

## Notice of Probate of Will and Proof of Mailing

For completion AFTER you have been "appointed" as Executor

### **DO NO COMPLETE Notice of Probate/Proof of Mailing UNTIL YOU RECEIVE LETTERS TESTAMENTARY & EXECUTOR SHORT CERTIFICATES**

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.

**PLEASE NOTE:** The Information contained herein 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 and not intended as legal advice.

TWO (2) Documents to File - A & B below:

#### **A. Notice of Probate of Will Pursuant to R. 4:80-6**

(page **3** of this packet)

1.  Pursuant to the court rule this action must be taken within 60 days from the date of Probate.
2.  Fill out the Notice of Probate form (page 3 of this packet).
3.  Make a COPY of the Notice of Probate form for everyone you are sending to.
4.  The ORIGINAL signature Notice of Probate form is filed with the Surrogate's Court.
5.  keep a copy for your records
6.  Mail/hand deliver a copy of the Notice of Probate to everyone you have listed on the sample worksheet.

#### **B. Proof of Mailing of Notice of Probate of Will Pursuant to R. 4:80-6**

(page **4** of this packet)

1.  Pursuant to the court rule, the Proof of Mailing must be taken within 10 days after mailing of the Notice of Probate.
2.  Fill out the Proof of Mailing of Notice of Probate form AFTER you have completed and mailed out the Notice of Probate form to all parties listed.
3.  keep a copy for your records
4.  The ORIGINAL signature Proof of Mailing of Notice of Probate form is filed with the Surrogate's Court. (Keep a copy for your records)

#### **Mailing & Fee:**

1.  Mail both original signature forms (**A & B** below to Surrogate w/statutory fee of \$10.00: (\$5.00 for the **A**-Notice of Probate & \$5.00 for the **B**-Proof of Mailing)
  - A**-Notice of Probate of Will Pursuant to NJ Rule 4:80-6

#### **And**

- B**-Proof of Mailing of Notice of Probate of Will Pursuant to R. 4:806
2.  Check or money order payable to the Salem County Surrogate
  3.  Mail to:
    - Honorable Nicki A. Burke
    - Salem County Surrogate's Court
    - Administration Building, 2<sup>nd</sup> Floor
    - 94 Market Street
    - Salem, NJ 08079

**NOTE:** If a charity is 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: The Honorable Andrew J. Bruck, Acting Attorney General (reviewed 12/16/21 dr)

NEW JERSEY RULES OF COURT – 2022 dr 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 ; new paragraph (e) adopted July 31, 2020 to be effective September 1, 2020.*

Sample worksheet for Ascertaining parties entitled to notice

<u>Spouse/Domestic Partner</u>	address
_____	_____
<u>Beneficiary</u>	address
_____	_____
_____	_____
_____	_____
_____	_____
<u>Heirs(s)/Next of Kin (relationship)</u>	address
_____	_____
_____	_____
_____	_____
_____	_____
<u>Charities</u>	address
_____	_____
_____	_____
_____	_____

**Warning:** This memo is not intended as a comprehensive list of the rights, duties and obligations of an Executor/Executrix 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.

In the Matter of the Estate of

\_\_\_\_\_, Deceased  
a/k/a: \_\_\_\_\_

NOTICE OF PROBATE OF WILL  
PURSUANT TO R. 4:80-6

Docket No.: \_\_\_\_\_

State of New Jersey - County of Salem

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

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

Attached is a copy of the Last Will & Testament

OR

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

(original of this form and \$5.00 filing fee to Salem County Surrogate's Court)

In the Matter of the Estate of

\_\_\_\_\_, Deceased

a/k/a: \_\_\_\_\_

PROOF OF MAILING  
OF NOTICE OF PROBATE OF WILL  
PURSUANT TO R. 4:80-6

Docket No.: \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify to the following:

1. I am the \_\_\_\_\_ under the Will of  
\_\_\_\_\_, deceased.

2. On \_\_\_\_\_, 20\_\_\_\_ I, the undersigned,  
noticed the heirs, next of kin and all beneficiaries named in the Will pursuant to Rule 4:80-6 by the  
following method:

*(Select the method you used):*

\_\_\_\_\_ Regular Mail

\_\_\_\_\_ Hand Delivery

\_\_\_\_\_ Certified Mail

\_\_\_\_\_ Express Mail

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing  
statements made by me are willfully false, I am subject to punishment.

Date: \_\_\_\_\_

\_\_\_\_\_  
Personal representative (print name & sign)

\_\_\_\_\_  
Personal representative address

(original of this form and \$5.00 filing fee to Salem County Surrogate's Court)