

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

Nicki A. Burke
Surrogate

Salem County Surrogate's Court



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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,

Nicki A. Burke
Surrogate

Reminder, the advice of an attorney-at-law when handling an estate is always advised.

ALL IN-PERSON VISITS TO OUR OFFICE ARE VIA APPOINTMENT ONLY.

Please call my office and we will explain the estate process and what documents are required.

Please call us at: **(856) 935-7510 Ext. 8323**

For general information visit the Surrogate's Court on the Internet: www.surrogate.salemcountynj.gov

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. Certificate of Death: Obtain from the Funeral Director one or more Certificates of Death with a raised seal. You must provide the Surrogate's Court with one raised seal Certificate of Death for filing with the estate. (pursuant to NJ Statute, it will not be returned to you).**5. Contact:** Contact the Surrogate's office to discuss the estate process.

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

6. START TO GATHER: list of estate assets and debts.

NOTE: Power of Attorney authority ends at death.

IF YOU ARE THE NAMED EXECUTOR IN THE LAST WILL AND TESTAMENT**1. Reminder:** Your authority for the estate does not start until the Will is probated at the Surrogate's office.**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: currently in-person by appointment only.

Call (856) 935-7510, ext. 8323 Salem County Surrogate's Court

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

*****All in-office visits are via appointment only.**

Please call office for further instructions.***

Evening hours – currently no evening hours due to COVID-19.

ITEMS REQUIRED TO PROBATE THE LAST WILL & TESTAMENT

- ORIGINAL SIGNED** Last Will & Testament – a copy cannot be probated by the Surrogate. We will discuss your procedure if you only have a copy and not the original.
- Certificate of Death with the 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. (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.

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 of the Executors appointment and the authority to act on behalf of the estate.

ADMINISTRATION – If the decedent did not have a Will

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

Spouse
Children
Parents
Siblings
Nearest next of kin

The person "first entitled" may renounce the right to serve as the Executor or Administrator. Renouncing your right to act as Executor or Administrator does not renounce the right of inheritance, if any.)

Administration, in most cases, will require a surety bond per NJ statute. The bonding requirement will be explained during our phone discussion and appointment.

INFORMATION REQUIRED TO APPLY FOR ADMINISTRATION

(when decedent dies without a Last Will & Testament)

- A.** Certificate of Death with the raised seal
- B.** An estimated 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 Salem County Surrogate (fees, pursuant to NJ statute – will vary for each estate)

The Surrogate will issue Letters of Administration and Administration Short Certificates, which are used to transfer assets.

SMALL ESTATE AFFIDAVITS - 2 types

Affidavit of Spouse or Domestic Partner

Affidavit of Heir

Affidavits are a form of Administration and can only be used when the decedent did not have a Last Will & Testament prepared and assets do not go over the thresholds listed below.

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) PLEASE READ - extremely important to be on the correct website!! (The following information current as of October 2021)

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 or Employer ID Number (EIN). 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 www.irs.gov. The IRS Form SS-4 can be completed and submitted online, or you can download the form, complete and return by fax or mail. To contact the IRS by phone - (800) 829-1040. TTY/TDD for people with hearing impairments: (800) 829-4059

Type www.irs.gov into your browser. Click on APPLY FOR AN EMPLOYER ID NUMBER and then APPLY FOR AN EIN ONLINE on the next screen. If you cannot locate it, the actual links are listed below.

EIN FORM (Form SS-4): (Rev. 10-21)

Please note the below website was last viewed 10-13-21. The website navigation may have changed since that review

Go to the form directly: <https://sa.www4.irs.gov/modiein/individual/index.jsp> and click on BEGIN APPLICATION.

Select: Estate and then hit continue. You will fill in the appropriate information and an EIN number will be assigned.

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

CERTIFICATE OF DEATH

Where do I get a Certificate of Death if some time has passed?

A Certificate of Death can be obtained at the office of the local registrar in the municipality where the death occurred. The Surrogate does not issue death certificates.

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.

View for the NJ Motor Vehicle website for their current information.

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