

Estate of William M. Parente

NOTICE TO CLAIMANTS

I. Background

On April 20, 2009, the decedent, William M. Parente also known as William Michael Parente (sometimes referred to herein as the "Decedent"), who was a resident and domiciliary of the County of Nassau, State of New York, passed away.

On July 14, 2009, Eric P. Milgrim, the Public Administrator of Nassau County (the "Public Administrator"), was appointed by the Honorable John B. Riordan of the Nassau County Surrogate's Court as Temporary Administrator of the Estate of William M. Parente (the "Estate"), and Letters of Temporary Administration were issued to the Public Administrator (Surr. Ct. File No. 356816).

The Nassau County Surrogate's Court has subject matter jurisdiction over all matters relating to Decedent's Estate, and the Public Administrator has authority to administer Decedent's Estate pursuant to, and in accordance with, Article 9 of the New York Surrogate's Court Procedure Act ("SCPA").

The Public Administrator is aware that there may be numerous persons who claim that Decedent was indebted or otherwise obligated to them monetarily at the time of his death (the "Claimants").

In order to provide Claimants with information about the statutory procedure for the filing of a claim against Decedent's Estate (a "Claim") and to assist Claimants in uniformly complying with such procedure, the Public Administrator has set forth below the statute governing the filing of a Claim and has provided instructions for the proper filing of a Claim.

All Claims should be filed on or before February 14, 2010.

II. Statute Governing Filing of a Claim

Under New York law, all Claimants are required to follow the provisions set forth in SCPA §1803, which provides as follows:

§1803. Form and verification of claims; service of notice

1. Every claim against the estate of a decedent other than claims for expenses of administration and claims of the United States or the state of New York must be in writing, contain a statement of the facts upon which it is based and the amount thereof. In addition the fiduciary may require the claimant to present proof by affidavit that the amount of the claim is justly due, that all payments thereon, if any, have been credited, that the claimant knows of no offsets and no evidence of indebtedness and holds no security, except as specifically described in the affidavit.

2. The notice of claim required by this section shall be presented by delivering a copy thereof to a fiduciary personally or by certified mail return receipt requested addressed to the fiduciary at the place of residence stated in the designation required by 708 or if a notice has been published pursuant to 1801, at the place specified therein or upon the clerk of the court pursuant to the designation required under 708 whenever the fiduciary cannot be found or served within the state after due diligence.

3. No claimant shall be entitled to enforce payment of a claim in any proceeding in the court unless the claim be presented in accordance with the provisions of this section or unless it shall be based upon a decree or order of the court or a valid judgment rendered by a court of competent jurisdiction.

III. Instructions for Filing of a Claim

In order to file a Claim against Decedent's Estate, a Claimant must prepare and serve upon the Public Administrator a written (preferably typewritten) notice of claim (the "Notice of Claim") setting forth the Claimant's name, address and telephone number, and containing a statement of facts (detailed and chronological) upon which the Claim is based and the amount of such Claim (including the date and amount of each and every payment made to Decedent). The statement of facts should also recite each and every payment received by Claimant from Decedent in connection with the underlying Claim. The Public Administrator shall require that each Claimant also submit a signed and notarized affidavit (the "Affidavit") stating under oath (i) that the amount of the Claim is justly due, (ii) that all payments thereon, if any, have been credited, (iii) that the Claimant knows of no offsets and does not owe any indebtedness to the Estate, and (iv) that the Claimant holds no security or collateral for the Claim, except as specifically described in the Affidavit.

Each Claimant shall also submit, together with the Notice of Claim and Affidavit, true and correct copies of all documentary evidence supporting the Claim (e.g., promissory notes, mortgages, certificates, account statements, cancelled checks, correspondence, receipts, etc). The Public Administrator reserves the right to demand additional information from a Claimant.

The Notice of Claim, Affidavit and supporting documentation shall be served upon the Public Administrator by personal delivery or certified mail return receipt requested, at the following address:

Nassau County Public Administrator
240 Old Country Road
6th Floor
Mineola, New York 11530
Attention: Ms. Sheila Carroll

IV. Questions

If you have any questions concerning the filing of a Claim, please contact Ms. Sheila Carroll of the Office of

the Nassau County Public Administrator at 516-571-5917 or
email her at scarroll@nassaucountyny.gov.