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Notice of Probate – Proof of Mailing

First, it is important to note that statute does not at this time specifically include provisions for the verity, filing and recording of electronic mail, as specifically related to an official Notice of Probate by Court. As such, the Court requires as 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. - R. 4:80-6

Please remember that you must list and include all the names and addresses of the Beneficiaries and Next of Kin in the appropriate spaces on the document.

You will also want to include a statement attached that contains a statement that a copy of the Last Will and Testament will be provided to all the Beneficiaries and all the Next of Kin upon request. And, always remember, if you are having difficulty in crafting a Notice of Probate or any other document for the Court, you may wish to contact an attorney to safeguard your interests.

Once you have prepared the Notice of Probate for all the Beneficiaries and all the Next of Kin of the Decedent, mail the copy of the Notice of Probate to all the Beneficiaries and all the Next of Kin of the Decedent. A Notice of Probate should generally be sent via certified mail, return receipt requested, though it can also be sent via regular mail or hand delivered. Copies of each letter and receipts proving that each person has received notice must be saved.

If you ever have a question about these documents or any other pertaining to the Court, please do not hesitate to call one of my clerks at (201) 336-6700.

For more information on New Jersey's Court Rules, please visit their Web site at:
<http://www.judiciary.state.nj.us/rules/part4toc.htm>.