

LEGISLATIVE HISTORY CHECKLIST

NJSA: 3B:15-1

(Estate administration--
bonding-exempt surviving
spouse)

LAWS OF: 1985

CHAPTER: 34

Bill No: A1665

Sponsor(s): Ford and Doyle

Date Introduced: March 20, 1984

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes

Amendments during passage
denoted by asterisks

Date of Passage: Assembly: Jun. 25, 1984

Senate: Nov. 29, 1984

Date of Approval: February 1, 1985

Following statements are attached if available:

Sponsor statement: Yes

(Below) Also attached:
Senate amendments (adopted
11-19-84) with statement.

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's Statement:

This bill will permit the granting of administration without a bond to a surviving spouse where the decedent's entire estate is payable to the surviving spouse.

34 85
2-1-85

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1665

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1984

By Assemblywoman FORD and Assemblyman DOYLE

AN ACT concerning bonds and amending N. J. S. 3B:15-1.

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

1 1. N. J. S. 3B:15-1 is amended to read as follows:

2 3B:15-1. The court or surrogate appointing a fiduciary in any of
3 the instances enumerated below shall secure faithful performance
4 of the duties of his office by requiring the fiduciary thereby au-
5 thorized to act to furnish bond to the Superior Court in a sum and
6 with proper conditions and sureties, having due regard to the value
7 of the estate in his charge and the extent of his authority, as the
8 court shall approve:

9 a. When an appointment is made upon failure of the will, or
10 other instrument creating or continuing a fiduciary relationship,
11 to name a fiduciary;

12 b. When a person is appointed in the place of the person named
13 as fiduciary in the will, or other instrument creating or continuing
14 the fiduciary relationship;

15 c. When the office to which the person is appointed is any form of
16 administration, ***[other than]** **except (1)** administration ad litem
17 which may be granted with or without bond*, **or (2)** administra-
18 tion ***[may be]** **granted* ***[without bond]** **to a surviving spouse*
19 *where the decedent's entire estate is payable to the surviving*
19A *spouse;*

20 d. When the office to which the person is appointed is any form
21 of guardianship of a minor or mental incompetent, except as other-

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate amendments adopted November 19, 1984.**

22 wise provided in N. J. S. 3B:12-16 or N. J. S. 3B:12-33 with respect
23 to a guardian appointed by will;

24 e. When letters are granted to a nonresident executor, except in
25 cases where the will provides that no security shall be required of
26 the person named as executor therein;

27 f. When an additional or substituted fiduciary is appointed; **[or]**

28 g. When an appointment is made under chapter 26 of this title,
29 of a fiduciary for the estate or property, or any part thereof, of an
30 absentee; *or*

31 h. When a fiduciary removes from the State, the court may
32 require him to give such security as it may determine**[; and]**.

33 **[i.]** Nothing contained in this section shall be construed to re-
34 quire a bond in any case where it is specifically provided by law
35 that a bond need not be required.

1 2. This act shall take effect immediately.

ASSEMBLY, No. 1665

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1984

By Assemblywoman FORD and Assemblyman DOYLE

AN ACT concerning bonds and amending N. J. S. 3B:15-1.

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3 the instances enumerated below shall secure faithful performance
4 of the duties of his office by requiring the fiduciary thereby au-
5 thorized to act to furnish bond to the Superior Court in a sum and
6 with proper conditions and sureties, having due regard to the value
7 of the estate in his charge and the extent of his authority, as the
8 court shall approve:

9 a. When an appointment is made upon failure of the will, or
10 other instrument creating or continuing a fiduciary relationship,
11 to name a fiduciary;

12 b. When a person is appointed in the place of the person named
13 as fiduciary in the will, or other instrument creating or continuing
14 the fiduciary relationship;

15 c. When the office to which the person is appointed is any form of
16 administration, other than administration ad litem which may be
17 granted with or without bond *or administration may be granted*
18 *without bond to a surviving spouse where the decedent's entire*
19 *estate is payable to the surviving spouse;*

20 d. When the office to which the person is appointed is any form
21 of guardianship of a minor or mental incompetent, except as other-
22 wise provided in N. J. S. 3B:12-16 or N. J. S. 3B:12-33 with respect
23 to a guardian appointed by will;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
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24 e. When letters are granted to a nonresident executor, except in
25 cases where the will provides that no security shall be required of
26 the person named as executor therein;

27 f. When an additional or substituted fiduciary is appointed; **[or]**

28 g. When an appointment is made under chapter 26 of this title,
29 of a fiduciary for the estate or property, or any part thereof, of an
30 absentee; *or*

31 h. When a fiduciary removes from the State, the court may
32 require him to give such security as it may determine**[; and]**.

33 **[i.]** Nothing contained in this section shall be construed to re-
34 quire a bond in any case where it is specifically provided by law
35 that a bond need not be required.

1 2. This act shall take effect immediately.

STATEMENT

This bill will permit the granting of administration without a bond to a surviving spouse where the decedent's entire estate is payable to the surviving spouse.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1665

STATE OF NEW JERSEY

DATED: APRIL 26, 1984

Assembly Bill No. 1665 permits the granting of administration without a bond to a surviving spouse when the entire estate of the decedent is payable to the surviving spouse.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1665

STATE OF NEW JERSEY

DATED: JULY 30, 1984

Presently, in most circumstances when a court or the surrogate appoints a fiduciary, that fiduciary is required to be bonded. This bill would permit the granting of administration without a bond to a surviving spouse where the decedent's entire estate is payable to the surviving spouse.

ADOPTED

NOV 19 1984

ES 10/11
7/12

XIV LR-3
10/25/84 ecl;
11/19/84 XIV-13 ecl
Senate Amendments

(Proposed by Senator Russo)
to

Assembly Bill No. 1665

(Sponsored by Assemblywoman Ford and
Assemblyman Doyle)

Amend:

Page	Sec.	Line	
1	1	16	Omit "other than" insert "except (1)"
1	1	17	After "bond" insert ";;"; after "or" insert "(2)"; omit "may be"
1	1	18	Omit "without bond"

STATEMENT

These amendments clarify the intent of the bill with respect to permitting the granting of administration of estate, without bond, to a surviving spouse when the entire estate of the decedent is payable to the surviving spouse.

Passen
11-19-84
