

3A:7-4

LEGISLATIVE HISTORY CHECKLIST

(Decedent's property--inventory and appraisal and administration--include all real and personal property)

NJSA 3A:7-4  
LAWS 1981 CHAPTER 180  
Bill No. A1743  
Sponsor(s) Burstein  
Date Introduced June 9, 1980  
Committee: Assembly Judiciary, Law, Public Safety and Defense  
Senate Judiciary

Amended during passage  Yes  No  
Date of Passage: Assembly Oct. 6, 1980  
Senate Jan. 29, 1981  
Date of approval June 19, 1981

Following statements are attached if available:

Sponsor statement	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Committee Statement: Assembly	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Senate	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Fiscal Note	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Veto Message	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Message on signing	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Following were printed:

Reports	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Hearings	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

6/22/81

ASSEMBLY, No. 1743

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1980

By Assemblyman BURSTEIN

Referred to Committee on Judiciary, Law, Public Safety  
and Defense

AN ACT concerning administrators' bonds and amending N. J. S.  
3A:7-4.

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

1 1. N. J. S. 3A:7-4 is amended to read as follows:

2 3A:7-4. The bond of an administrator of the estate of a person  
3 dying intestate shall be conditioned substantially as follows:

4 a. If required by the court [wherein he is accountable] or if  
5 an exemption is to be set off as required in chapter 8 of this [title]  
6 *Title*, to make a true and perfect inventory of the *real and* personal  
7 property of the decedent which has or shall come to his hands,  
8 possession or knowledge or into the hands of any other person  
9 for him, and to cause to be made an appraisalment of the [same]  
10 *real and personal property* and to [exhibit] *file* the inventory and  
11 appraisalment in the office of the clerk of the Superior Court or of  
12 the surrogate of the proper county, as the case may be, within the  
13 time so required.

14 b. To administer well and truly all the *real and* personal property  
15 of the decedent which may come into his hands or possession or  
16 into the hands or possession of any other person for him;

17 c. To make a just and true account of his administration and,  
18 if required by court, to settle [the same] *his account* therein within  
19 the time so required;

20 d. To deliver and pay to the distributees entitled thereto by law  
21 [such] *the* surplus [personal] property of the decedent as may  
22 remain pursuant to the account; and

23 e. To deliver his letters of administration to the proper court,  
24 when required so to do, if a will of the decedent is found and ex-  
25 hibited to it and by it admitted to probate.

1 2. This act shall take effect immediately.

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

## STATEMENT

This bill has been drafted by the Division of Legal Services in furtherance of its duty to conduct a continuous examination of the general and statutory law of this State and to remedy defects in the law.

Extensive changes have been made in the law with respect to the powers of administrators of decedents' estates. An administrator now has the same power over the title to property of the estate that an absolute owner would have, in trust however, for the benefit of creditors and others interested in the estate. The provisions of P. L. 1968, c. 270 (C. 3A:6-16.1, et seq.) were recently amended to confer upon administrators the same broad powers conferred upon other fiduciaries in administering an estate entrusted to them, including the power to sell and mortgage real property.

N. J. S. 3A:7-4 sets forth the conditions to be contained within the bond of an administrator of an estate. This bill amends that section so that when the administrator of an estate is required by the court to make an inventory and appraisal of the decedent's estate, he will include all of the decedent's property, both real and personal, in the inventory and appraisal. This bill will also require as a condition of the bond that all of the decedent's property, both real and personal, be properly administered by the fiduciary.

The amendments to N. J. S. 3A:7-4, as proposed in this bill, will afford protection to and a safeguard for the interests of the heirs of an intestate decedent's estate.

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A1743(1980)

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1743**

**STATE OF NEW JERSEY**

DATED: OCTOBER 20, 1980

Recent changes in the probate law have conferred upon administrators the same broad powers as other fiduciaries in administering an estate entrusted them. Chief among these additional powers was the power to sell and mortgage real property. Assembly Bill No. 1743 amends N. J. S. 3A:7-4 which sets forth the conditions to be contained within the bond of an administrator of an estate to reflect an administrator's power with regard to real property.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JUNE 19, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

A-1650, sponsored by Assemblywoman Barbara Kalik (D-Burlington), which provides for an increase in the rate of interest for delinquent Social Security contributions to the federal government on behalf of public employees.

The State has the responsibility to make the payments of these contributions to the federal government from funds received from local governments. Recent changes in federal regulations require monthly rather than quarterly contribution payments, and the State felt that this change was likely to cause an increase in delinquent payments by local governments, thus subjecting the State to interest assessments by the federal government.

This bill gives the State the right to charge local governments for any interest penalty it is assessed by the federal government as a result of delinquent payments. The current rate is six percent.

A-1743, sponsored by Assemblyman Albert Burstein (D-Bergen), which updates New Jersey's probate statutes to reflect the significant powers that administrators now have concerning realty and provides further protection for the heirs of a person who dies intestate.

Under current law, administrators have the same broad powers as any other fiduciary in administering an estate which includes realty, including the power to sell and mortgage the property. This bill provides that in order to reflect this responsibility, an administrator's bond must include conditions that provide that (1) when required, the administrator's inventory and appraisal of estate assets must include the realty, and (2) the administrator must well and truly administer the real as well as the personal property of the estate.

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