

Superior Court Matters

Probate of a Holographic Will

Court Rule 4:83 - 4:85	3B:3-2, 3B:3-3
Filing: Superior Court, Chancery Division Probate Part	All papers to be filed with the Surrogate's Court
Verified Complaint	Order to Show Cause

Overview

4:83 Proceeding in Superior Court, Surrogate not able to act, Complaint

3B:3-2 &

3B:3-3 Requirements for Will, Handwritten Will, Non Compliant Execution

A Summarization pursuant to:

A writing intended as a will may be admitted to probate only in the manner provided by the Rules Governing the Courts of the State of New Jersey. A Holographic Will is a Will written entirely by the testator in his or her own handwriting and is not witnessed.

Essential Job Functions

- **Verified Complaint** - shall be verified by the plaintiff upon oath that the allegations are true to the best of their knowledge and belief. **gets filed in**
- **Order to Show Cause** - Service shall be made and the action shall proceed thereafter in accordance with rule R.4:67. **Sets hearing date**
- **Proof of Service** - **copies of green cards or explanation**
- 10 days notice, in state - 30 days notice out of state - 60 days notice out of country.
- **Proposed Judgment**
- Answer if filed: automatically goes to contested trial list
 - After 60 days if no settlement is reached
 - It can go to case management conference
 - Pre Trial or

- Early Settlement Panel

Explanation:

A will which does not comply with N.J.S. 3B:3-2 is valid as a holographic will, whether or not witnessed, if the signature and material provisions are in the handwriting of the testator. A holographic Will, may be valid if it can be proved that the signature and the important provisions are in the same handwriting and the handwriting is that of the testator or testatrix.

In all matters relating to estates of decedents, all papers shall be filed with the Surrogate of the county of venue as the deputy clerk of the Superior Court, Chancery Division, Probate Part. The Title of Action shall be entitled “In the Matter of the Estate of _____, Deceased”.

If a will is sought to be proved in the Superior Court, proceedings for discovery shall be available pursuant to R.4:10, R. 4:12 to 4:19 inclusive, R.4:21 and R.4:23. If the will is admitted to probate the judgment of the Superior Court shall direct that the will be filed with and recorded by the Surrogate’s Court.

- Discovery may be obtained by: depositions upon oral examination or written questions; written interrogatories; production of documents or things; permission to enter upon land or property, for inspection and other purposes; physical and mental examination; and requests for admissions.

Rule 1:38-7

All personal identifiers must be redacted and a statement to that effect should be part of the certification

Eg: I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).