

Probate/Estate Administration and Will Contests

New Jersey Probate and Estate Administration Lawyers

When a loved one passes away, there are many legal and financial issues that need to be addressed by the surviving family members. Often, the family may be confused and uncertain as to where to turn to get advice on these complex matters. Additionally, the member of the family who typically handled legal and financial issues may be the individual who recently passed.

The New Jersey probate and estate administration lawyers at Einhorn Barbarito have decades of experience navigating clients through the myriad of issues that can arise when a loved one has passed away. We have been providing probate and estate administration services for individuals and families throughout New Jersey since our firm's inception in 1961. Our attorneys handle all aspects of the probate and estate administration process and work to ensure that these matters are properly addressed in the most efficient manner possible.

The lawyers in our Wills, Trusts and Estates Practice are well-versed in the estate administration process, having lectured and written authoritative articles on all aspects of the legal field. We have also been appointed by the courts to represent the interest of estates where no specific designation is otherwise set forth. Moreover, from time to time, our attorneys are asked to serve in a fiduciary role, either as executor or trustee, with respect to our clients' estate planning matters. We take these responsibilities seriously and work diligently to ensure the accomplishment of our client's objectives.

New Jersey's Probate Process

Probate is the legal process of administering the estate of a deceased person by resolving all claims and distributing the deceased person's property under the valid will. In New Jersey, a decedent's last will and testament are filed ("probated") in the Surrogate's office of the county in which the decedent resided. The County Surrogate has the authority to accept the will for probate and authorize the

executor, as appointed under the will, to serve in such capacity.

If a decedent passes away without a will, he or she is said to have died intestate. The proceeding related to the administration of an intestate estate is referred to as an “intestate administration.” In New Jersey, this process is overseen by the County Surrogate. The process is very similar to a probate administration. The individual who is responsible for the administration of an intestate estate is referred to as the “administrator,” instead of the executor. Nonetheless, in New Jersey, the role of the executor and the administrator are very similar.

Guiding Clients Through Probate and Estate Administration Proceedings

At Einhorn Barbarito, we understand that the probate and estate administration process can be very confusing and, at times, overwhelming. Our New Jersey probate and estate administration lawyers carefully guide clients through each step of the process, explaining the options and selections available as well as the financial and tax ramifications associated with the death of the decedent. Where estate and/or inheritance tax returns are required, we will prepare these documents and advise clients on available legal positions that can work to minimize the imposition of tax liability. When required, our attorneys will also prepare formal or informal accountings to inform the beneficiaries as to the manner in which the estate and/or trust has been administered. We will also prepare refunding bonds and other necessary probate filings through the complete administration of the estate.

The legal professionals in our Wills, Trusts and Estates Practice group operate as a cohesive team to provide comprehensive and cost-effective services to beneficiaries, executors, personal representatives, trustees and administrators throughout the entire probate process. We utilize paralegals who are specially trained in estate administration matters for many of the tasks associated with the probate process. This allows us to reduce the number of hours required by attorneys and keep legal fees down to a reasonable amount.

New Jersey Probate and Estate Administration Lawyers Resolving Inheritance Conflicts and Disputes

While one of the goals of a last will and testament is to help avoid future inheritance fights, even the most thought-out will cannot guarantee that conflicts and disputes won't arise after a loved one has passed away. Whether a family member has been completely cut out of an inheritance, or a portion of an estate is left to an unexpected heir, a legal action may be necessary to determine whether the will is valid. This type of action, which is known as a will contest, can present significant challenges for all parties involved. A will contest can substantially delay the distribution of property and even deplete assets of the estate, not to mention take the emotional toll that can occur.

The estate planning attorneys at Einhorn Barbarito have decades of collective experience litigating will contests and other estate administration disputes throughout the State of New Jersey. We draw upon our in-depth knowledge of what the law requires and how the probate process operates to achieve fair and efficient outcomes for our client.

Will Contests in New Jersey

In New Jersey, you must have "legal standing" to contest a will. Persons with standing generally include the individuals and groups who are named in the will and those persons who would inherit from the deceased in the event that no will existed – the heirs at law. Additionally, any person who was named in a prior will would also have standing where the will introduced into probate eliminates or reduces the assets that were to be distributed to the person under the prior document.

In New Jersey, will challenges are often based upon an assertion that the decedent lacked the mental capacity to execute or modify a will. This type of challenge typically involves a claim that the decedent was suffering from Alzheimer's, dementia or another illness or condition that prevented him or her from fully comprehending their assets and the impact of the actions taken.

Another common basis for contesting the validity of a will is to assert that the decedent was subject to "undue influence" in making or re-writing the will. In essence, an undue influence claim centers around

the assertion that the decedent was unduly influenced by another individual in a confidential relationship with the decedent to the extent that the will actually reflect the wishes of the other individual, not the decedent.

The Importance of an Estate Administration and Estate Planning Attorney

Proving or defending against either ground can be very difficult and is best handled by a team of estate attorneys with extensive experience in this challenging area of the law. Our New Jersey probate and estate administration lawyers are seasoned professionals with extensive experience representing clients who are seeking to challenge wills as well as persons who are defending against such challenges.

If you need representation in connection with a will contest or have questions about the probate or estate administration services offered at our firm, we invite you to [contact](#) our Wills, Trusts and Estates Group today by calling [973-627-7300](tel:973-627-7300).