

New Jersey Small Estate Worksheet (2026)

Pick the spouse or heir affidavit and test the estate against the \$50,000 and \$20,000 limits (N.J.S.A. 3B:10-3 and 3B:10-4)

New Jersey has two small estate affidavits, both only when the person died without a will. A surviving spouse, civil union partner or domestic partner can use the first when the total value of the real and personal assets will not exceed \$50,000, and the statute makes the first \$10,000 free from all debts of the decedent. When there is no spouse or partner, one heir can use the second when the total will not exceed \$20,000, after getting the written consent of the remaining heirs, if there are any. Both count real estate. Full guide and sources: clearlegaltips.com/new-jersey-small-estate-affidavit/

Step 1: Will and family

- ☐ The person died without a will (Gloucester County says a will must be probated).
- ☐ There is a surviving spouse, civil union partner or domestic partner (spouse affidavit, \$50,000 limit).
- ☐ There is no spouse or partner (heir affidavit, \$20,000 limit, written consent of the remaining heirs, if any).
- ☐ Spouse route: no pending divorce or similar proceeding, separation or marital agreement (Mercer County says such a spouse may not be appointed; ask your surrogate).

County where the person lived at death (the affidavit is signed before that county's surrogate or before the Superior Court): _____

Step 2: List every asset

The statutes count the total value of the real and personal assets of the estate. Gloucester County's surrogate says to add up the assets in the decedent's name only, and Mercer County also says to list all the assets in the decedent's name alone. Ask your surrogate how it treats jointly owned property and accounts with a named beneficiary.

Asset	Where held / location	How titled	Value (\$)	Counts?

Real estate in the decedent's name (address and \$): _____

Bank and investment accounts in the decedent's name (\$): _____

Vehicles (\$): _____

Other personal property (\$): _____

A. TOTAL of real and personal assets (\$): _____

Step 3: The limit test

- ☐ Spouse, civil union partner or domestic partner: line A is \$50,000 or less.
- ☐ No spouse or partner: line A is \$20,000 or less.
- ☐ Line A is over the limit for my situation: ask the surrogate about standard administration (Gloucester County says to apply for it).

Spouse affidavit only: the first \$10,000 is free from all debts of the intestate. Debts I know of (\$): _____

- ☐ Mercer County: the affidavit covers only the assets listed (later-found assets: see your surrogate).

Step 4: Heir consent page (heir affidavit only)

The heir affidavit lists all of the heirs with their residences and relationships. The heir obtains the written consent of the remaining heirs, if there are any. Union County says all consents must be signed in front of a notary public and acknowledged with the expiration date of the commission and the seal; other counties may differ. Mercer County describes consents from other next-of-kin of equal degree and says more than one next of kin may serve as a co-affiant.

Heir 1: name / residence / relationship / consent signed (date): _____

Heir 2: name / residence / relationship / consent signed (date): _____

Heir 3: name / residence / relationship / consent signed (date): _____

Affiant (the heir who signs the affidavit): name and relationship: _____

Step 5: Papers the surrogate may ask you to sign (Mercer County)

- ☐ Authorization to Accept Service of Process (lets the surrogate accept service of process for the affiant).
- ☐ Child Support Verification (N.J.S.A. 2A:17-56.23b): check for child support before distributing more than \$2,000.

INSTRUCTIONS FOR USE

Figures verified in October 2026 against N.J.S.A. 3B:10-3 and 3B:10-4 and the Gloucester, Union and Mercer County surrogate pages. This worksheet is general information, not legal advice. Surrogate practices vary by county, so call yours before you go, and consult a licensed New Jersey attorney about your situation. Companion guide: clearlegaltips.com/new-jersey-small-estate-affidavit/