

Notice of Probate AND Proof of Mailing

****Required of Executor by New Jersey State Law****

As Personal Representative of the Decedent you are responsible to notify in writing **all Beneficiaries** and **all Next of Kin** that a Will has been probated. (This ***does*** include all immediate Next of Kin even if they are not named as Beneficiaries in the Will.)

“personal representative” is used in lieu of executor, executrix and administrator c.t.a.

FILING INSTRUCTIONS:

(1) Notice of Probate of Will Pursuant to Rule 4:80-6

AND

(2) Proof of mailing of Notice of Probate of Will Pursuant to Rule 4:80-6

(1) NOTICE OF PROBATE – (form below) This action must be taken within **60 days** from the date of Probate.

1. Fill out the NOTICE OF PROBATE OF WILL PURSUANT TO RULE 4:80-6 form.
2. Be sure to list all the names and addresses of the beneficiaries and next of kin in the appropriate space.
3. Make a COPY of the Notice of Probate of Will Pursuant to Rule 4:80-6 for all the beneficiaries and all the next of kin of the decedent.
4. The **ORIGINAL** NOTICE OF PROBATE WILL BE FILED with the Surrogate’s Court – see instructions below) - \$5.00 per page

Mail or hand deliver the copy of the Notice of Probate of Will Pursuant to Rule 4:80-6 to all the beneficiaries and all the next of kin of the decedent. ***This may be by regular mail; this does not need to be by certified mail.***

(2) PROOF OF MAILING - (form below) this action must be taken within **10 days** after mailing Notice of Probate

1. Fill out the Proof of Mailing of Notice of Probate of Will Pursuant to Rule 4:80-6 form after you have mailed all the beneficiaries and all the next of kin of the decedent a copy of the Notice of Probate of Will pursuant to Rule 4:80-6.
2. The **ORIGINAL** of the Proof of Mailing of Notice of Probate of Will Pursuant to Rule 4:80-6 will be filed with the Surrogate’s Court – see below) - \$5.00 per page

NOTE: You have 60 days to send the Notice of Probate to the parties, then within 10 days of that mailing you must file the Notice of Probate and Proof of Mailing with the Surrogate’s court. Include a check or money order for \$10.00 made payable to the “Salem County Surrogate’s Court” for the filing fee. (\$5.00 for a one page Notice of Probate of Will and \$5.00 for a one page Proof of Mailing) (If more than two pages, add \$5.00 per each additional page after the first two)

Honorable Nicki A. Burke
Salem County Surrogate’s Court
Salem County Court House
92 Market Street
Salem, NJ 08079

NOTE: If a beneficiary or next of kin under the Will does not have a known address, the Notice of Probate described above must be published in a newspaper of general circulation in the county naming or identifying those persons as having a possible interest of the probate estate.

NOTE: Should a charity be mentioned in the Will you must also notify the Attorney General's office at:
NJ Attorney General's Office

Attn: Charitable Trust Section

Hughes Justice Complex – CN 112

Trenton, NJ 08625

(It would be advisable to send a copy of the Last Will & Testament with your mailing to the Attorney General's Office as that office will request a copy.)

Acting Attorney General (current as of October 2015)

Honorable John J. Hoffman

Acting Attorney General State of New Jersey

Hughes Justice Complex – CN 112

25 Market Street

PO Box 112

Trenton, NJ 08625

1. NOTICE OF PROBATE OF WILL PURSUANT TO RULE 4:80-6: (SEE COURT RULE BELOW)

Mail or hand deliver a copy of the Notice of Probate of Will Pursuant to Rule 4:80-6 to all beneficiaries under the will, decedent's spouse, decedent's heirs, decedent's next of kin and other persons, if any, entitled to Letters, at their last known address, a notice in writing that the will has been probated, the place and date of probate, the name and address of the personal representative and a statement that a copy of the will shall be furnished upon request. **If the will does NOT devote property to a present or future charitable use or purpose, DO NOT send a copy of the will to the Attorney General.**

2. PROOF OF MAILING:

shall be filed with the Surrogate within ten **(10)** days thereof with the fee.

Please be advised that failure to comply with the rule may delay the administration of the estate and may permit challenges to the will that would otherwise be untimely.

Page 3 - New Jersey Rules of Court R. 4:80-6 & R. 4:80-1(a)(3) & Attorney General Information

Page 4 - Worksheet for ascertaining parties entitled to notice designated by R. 4:80-1(a)(3)

Page 5 - Notice of Probate form (mail copy to parties as listed on worksheet-original to Surrogate's Court)

Page 6 - Proof of Mailing form (mail original to Surrogate's Court along with fee)

NEW JERSEY RULES OF COURT - 2016

R. 4:80-6. Notice of Probate of Will

Within 60 days after the date of the probate of a will, the personal representative shall cause to be mailed to all beneficiaries under the will and to all persons designated by R.4:80-1(a)(3), at their last known addresses, a notice in writing that the will has been probated, the place and date of probate, the name and address of the personal representative and a statement that a copy of the will shall be furnished upon request. Proof of mailing shall be filed with the Surrogate within 10 days thereof. If the names or addresses of any of those persons are not known, or cannot by reasonable inquiry be determined, then a notice of probate of the will shall be published in a newspaper of general circulation in the county naming or identifying those persons as having a possible interest in the probate estate. If by the terms of the will property is devoted to a present or future charitable use or purpose, like notice and a copy of the will shall be mailed to the Attorney General.

Note: Source-R.R. 4:99-7; former R. 4:80-8 amended and rule redesignated June, 29, 1990 to be effective September 4, 1990.

R. 4:80-1(a)(3) The names and addresses of the spouse, heirs, next of kin and other persons, if any, entitled to letters, and their relationships to decedent, and, to the best of the applicant's knowledge and belief, identifying any of them whose names or addresses are unknown and stating further that there are no other heirs and next of kin.

Note: Source-R.R. 4:99-1, 5:3-2; caption of rule, and text of paragraphs (a) and (b) amended, new paragraph (c) adopted, and former paragraph (c) redesignated as paragraph (d) and amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended June 28, 1996 to be effective September 1, 1996.

WARNING: The above is not intended as a comprehensive list of the rights, duties and obligations of an Executor and/or Personal Representative of the Decedent whose Will is being probated and is only provided to you as a courtesy by the Salem County Surrogate's Court. A copy of the New Jersey Court Rule pertaining to the Notice of Probate is attached hereto for reference purposes.

**WORKSHEET FOR ASCERTAINING PARTIES
ENTITLED TO NOTICE**

Re: In the Matter of the Estate of _____, Deceased

Spouse/Domestic Partner

Address

Beneficiary

Address

NOTE: Please copy this page if more space is needed.)

Heirs(s)/Next of Kin (relationship) Address

Charities

Address

STATE OF NEW JERSEY
SALEM COUNTY SURROGATE'S COURT

HON. NICKI A. BURKE
Surrogate

Salem County Court House
92 Market Street – Salem, NJ 08079
Phone: (856) 935-7510 Ext. 8323
surrogate@salemcountynj.gov

In the Matter of the Estate of

_____, Deceased
a/k/a

**NOTICE OF PROBATE OF WILL
PURSUANT TO RULE 4:80-6**

Docket No.: _____

State of New Jersey - County of Salem

To: (List names and addresses of Next of Kin and Beneficiaries and mail a copy to each.)

PLEASE TAKE NOTICE that the Will of _____ was admitted to probate by the Surrogate of Salem County on _____, 20_____.

The undersigned personal representative shall furnish you with a copy of the said Will upon request.

Date: _____

Personal representative (print name & sign)

Personal representative address

STATE OF NEW JERSEY
SALEM COUNTY SURROGATE'S COURT

HON. NICKI A. BURKE
Surrogate

Salem County Court House
92 Market Street – Salem, NJ 08079
Phone: (856) 935-7510 Ext. 8323
surrogate@salemcountynj.gov

In the Matter of the Estate of

_____, Deceased
a/k/a

**PROOF OF MAILING OF NOTICE OF
PROBATE OF WILL PURSUANT TO
RULE 4:80-6**

Docket No.: _____

State of New Jersey
County of Salem

I/We, _____, do hereby certify the following:

- 1. I am the Executor of the above estate.
- 2. _____, 20_____ I forwarded Notice(s) of Probate of Will to all next of kin and all the beneficiaries named in the Will to their last known addresses.
- 3. I forwarded copies of the attached notice(s) by (*Select the method you used*):

_____ Regular Mail
 _____ Certified Mail

_____ Express Mail
 _____ Hand Delivery

Date: _____

Personal representative (print name & sign)

Personal representative address