



New York Underwriting Bulletin

From: Michael Kelly, New York State Counsel
Dated: June 26, 2013
Bulletin No: NY13-03
Name: New York Estate Taxes

New York Estate Taxes are a lien for a period of 15 years from the date of death of the property owner. The following is a summary of how this lien is to be addressed:

1. (a) The lien for New York Estate Tax may be disregarded when the decedent died (i) prior to September 30, 1998, and the federal gross estate, including the subject real property, is not more than \$115,000; (ii) on or after October 1, 1998 and on or prior to January 31, 2000 and the federal gross estate, including the subject real property, is not more than \$300,000; (iii) on or after February 1, 2000 and on or prior to December 31, 2001 and the federal gross estate, including the subject property, is not more than \$675,000; or (iv) on or after January 1, 2002 and the federal gross estate, including the subject property, is not more than \$1,000,000. (This applies to the estates of decedents who dies in 2010, provided that the federal gross estate, including the subject property, was or would have been not more than \$1,000,000 had the decedent's estate elected to pay Federal Estate Tax).
2. The lien for New York Estate Tax against a deceased tenant by the entirety or joint tenant may be disregarded on a deed from the surviving tenant by the entirety or joint tenant to a bona fide purchaser for adequate and full consideration.
3. The lien for New York Estate Tax against a deceased tenant by the entirety or deceased joint tenant may also be disregarded upon a mortgage securing a monetary obligation of the surviving tenant by the entirety or the surviving joint tenant.
4. The lien for New York Estate Taxes against a decedent may be disregarded upon a transfer made by the decedent's heirs, devisees or distributees to a purchaser for value and on a mortgage made by the decedent's heirs, devisees or distributees securing the mortgagor's monetary obligations.

These guidelines will be incorporated into the Recommended Practices of the New York State Land Title Association. The Recommended Practices, as well as all other New York underwriting memos, may be accessed at the New York section of our Underwriting Library.

<http://wfgunderwriting.com/new-york/>

Please contact underwriting counsel with any questions.

106 Woodcleft Ave., 2nd Floor Freeport, NY 11520 P: (516) 521-1400 F: (866) 451-2006