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

ESTATE OF

**PETITION FOR LETTERS OF
TESTAMENTARY TRUSTEESHIP
(AFTER PROBATE)**

a/k/a

Deceased.

File No.: _____

TO THE SURROGATE'S COURT, COUNTY OF DELAWARE:

It is respectfully alleged:

1. (a) The name, citizenship, domicile (or, in the case of a bank or trust company, its principal office) and interest in this proceeding of the petitioner are as follows:

NAME: _____

Domicile (address) of Principal Office: _____
(Street and Number)

(City, Village or Town) *(State)* *(Zip Code)*

Mailing Address: _____
(if different from domicile)

Citizen of: _____

Interest(s) of Petitioner(s): _____ **Trustee** named in decedent's Will
_____ Other *(specify)* _____

1. (b) The proposed Trustee ___ **is**/___ **is not** an attorney.
2. The name, domicile, date and place of death and national citizenship of the above-named decedent are as follows:
- a. Name: _____
(NAME MUST BE THE SAME AS THE SIGNATURE ON THE WILL)
a/k/a (if required): _____
- b. Date of Death: _____
- c. Place of Death: _____

d. Domicile (*Decedent's residential address at time of death*):

a. Street: _____

b. City, Town, Village: _____

c. County/State: _____

e. Citizen of: _____

3. The Last Will, herewith presented, relates to both real and personal property and consists of an instrument or instruments dated as shown below and signed at the end thereof by the decedent and the following attesting witnesses:

(Date of Will)

(Names of all Witnesses to Will)

(Date of Codicil)

(Names of all Witnesses to Codicil)

(Date of Codicil)

(Names of all Witnesses to Codicil)

4. The Last Will and Testament [and Codicil(s)] was duly admitted to probate by the Delaware County Surrogate's Court on _____, and Letters Testamentary were duly issued to: _____.
5. At the time of probate, Letters of Testamentary Trusteeship were not granted and it is requested that they be issued at this time upon the qualification of said petitioner who is the nominated testamentary trustee.
6. All persons, corporations or associations having an interest in this proceeding were duly named in the probate petition previously filed with the Court with all having either executed and filed a waiver and consent to probate or have been duly served with process except:

7. Upon information and belief, no other petition for the probate of any will of the decedent or for letters of administration of the decedent's estate or for the issuance of letters of trusteeship has heretofore been filed in any court. _____ (*initials*)

WHEREFORE, your petitioner(s) pray(s):

- That process be issued to all necessary parties to show cause why the Letters of Testamentary Trusteeship presented herewith should not be granted;
- That an order be granted directing the service of process pursuant to the provisions of Article 3 of the SCPA upon the persons named in paragraph six hereof whose names or whereabouts are unknown and cannot be ascertained or who may be persons on whom service by personal delivery cannot be made;
- That such Will and Codicil(s) having been admitted to probate as a Will of real and personal property and that letters issue thereon as follows:

[Check and Complete all Relief Requested]

____ **Letters of Trusteeship be issued to:**

_____ **and** _____
(if applicable)

f/b/o _____

and that petitioner(s) have such other relief as may be proper.

Dated: _____

1. _____
(Signature of Petitioner 1) *(Signature of Petitioner 2)*

(Print Name) *(Print Name)*

2. _____
(Name of Corporate Petitioner)

(Signature of Officer)

(Print Name and Title of Officer)

COMBINED VERIFICATION, OATH AND DESIGNATION

[For use when petitioner is an individual]

STATE OF NEW YORK

COUNTY OF DELAWARE ss.:

The undersigned, the petitioner named in the foregoing petition, being duly sworn, says:

1. **VERIFICATION:** I have read the foregoing petition subscribed by me and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein stated to be alleged upon information and belief and as to those matters I believe it to be true.
2. **OATH OF TRUSTEE as indicated above:** I am over eighteen (18) years of age and a citizen of the United States and I will faithfully and honestly discharge the duties of Fiduciary of the goods, chattels and credits of said decedent according to law. I am not ineligible to receive letters and will duly account for all moneys and other property that will come into my hands.
3. **DESIGNATION OF CLERK FOR SERVICE OF PROCESS:** I hereby designate the Clerk of the Surrogate's court of Delaware County and his/her successor in office, as a person on whom service of any process, issuing from such Court may be made in like manner and with like effect as if it were served personally upon me, whenever I cannot be found and served within the State of New York after due diligence has been completed.

My domicile is: _____
(Number/Street) (City, Village, Town) (State & Zip)

(Signature of Petitioner)

(Print Name)

On the ____ day of _____, 20__, before me personally came _____
(Name of Petitioner)

as known to me to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that they executed the same.

Notary Public

Commission Expires: _____

(Affix Notary Stamp or Seal)

Name of Attorney: _____ Phone #: _____

Name of Firm: _____

Address of Attorney: _____

Email Address of Attorney: _____

COMBINED VERIFICATION, CONSENT AND DESIGNATION
[FOR USE WHEN A PETITIONER TO BE APPOINTED IS A BANK OR TRUST COMPANY]

STATE OF NEW YORK
COUNTY OF DELAWARE ss.:

I, the undersigned, a _____ of
(Title)

(Name of Bank or Trust Company)

Corporation duly qualified to act in a fiduciary capacity without further security, being duly sworn, say:

1. **VERIFICATION:** I/We have read the forgoing petition subscribed by me/us and know the contents thereof and the same is true of our own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I/We believe it to be true.
2. **CONSENT:** I/We consent to accept the appointment as Trustee under the Last Will and Testament of the decedent described in the foregoing petition and consent to act as such fiduciary.
3. **DESIGNATION OF CLERK FOR SERVICE OF PROCESS:** I/We designate the Chief Clerk of the Surrogate's Court of Delaware County and their successor in office, as a person on whom service of any process issuing from such Surrogate's Court may be made, in like manner and whenever one of its proper officers cannot be found and served within the State of New York after due diligence was completed.

(Name of Bank or Trust Company)

By: _____
(Signature of Officer)

(Print Name of Officer and Title)

On the ____ day of _____, 20__, before me personally came _____
(Name of Petitioner)

as known to me to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that they executed the same.

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

Name of Attorney: _____ Phone #: _____

Name of Firm: _____

Address of Attorney: _____

Email Address of Attorney: _____