

General Information

PROBATING A WILL

To probate a will according to New Jersey law, the executor/executrix must bring the original will of the deceased and the certified death certificate to the Surrogate's Office. If the will is not a "self-proved," the executor/executrix must provide the Surrogate's Office with a witness proof signed by one of the two subscribing witnesses who signed the will and witnessed the signing of the testator. Since no two estates are identical, the procedures and the costs may vary. The issuance of letters testamentary authorizing the transfer of assets occurs on the eleventh day after the date of death.

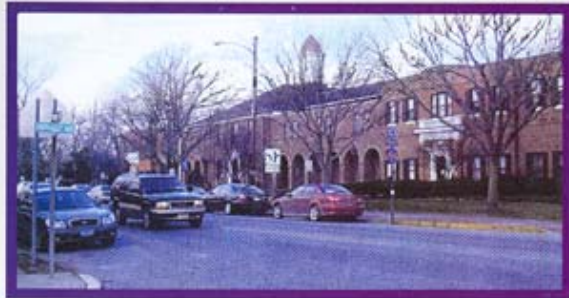
ADMINISTRATION / INTESTATE

When a person dies without having a will (intestate), the Surrogate must decide who will administer the estate. Normally the closest living relative of the deceased makes an application and is appointed as administrator/trix of the estate. The administrator/trix must bring a certified death certificate and provide the Surrogate with an estimate of the approximate value of the decedent's estate. The administrator is required to post a bond in the estimated value of the estate. The bond must be secured from a surety company.

ADMINISTRATION OF SMALL ESTATES

When someone dies without a will, is survived by a spouse, the Estate is under \$20,000, and the estate is in the decedent's name alone a "Surviving Spouse" affidavit can be issued by the Surrogate. Under New Jersey Law a "Registered Domestic Partner" has the same rights as a "Spouse." The cost of issuing the affidavit will vary depending on the individual estate.

When someone dies without a will with an estate under \$10,000, in the decedent's name alone, and who is survived by heirs other than the spouse or registered domestic partner, a "Next of Kin" affidavit can be issued. The cost of issuing the affidavit will vary depending on the individual estate.



Atlantic County Surrogate Court / Mays Landing



The Surrogate Staff is ready to serve you!

SURROGATE COURT LOCATIONS

For the convenience of those utilizing our services, two offices are opened at the following locations. While business is conducted by appointment, we will make every effort to accommodate those making application.

JAMES A. CARNEY, SURROGATE / JUDGE

MAYS LANDING LOCATION

Mary Lou Latorre, Special Deputy Surrogate

Patricia McDougall, Senior Probate Clerk

Susan Dittess, Special Probate Clerk

5911 Main Street

Mays Landing, NJ 08330

(609) 645-5800

Fax (609) 645-5805

ATLANTIC CITY LOCATION

Maureen S. Krause, Deputy Surrogate

Sharon Sutor, Special Probate Clerk

Andrea Dickinson, Special Probate Clerk

CIVIL COURT HOUSE

1201 Bacharach Boulevard

Atlantic City, NJ 08401

(609) 343-2341

Fax (609) 343-2197

www.aclink.org/surrogate

If you need an Attorney:

Atlantic County Bar Association

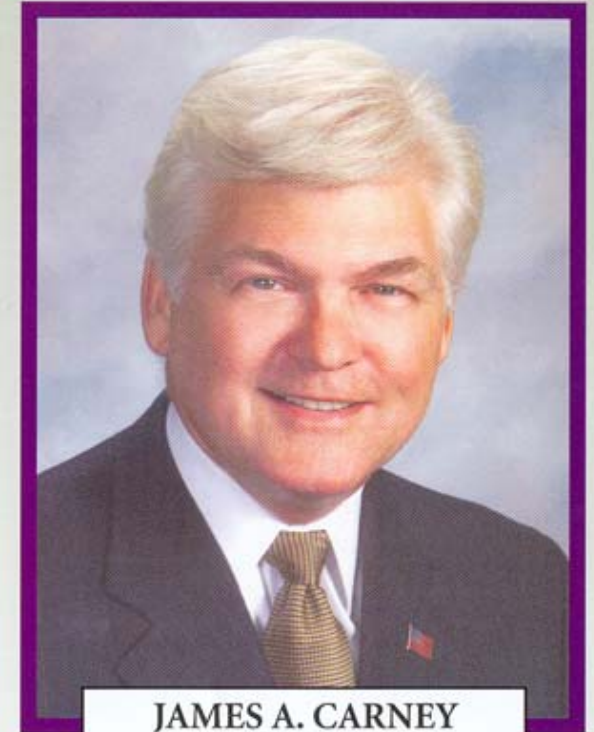
(609) 345-3444 • www.atcobar.org

If you cannot afford an Attorney:

Cape Atlantic Legal Services

(609) 348-4200 • www.lsnj.org

Office of the Surrogate



JAMES A. CARNEY
ATLANTIC COUNTY
Surrogate / Judge



www.aclink.org/surrogate

SURROGATE JAMES A. CARNEY

James A. Carney was sworn in as Atlantic County Surrogate in January 2006.

The Surrogate's Court was established by the New Jersey Constitution, "Thus the Surrogate is a Constitutional Officer." It is governed by State Statutes as the office in each county responsible for certain statutory and assigned duties and functions related to wills, guardianships of minors and incapacitated persons, adoptions, accountings, trusts and most other matters involving estates. The office has its origin in English law, where the bishop of the region would appoint a substitute, or "surrogate," to handle certain aforementioned affairs. The Surrogate attempts to amicably carry out the wishes of the decedent. Eventually this authority evolved from church officials to civil officials. The Surrogate is the judge of the Surrogate's Court and Deputy Clerk of the Probate Part of the New Jersey Superior Court. The word Surrogate means "one who takes the place of another."

The Office of Atlantic County Surrogate was first instituted in the county when it was formed in 1837. The then Governor of New Jersey appointed the first Atlantic County Surrogate. A few years later Surrogates were elected by the people for five year terms. The surrogate's Court was formerly known as the Orphan's Court. The Surrogate is the only elected county judge in each county and need not be a member of the bar.



Atlantic County Surrogate Court / Atlantic City



We grieve the loss of our former Deputy Surrogate Michelle L. Fekete who served with dedication, professionalism, and energy for 18 years. Her life will be remembered, her smile missed.

Surrogate Carney would like to thank Camden County Surrogate Patricia Eagan Jones for her assistance, input and cooperation in the preparation of this pamphlet.

OFFICIAL FUNCTIONS OF THE SURROGATE

PROBATE OF WILLS

Probate is the process whereby a Last Will and Testament is proved to be valid by the Surrogate and documents are issued authorizing the executor to transfer assets in accordance with the wishes of the testator.

ADMINISTRATION

When someone dies without having drawn a Last Will and Testament, the Surrogate Court appoints an administrator/administratrix and issues letters authorizing the transfer of assets in the decedent's name. A surety bond may be required.

INTESTATE SUCCESSION

When someone dies without a Last Will and Testament the laws of New Jersey provide for the distribution of property to their heirs through a process called intestate succession.

GUARDIANSHIPS

When a guardian must be appointed to manage the affairs of either a minor or an incapacitated adult, the Surrogate's Court serves as the Clerk of the Superior Court in filing the necessary applications.

TRUSTS

When a trust is created in a Last Will and Testament, the Surrogate appoints the named trustee to administer the trust.

CONTESTED ESTATE LITIGATION

In matters of litigation regarding contested estates, the Surrogate serves as the Clerk of New Jersey Superior Court / Probate Park. In the process the Surrogate reviews the cases, and forwards the file to The Superior Court Judge for hearing if needed and disposition. The Surrogate then, maintains the records and fulfills orders of the court.

ADOPTIONS

In the adjudication of adoption matters in Atlantic County, the Surrogate's Court serves as the Clerk of Superior Court. In this process our office reviews the applications and schedules their hearings before the Superior Court. The Surrogate's Court also maintains the files under seal and microfilms the record for posterity.

MANAGEMENT / INVESTMENT OF MINORS' FUNDS

The Surrogate's Court receives, manages and invests funds for minors as ordered by Superior Court. Currently, there are approximately 478 accounts for minors' funds, with approximately \$11.2 million invested by the Surrogate's Court.

RECORDS

The Surrogate's Court maintains records and microfiche of all estates probated in Atlantic county and all Superior Court proceedings related to the office dating from 1837.

HOME BOUND SERVICES

The Surrogate's Court provides the full range of our services to the physically challenged and individuals who are confined to their homes through a "roving surrogate" who literally brings the office to their homes.



Surrogate Carney

ADVISORY COMMISSION

The "ATLANTIC COUNTY SURROGATE'S ADVISORY COMMISSION" has been established by Surrogate Carney to enlist volunteer members of the community to help in identifying issues that are relevant to users of the court, both in a PRE and POST use manner. The "Commission" is made up of attorneys, funeral directors, financial planners, medical professionals, non-profits, senior groups, governmental entities and others involved and interested in these pertinent issues. The "Commission" is working to provide an ongoing and evolutionary program of printed and video material as well as a personal outreach and speaking program. This overall program, supported by and in cooperation with Atlantic County Government, the State of New Jersey, and other available services will better help the community prepare for probate, guardianship, administrations, adoptions, and understand the system, as well as the law on these timely matters.