

ASSEMBLY, No. 640

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1963

By Assemblymen FARRINGTON, SWEENEY and PANARO

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning surrogates' fees and costs, and amending section 22A:2-30
of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 22A:2-30 of the New Jersey Statutes is amended to read as
2 follows:

3 22A:2-30. Fees of surrogate and clerk of Probate Division of County
4 Court

5 Fees for services of the surrogate and clerk of the Probate Division of
6 the County Court enumerated below shall be as follows:

PROBATE OF WILLS AND COPIES

7 Probate of a will of not more than 2 pages, **[\$15.00]** *\$17.00.*

8 The above fee is for all services in preparation and execution of com-
9 plaint, deposition of 1 witness, qualification of executor, surrogate's certifi-
10 cate, judgment for probate, letters testamentary, binding, recording, *micro-*
11 *filming*, or photostating, comparing, docketing, report to the Division of
12 Taxation in the Department of the Treasury, report and transmission to the
13 Clerk of the Superior Court.

14 Probate of will without letters, **[\$12.00]** *\$14.00.* This fee is for the same
15 services as are enumerated in the preceding paragraph except letters, surro-
16 gate's certificate and qualification of executor.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted
and is intended to be omitted in the law.

17 Probate of each codicil, not exceeding 1 page, **[\$5.00]** \$7.50.

18 To reopen probate proceedings for qualification of executor or taking
19 proof of extra witness, **[\$5.00]** \$7.50.

20 One witness in the above proceedings, no charge. Each additional wit-
21 ness, **[\$1.00]** \$1.50.

22 Recording and comparing, *microfilming* or photostating, each additional
23 page of will or codicil, **[\$1.00]** \$1.25.

24 Filing, entering, issuing and recording, *microfilming* or photostating,
25 proceedings in commission for deposition of foreign witness to a will or codicil,
26 **[\$6.00]** \$9.00. Plain extra copy of will, **[\$1.00]** \$1.25 for each page.

27 Certified extra copy of will, **[\$1.00]** \$1.25 for each page, plus
28 **[\$1.00]** \$1.25.

29 Certified copy of will with proofs for New Jersey county, not exceeding
30 2 pages including will and codicil, **[\$6.00]** \$8.00. For pages in excess of 2,
31 **[\$1.00]** \$1.25 for each page.

32 Wills filed but not probated (as, where there are no assets), for each
33 page, **[\$1.00]** \$2.00.

34 Exemplifying will for another State, not exceeding 2 pages including will
35 and codicil, plus cost of certificate of Secretary of State when requisite,
36 **[\$7.00]** \$10.00. For pages in excess of 2, **[\$1.00]** \$1.25 for each page.

37 Recording, *microfilming* or photostating, indexing, filing and reporting
38 to the Division of Taxation in the Department of the Treasury an exemplified
39 copy of will from another State, **[\$1.00]** \$1.25 for each page.

40 Recording, *microfilming* or photostating, docketing, indexing and filing a
41 certified copy of will with proofs from New Jersey, **[\$1.00]** \$1.25 for each
41a page.

42 Recording, *microfilming* or photostating certified transcripts of wills ad-
43 mitted to probate or letters granted by the ordinary or the Superior Court,
44 **[\$1.00]** \$1.25 for each page.

LETTERS OF TRUSTEESHIP

45 Acceptance of trustee and letters of trusteeship, including 1 certificate,
46 ~~[\$5.00]~~ \$7.50.

LETTERS OF ADMINISTRATION

47 General administration, including preparation and execution of com-
48 plaint, bond, surety affidavits, necessary recording, *microfilming* or photostat-
49 ing, indexing, filing, report to the Division of Taxation in the Department of
50 the Treasury and the Clerk of the Superior Court and original letters,
51 ~~[\$12.00]~~ \$14.00.

52 Administration ad prosequendum, ~~[\$6.00]~~ \$7.50.

53 Exemplifying administration, ~~[\$6.00]~~ \$8.00.

54 Certified copy of administration, ~~[\$4.00]~~ \$5.00.

55 Affidavits of surviving spouse or next of kin where the value of the real
56 and personal assets of the estate does not exceed ~~[\$500.00]~~ \$1,500.00, when
56A less than \$100.00, \$1.00, and \$1.00 for each \$100, or part thereof, in excess
56B of \$100.00.

LETTERS OF GUARDIANSHIP

57 Granting letters of guardianship, ~~[\$8.00]~~ \$10.00.

58 Acceptance of guardianship, \$1.00.

59 Affidavits of estates of minors where value of personal estate does not
60 exceed ~~[\$500.00]~~ \$1,000.00 and value of real estate does not exceed \$100.00—
61 when less than \$100.00, \$1.00, and \$1.00 for each \$100.00, or part thereof, in
62 excess of \$100.00, plus \$0.50 for each consent when required.

63 *Miscellaneous petitions and orders, \$1.00 per page.*

INVENTORIES

64 For all services in appointment of appraisers, \$2.00.

65 Filing, entering and recording, *microfilming* or photostating, inventory
66 and appraisalment, not exceeding 1 page, ~~[\$5.00]~~ \$6.00.

67 For each additional page, ~~[\$1.00]~~ \$1.25.

ACCOUNTING

68 For filing complaint and 1 page of accounting, auditing, stating, report-
69 ing and recording, *microfilming* or photostating, accounts of executors, admin-
70 istrators, guardians, trustees and assignees, including drawing judgment, but
71 exclusive of advertising costs:

72 In estates up to and including \$2,000.00, \$20.00.

73 In estates from \$2,000.00 to and including \$10,000.00, \$40.00.

74 In estates from \$10,000.00 to and including \$30,000.00, \$50.00.

75 In estates from \$30,000.00 to and including \$65,000.00, \$65.00.

76 In estates exceeding \$65,000.00, $\frac{1}{10}$ of 1% and any additional sum, if
76A any, which the court may allow.

77 For each page of accounting in excess of 1, **[\$1.00]** \$1.25.

78 In computing the amount of an estate for the purpose of fixing the fees of
79 a surrogate for auditing and reporting the account, the balance from the
80 prior account shall be excluded.

81 For preparing notice of settlement of accounts and copies of the same,
82 forwarding notice to newspaper, with directions as to publication, obtaining
83 proofs of publication, keeping a record of notices and newspapers to which
84 they are sent and of the moneys received to defray the cost of advertising
85 and transmitting advertising charges to newspaper, **[\$5.00]** \$7.50.

86 No fees herein allowed shall be charged against the recipient of any pen-
87 sion, bounty or allowance, for services of the surrogate and the Probate Di-
88 vision of the County Court in respect thereof, pursuant to sections 3A:29-1
89 to 3A:29-4 of the New Jersey Statutes.

MISCELLANEOUS PROCEEDINGS

90 Proceedings relative to presumption of death, filing, entering and record-
91 ing, *microfilming* or photostating (exclusive of letters), with additional fee
92 for advertising, \$25.00.

93 Sale of land to pay debts [or in fulfillment of a contract made by de-
94 cedent] (exclusive of advertising), **[\$30.00]** \$35.00.

- 95 *Sale of land in fulfillment of contract made by decedent, \$15.00.*
- 96 *Sale of lands within 1 year, \$15.00.*
- 97 Distribution, filing and entering complaint, recording, *microfilming* or
 98 photostating, and filing judgment, **[\$5.00]** \$6.00.
- 98A Adoption of adults, filing **[,]** and entering **[and recording, or photostat-**
 98B **ing,]** proceedings (all papers) including 1 judgment, \$15.00.
- 98C *Adoption of minors with 1 hearing, filing and entering proceedings (all*
 98D *papers) including 1 judgment, \$20.00.*
- 98E *Adoption of minors with 2 or more hearings, filing and entering proceed-*
 98F *ings (all papers) including 1 judgment, \$25.00.*
- 99 Application and order to limit time to creditors, **[\$12.00]** \$14.00, but ex-
 100 clusive of advertising costs.
- 101 Preparing notices to creditors to present their claims and copies of the
 102 same, sending notice to newspapers with directions as to publications, obtain-
 103 ing proofs of publication, keeping a record of notices and newspapers to which
 104 they are sent for publication, and of the moneys received to defray the cost of
 105 advertising and transmitting advertising charges to newspapers, **[\$5.00]**
 106 \$6.00.
- 107 Advertising order of court or notice, when done by the surrogate, **[\$1.20]**
 108 \$2.00, in addition to advertising fees.
- 109 Proceeding for the determination of mental incompetency and for the ap-
 110 pointment of a guardian for an alleged mental incompetent, *without jury trial,*
 110A \$25.00, *with trial by jury, \$35.00.*
- 110B *Proceedings in connection with payment into court of proceeds of a*
 110C *judgment in favor of a minor, in lieu of bond, pursuant to P. L. 1959, c. 132*
 110D *(in addition to fees payable under Letters of Guardianship), the following*
 110E *fees are payable upon withdrawal of funds on deposit:*
- 110F *Withdrawal of amounts up to \$100.00, 2/3 of 2%, plus 2/3 of 1 1/2% on*
 110G *amounts over \$100.00 but not in excess of \$1,000.00, plus 2/3 of 1% on*
 110H *amounts in excess of \$1,000.00.*

MISCELLANEOUS CHARGES

- 111 Short certificates, [~~\$0.75~~] \$1.00.
- 112 Subpœnas, each, [~~\$1.00~~] \$1.50.
- 113 Marking true copies, subpœnas, each, [~~\$0.50~~] \$1.00.
- 114 Marking true copies, orders to show cause, each, [~~\$0.50~~] \$1.00.
- 115 Authorization of process, \$0.50.
- 116 Swearing each witness, [~~\$0.10~~] \$0.20.
- 117 Adjournment or continuance, [~~\$1.00~~] \$1.50.
- 118 Miscellaneous orders of court, first page, [~~\$1.00~~] \$1.50. For each ad-
 119 ditional page, [~~\$1.00~~] \$1.50.
- 120 Recording or photostating all papers not herein provided for, [~~\$1.00~~]
 121 \$1.25 for each page.
- 122 For making copies not otherwise provided for, [~~\$1.00~~] \$1.25 for each
 123 page.
- 124 Filing transcript of death certificate, \$0.50.
- 125 Power of attorney, \$1.00.
- 125A *Proceedings relative to appointment of a guardian ad litem, \$5.00.*
- 126 Renunciation by 1 person, filing, entering and recording, or photostat-
 127 ing, [~~\$1.00~~] \$1.25. Each additional person, \$0.25.
- 128 Caveat, filing *or withdrawing*, [~~\$2.00~~] \$3.00.
- 129 Combined refunding bond and release of not more than 2 pages, filing,
 130 entering, *microfilming* and recording, or photostating, [~~\$2.00~~] \$3.00. For
 131 more than 2 pages, [~~\$1.00~~] \$1.25 for each page. Additional charge for county
 132 clerk's certificate, [~~\$0.50~~] \$1.00.
- 133 Release of not more than 2 pages, [~~\$2.00~~] \$3.00. For more than 2 pages,
 134 [~~\$1.00~~] \$1.25 for each additional page. Additional charge for county clerk's
 134A certificate, [~~\$0.50~~] \$1.00.
- 135 Assignments of legacy or interest, [~~\$2.00~~] \$3.00, plus [~~\$0.50~~] \$1.00
 136 where county clerk's certificate is necessary.
- 137 Filing all papers not herein provided for, [~~\$0.50~~] \$1.00.
- 1 2. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENT TO

ASSEMBLY, No. 640

STATE OF NEW JERSEY

ADOPTED APRIL 22, 1963

Amend page 6, section 1, line after 111, insert "Validating short certificate within 1 year of issue date, \$0.25."

Amend page 6, section 1, line 120, after "Recording" insert ", micro-filming".

Amend page 6, section 1, line 137, after "\$1.00" insert ", if microfilming process is used, \$1.00 per page."

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8 The above fee is for all services in preparation and execution of com-
9 plaint, deposition of 1 witness, qualification of executor, surrogate's certifi-
10 cate, judgment for probate, letters testamentary, binding, recording, *micro-*
11 *filming*, or photostating, comparing, docketing, report to the Division of
12 Taxation in the Department of the Treasury, report and transmission to the
13 Clerk of the Superior Court.

14 Probate of will without letters, **[\$12.00]** *\$14.00.* This fee is for the same
15 services as are enumerated in the preceding paragraph except letters, surro-
16 gate's certificate and qualification of executor.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted
and is intended to be omitted in the law.

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19 proof of extra witness, **[\$5.00]** \$7.50.

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21 ness, **[\$1.00]** \$1.50.

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23 page of will or codicil, **[\$1.00]** \$1.25.

24 Filing, entering, issuing and recording, *microfilming* or photostating,
25 proceedings in commission for deposition of foreign witness to a will or codicil,
26 **[\$6.00]** \$9.00. Plain extra copy of will, **[\$1.00]** \$1.25 for each page.

27 Certified extra copy of will, **[\$1.00]** \$1.25 for each page, plus
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33 page, **[\$1.00]** \$2.00.

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42 Recording, *microfilming* or photostating certified transcripts of wills ad-
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50 the Treasury and the Clerk of the Superior Court and original letters,
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56 and personal assets of the estate does not exceed ~~[\$500.00]~~ \$1,500.00, when
56A less than \$100.00, \$1.00, and \$1.00 for each \$100, or part thereof, in excess
56B of \$100.00.

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58 Acceptance of guardianship, \$1.00.

59 Affidavits of estates of minors where value of personal estate does not
60 exceed ~~[\$500.00]~~ \$1,000.00 and value of real estate does not exceed \$100.00—
61 when less than \$100.00, \$1.00, and \$1.00 for each \$100.00, or part thereof, in
62 excess of \$100.00, plus \$0.50 for each consent when required.

63 *Miscellaneous petitions and orders, \$1.00 per page.*

INVENTORIES

64 For all services in appointment of appraisers, \$2.00.

65 Filing, entering and recording, *microfilming* or photostating, inventory
66 and appraisal, not exceeding 1 page, ~~[\$5.00]~~ \$6.00.

67 For each additional page, ~~[\$1.00]~~ \$1.25.

ACCOUNTING

68 For filing complaint and 1 page of accounting, auditing, stating, report-
69 ing and recording, *microfilming* or photostating, accounts of executors, admin-
70 istrators, guardians, trustees and assignees, including drawing judgment, but
71 exclusive of advertising costs:

72 In estates up to and including \$2,000.00, \$20.00.

73 In estates from \$2,000.00 to and including \$10,000.00, \$40.00.

74 In estates from \$10,000.00 to and including \$30,000.00, \$50.00.

75 In estates from \$30,000.00 to and including \$65,000.00, \$65.00.

76 In estates exceeding \$65,000.00, $\frac{1}{10}$ of 1% and any additional sum, if
76A any, which the court may allow.

77 For each page of accounting in excess of 1, **[\$1.00]** \$1.25.

78 In computing the amount of an estate for the purpose of fixing the fees of
79 a surrogate for auditing and reporting the account, the balance from the
80 prior account shall be excluded.

81 For preparing notice of settlement of accounts and copies of the same,
82 forwarding notice to newspaper, with directions as to publication, obtaining
83 proofs of publication, keeping a record of notices and newspapers to which
84 they are sent and of the moneys received to defray the cost of advertising
85 and transmitting advertising charges to newspaper, **[\$5.00]** \$7.50.

86 No fees herein allowed shall be charged against the recipient of any pen-
87 sion, bounty or allowance, for services of the surrogate and the Probate Di-
88 vision of the County Court in respect thereof, pursuant to sections 3A:29-1
89 to 3A:29-4 of the New Jersey Statutes.

MISCELLANEOUS PROCEEDINGS

90 Proceedings relative to presumption of death, filing, entering and record-
91 ing, *microfilming* or photostating (exclusive of letters), with additional fee
92 for advertising, \$25.00.

93 Sale of land to pay debts [or in fulfillment of a contract made by de-
94 cedent] (exclusive of advertising), **[\$30.00]** \$35.00.

- 95 *Sale of land in fulfillment of contract made by decedent, \$15.00.*
- 96 *Sale of lands within 1 year, \$15.00.*
- 97 *Distribution, filing and entering complaint, recording, microfilming or*
 98 *photostating, and filing judgment, ~~[\$5.00]~~ \$6.00.*
- 98A *Adoption of adults, filing[,]* *and entering [and recording, or photostat-*
 98B *ing,] proceedings (all papers) including 1 judgment, \$15.00.*
- 98C *Adoption of minors with 1 hearing, filing and entering proceedings (all*
 98D *papers) including 1 judgment, \$20.00.*
- 98E *Adoption of minors with 2 or more hearings, filing and entering proceed-*
 98F *ings (all papers) including 1 judgment, \$25.00.*
- 99 *Application and order to limit time to creditors, ~~[\$12.00]~~ \$14.00, but ex-*
 100 *clusive of advertising costs.*
- 101 *Preparing notices to creditors to present their claims and copies of the*
 102 *same, sending notice to newspapers with directions as to publications, obtain-*
 103 *ing proofs of publication, keeping a record of notices and newspapers to which*
 104 *they are sent for publication, and of the moneys received to defray the cost of*
 105 *advertising and transmitting advertising charges to newspapers, ~~[\$5.00]~~*
 106 *\$6.00.*
- 107 *Advertising order of court or notice, when done by the surrogate, ~~[\$1.20]~~*
 108 *\$2.00, in addition to advertising fees.*
- 109 *Proceeding for the determination of mental incompetency and for the ap-*
 110 *pointment of a guardian for an alleged mental incompetent, without jury trial,*
 110A *\$25.00, with trial by jury, \$35.00.*
- 110B *Proceedings in connection with payment into court of proceeds of a*
 110C *judgment in favor of a minor, in lieu of bond, pursuant to P. L. 1959, c. 132*
 110D *(in addition to fees payable under Letters of Guardianship), the following*
 110E *fees are payable upon withdrawal of funds on deposit:*
- 110F *Withdrawal of amounts up to \$100.00, 2/3 of 2%, plus 2/3 of 1 1/2% on*
 110G *amounts over \$100.00 but not in excess of \$1,000.00, plus 2/3 of 1% on*
 110H *amounts in excess of \$1,000.00.*

MISCELLANEOUS CHARGES

- 111 Short certificates, [~~\$0.75~~] \$1.00.
- 111A *Validating short certificate within 1 year of issue date, \$0.25.*
- 112 Subpœnas, each, [~~\$1.00~~] \$1.50.
- 113 Marking true copies, subpœnas, each, [~~\$0.50~~] \$1.00.
- 114 Marking true copies, orders to show cause, each, [~~\$0.50~~] \$1.00.
- 115 Authorization of process, \$0.50.
- 116 Swearing each witness, [~~\$0.10~~] \$0.20.
- 117 Adjournment or continuance, [~~\$1.00~~] \$1.50.
- 118 Miscellaneous orders of court, first page, [~~\$1.00~~] \$1.50. For each ad-
119 ditional page, [~~\$1.00~~] \$1.50.
- 120 Recording, *microfilming* or photostating all papers not herein provided
121 for, [~~\$1.00~~] \$1.25 for each page.
- 122 For making copies not otherwise provided for, [~~\$1.00~~] \$1.25 for each
123 page.
- 124 Filing transcript of death certificate, \$0.50.
- 125 Power of attorney, \$1.00.
- 125A *Proceedings relative to appointment of a guardian ad litem, \$5.00.*
- 126 Renunciation by 1 person, filing, entering and recording, or photostat-
127 ing, [~~\$1.00~~] \$1.25. Each additional person, \$0.25.
- 128 Caveat, filing *or withdrawing*, [~~\$2.00~~] \$3.00.
- 129 Combined refunding bond and release of not more than 2 pages, filing,
130 entering, *microfilming* and recording, or photostating, [~~\$2.00~~] \$3.00. For
131 more than 2 pages, [~~\$1.00~~] \$1.25 for each page. Additional charge for county
132 clerk's certificate, [~~\$0.50~~] \$1.00.
- 133 Release of not more than 2 pages, [~~\$2.00~~] \$3.00. For more than 2 pages,
134 [~~\$1.00~~] \$1.25 for each additional page. Additional charge for county clerk's
134A certificate, [~~\$0.50~~] \$1.00.
- 135 Assignments of legacy or interest, [~~\$2.00~~] \$3.00, plus [~~\$0.50~~] \$1.00
136 where county clerk's certificate is necessary.
- 137 Filing all papers not herein provided for, [~~\$0.50~~] \$1.00, *if microfilming*
138 *process is used, \$1.00 per page.*
- 1 2. This act shall take effect immediately.