What to Do First: A Primer on Probate & Administrations

compliments of

Salem County Surrogate's Court

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Nicki A. Burke
Surrogate

First Steps

1. **Contact Social Security**
   (1-800-772-1213), if the decedent was a recipient **(Funeral Director may do this, but if you have further questions or receive a check and are unsure how to proceed).**

2. **Locate the decedent's will.**
   This may mean contacting family members, the decedent's attorney, or looking through the home or safety deposit box of the decedent.

3. **Give the ORIGINAL will to the person named as Executor**. (a copy cannot be probated by the Surrogate)

4. **If the decedent was a veteran,** you may wish to check on veteran's benefits.
   (856) 339-8603 – Salem County Veterans Services
   1-(800) 827-1000 – US Dept. of Veterans Affairs

5. **Obtain from the Funeral Director one or more death certificates with a raised seal.**

6. **Estate Assets –** Secure estate assets, such as the home, vehicles, and valuables. Create a list of all estate assets such as real estate, financial institutions, credit unions, stocks, insurance policies, vehicles

7. **Checklist –** Compile a list of estate debts, such as mortgages, loans, medical expenses, credit accounts, utility bills, etc.

Where do I get a death certificate if some time has passed? One can be obtained in the local municipal registrar offices where the person passed away.

What do I do with a vehicle registered ONLY in the decedent's name? A vehicle in the decedent's name may be operated for 30 days after the date of death by immediate family or any licensed driver authorized by the decedent's family. Thereafter, the title must be transferred by the executor or administrator. **One must be deemed executor or administrator by the Surrogate PRIOR to the transfer.**

If You are Named Executor in the Will

1. **Secure the estate by:**
   - **a.** Locating and protecting items of value;
   - **b.** Providing adequate security for the decedent's home if it is vacant to protect both the real and personal property; and
   - **c.** Locating bank books and accounts

2. **Apply for probate of the will**

Salem County Surrogate's Court
92 Market Street
Salem, NJ 08079
Office Hours: Monday – Friday 8:30am-4:30pm (856) 935-7510 ext. 8121

- Walk-ins are welcome
- Wheelchair available upon request – Please call our office if you require this assistance

What you will need to probate the will:

A. The ORIGINAL will – not a copy
B. A death certificate with a raised seal
C. Addresses of all next of kin and all persons named in the will
D. A blank check or cash for fees, which will vary with each estate

***Note: Although the Will cannot be probated until 12 full days after the date of death, application can be made at anytime earlier. (Count to 12th day starting on date of death)** In most cases, the process will only take about 30 - 45 minutes to apply for probate.

3. The Surrogate's Court will issue **Letters Testamentary and Executor Short Certificates** which are used to transfer the assets of the decedent's estate. Short Certificates are the executor's authority to act for the estate

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If There is No Will

The closest living relative of the decedent can apply to the Surrogate for appointment as Administrator of the estate. This right to apply, to be appointed by law, is defined in the following order:

A. Spouse
B. Children
C. Parents
D. Brothers and Sisters
E. Nearest next of kin

The person "first entitled" may renounce the right to serve (This DOES NOT renounce the right of inheritance).

When there is more than one person of equal right- such as brothers and sisters, or more than one child- then all except one may renounce, except in certain circumstances.

Administration, in most cases, will require a surety bond to protect the creditors and beneficiaries of the estate.

What you will need to apply for Administration:

A. A death certificate with a raised seal
B. An estimate of gross value of the estate
C. A list of estate debts
D. Names and addresses of the next of kin
E. A blank check or cash for fees, which will vary for each estate

The Surrogate's Court will issue **Surrogate's Certificates**, which are used to transfer assets.

Small Estate – Affidavits

Affidavits are a form of Administration, and can only be used **when there is no will**.

Spouse or Domestic Partner Affidavit: If the decedent is survived by a spouse or domestic partner **the total assets in ONLY the decedents name are less than $20,000.00**, a "Spouse or Domestic Partner Affidavit" can be issued by the Surrogate. Raised seal copies are used to transfer the property, which will be individually listed (e.g. an automobile, bank accounts, etc.)

Next-of-Kin Affidavits: Can be issued by the Surrogate for estates **under $10,000.00.**

Questions on Taxes

For information regarding taxes, please call

NJ Transfer Inheritance & Estate Tax Division
(609) 292-5033

US Tax Information
(800) 829-1040
www.gov-tax.com

BEFORE YOU COME TO THE SURROGATE'S COURT…

To make the process easier, you may wish to call my office first before your trip here to be certain you have all the information that is required.

Please call us at **Telephone**
(856) 935-7510 ext. 8121

Visit the Surrogate's Court on the Internet:
www.salemcountynj.gov (county government/departments/Surrogate)

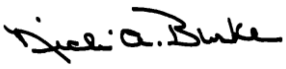
(*Or simply enter Surrogate's Court of Salem County in your web browser, such as Google)*

A Message from the Surrogate…

As your Salem County Surrogate, I and my staff are available to help you in any way we can.

Please contact us should you have any questions.

Sincerely,



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