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This handout describes legal research materials available on-line and in print in New York Court Public Access Law Libraries.

The information provided should be considered a starting point in your research and should not be interpreted as a comprehensive review of the subject or issue in question

Statutes and Court Rules

- Special Note: Westlaw's Practice Commentaries serve as legal essays and should be the starting point for research.
- EPTL Art 13-A Administration of Digital Assets
- SCPA 2103 Proceeding by fiduciary to discover property withheld or obtain information
- L 2016, ch 354 bill jacket
- 18 USC § 1030 Computer Fraud and Abuse
- 18 USC §§ 2510 et seq Electronic Communications Privacy Act of 1986
- 18 USC §§ 2701-12, et seq Stored Communications Act

Uniform Laws

- Revised Uniform Fiduciary Access to Digital Assets Act (2015)
- Uniform Fiduciary Access to Digital Assets Act (2014)

Cases

- Matter of Bass, 2019 WL 2564813, NYLJ, June 25, 2019 at 22, col 4 [Sur Ct, NY County 2019]
- Matter of Coleman, 63 Misc3d 609 [Sur Ct, Westchester County, NY County 2019]
- Matter of Gager III, 2019 WL 2618055, NYLJ, June 28, 2019 at 27, col 1 [Sur Ct, NY County 2019]
- Matter of Murray, NYLJ, Oct 7, 2019 at 27, col 6 [Sur Ct, Suffolk County 2019]
- Matter of Scandalios, 2019 WL 266570, 219 NY Slip Op 30113(U) [Sur Ct, NY County 2019]
- Matter of Serrano, 56 Misc 3d 497 [Sur Ct, NY County 2017]

- Matter of Swezey , 2019 NY Slip Op 30113[U] [Sur Ct, NY County 2019, Jan 17, 2019 at 23, col 3 [Sur Ct, NY County 2019]
- Matter of White, 2017 WL 8944064, NYLJ, Oct 3, 2017 at 25, col 1 [Sur Ct, Suffolk County 2017]

Secondary Sources

E-books

Estate Planning

- 1 Drafting New York Wills and Related Documents, 4th Ed., § 12.04 Powers with Respect to Digital Assets (Statutory Powers)
- 7 New York Civil Practice: EPTL, Art 13-A Administration of Digital Assets
- 76 New York University Annual Institute on Federal Taxation, Ch 15 Digital Assets Planning and Administration (2018)

Marshalling Assets

- 7 New York Civil Practice: EPTL, Art 13-A Administration of Digital Assets
- 1 New York Practice Guide: Probate and Estate Administration § 1.04A Dealing with Digital Assets
- 5 Warren's Heaton on Surrogate's Court Practice § 62.03 Obtaining Possession of Decedent's Assets

LexisAdvance

Estate Planning

- 1 Drafting New York Wills and Related Documents, 4th Ed., § 12.04 Powers with Respect to Digital Assets (Statutory Powers)
- 7 New York Civil Practice: EPTL, Art 13-A Administration of Digital Assets
- 76 New York University Annual Institute on Federal Taxation, Ch 15 Digital Assets Planning and Administration (2018)

Marshalling Assets

- 7 New York Civil Practice: EPTL, Art 13-A Administration of Digital Assets
- New York Jurisprudence, Decedents' Estates §§ 1820.20 et seq
- 1 New York Practice Guide: Probate and Estate Administration § 1.04A Dealing with Digital Assets
- 5 Warren's Heaton on Surrogate's Court Practice § 62.03 Obtaining Possession of Decedent's Assets

Westlaw

Estate Planning

- Revocable Trusts 5th, Ch 52 Cyber Estate Planning and Administration
- Harris 6th Ed New York Estates: Estate Planning and Taxation, The Estate Planning Process, Ch 1
- NY Elder Law Practice, ch 6 Powers of Attorney
- 1 NY Wills § 2:11 General administrative powers of the estate's fiduciaries: Digital Assets
- West's legal Forms, Estate Planning

Marshalling Assets

- Bogert's Trusts and Trustees § 568 Fiduciary powers and duties regarding digital assets of a decedent
- New York Jurisprudence, Decedents' Estates §§ 1820.20 et seq
- Jill Chote Beier, Probate v Privacy: The Technology Battle After Death 90 NY St BJ 24 (March/April 2018)
- New York Probate Administration and Litigation, Ch 12 Marshalling Assets, § 12:87 Digital Assets
- New York Probate Administration and Litigation, Ch 21 Pretrial Disclosure, § 21:104 Documents – Digital Assets

West Law Practical Law

Estate Planning

- Digital assets included in articles on wills and revocable trusts

Forms

Because Digital Assets are such a recent development, there are no standard or sample New York forms for litigation as of November 2019. The examples below would require adapting to fulfil the requirements of an SCPA 2103 form.

Lexis

- 35 Bender's Forms for the Civil Practice Form No. SCPA 2103:2 Petition of Fiduciary for Discovery of Unspecified Withheld Property or Information
- Texas Probate Estate and Trust Administration 31.38A.1 Application for Findings Regarding Disclosure of Digital Asset
- Texas Probate Estate and Trust Administration 31.38B.1 Order for Findings Regarding Disclosure of Digital Asset

Westlaw

- West's California Code Forms, Probate § 881 Form 1 Petition to compel disclosure of digital assets
- West's California Code Forms, Probate § 881 Forms 2 Order compelling disclosure of digital assets
- 17A West's McKinney's Forms Estates and Surrogate Practice, Ch 14 Miscellaneous Actions and Proceedings – Estate Assets

Digests/Case finders

Important Disclosures:

Legal Advice

NY State Court System staff are pleased to provide you with basic legal information of relevance to New York State courts, caselaw, statutory and regulatory materials from standard legal reference sources. Our court employees, however, may not provide legal advice, interpret the law or assist with the processing of specific motions or cases.

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