

# Notice of Probate / Proof of Mailing Instructions

As Executor/Executrix/ Personal Representative of the Decedent's Estate, you are responsible to notify all Beneficiaries named in the Will and all Next of Kin in writing that a Will has been probated. This includes all immediate family members, *even if they are not named as Beneficiaries in the Will.*

Notice must be given, in writing, within 60 Days from the date of Probate.

## **Notice of Probate**

- Complete the Notice of Probate form, attached.
- List all the names and addresses of the Will Beneficiaries and Next of Kin in the space provided.
- The "Notice of Probate" informs the recipient that a copy of the probated Last Will and Testament will be provided to all the Beneficiaries and all the Next of Kin upon their request. You are responsible to send the Will copy to those requesting it.
- Make a copy of the "Notice of Probate" for all the Beneficiaries and all the Next of Kin listed.
- Mail the copy of the "Notice of Probate" to all of those persons by regular mail. Certified mail is not required.

## **Proof of Mailing**

- Fill out the Proof of Mailing form after you have mailed the Notice of Probate.
- Send the original "Notice of Probate" and the original "Proof of Mailing" within 10 days of mailing to "Surrogate's Office, 60 W. Broad Street, Suite A-111, Bridgeton, NJ 08302.
- Include a check for the filing fee in the amount of \$10.00 made payable to the "Cumberland County Surrogate."

**For Addresses Unknown:** If the address of a Beneficiary or Next of Kin is unknown, the "Notice of Probate" must also be published one time in a newspaper of general circulation in Cumberland County. The published notice must name those persons of unknown address and state that they may have an interest in the probate estate.

**If there is a Charitable Bequest:** if a charity is mentioned in the Will you must also send a "Notice of Probate" to the NJ State Attorney General's Office at: Dept. of Law and Public Safety, Division of Law, R.J. Hughes Justice Complex, 25 Market Street, P.O. Box 106, Trenton, NJ 08625-0106, Attn: Judith Williams-Coke.

Warning: These instructions are not intended as a comprehensive list of the rights, duties and obligations of an Executor, Executrix or Personal Representative of the Decedent. It is provided to you as a courtesy by the Cumberland County Surrogate's office. A copy of the New Jersey Court Rule pertaining to the Notice of Probate is attached hereto for reference purposes.

Superior Court of the State of New Jersey  
Chancery Division - Probate Part  
Cumberland County

**IN THE MATTER OF THE ESTATE OF**

\_\_\_\_\_

**DECEASED**

**NOTICE OF PROBATE OF WILL**

\_\_\_\_\_

State of New Jersey }

ss.

County of Cumberland }

To: (List names and addresses of Next of Kin and Beneficiaries and mail a copy to each.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE TAKE NOTICE** that the Will of \_\_\_\_\_, Deceased was probated by Hon. Douglas M. Rainear, Surrogate of Cumberland County, in Bridgeton, New Jersey on \_\_\_\_\_, 20\_\_\_\_.  
The undersigned Executor/Executrix will furnish you with a copy of the said Will upon request.

\_\_\_\_\_  
Executor/Executrix

\_\_\_\_\_  
Date

Superior Court of the State of New Jersey  
Chancery Division - Probate Part  
Cumberland County

**IN THE MATTER OF THE ESTATE OF**

\_\_\_\_\_

**DECEASED**

**PROOF OF MAILING**

\_\_\_\_\_

State of New Jersey }

ss.

County of Cumberland}

I, \_\_\_\_\_, do hereby certify the following;

1.) I am the Executor/Executrix under the Will of \_\_\_\_\_, Deceased  
OR

I am the Administrator/Administratrix, C.T.A. of the Estate of \_\_\_\_\_

\_\_\_\_\_, Deceased.

2.) On \_\_\_\_\_, 20\_\_\_\_, I mailed to all of the Next of Kin and all the beneficiaries, a copy of the Notice attached hereto, sending the Notice to their last known addresses.

\_\_\_\_\_  
Executor/Executrix/Administrator/Administratrix, C.T.A.

\_\_\_\_\_  
Date

### **New Jersey Court Rule 4:80-6. Notice of Probate of Will**

Within 60 days after the date of the probate of a will, the personal representative shall cause to be mailed to all beneficiaries under the will and to all persons designated by R. 4:80-1(a)(3), at their last known addresses, a notice in writing that the will has been probated, the place and date of probate, the name and address of the personal representative and a statement that a copy of the will shall be furnished upon request. Proof of mailing shall be filed with the Surrogate within 10 days thereof. If the names or addresses of any of those persons are not known, or cannot by reasonable inquiry be determined, then a notice of probate of the will shall be published in a newspaper of general circulation in the county naming or identifying those persons as having a possible interest in the probate estate. If by the terms of the will property is devoted to a present or future charitable use or purpose, like notice and a copy of the will shall be mailed to the Attorney General.

Note: Source-R.R. 4:99-7; former R. 4:80-8 amended and rule re-designated June 29, 1990 to be effective September 4, 1990

### **New Jersey Court Rule 4:80-1. Application**

**(a) Contents.** Unless a complaint for probate is filed with the Superior Court pursuant to R. 4:83, an application for the probate of a will, for letters testamentary, letters of administration, letters of administration of non-resident estates in which administration has not been sought in the decedent's state of residence, letters of administration with the will annexed, letters of administration *ad prosequendum*, letters of substitutionary administration and letters of substitutionary administration with the will annexed shall be filed with the Surrogate's Court, stating: (1) the applicant's residence; (2) the name and date of death of the decedent, his or her domicile at date of death and date of the last will, if any, of decedent; **(3) the names and addresses of the spouse, heirs, next of kin and other persons, if any, entitled to letters, and their relationships to decedent, and, to the best of the applicant's knowledge and belief, identifying any of them whose names or addresses are unknown and stating further that there are no other heirs and next of kin;** (4) the ages of any minor heirs or minor next of kin; and in an application for probate of a will, whether the testator had issue living when the will was made, and whether he or she left any child born or adopted thereafter or any issue of such after-born or adopted child, and the names of after-born or adopted children since the date of the will, or their issue, if any. The applicant shall verify under oath that the statements are true to the best of the applicant's knowledge and belief.

Note: Source-R.R. 4:99-1, 5:3-2; caption of rule, and text of paragraphs (a) and (b) amended, new paragraph (c) adopted, and former paragraph (c) re-designated as paragraph (d) and amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended June 28, 1996 to be effective September 1, 1996.