

### Dying Without a Will in NJ are you.....

- ◇ **Married, do you have children?**
- ◇ **Married with children from another relationship?**
- ◇ **Married with no children, are your parents still alive?**

**Each scenario is different.**

### Navigating the intestacy laws can be tricky.

**The Laws in the State of New Jersey define who has the first right to apply for Administration of an estate.**

**General administration is used when a resident of New Jersey dies intestate (without a will). It is the duty of the heir or heirs or the person desiring original letters of administration to make application to the Surrogate of the county in which the decedent resided at the time of death.**

**For intestate estates, heirs according to statute and relationship to the descent have priority –**

- (a) spouse or registered domestic partner**
- (b) adult children of the decedent**
- (c) guardian of minor children first entitled, if no surviving spouse or adult children**
- (d) decedent's parents**
- (e) brothers and sisters**
- (f) grandparents**
- (g) aunts and uncles**
- (h) stepchildren**
- (i) creditors (after 40 days)**

## The Property in the "Estate"

Thinking there is nothing in the "estate" and you do not have to apply to the Surrogate on behalf of the *decedent* is a misconception. Property or access to an apartment, senior housing, money held in a trust account at a nursing home, a motor vehicle, or property held by the police are all part of the "estate". If there is no Last Will and Testament, all possessions in the decedent's name must be transferred. If you and your siblings are the closest next of kin and your parents are pre-deceased you all have the same right to act. The decision to have one or two people act would be the most reasonable. If you are the surviving spouse, and there are children from another relationship you have the first right to act if there is no Last Will and Testament. The division of assets for all these scenarios are different; however, and the law requires that if there is no Will the applicant shall be bonded. This could be an expense that the applicant may not be able to afford. Surety Bonds are granted upon the individual's ability to pay. In order to obtain a bond a credit check on the individual will be done by the bonding company.

If you have a Last Will and Testament for the Decedent, you MUST probate the Will.

## A Guide to the Administration Process

### Where and How Do I Start?

**Gather all the family members and a list of assets for the estate.**

#### Intestacy Laws

#### Rules for Administrations

#### Being Bonded for the Estate

#### Deciding who is best qualified to act

#### What you need to do

#### Gather a list of family members and assets



**Not planning for the future could make things very costly and difficult for your family members.**

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Have more questions?

Visit us on line, [www.ucnj.org/surrogate](http://www.ucnj.org/surrogate)

Making the decisions.

- Who will act on behalf of the estate?
- What needs to be presented?
- Ascertaining the estate assets. A list of all assets that has the decedent's name on it will have to be generated. The name of the asset, where it's being held (bank, broker), the account or identification number and amount or value of asset.
- Deciding difficult family dynamics; who is best suited to act on behalf of the estate?
- Are there minor children involved?

Once you have been appointed by the Surrogate

Getting a Tax ID number and setting up an estate account.

Obtaining title and possession of property

Asserting claims on behalf of the estate

Payment of funeral expenses, taxes and claims against the estate.

Payment and maintenance of all property of the estate.

Filing Inheritance, State and Federal taxes.

## Possible Assets

<b>Motor Vehicle Vin #</b>	\$
<b>Make/Model</b>	
<b>Market Value</b>	
Bank Accounts—Name of Bank	\$
Account #	
Balance	
Bank Accounts—Name of Bank	\$
Account #	
Balance	
Bank Accounts—Name of Bank	\$
Account #	
Balance	
Personal Property in Apartment	\$
Address	
Description	Value
Unclaimed Fund, State of NJ	\$
Include description if necessary.	Value
Home	\$
Address	Market Value
Miscellaneous	\$
Description	Assessed Value

## Expenses

<b>Funeral Expenses</b>	\$
Interment	
Stone/Memorial	
<b>Memorial Services</b>	\$
Officiate	
Flowers	
<b>Administration</b>	\$
Surrogate Cost	
Bonding Cost	
<b>Maintaining the Household or Property</b>	\$

## Family Members

**Name** **Relationship**

**Addresses**
