

State of New Jersey
Essex County Surrogate's Court

ALTURRICK KENNEY
SURROGATE

Hall of Records, Room 206
 Newark, New Jersey 07102
 Phone: 973-621-4900
 Fax: 973-621-2647

DEVERO D. MCDOUGAL
DEPUTY SURROGATE

In the matter of the Estate of:

_____, Deceased

AKA: _____

}

**APPLICATION
 ADMINISTRATION**

Applicant (s) _____,

residing at _____,

of full age, being duly sworn, says:

1. Decedent died intestate on _____ and, on said date of death, had a legal residence of _____ in the County of Essex and State of New Jersey.

2. Decedent left surviving spouse, heirs at law and next of kin, the following persons (*include parents and siblings of decedent if decedent had no spouse and/or children; if any of decedent's children are deceased, list the children of deceased children*):

Name	Relationship To Decedent	Residence	Age of Minors

3. There are no other next of kin and all the foregoing are of full age except as indicated.

Wherefore, the Applicant(s) requests judgment granting Letters of Administration to Applicant(s).

STATE OF NEW JERSEY
COUNTY OF ESSEX } ss.

Applicant(s), being duly sworn according to law, did upon their oath, say that the matters and things set forth in the within application are true to the best of their knowledge and belief, that to the best of their knowledge the decedent died without a valid Will, and that the value of the entire estate, for the administration of which this application is made, does not exceed the sum of \$_____.

Sworn and subscribed before me on

____ / ____ / 20 ____

Signature

Notary Public or Attorney at Law

My Commission Expires: _____

Affix Seal

Attorney of Record:

State of New Jersey
Essex County Surrogate's Court

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DEVERO D. MCDUGAL
DEPUTY SURROGATE

In the matter of the Estate of:

_____, Deceased
AKA: _____

} **POWER OF ATTORNEY**
ADMINISTRATOR

KNOW ALL MEN BY THESE PRESENTS, that I, _____ residing at _____, pursuant to the provisions of Revised Statutes 3B:14 - 47 do hereby make, constitute and appoint Alturrick Kenney, Surrogate of the County of Essex, in the State of New Jersey, and their successors in office, my true and lawful attorney upon whom may be served any and all process affecting the aforesaid estate, or any interest therein, whereof I am the Administrator/trix.

And I do further agree that any process against the aforesaid estate, so served, shall be of the same force and effect as if duly served upon me within this State.

In Witness Whereof, I have hereunto set my hand and seal this ____/____/____.

Signature
Copy of government issued picture I.D.

STATE OF NEW JERSEY
COUNTY OF ESSEX } ss.

BE IT REMEMBERED, that on this, ____ / ____ / ____, before me, the subscriber, a Notary Public/Attorney at Law of New Jersey, personally appeared _____ who I am satisfied is the person named in they signed, sealed and delivered the said power of attorney as their voluntary act and deed, for the uses and purposes therein expressed.

Notary Public/Attorney at Law of the State of New Jersey

My Commission Expires _____

Affix Seal

State of New Jersey
Essex County Surrogate's Court

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DEVERO D. MCDOUGAL
DEPUTY SURROGATE

In the matter of the Estate of:

_____, Deceased

}
}

ADMINISTRATOR
QUALIFICATION

AKA: _____

_____, **the Administrator/rix(s)**, in the annexed writing named, being duly sworn on oath, says, the within named, deceased, died without a Will as far as they know and verily believe; that they will well and truly administer all and singular the goods, chattels and credits which were of said deceased at the time of death, that have or shall come to their possession or knowledge, or to the possession of any other person or persons for their use; and that they will make and exhibit unto the Surrogate's Office of the County of Essex, a true and perfect inventory of all and singular the goods, chattels and credits, and render a just and true account of the administration; and that said intestate died on _____.

Signature

Subscribed and Sworn to before me on

___/___/20___

Notary Public / Attorney at Law of the State of New Jersey

My Commission Expires: _____

Affix Seal

State of New Jersey
Essex County Surrogate's Court

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DEVERO D. MCDOUGAL
DEPUTY SURROGATE

In the matter of the Estate of:

ADMINISTRATION
AFFIDAVIT OF
ASSETS

_____, Deceased
AKA: _____

I, _____, of full age, being duly sworn, depose(s)
and say(s):

1. I reside at _____, and I am applying for Letters of Administration upon the estate of _____, who died intestate, on _____ and resided at _____ in the County of Essex and State of New Jersey at the time of death.
2. The following is a brief descriptive list and valuation of all the assets constituting the real and personal property of the decedent (*with documentary proofs of each asset attached*):

<u>ITEMS</u>	<u>TOTAL ESTIMATED AMOUNT/VALUE</u>
Cash on hand:	\$
Balances in bank accounts of decedent (list accounts)	\$
Corporate Stocks, bonds and notes, etc:	\$
Life insurance taken out by decedent without A named beneficiary or payable to the Estate:	\$
Automobiles (include year, made, model, and VIN #):	\$

Household effects, jewelry, other chattel, etc.: \$

All other personal property belonging to the Estate: \$
(Refund checks, security deposits, etc.)

Real Estate, located at (list separately by type and address): \$
(If market value is unknown, may use tax assessed value)

REMARKS:

TOTAL VALUATION OFF ALL PROPERTY: \$

3. I am familiar with the circumstance of the estate and have herein provided, to the best of my knowledge, information and belief, a true and complete list of the real and personal assets and effects of the decedent, of which the decedent died possessed or is in any way entitled to, for and in respect of which Letters of Administration are to be granted.
4. The values/amounts stated herein are made without deducting anything on account of the debts due and owing from the decedent.
5. I will post a bond in the amount of the total valuation of all property, unless a different amount is required by the Surrogate. If the valuation changes after Letters of Administration are granted, I will provide documentation of same to the Surrogate's Court and make application to adjust the administrative bond.
6. I understand that the estate assets must be first applied to the payment of all just claims against the estate, according to legal priority, as the law does not permit the distribution of a decedent's property to the exclusion of creditors.
7. I understand that if any of my statements are found to be willfully false, I may be liable for perjury.

Signature

Subscribed and sworn to before me
on this _____ day of _____, 20 ____ .

Notary Public/Attorney at Law of New Jersey

OFFICE OF THE SURROGATE
ESSEX COUNTY

ALTURRICK KENNEY
SURROGATE

Devero D. McDougal
DEPUTY SURROGATE



469 Dr. Martin Luther King, Jr. Blvd.
Hall of Records, Room 206
Newark, New Jersey 07102

www.essexsurrogate.com

IMPORTANT INFORMATION REGARDING BONDS

1. The Surrogate is the Judge of the Surrogate's Court. In that capacity, the Surrogate has the authority to appoint an administrator of an estate. If you are appointed administrator, you are the fiduciary for the estate and may be required to post a surety bond, pursuant to New Jersey statutes, particularly NJSA 3B: 15-1. The purpose of the bond, which is based on the amount of the assets, is to protect the heirs and creditors of the estate.
2. A bond is not insurance. You are responsible for any losses which cause the surety to make payment on your behalf. The Indemnity Agreement is your promise to repay the surety. The law establishes minimum terms and conditions for indemnity and collection, which must be in each bond. The other terms, such as premium and duration are between you and the bonding company.
3. You are free to purchase the bond from any qualified source.
4. The initial premium is due when the bond application is completed and your appointment as administrator will not be granted until the bond is received in the Surrogate's Court.
5. **The bond does not terminate at the end of the first year. Annual premiums are due to the bonding agent each year until the estate is closed (the accounting, Refunding Bond and Release forms, and any tax waiver(s) from the state of New Jersey are all filed in Surrogate's Court). If you do not notify them and provide proof that the estate is closed, you will continue to be billed each year for another premium.**
6. The annual bills will come directly from the bonding agent.
7. If the value of the estate is reduced, you can have the bond reduced. Since the premium is determined by the amount of the bond, reducing the bond will result in a savings in most cases.

State of New Jersey
Essex County Surrogate's Court

In the matter of the Estate of:

_____, Deceased



**ADMINISTRATOR'S
BOND**

AKA: _____

KNOW ALL MEN BY THESE PRESENTS, That we, _____ Administrator/rix of the estate of _____, deceased, (hereinafter referred to as Administrator/rix) as Principal, and _____, a corporation of the State of _____ as Surety, are held and firmly bound unto the Superior Court of New Jersey in the sum of _____ lawful money of the United States, to be paid to the said Superior Court, its successors or assigns, to which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. Sealed with our seals, and dated _____.

THE CONDITION OF THIS OBLIGATION IS SUCH (N.J.S.A. 3B:15-5)

That if the above bounden Administrator/rix shall perform every one of the duties described in the numbered paragraphs which immediately follow this paragraph, then the above obligation shall be void and of no effect, or else shall remain in full force and virtue.

- 1. If required by the Court or if an exemption is to be set off as required in N.J.S.A. 3B:16-1, et seq., to make a true and perfect inventory of the real and personal property of the decedent, which has or shall come into his/her hands, possession or knowledge or into the hands of any other person for him/her, and to cause an appraisal to be made of the real and personal property and to file the inventory and appraisal in the Office of the Clerk of the Superior Court or of the Surrogate of Essex County, as the ease may be, within the time so required;
- 2. To faithfully discharge all of the duties imposed upon them according to law;
- 3. To make a just and true account of his/her administration of the estate, and, if required by the Court, to settle their account therein within the time so required;
- 4. To deliver and pay to the distributees entitled thereto by law the surplus property of the deceased as may remain pursuant to the account; and

5. To deliver their Letters of Administration to the proper court when required so to do, if a Will of the deceased is found and exhibited to it and by it admitted to probate.

6. To comply in all respects with the Statutes pertaining thereto.

The Principal and surety hereby submit themselves to the jurisdiction of the Superior Court and do hereby irrevocably appoint the Clerk of the Superior Court/ Surrogate of Su lrrrogate_County County as their agent upon whom any papers affecting their liability on this bond may be served. The Principal and Surety waive any right to a jury trial in an action to enforce liability on the bond. Liability on the bond may be enforced by motion in the action, if one is pending, without the necessity of any independent action and the said motion may be served upon the Principal and Surety by mailing it, by ordinary mail, to the Clerk of the Superior Court/ Surrogate Essex County, as named above, who shall forthwith mail copies thereof to

The Principal at:

And the Surety at:

Signed, Sealed and Delivered in the Presence of:

Witness as to Principal Signature

Signature PRINCIPAL

(Seal)

SURETY

The within bond is hereby approved as to form and sufficiency.

Dated: _____

J.S.C. or Surrogate

Attorney of Record:

ESSEX COUNTY SURROGATE’S COURT

IN THE MATTER OF: _____, Deceased

Acknowledgement

I/We, _____, acknowledge that I/We have received a copy of “Important Information Regarding Bonds”.

I/We understand that the Surrogate requires a bond but that selection of the bonding company is my/our option. I/We further understand that the price, terms and conditions are a private contractual matter between me/us and the bonding company and that the Surrogate is not a party to that contract.

Signature

Date: _____

State of New Jersey Essex County Surrogate's Court

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Phone 973-621-4900
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**DEVERO D. MCDOUGAL
DEPUTY SURROGATE**

_____, Deceased
AKA:

**VERIFICATIONS:
CHILD SUPPORT
NOTICE OF PROBATE**

State of New Jersey

} ss

County of Essex

KNOW ALL MEN BY THESE PRESENTS, that I hereby certify that I have been given a copy of:

_____ N.J.S.A. 2A:17-56.23b, **Judgment for Child Support Lien Against Net Proceeds of Settlement: Priority**, advising me as to my obligation to determine if child support arrearages exist against any beneficiary entitled to receive more than \$2,000.00 and to satisfy same prior to disbursement of funds payable to said beneficiary identified as owing said child support.

_____ New Jersey Court Rule 4:80-6, **Notice of Probate of Will**, advising me as to my obligation to send notice of the probate of a Will to beneficiaries and all persons designated by Rule 4:80-1(a)(3), including the testator's spouse, heirs, next of kin, and any other persons entitled to letters.

Signature
Print Name:

Subscribed and sworn to before me
this ____ day of _____, 20 ____ .

Notary Public/Attorney at Law

New Jersey Permanent Statutes

Title 2A Administration of Civil and Criminal Justice

2A:17-56.23b JUDGMENT FOR CHILD SUPPORT LIEN AGAINST NET PROCEEDS OF SETTLEMENT: PRIORITY

1. a. *A judgment for child support entered pursuant to P.L.1988, c.111 (C.2A:17-56.23a) and docketed with the Clerk of the Superior Court shall be a lien against the net proceeds of any settlement negotiated prior or subsequent to the filing of a lawsuit, civil judgment, civil arbitration award, inheritance or workers' compensation award. The lien shall have priority over all other levies and garnishments against the net proceeds of any settlement negotiated prior or subsequent to the filing of a lawsuit, civil judgment, civil arbitration award, inheritance or workers' compensation award unless otherwise provided by the Superior Court, Chancery Division, Family Part. The lien shall not have priority over levies to recover unpaid income taxes owed to the State. The lien shall stay the distribution of the net proceeds to the prevailing party or beneficiary until the child support judgment is satisfied.*

As used in this act "net proceeds" means any amount of money, in excess of \$2,000, payable to the prevailing party or beneficiary after attorney fees, witness fees, court costs, fees for health care providers, payments to the Medicaid program under section 6 of P.L.1979, c.365 (C.30:4D-7.1), reimbursement to the Division of Employment Security in the Department of Labor, the employer or employer's insurance carrier for temporary disability benefits that may have been paid pending the outcome of a workers' compensation claim as provided by section 1 of P.L.1950, c.174 (C.34:15-57.1), reimbursement to an employer or the employer's workers' compensation insurance carrier as provided in R.S.34:15-40, and other costs related to the lawsuit, inheritance or settlement are deducted from the award, proceeds or estate; "prevailing party" or "beneficiary" shall not include a partnership, corporation, limited liability partnership, financial institution, government entity or minor child; and "agent" means an authorized representative of the prevailing party or beneficiary, a union representative, an executor or administrator of a decedent's estate, an arbitrator or any other person or entity if such person or entity is responsible for the distribution of net proceeds to a prevailing party or beneficiary.

b. *Before distributing any net proceeds of a settlement, judgment, inheritance or award to the prevailing party or beneficiary:*

(1) *the prevailing party or beneficiary shall provide the attorney, insurance company or agent responsible for the final distribution of such funds with a certification that includes the prevailing party's or beneficiary's full name, mailing address, date of birth and Social Security number; and*

(2) *the attorney representing the prevailing party or beneficiary shall initiate a search of child support judgments, through a private judgment search company that maintains information on child support judgments, to determine if the prevailing party or beneficiary is a child support judgment debtor.*

If the prevailing party or beneficiary is not represented by an attorney, the judgment search shall be initiated by the opposing attorney, insurance company or agent before the proceeds are distributed to the prevailing party or beneficiary. In the case of a workers' compensation action, the Administrative Office of the Courts shall, at least once every 60 days, transmit information on child support judgment debtors to the Division of Workers' Compensation in the Department of Labor. The information shall include the debtor's name, Social Security number, the amount of the child support judgment, the Probation Division case number and the Probation Division office to which the judgment is payable. The Division of Workers' Compensation shall match the data received on child support judgment debtors against the information it maintains for individuals who have filed workers' compensation claims with the division. When a match is identified, the Division of Workers' Compensation shall notify the appropriate judge of compensation of the child support judgment before the decision, award, determination, judgment or order approving the settlement is rendered. The judge of compensation shall incorporate in the decision, award, determination, judgment or order approving the settlement, an order requiring the employer or the employer's insurance carrier to contact the Probation Division to satisfy the child support judgment out of the net proceeds of the workers' compensation award, order or settlement before any such monies are paid to the employee. The Division of Workers' Compensation shall be immune from any civil liability that may arise from any information provided by the division or any order issued by a judge of compensation relating to a child support judgment, in accordance with this section. In the case of judgments or settlements resulting from a labor arbitration involving employees of a school board or school district, a judgment search shall be initiated by the school board or district prior to the release of any net proceeds to the employees and only if there is an income withholding for child support active against the employee in the records of the school board or district. In the case of an inheritance, the executor or administrator of the decedent's estate shall initiate the judgment search. The judgment search company shall provide a certification to the attorney, insurance company, agent or party initiating the lawsuit identifying whether or not the prevailing party or beneficiary is a child support judgment debtor.

In the case of net proceeds that are to be paid through a structured settlement or other payment plan, the attorney, insurance company or agent shall be required to conduct the child support judgment search only at the time of settlement or prior to the distribution of the first payment under the plan. If a child support judgment is identified, the attorney, insurance company or agent shall provide the Probation Division with a copy of the structured settlement or payment plan within 30 days of identifying the child support judgment.

If there are no attorneys representing either party in a civil lawsuit, the party bringing the lawsuit shall initiate the judgment search and shall be required to file the certification with the court at least 10 working days prior to the trial or with the stipulation that the certification shall be filed at the time of the settlement or dismissal of the lawsuit.

For monies deposited with the court, no distribution of funds shall be made until the attorney, prevailing party or beneficiary provides the Clerk of the Superior Court with a copy of the certification showing that the prevailing party or beneficiary is not a child support judgment debtor.

The fee for a judgment search which is required by this section shall not exceed \$10 for each name of a child support judgment debtor that is searched. The fee for a judgment search is chargeable against the net proceeds as a cost of the settlement, judgment, inheritance or award.

c. If the certification shows that the prevailing party or beneficiary is not a child support judgment debtor, the net proceeds may be paid to the prevailing party or beneficiary immediately. If the certification shows that the prevailing party or beneficiary is a child support judgment debtor, the attorney, insurance company or agent that initiated the search shall contact the Probation Division of the Superior Court to arrange for the satisfaction of the child support judgment. The attorney, insurance company or agent shall notify the prevailing party or beneficiary of the intent to satisfy the child support judgment prior to the disbursement of any funds to the prevailing party or beneficiary. Upon receipt of a warrant of satisfaction for the child support judgment, the attorney, insurance company or agent shall pay the balance of the settlement, judgment, award or inheritance to the prevailing party or beneficiary. If the net proceeds are less than the amount of the child support judgment, the entire amount of the net proceeds shall be paid to the Probation Division as partial satisfaction of the judgment.

If there are no attorneys representing either party in a civil lawsuit and the certification filed with the court shows that the prevailing party or beneficiary is a child support judgment debtor, the court shall order that the opposing party pay the amount of the child support judgment to the Probation Division before any funds are paid to the prevailing party or beneficiary. The court shall also insure that any judgment related to the lawsuit docketed with the Clerk of the Superior Court reflect the Probation Division's superior claim to such funds.

d. An attorney, insurance company or agent shall not be liable for distributing net proceeds to the prevailing party or beneficiary based on the results of a judgment certification showing the prevailing party or beneficiary is not the debtor of a child support judgment, if it is later shown that the prevailing party or beneficiary provided inaccurate personal information on the initial certification to the attorney, the insurer or agent.

e. An attorney, insurance company or agent who, in accordance with this act, satisfies a child support judgment from the net proceeds of a settlement, judgment, inheritance or award, shall not be liable for payments which otherwise would have been made pursuant to subsection a. of this section which were not so identified to the attorney, insurance company or agent at the time of satisfaction.

f. An attorney, insurance company or agent who, in accordance with this act, satisfies a child support judgment from the net proceeds of a settlement, judgment, inheritance or award, shall not be liable to the prevailing party or beneficiary or to that party's creditors.

g. An attorney shall not be required to challenge a child support judgment unless retained by the prevailing party or beneficiary to do so.

h. A private judgment search company is prohibited from using any information provided by an attorney, insurance company or agent in accordance with this act for any purpose other than: (1) determining if the prevailing party or beneficiary is the debtor of a child support judgment; and (2) preparing a certification as required pursuant to subsection b. of this section.

i. To the extent feasible and permitted by the Rules of Court, the Administrative Office of the Courts may share information on a child support judgment debtor with an insurance carrier for the sole purpose of complying with the provisions of P.L.2000, c.81 (C.2A:17-56.23b et al.).

**CHARLES JONES, A LexisNexis Company = P.O. Box 8488, Trenton, NJ 08650-0488
(609 538-1000 or (800) 792-8888 - Fax (609) 882-4371 - www.charlesjones.com**

*** INFORMATION NEEDED FOR SEARCH ***

Full Name/Also Known As * Mailing Address * Date of Birth * Social Security

THIS NOTICE IS PROVIDED TO INTERESTED PARTIES AS A CONVENIENCE
AND IN NO WAY IMPLIES ENDORSEMENT OF THIS PROVIDER OR ITS SERVICES.

Notice of Probate & Proof of Mailing - REQUIREMENTS

Rule 4:80-6, N.J. Court Rules, 1969, effective September 4, 1990, requires personal representatives to send notice of the probate of a Will to beneficiaries and all persons designated by Rule 4:80—1(a)(3), including the testator’s spouse, heirs, next of kin, and any other persons entitled to letters.

The notice is required to state the name and address of the personal representative* and that a copy of the Will may be requested from the personal representative. In the case of a charitable bequest, however, the Attorney General of the State of New Jersey is entitled to a copy of the Will with the notice. If the names and addresses of all personal entitled to notice are unknown and cannot be ascertained upon reasonable inquiry, a notice of probate must be published.

Proof of Mailing of the notice must be filed with the Surrogate within 10 days thereof. The filing fee, payable to “Essex County Surrogate,” is \$5.00 per page.

** The term “personal representative” is used in lieu of executor/trix and administrator with the Will annexed.*

=====

For your information, the full text of Rule 4:80-6, from the Current New Jersey Court Rules, follows:

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 redesignated June 29, 1990 to be effective September 4, 1990.

State of New Jersey
Essex County Surrogate's Court

ALTURRICK KENNEY
SURROGATE

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Newark, New Jersey 07102
Phone 973-621-4900
Fax 973-621-2647

DEVERO D. MCDUGAL
DEPUTY SURROGATE

In the Matter of the Estate of

_____, Deceased
AKA:

NOTICE OF PROBATE OF WILL
PURSUANT TO RULE 4:80-6

TO:

PLEASE TAKE NOTICE that the Will of _____,
who died on _____, 20____, was admitted to probate by the
Surrogate of Essex County, New Jersey, on _____, 20____.

You are entitled to have a copy of the Will upon request to the personal representative
(Executor/Executrix), _____, at the address
provided below.

Dated: _____

Signature

Address of
Personal Representative:

State of New Jersey
Essex County Surrogate's Court

ALTURRICK KENNEY
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Phone 973-621-4900
Fax 973-621-2647

DEVERO D. MCDUGAL
DEPUTY SURROGATE

In the Matter of the Estate of

_____, Deceased
AKA:

**PROOF OF MAILING OF
NOTICE OF PROBATE OF WILL
PURSUANT TO RULE 4:80-6**

I, _____, residing at _____,
certify as follows:

1. I am the Executor/Executrix of the above estate.
2. On _____, 20 _____, I forwarded Notice(s) of Probate of Will to all next of kin and to all beneficiaries named in the Will of _____.
3. I forwarded copies of the attached notice(s) by *(Select the method you used):*

_____ Regular Mail	_____ Express Mail
_____ Certified Mail	_____ Hand Delivery

To the following:

Name(s) _____	Address(es) _____
---------------	-------------------

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: _____

Signature