

## PAPER DETAILS

TITLE: THE CONFLICT OF LAWS PROBLEMS RESULTING FROM THE TRANSFER OF  
DECENTS` PROPERTY TO NEW OWNERS IN NEW YORK STATE

AUTHORS: Yilmaz ALTUG

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THE CONFLICT  
FROM THE TRAN  
TO NEW OV

velopments marked a  
and in some American  
perty <sup>4</sup>.

So in these states the  
le to real property and  
only when the person

**II. Principles of the  
tem as opposed to**



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Mexico, Netherlands, the law of the last domicile. Denmark, Ecuador, Norway, the law of the domicile at the time of the succession. The French system is a substantial part of the European system in this respect, applying the law of their situs, or the law of the deceased's last domicile.

Another important feature of the fundamental distinction



“(b) where there are  
the decedent or at th

“(c) where there is ju  
is alleged to have kil  
recovery is sought pe  
state.”<sup>10</sup> .

The state of the dece  
tant than other stat  
fact “Notwithstanding

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The appointment of an  
lute rule for the admir  
fact administration do  
tes if no one is adverse  
this rule valid with res  
v. *Meyer*, 94. N. Y. 473  
*Bank*, 158 App. Div. 7  
N.Y. 696, 110 N.E. 104  
162, 235 N.Y.S. 213 (s)

If a person wants no a  
has some means at his



## **IV. Administration conflict of laws**

In the administration  
the prompt, fair and  
of those concerned  
them which has been  
administration crea  
was only one admin  
administrations? Th  
alize if we could do



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that: "No person is competent to be a testamentary trustee if:

1. Under the age of twenty-one
2. An adjudged incompetent person
3. An alien not an inhabitant of this state
4. A felon
5. Incompetent to execute a will because of drunkenness, dishonesty, or insanity

raph 161 of the N.Y.S.  
ministrator and to the  
nal property of the de  
United States or aliens  
nate and authorize the  
letters may be issued t  
nations or joint plural  
discretion appoint one  
signation has to be do  
the form prescribed b  
acknowledged and



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led that the designee of the will was the heir under Spanish law shown because the heir was the possessor of decedent's property. *N.Y.S. 2d, 828 affirmed*. A nonresident may decedent's estate.

Another requirement to be English according to apply to be administered whose owner has de



“The cases hold that though no assets are left is necessary for grant in *Matter of Riggle*. New York Court issued executrix of Illinois of mobile accident which defended suit against County, but later died there must be some resort to the issuance of

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New York case granting  
enforcing a claim else  
there are some cases o  
tration where it was p  
*Estate* 117 Neb. 52, 2  
*and Refining Co.*, N.  
*ighton* 65 Vt. 84, 26 A

A New York Court gra  
ling of account by adr  
temporary administra  
ties involved were all



Above we mentioned  
tical courts developed  
tracts and speciality  
ment of the obligation  
owner's death, while  
the debtor<sup>21</sup>. Negotia  
debts or of "mercant  
conflict of laws in ad  
ced an increasing em  
while a declining im  
cases. In *Wheeler v.*



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The United Supreme Court in *Waller v. Waller*, 109 U.S. 654, (1883), well settled, that for the purpose of the contracts debts are governed by the locality of such debtor. In *Waller v. Waller*, 109 U.S. 654, (1883), the Court held that a promissory

In 1918 the Supreme Court in *Waller v. Waller*, 109 U.S. 654, (1883), affirmed the mercantile doctrine in *Waller v. Waller*, 109 U.S. 654, (1883). In this case Iowa State Court against the State

If the chattels are brought into the decedent's death, the court is checking the circumstances. If the property was brought in, it is *Hoes v. N.Y. N.H. and* cause property of tri-  
*fides*

If there is already an appointment, removal of the property into the appointment and state will simply



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Cash in bank (*In re Mo*  
535 (1926), a debt owe  
832, 223 N.Y.S. 780 (1  
*ces In re Mesa Y Hern*  
were among other thi  
New York Court for gra

What happens if two  
tration and recieve le  
ciliary administrators?  
in New Jersey and her  
ters of administration



### 3- *The Collection* a

As soon as one is ap  
what is left, preserv  
Not only creditors a  
estates also have an  
administrator. The c

However there are  
an administrator m  
te of his appointme  
authority to set out

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lary jurisdiction, as this  
ability since the domic  
by the judgment in th  
reunder in action broug  
sident was vacated. Th  
limited to collection of

The administrator alt  
ment, he may after obt  
te in the state of his ap  
tement on Conflict of L  
merged in it "which be



city does not cure the

The administrator may  
judgment rendered ag  
inst the estate in ano

One problem in the c  
the debtor. As an ad  
debtor in his own sta  
or of property belong  
can serve process on

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urt. Cases following the  
held, as a good discharge  
re was no local adminis-  
state where the paymen-  
*ter v. Bowery Sav. Bank*  
*lough's Estate*, 182 Atl.

The cases which held a  
the absence of local ad-  
en payment to a domici-  
lary one. In other cases  
miliary administrators



520, 8 N.E. 2d. 827 (1948) is subject to administration to the extent that, a statute of the state where it is situated gives the executor a power of sale the executor appointed in that state where the land is situated may be exercised where the land is situated. *Fargo and Co. v. W.*

### Transfer of Decedents Property

cedents. There is no tax on, does not exceed 20% shared by the persons transfer. However the that the testator may c

International Conventions  
ministers avoid the  
only party to three suc  
United Kingdom.

### The order of payments



The paragraph 208  
executor who payed  
claims, or of any le  
not liable if the cla  
to the administrator  
in the notice publi  
after the appointm  
*Estate*, 134 N.Y.S. 2  
not presented with  
executrix had not a  
effort to ascertain v

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2. The debts which originate from the legacies,
3. The debts which arise from the estate, thus functioning as administrator and executor.

The statute regulates the executor in New York State. The act, provides 5 per cent on the first 2000 dollars, 2 per cent on the next 28.000 dollars and



jurisdiction of the domestic  
*s Estate*, 173 Misc. 94.  
*tate, op. cit, In re Var*  
*te*, 146 Misc. 140, 26.  
Section 164 reads: "T  
as prescribed in this  
ree awarding the let  
by an order of the su  
estate; or by the judg  
to which that person  
nal property of the d

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take as legatee under will of decedent who died on December 8, 1943, in violation of Oregon statute which only authorizes legatee in cases where a resident of the United States. After an exhaustive search of the records that German Law did not provide for legatees the rights equal to those of legatees in absence of the Oregon statute.

In general if there is no will and no executor anywhere the court has no authority to make payment of the sum



## V. Conclusion

The Federal Structure  
lict of laws problems in  
the personal property of  
cil at his death and his  
ates many problems a  
trators, the jurisdiction  
the payment of the d  
wills, and finally dist  
process of administrat