

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 "self-proving," the executor/executrix must provide the Surrogate's Office with a witness proof. Since no two estates are identical, the procedures and the costs may vary. The issuance of the Letters Testamentary authorizing the transfer of assets may not occur until the eleventh day after the date of death.

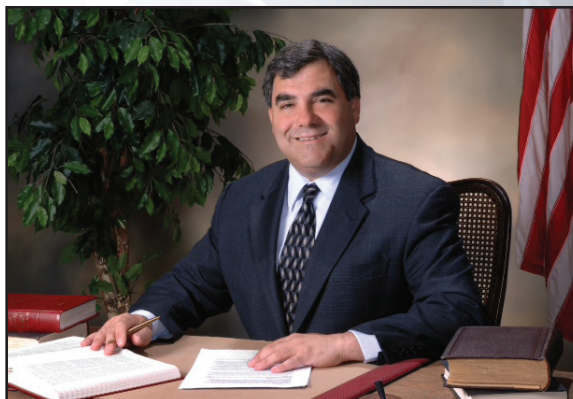
ADMINISTRATION / INTESTATE

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, as well as debts passing through the 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, an "Affidavit of Heir" can be issued. The cost of issuing the affidavit will vary depending on the individual estate.



The Office of the
Atlantic County
Surrogate

Surrogate's Court Locations

For the convenience of those utilizing our services, two offices are open at the following locations.

JAMES CURCIO, SURROGATE/JUDGE

Atlantic City Location: Civil Court House

Maureen S. Krause, Deputy Surrogate
Sharon Sutor, Special Probate Clerk

1201 Bacharach Boulevard
Atlantic City, NJ 08401
(609) 343-2341
Fax (609) 343-2197

Mays Landing Location:

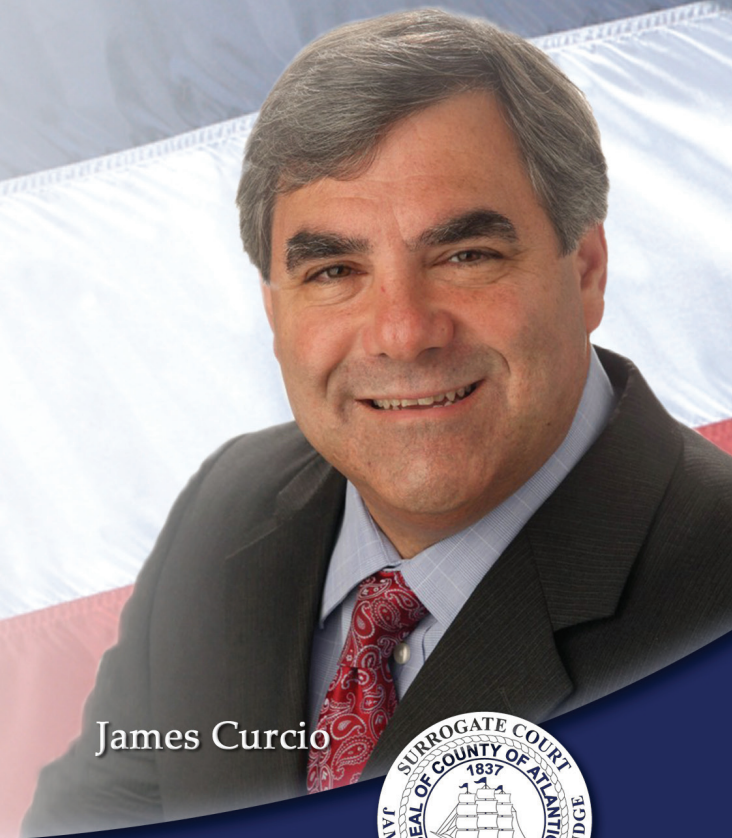
Mary Lou Latorre, Special Deputy Surrogate
Patricia McDougall, Senior Probate Clerk
Susan Woodward, Special Probate Clerk
Andrea Dickinson, Special Probate Clerk

5911 Main Street
Mays Landing, NJ 08330
(609) 645-5800
Fax (609) 645-5805

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



James Curcio



www.aclink.org/surrogate

Surrogate James Curcio

The Surrogate's Court was established by the New Jersey Constitution. It is governed by New Jersey statutes as the office in each county responsible for certain statutory 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 tasks. 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 Office of Atlantic County Surrogate was first instituted when the County 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 judge in each county.



Atlantic County Surrogate Court/Atlantic City



Atlantic County Surrogate Court/Mays Landing

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's 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 filling 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 Part. In the process the Surrogate reviews the cases, and forwards the files to the Superior Court Judge for hearing if needed for 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.

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.