How To Probate A Will In New Jersey

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Upon the death of an individual, the family or next of kin should determine whether the deceased person (referred to as the "decedent") left a Last Will and Testament. If so, they should review the Will and identify the person named in the Will as the executor. It then becomes the legal duty of the executor to probate the Will by presenting the original Will, the death certificate, and a list of the names and addresses of the decedent's next of kin to the New Jersey Surrogate's Court in the county where the decedent resided at the time of death. The death certificate will indicate where the decedent resided at the time of death. In most counties in New Jersey, the Surrogate will prepare the Application for Probate and other papers necessary to qualify the executor to act on behalf of the estate of the decedent.

After the Surrogate's Court appoints the executor, which under New Jersey law can be no sooner than 10 days after the decedent's death, the executor will receive the "Letters Testamentary" from the Surrogate. This authorizes the executor to gather the assets of the decedent, which constitute the estate, and pay the decedent's funeral expenses, debts, and any income, estate or inheritance taxes, before distributing the remaining assets of the estate to the decedent's beneficiaries named in the Will. Within 60 days of probate, the executor must notify all beneficiaries named in the Will and all next of kin that the Will has been admitted to probate and state that a copy of the Will shall be furnished upon request.

The executor is under a legal and statutory duty to settle and distribute the estate in as expeditious and efficient a manner as possible. The executor is personally liable for filing and paying the decedent's final income tax return and filing any estate or inheritance tax return and paying those taxes before making distributions to the beneficiaries. Before the estate is closed, the executor will have to render either a formal accounting to the Surrogate's Court and beneficiaries or an informal accounting to the beneficiaries to explain the amount and nature of the assets received under the executor's control and how those assets were used to pay expenses, debts and taxes before distribution to the

beneficiaries under the Will.

Probate of a Last Will and Testament in New Jersey is often a relatively streamlined and uncomplicated process compared with other states, unless the Will is contested.