

# What to Do First: A Primer on Probates and Administrations

## First Steps

1. **Contact Social Security (1-800-772-1213)**, if the decedent was a recipient (**Funeral Director will do this, but if you have further questions or receive a check and are unsure how to proceed**).
2. **Locate the decedent's will.**  
This may mean contacting family members, the decedent's attorney, or looking through the home or safe deposit box. of the decedent.
3. **Give the original will to the person named as Executor.**
4. **If the decedent was a veteran**, you may wish to check on veteran's benefits (**1-800-827-1000**).
5. **Obtain from the Funeral Director one or more death certificates with a seal.**

### Where do I get a death certificate if some time has passed?

One can be obtained in the local municipal offices where the person passed away.

### What do I do with a vehicle registered ONLY in the decedent's name?

A vehicle in the decedent's name may be operated for 30 days after the date of death by immediate family or any licensed driver authorized by the decedent's family. Thereafter, the title must be transferred by the executor or administrator. **One must be deemed executor or administrator by the Surrogate PRIOR to the transfer.**

## If You are Named Executor

1. **Secure the estate by:**
  - Locating and protecting items of value;
  - Providing adequate security for the decedent's home if it is vacant to protect both the real and personal property; and
  - Locating bank books and accounts.
2. **Apply for probate of the will**  
Hunterdon County Surrogate's Court  
65 Park Avenue, Flemington 08822  
**Office Hours: Monday-Friday  
7:45 to 5:15**  
**\*Walk-ins are welcome**  
**\*\*Wheelchair available at Front Desk of Justice Center, upon request.**

### What you will need to probate the will:

- A. The original will
- B. A death certificate with a seal
- C. Addresses of all next of kin and all persons named in the will
- D. A blank check or cash for fees, which will vary with each estate

**\*Note: Although the Will cannot be probated until 10 full days after the date of death, application can be made at anytime earlier**, if it is more convenient. In most cases, the process will only take about 20 minutes to apply for probate.

3. The Surrogate's Court will issue the executor **Surrogate's Certificate's** (Letters Testamentary) which are used to transfer the assets of the decedent's estate. They **are the executor's authority to act for the estate.**

## If There Is No Will

The closest living relative of the decedent can apply to the Surrogate for appointment as administrator of the estate. This right to apply, to be appointed by law, is defined in the following order:

1. **Spouse**
2. **Children**
3. **Parents**
4. **Brothers and Sisters**
5. **Nearest next of kin**

The person "first entitled" may renounce the right to serve (This DOES NOT act to renounce the right of inheritance).

**When there is more than one person of equal right**—such as brothers and sisters, or more than one child—then all except one may renounce, except in certain circumstances.

Administration, in most cases, will require a surety bond to protect the creditors and beneficiaries of the estate

### What you will need to apply for administration:

- A. A death certificate with a seal
- B. An estimate of gross value of the estate.
- C. A list of estate debts.
- D. Names and addresses of the next of kin
- E. A blank check or cash for fees, which will vary for each estate

The Surrogate's Court will issue **Surrogate's Certificate's**, that are used to transfer assets.

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### Small Estate–Affidavits

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Affidavits are a form of administration, and can only be **used when there is no will**.

**Spouse's Affidavit:** If the decedent is survived by a spouse and **the total assets in ONLY the decedent's name are less than \$20,000**, a "Spouse's Affidavit" can be issued by the Surrogate. Copies are used to transfer the property, which may be individually listed (e.g. an automobile)

**Next-of-kin Affidavits:** can be issued by the Surrogate for estates **under \$10,000**.

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### Questions On Taxes

For information regarding taxes, please call

#### NJ Transfer Inheritance & Estate Tax

##### Division:

(609) 292-5033, or  
(609) 292-5035, or  
(609) 292-7147

#### US Tax Information

(800) 829-1040

\*Note: General information pamphlets on NJ Inheritance taxes available at the Surrogate's Court.

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### Before you come to the Surrogate's Court.....

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To make the process easier, information sheets are available (for potential executors or administrators).

Please call us at **Telephone: (908) 788-1156** to request an information sheet (can be faxed or mailed).

You can complete the information sheet(s) and mail/fax them back to the Court at:  
**Fax: (908) 788-1586**

Visit the Surrogate's Court on the Internet:  
[www.co.hunterdon.nj.us/depts/surrog/message.htm](http://www.co.hunterdon.nj.us/depts/surrog/message.htm)

### A Message from the Surrogate....

As your Hunterdon County Surrogate, I and my staff are available to help you in any way we can.

Please contact the Court should you have any questions.

Sincerely,

Susan J. Hoffman

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from the

### Hunterdon County Surrogate's Court

65 Park Avenue  
Flemington, NJ 08822  
(908) 788-1156



**Susan J. Hoffman,  
Surrogate**

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