hughes

John J. Hughes, Esq., Chief Clerk

Name of Attorney for Petitioner _____ Tel. No. _____

Address of Attorney _____ E-Mail address _____

**NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it
will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you.**

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Hon. Nelida Malavé-Gonzalez, Surrogate

-----X

In the Matter of the Application of

File No.:

_____, as the

Administrator of the Estate of

NOTICE OF APPLICATION

FOR AN ORDER LIFTING

SCPA 702 (1) RESTRICTIONS

Deceased,

to lift SCPA 702 (1) restrictions on

Letters of Administration.

-----X

Notice is hereby given that:

1. The Administrator, _____, has petitioned for an Order lifting restrictions on his/her Limited Letters of Administration so he/she may collect a personal injury action settlement in the amount of \$ _____, without posting a bond.
2. A copy of the settlement offer letter and/or settlement order is attached.
3. Absent opposition, the Order granting some or all of the requested relief will issue on or after _____, 20____.

Dated: _____

Signature of the Administrator or Attorney: _____

Print Name: _____

Address (Office): _____

Telephone: _____ Email Address: _____

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X

In the Matter of the Application of

_____, as the
Administrator of the Estate of

_____ ,

Deceased,

to lift restrictions on Letters of Administration.

-----X

STATE OF NEW YORK

COUNTY OF _____

_____, residing at _____

being duly sworn, deposes and states that deponent is over the age of eighteen years; that on

_____, 20__ deponent served a copy of the foregoing

Notice of Application and its referenced settlement offer letter/order upon each of the persons
named below, to their respective post office addresses, by the following method (specify method):

[Regular Mail] [Certified Mail] [Registered Mail] [Overnight Courier Service] [Personal Delivery]

_____, at the address of _____

_____, at the address of _____

_____, at the address of _____

_____, at the address of _____

Signature

Print Name

Sworn to before me this ___ day

of _____, 20__.

Notary Public

AFFIDAVIT OF MAILING
NOTICE OF APPLICATION
FOR AN ORDER LIFTING
SCPA 7021(1) RESTRICTIONS

File No.:

At a Surrogate's Court, held in and for the
County of Bronx, at the Bronx County Building, in
the Borough of the Bronx, City of New York on the
_____ day of _____, 2026.

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Present: Hon. Nelida Malavé-Gonzalez, Surrogate

-----X

In the Matter of the Application of

File No.:

_____, as the

Administrator of the Estate of

ORDER

JANE DOE,

Deceased,

to lift SCPA 702(1) restrictions on Letters of
Administration.

-----X

_____ having presented a petition to this Court
duly verified on the _____, 20__, praying for an Order modifying the limitations on
Letters of Administration issued to her/him to allow the collection of \$_____,
representing the settlement of a personal injury cause of action on behalf of the estate;

In the absence of opposition, it is hereby:

ORDERED that said Letters of Administration be modified to allow collection of
\$_____, the amount of said personal injury cause of action; and it is
further

ORDERED, that petitioner post a bond in the amount of \$_____; and it is
further

ORDERED, that the restrictions are lifted only to allow the collection of said personal
injury settlement; and it is further

ORDERED, that all other restrictions on the Letters of Administration shall remain in
effect.

HON. NELIDA MALAVÉ-GONZALEZ
SURROGATE