

What to Do First: A Basic Primer on Probate & Administrations

Compliments
of

Nicki A. Burke
Surrogate

Salem County Surrogate's Court



Administration Building 2nd Floor
94 Market Street – Salem, NJ 08079

Phone: (856)935-7510 ext. 8323

Fax: (856) 339-9359

Surrogate@salemcountynj.gov

Nicki.Burke@salemcountynj.gov

www.surrogate.salemcountynj.gov

Facebook: Salem County Surrogate

Twitter: @NickiABurke2

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 with your questions.

Sincerely,

A handwritten signature in black ink that reads "Nicki A. Burke". The signature is written in a cursive style.

Nicki A. Burke
Surrogate

Reminder, the advice of an attorney-at-law is always advised

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: **(856) 935-7510 Ext. 8323**

Visit the Surrogate's Court on the Internet: www.surrogate.salemcountynj.gov

Like us on  **Facebook: Salem County Surrogate**

FIRST STEPS

1. Contact Social Security - 1-800-772-1213

If the decedent was a recipient of SS funds. (Funeral Director may do this, but if you have further questions or receive a check and are unsure how to proceed.)

2. Last Will & Testament: 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. Give the **ORIGINAL** will to the person named as Executor. (The Surrogate cannot probate a copy of the Will).

3. If the decedent was a veteran, you may wish to check on veteran's benefits.

(800) 827-1000 – US Dept. of Veterans Affairs

(856) 339-8603 – Salem County Veterans Services

4. Death Certificate: Obtain from the Funeral Director one or more death certificates with a raised seal. You must provide the Surrogate's Court with one raised seal death certificate for filing with the estate. (It will not be returned to you).

5. Contact: Contact the Surrogate's Court before coming to our office to be sure you have everything you need. This call may save you a second trip.

(856) 935-7510 Ext. 8323 (See the list of items needed for Surrogate below).

6. START: list of estate assets and debts.

NOTE: Power of Attorney authority ends at death.

IF YOU ARE NAMED EXECUTOR

1. Reminder: Your authority for the estate does not start until the will is probated at the Surrogate's Court.

2. Secure the estate by:

-Locating and protecting items of value.

-Providing adequate security for the decedent's home if it is vacant to protect both the real and personal property.

-Locating bank books and accounts.

3. Apply for probate of the Last Will & Testament:

Salem County Surrogate's Court

Administration Building 2nd Floor, 94 Market Street, Salem, NJ 08079

OFFICE HOURS: Monday thru Friday, 8:30 a.m. to 4:30 p.m. (excluding holidays)

Evening hours: By prior appointment only on the first and third Tuesday of each month

until 6:00 pm. Please contact my office for an evening appointment at (856) 935-7510 ext. 8323

A Wheelchair is available - Please call my office and a staff person will assist.

ITEMS NEEDED TO PROBATE THE LAST WILL & TESTAMENT

- ORIGINAL Last Will & Testament – a copy cannot be probated by the Surrogate
- Death certificate with a raised seal
- Addresses of all next of kin, those named in the will, charities, etc.
- Check, cash, or money order payable to the Salem County Surrogate's Court. (fees, pursuant to NJ statute – will vary for each estate)

NOTE: Although the Will cannot be probated until the 12th day (count to 12th day from date of death) application can be made at anytime earlier. In most cases, the process will take about 30 to 45 minutes to apply for probate.

The Surrogate's Court will issue **Letters Testamentary & Executor Short Certificates** which are used to transfer the assets of the decedent's estate. **Those documents are proof the executors appointment and the authority to act on behalf of the estate.**

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 (Renouncing your right to act as Administrator does not renounce the right of inheritance, if any.)

Administration, in most cases, will require a surety bond. The bonding requirement will be explained during application in our office.

INFORMATION NEEDED TO APPLY FOR ADMINISTRATION

(when decedent died without a Will)

- A.** Death certificate with a raised seal
- B.** An estimate of gross value of the estate including Vehicle Identification numbers (VIN), bank account numbers and balances, insurance policies that do not have a named beneficiary, etc.
- C.** A list of estimated estate debt
- D.** Names and addresses of the next of kin.
- E.** Check, cash, or money order payable to the Surrogate's Court of Salem County (fees, pursuant to NJ statute – will vary for each estate)

The Surrogate's Court will issue **Letters of Administration** and **Administrator Short Certificates**, which are used to transfer assets.

SMALL ESTATE AFFIDAVITS

Affidavits are a form of administration, and can only be used **when the decedent did not have a Last Will & Testament prepared.**

AFFIDAVIT OF SPOUSE OR DOMESTIC PARTNER: If the decedent is survived by a spouse or domestic partner and the total assets in the decedent's name ONLY are **\$50,000.00 or less** (death occurring 01/19/16 or later) **OR \$20,000 or less**, (death occurring 01/18/16 or earlier) a "Spouse or Domestic Partner Affidavit" can be issued by the Surrogate. Raised seal copies are used to transfer the asset(s), which will be individually listed on the affidavit. (e.g. an automobile, bank accounts, etc.).

AFFIDAVIT OF HEIR: The total assets in the decedent's name ONLY are **\$20,000.00 or less** (death occurring 01/19/16 or later) **OR \$10,000.00 or less**, (death occurring 01/18/16 or earlier). Consents are required for all persons of equal standing.

ESTATE IDENTIFICATION NUMBER (EIN)

(The following information current as of January 2018)

Estate Identification Number (EIN) – You may in your position as executor, administrator, or trustee, be required to obtain a Federal Tax Identification number, also termed Estate Identification Number (EIN). The form is IRS Form SS-4 and located on the government website. Please note that number is given to the estate at **NO CHARGE** by the government. If you apply for the number and find there is a fee, you are on a private site, not the government site. Cancel that application and apply through the government website (see below). The form can be completed and submitted online, or you can download the form, complete and return by fax or mail.

EIN FORM (Form SS-4):

Apply for EIN online: sa.www4.irs.gov/modiein/individual/index.jsp

Apply for EIN by fax or mail: www.irs.gov/pub/irs-pdf/fss4.pdf

Instructions for Form SS-4: www.irs.gov/pub/irs-pdf/iss4.pdf

IRS

Website: www.irs.gov

Phone: (800) 829-1040

NJ Transfer Inheritance & Estate Tax Division

(609) 292-5033

DEATH CERTIFICATE

Where do I get a death certificate if some time has passed?

A death certificate can be obtained at the office of the local registrar in the municipality where the death occurred.

MOTOR VEHICLES

What do I do with a vehicle registered ONLY in the decedent's name?

Pursuant to the NJ Motor Vehicle website: 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 have been issued Letters Testamentary or Letters of Administration by the Surrogate PRIOR to the transfer.