

# New Jersey Surrogate's Office Checklist (2026)

## What to bring, who signs, and which tax waiver questions to ask each bank

Work through these steps in order. Full guide and sources:

[clearlegaltips.com/new-jersey-small-estate-affidavit/](https://clearlegaltips.com/new-jersey-small-estate-affidavit/)

### 1. CONFIRM THE AFFIDAVIT FITS

- ☐ No will was left.
- ☐ The total value of the real and personal assets is \$50,000 or less (spouse, civil union partner or domestic partner) or \$20,000 or less (one heir, no spouse).
- ☐ Spouse route: no pending divorce, dissolution, termination or divorce from bed and board proceeding, no separation or marital agreement (Mercer County: such a spouse may not be appointed).

**County surrogate contacted (county, phone, appointment date):** \_\_\_\_\_

### 2. BRING TO THE APPOINTMENT (Gloucester County's list for administration or affidavits; ask your own county)

- ☐ Original death certificate with a raised seal.
- ☐ Government form of identification.
- ☐ Form of payment for the surrogate's fee (ask the amount when you call).
- ☐ List and value of all assets in the decedent's name alone.
- ☐ Names and addresses of all immediate next of kin.
- ☐ Renunciations or consents from all adult persons who have a prior or equal right to apply.
- ☐ Heir route, Mercer County: the spouse's death certificate if the spouse died first, the nearest next of kin's names, addresses and ages if minors, and the issue of any next of kin who has died.
- ☐ Written consents from the remaining heirs, if any (heir affidavit only). Union County says they must be signed before a notary.

### 3. TIMING

**Date of death plus 6 days (Gloucester says affidavits are not issued until the sixth day after death):** \_\_\_\_\_

### 4. SIGN AND COLLECT

- ☐ Signed the affidavit before the surrogate of the county where the decedent lived.
- ☐ Asked how many copies marked a true copy by the surrogate I will receive (N.J.S.A. 3B:10-5) and how many letters I need (Union County says a surviving spouse receives one letter for each asset).

**Number of assets needing a letter or marked**

**copy:** \_\_\_\_\_

- ☐ Mercer County: signed the Authorization to Accept Service of Process and the Child Support Verification (N.J.S.A. 2A:17-56.23b; \$2,000).
- ☐ Mercer County: only the assets listed on the affidavit are covered; later-found assets need an additional affidavit (heir route) or general administration if the total exceeds the limit.
- ☐ Understand that the affiant has an administrator's rights, powers and duties and can be sued and required to account.

#### 5. A CAR

- ☐ MVC page: bring the current title and the affidavit with the raised seal of the County Surrogate (Affidavit of Surviving Spouse/Domestic Partner/Civil Union Partner for \$50,000 or less; Affidavit of Next of Kin for \$20,000 or less).

#### 6. INHERITANCE TAX QUESTIONS FOR EACH BANK OR BROKER

- ☐ Is every beneficiary Class A? The Division's publication O-10-C lists the spouse, a civil union partner after Feb. 19, 2007, a domestic partner after July 10, 2004, a child, a grandchild and so on, parents and grandparents and so on, a mutually acknowledged child and a stepchild. If yes, ask whether the bank accepts Form L-8.
- ☐ Real estate involved? Form L-8 cannot be used for real estate; ask the Division of Taxation what it needs.
- ☐ Brother, sister, son-in-law or daughter-in-law (Class C: first \$25,000 untaxed) or anyone else (Class D)? Ask the Division about the return or Form L-9 and Form O-1.
- ☐ The Division says banks may release up to 50% of funds on hand before a valid waiver or Form L-8 is received; ask when the rest can be released.

**Bank / broker name and account:** \_\_\_\_\_

**Waiver or L-8 sent (date):** \_\_\_\_\_

**Waiver or L-8 accepted (date):** \_\_\_\_\_

#### 7. MEDICAID AND DEBTS

- ☐ If the person may have received Medicaid at 55 or older, asked the surrogate and DMAHS how a claim is handled before paying anyone out.
- ☐ Settled the decedent's debts (the heir affidavit collects for the benefit of all the heirs and the creditors; only the spouse statute makes the first \$10,000 free from all debts).
- ☐ Kept records of every payment and distribution.

#### INSTRUCTIONS FOR USE

Steps verified in October 2026 against N.J.S.A. 3B:10-3, 3B:10-4 and 3B:10-5, the Gloucester, Union and Mercer County surrogate pages, the MVC and the New Jersey Division of Taxation. This checklist is general information, not legal advice. Practices vary by county and forms change, so confirm requirements with your surrogate and each institution, and consult a licensed New Jersey attorney about your situation. Companion guide: [clearlegaltips.com/new-jersey-small-estate-affidavit/](https://clearlegaltips.com/new-jersey-small-estate-affidavit/)