

Once I have Probated the Will

Where do I start?

- Take possession of personal property.
- Open an estate account if necessary
- Take immediate steps as are necessary for temporary protection of the estate, for example, make sure that fire and other insurance coverage is in place for any real estate properties and that insurances on property has not lapsed.
- Investigate all claims against the estate to determine their validity. Pay all claims that are valid.
- Determine the value of all real and personal property for tax purposes. Collect any indebtedness due to the estate.
- Decide which assets, if any, should be sold to raise cash needed to pay claims, taxes, administration and other expenses.
- Check all real estate for delinquencies in taxes and rent.
- Compute accrued interest on bonds, notes and mortgages as of the date of death.
- Gather and compile information for estate and inheritance taxes, including any taxes due in other States in which the decedent owned property.
- Prepare and file any State / Federal Estate Tax returns required from the executor.
- Pay estate taxes within time prescribed by law to avoid penalties.
- Prepare and file any Federal / State Income Tax returns for current year, one set of returns covering the period prior to

- death and another set covering the period after death.
- Prepare informal accounting for the heirs.
- Distribute the estate according to the terms of the Will.

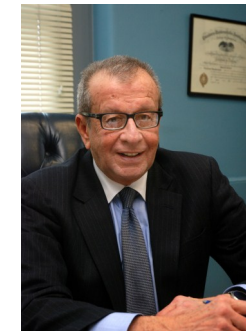
In Union County, you are provided with a “**Proof of Mailing**” form for Probate. The law requires that all next of kin be notified within 60 days after probate. This means that the Executor is required to send a notice to all the beneficiaries under the Will, to the Spouse and any and all heirs and next of kin at their last known address a Notice in writing that the Will has been probated, indicating both where and the date thereof and that the recipient may receive a copy of said Will on request to the personal representative.

Additionally, “**Refunding Bonds and Releases**” must be prepared for the estate. Once you have gathered all the assets, paid outstanding debts including the cost of the funeral and you are ready to distribute the assets to the beneficiaries, you would make copies of the proper forms and make sure you have one ready for each beneficiary stating the amount of the assets they are to receive. Each person or organization must sign this document in front of a Notary Public. Once you have a completed form, you may distribute the asset to the individual; this should be in the form of a cashier’s check or estate check, do not give cash. You should make a copy of the refunding bond and mail it with the original to our office with a \$10.00 filing fee (2 pages) and a self-addressed envelope, we will return a filed copy to you for your records.

For additional Executor Certificates, send \$5.00 for each certificate along with a self addressed stamped envelope. For Administrator Certificates, please call 908-527-4280

Gathering and Distributing the Assets of the Estate

This is a guide to help you settle the affairs of the Estate. This brochure is offered as a guide for the pro se client. It is not intended to replace the help of a professional such as an Attorney or Accountant. For large estates, professional help is highly recommended. This information is intended to help you prepare documents that you will need to settle the estate.



By: James S. LaCorte
Surrogate of Union County



“Perhaps the most important duty of my office is reaching out to the residents of Union County, to make you aware of the importance of making a Will, understanding the probate process and the significance of Advance Directives, or Living Wills”.

James S. LaCorte,
Surrogate of Union County

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Some of the costs associated with settling the Estate.

FUNERAL EXPENSES:

Cemetery Plot (immediate family)
Funeral Luncheon
Flowers
Minister/Rabbi/Priest/Imam
Monument/Lettering
Funeral Costs
Acknowledgments

ADMINISTRATION EXPENSES:

Appraisal of real estate
Appraisal of personal effects
Surrogate's fees
Probate expenses
Fee to notify creditors
Death certificates
Telephone tolls
Cost of Executor's or Administrator's Bond
Collection costs
Court costs
Cost on recovery and/or discovery of assets
Realty commissions in accordance with N.J.A.C. 18:26-7.12
Storage of property if delivery to legatee not possible within reasonable time
Filing of Tax Waivers and Returns

DEBTS OF DECEDENT OWING and

UNPAID AT TIME OF DEATH:

Personal accounts
Judgments
Federal income and gift taxes generally
Unpaid mortgage principal and interest on the decedent's date of death:
Charitable pledges
State, county and local taxes accrued before death
Unpaid Inheritance Tax on interrelated estates
Contingent liabilities

Things you need to do....

Open an **estate checking account**. Talk to your local branch managers about these accounts. You will need a federal tax identification number to open the account (go to the IRS web site [IRS.gov]). Pay all debts and inheritances out of this account. When you have distributed all of the assets of the estate, make an informal accounting for the estate and provide a copy to each of the beneficiaries. Secure Refunding Bonds & Releases from beneficiaries.

If the decedent owned property, you should make sure that the local tax office and insurance company have your contact information. Make sure that both taxes and insurance are kept up to date. Contract with someone or be prepared to upkeep the property to avoid potential loss. Make sure any pets are taken care of and anything that could spoil is removed from the premises. Unplug all unnecessary electronics if no one is staying in the home. If necessary make sure the alarm company or neighbor has your phone number.

In settling the affairs of the estate you may need to get a **Federal Tax Identification Number**, a State or Federal Tax Return form or an Inheritance Tax Waiver. These forms are not available from our office, however, they are readily available on line or at the local offices of the IRS or from the State of New Jersey, Treasurer's Office or at IRS on line, www.irs.gov , www.State.NJ.US/Treasurer. Additional information may be found on our web site or the County Clerks at www.ucnj.org .

Life Insurance that has listed beneficiaries is outside the estate. The Insurance Company should notify the beneficiary and tell them what is required to claim the insurance; in some cases a Surrogate's Certificate is necessary. A life insurance policy is a contract between the insured and the company; they would dictate what information would be necessary for a claim.

Tax Waivers

Bank accounts, certificates of deposit etc., in the name of, or belonging to a RESIDENT decedent, in financial institutions located in this state, cannot be transferred without the written consent of the Division of Taxation. This consent is referred to as a Waiver.

However, real property held by a husband and wife/civil union couple as "tenants by the entirety" in the estate of the spouse/civil union partner dying first need not be reported, regardless of the date of death and waivers are not required.

Exceptions

Notwithstanding the waiver provisions above, any financial institution may release up to 50% of any bank account, certificate of deposit, etc., to the survivor, in the case of a joint account, the executor, administrator or other legal representative of a RESIDENT decedent's estate. The procedure is referred to as a Blanket Waiver. This procedure is not available for stocks and bonds. (N.J.A.C. 18:26-11.16)

L-8's – Self executing waiver form was created for class "A" beneficiaries in the estates of RESIDENT decedents. They are filed with the bank or trust company. This form may be used only when all beneficiaries are Class "A", there is no New Jersey Inheritance or Estate Tax and there is no requirement to file a tax return.

L-9's – Real Property Tax Waiver were created for class "A" beneficiaries where property passes to class "A" beneficiary. Form L-9 is an affidavit executed by the executor, administrator or joint tenant requesting the issuance of a tax waiver for real property located in New Jersey which was held by a resident decedent.