Docket No.: _____

State of New Jersey
Essex County Surrogate's Court

ALTURRICK KENNEY
SURROGATE

495 Dr. Martin Luther King Jr. Blvd.
2nd Floor | Room 212
Newark, New Jersey 07102
Phone: 973-621-4901
Fax: 973-621-2654

DEVERO D. MCDOUGAL
DEPUTY SURROGATE

In the matter of the Estate of:

_____, Deceased

AKA: _____

}

APPLICATION FOR LETTERS TESTAMENTARY TO SUCCEEDING EXECUTOR

The application of _____who resides at _____

_____SSN:_____, respectfully shows that:

1. Your applicant(s) is/are succeeding executor/rix(s)named in the last Will and Testament of, _____, late of the County of Essex, State of New Jersey, who died on _____, leaving a Last Will and Testament wherein _____ was named as executor/rix(s) thereof;

2. The said Will was duly admitted to probate by the Surrogate of the County of Essex on _____, and Letters Testamentary thereon were thereupon duly issued to _____;

3. The said _____ died without having completed the administration of the said estate.

Your applicant(s), therefore, pray(s) that Letters Testamentary upon said Will may be issued to him/her/them in accordance with the last Will and Testament.

Docket No.: _____

STATE OF NEW JERSEY
COUNTY OF ESSEX } ss.

_____, of full age, being duly sworn, according to law, upon oath depose(s) and say(s) that he/she/they is/are the applicant(s) in the foregoing application named, and that the matters and things therein contained are true to the best of applicant(s) knowledge and belief.

Subscribed and sworn to before me on
_____/_____/_____

_____
Signature

_____
A Notary Public of the State of New Jersey

My Commission Expires: _____

Affix Seal

Attorney of Record:

_____
_____
_____
_____
_____

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In the matter of the Estate of:

_____, Deceased }

AKA: _____

POWER OF ATTORNEY
EXECUTOR

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 Executor/rix.

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.

_____
Signature

STATE OF NEW JERSEY
COUNTY OF ESSEX } ss.

BE IT REMEMBERED, that on this, _____, before me, the subscriber, a Notary Public of _____, personally appeared _____ who I am satisfied is the person named in the foregoing power of attorney, and I having first made known to them the contents thereof, they did thereupon acknowledge that 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 of the State of _____

My Commission Expirees_____
Affix Seal

Docket No.: _____

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DEVERO D. MCDOUGAL
DEPUTY SURROGATE

In the matter of the Estate of:

_____, Deceased

AKA: _____

} **EXECUTOR QUALIFICATION**

_____, the Executor/rix, in the annexed writing named, being duly sworn on oath, says, the annexed writing contains the true last Will and Testament, of _____, the testator/rix therein named, deceased, as far as they know and verily believe; that _____-, the executor/rix thereof , well and truly perform the same, first by paying the debts of said deceased, and then the legacies therein specified, as far as the goods, chattels and credits of said deceased will thereunto extend, and the law charges; that _____ will, when lawfully required, make and exhibit unto the Surrogate's Court of the County of Essex, a true and perfect inventory of all and singular the said goods, chattels and credits as far as the same have or shall come to said possession or knowledge, or to the possession of any other person or persons for said use, with said knowledge; and that _____ will well and truly account when thereunto lawfully required, and that said testator/rix died on _____.

_____
Signature

Subscribed and Sworn to before me on
_____ , 20 ___

_____
Notary Public of the State of New Jersey

My Commission Expires: _____
Affix Seal

Docket No.: _____

State of New Jersey
Essex County Surrogate's Court

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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.