

22A:2-15; 22A:2-30

LEGISLATIVE HISTORY CHECKLIST

NJSA 22A:2-15; ~~22A:2-30~~ ^{22A:2-30} (Probate proceedings--increase fees)
 LAWS OF 1977 CHAPTER 57
 Bill No. A275
 Sponsor(s) Spizziri
 Date Introduced Pre-filed
 Committee: Assembly Judiciary, Law, Public Safety
 Senate Judiciary
 Amended during passage Yes Amendments during passage denoted by asterisks
 Date of Passage: Assembly Dec. 6, 1976
 Senate Jan. 27, 1977
 Date of approval April 13, 1977

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	(Below)
Committee Statement:	Assembly	Yes	<input checked="" type="checkbox"/>
	Senate	<input checked="" type="checkbox"/>	No
Fiscal Note	<input checked="" type="checkbox"/>	No	
Veto Message	<input checked="" type="checkbox"/>	No	
Message on signing	<input checked="" type="checkbox"/>	No	
Following were printed:			
Reports	<input checked="" type="checkbox"/>	No	
Hearings	<input checked="" type="checkbox"/>	No	
Sponsor's Statement:			

The bill increases the fees and costs in probate proceedings.

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ASSEMBLY, No. 275

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblyman SPIZZIRI

AN ACT concerning fees and costs in probate proceedings and amending N. J. S. 22A :2-15 and 22A :2-30.

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

1 1. N. J. S. 22A :2-15 is amended to read as follows :

2 22A :2-15. For performing services in all probate proceedings
 3 in the Superior Court, Chancery Division, there shall be paid to
 4 the clerk of the court for the use of the State the following fees
 5 which, except as hereinafter provided, shall constitute the entire
 6 fees to be collected by the clerk for the use of the State, down to
 7 the final disposition of the cause :

8 Each action upon the filing of the first paper in the action,
 9 \$60.00.

10 Application for relief filed subsequent to final judgment, upon
 11 the filing of the first paper, \$10.00.

ACCOUNTING

12 Auditing, stating, reporting and recording accounts of executors,
 13 administrators, guardians, trustees, assignees, as follows :

14 In estates up to and including \$2,000.00, **[\$20.00]** \$30.00 ;

15 In estates from \$2,000.00 to and including \$10,000.00, **[\$40.00]**
 16 \$50.00 ;

17 In estates from \$10,000.00 to and including \$30,000.00, **[\$50.00]**
 18 \$65.00 ;

19 In estates from \$30,000.00 to and including \$65,000.00, **[\$65.00]**
 20 \$85.00 ;

21 **[In estates exceeding \$65,000.00, $\frac{1}{10}$ of 1% ;]**

22 *In estates from \$65,001.00 to \$200,000.00— $\frac{3}{20}$ of 1% ;*

23 *In estates exceeding \$200,000.00— $\frac{1}{10}$ of 1%, but not less than*
 24 *\$300.00.*

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

25 For each page of accounting, in excess of one, ~~[\$1.00]~~ \$2.00.

26 In computing the amount of an estate for the purpose of fixing
27 the fees of the Clerk of the Superior Court, for auditing and report-
28 ing the account, the balance from the prior account shall be
29 excluded.

30 No fees herein allowed shall be charged against the recipient of
31 any pension, bounty or allowance for services of the Clerk of the
32 Superior Court, the Chancery Division of the Superior Court in
33 respect thereof, pursuant to N. J. S. 3A:29-1 to 3A:29-4.

COMMISSIONS ON DEPOSITS

34 On commissions on deposits, including any deposit made pur-
35 suant to sections 31 and 32 of chapter 67, of the laws of 1948, if
36 under \$100.00, ½ of 1% of it; if over \$100.00 and under \$1,000.00,
37 ¼ of 1% on such excess; if over \$1,000.00, ⅛ of 1% of such excess.

MISCELLANEOUS CHARGES

38 Filing an exemplified copy of a will or administration proceeding
39 from a foreign State, \$5.00;

40 Filing a caveat not in a pending cause, \$2.00;

41 Certificates, each \$1.00;

42 Subpenas, each \$1.00;

43 Minimum charge for all other papers or services by the clerk,
44 \$1.00.

1 2. N. J. S. 22A:2-30 is amended to read as follows:

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

4 Fees for services of the surrogate and clerk of the Probate Divi-
5 sion of the County Court enumerated below shall be as follows:

PROBATE OF WILLS AND COPIES

6 Probate of a will of not more than two pages ~~[\$17.00]~~ \$30.00.

7 The above fee is for all services in preparation and execution of
8 complaint, *filing proof of death*, deposition of one witness, qualifica-
9 tion of executor, *filing power of attorney*, surrogate's certificate,
10 judgment for probate, letters testamentary, *plain copy of will*,
11 binding, recording, microfilming, or photostating, comparing,
12 docketing, report to the Division of Taxation in the Department
13 of the Treasury, report and transmission to the Clerk of the
14 Superior Court.

15 Probate of will without letters, ~~[\$14.00]~~ \$20.00. This fee is for
16 the same services as are enumerated in the preceding paragraph,
17 except letters, surrogate's certificate and qualification of executor.

18 Probate of each codicil, not exceeding one page, ~~[\$7.50]~~ \$10.00.

19 *Where codicil requires an additional witness, \$2.00.*

20 To reopen probate proceedings for qualification of executor or
21 taking proof of extra witness, **[\$7.50]** \$12.00.

22 One witness in the above *probate* proceedings, no charge.

23 Each additional witness, **[\$1.50]** \$2.00.

24 Recording and comparing, microfilming or photostating, each
25 additional page of will or codicil, **[\$1.25]** \$2.00.

26 Filing, entering, issuing and recording, microfilming or photo-
27 stating, proceedings in commission for deposition of foreign wit-
28 ness to a will or codicil, **[\$9.00]** \$12.00. Plain extra copy of will,
29 **[\$1.25]** \$2.00 for each page.

30 Certified extra copy of will, **[\$1.25]** \$2.00 for each page, plus
31 **[\$1.25]** \$2.00 for certificate.

32 Certified copy of will with proofs for New Jersey county, not
33 exceeding two pages including will and codicil, **[\$8.00]** \$12.00. For
34 pages in excess of two, **[\$1.25]** \$2.00 for each page.

35 Wills filed but not probated (as, where there are no assets), for
36 each page, **[\$2.00]** \$4.00.

37 Exemplifying will for another State, not exceeding two pages
38 including will and codicil, plus cost of certificate of Secretary of
39 State when requisite, **[\$10.00]** \$15.00. For pages in excess of two,
40 **[\$1.25]** \$2.00 for each page.

41 Recording, microfilming or photostating, *docketing*, indexing,
42 filing and reporting to the Division of Taxation in the Department
43 of the Treasury an exemplified copy of will and *probate proceed-*
44 *ings* from another State, **[\$1.25]** \$2.00 for each page.

45 Recording, microfilming or photostating, *docketing*, indexing and
46 filing a certified copy of will with proofs from New Jersey, **[\$1.25]**
47 \$2.00 for each page.

48 Recording, microfilming or photostating certified transcripts
49 of wills admitted to probate and *probate proceedings* or letters
50 of administration and administration proceedings granted by the
51 ordinary or the Superior Court, **[\$1.25]** \$2.00 for each page.

LETTERS OF TRUSTEESHIP

52 Acceptance of trustee and letters of trusteeship, including one
53 certificate, **[\$7.50]** \$15.00.

LETTERS OF ADMINISTRATION

54 General administration, including preparation and execution of
55 complaint, bond, surety affidavits, necessary recording, microfilm-
56 ing or photostating, indexing, filing, report to the Division of Taxa-
57 tion, including power of attorney and death certificate, in the De-
58 partment of the Treasury and the Clerk of the Superior Court
59 and original letters, **[\$14.00]** \$25.00.

60 Administration ad prosequendum, **[\$7.50]** \$15.00.

61 Exemplifying administration, **[\$8.00]** \$12.00.
 62 Certified copy of administration, **[\$5.00]** \$8.00.
 63 Affidavits of surviving spouse or next of kin where the value of
 64 the real and personal assets of the estate does not exceed
 65 **[\$1,500.00]** \$5,000.00, when less than \$100.00, **[\$1.00,]** \$2.00 and
 66 **[\$1.00]** \$2.00 for each \$100.00 or part thereof, in excess of \$100.00;
 67 *the total cost shall not exceed \$25.00.*

LETTERS OF GUARDIANSHIP

68 Granting letters of guardianship, **[\$10.00]** \$12.00.
 69 Acceptance of guardianship**[, \$1.00]** *and filing power of attor-*
 70 *ney, ***[\$20.00]*** *\$2.00*.*
 71 Affidavits of estates of minors where value of *real and* personal
 72 estate does not exceed **[\$1,000.00]** \$3,000.00 **[and value of real**
 73 **estate does not exceed \$100.00]** when less than \$100.00, \$1.00, and
 74 \$1.00 for each \$100.00, or part thereof, in excess of \$100.00, plus
 75 *****[\$0.50]***** **\$1.00** for each consent when required, *but not more*
 76 *than a total of \$20.00.*
 77 Miscellaneous petitions and orders, **[\$1.00]** \$2.00 per page.

INVENTORIES

78 For all services in appointment of appraisers, **[\$2.00]** \$4.00.
 79 Filing, entering and recording, microfilming or photostating, in-
 80 ventory and appraisalment, not exceeding one page, **[\$6.00]** *and*
 81 *affidavits of appraisers and executor, \$8.00.*
 82 For each additional page, **[\$1.25]** \$2.00.

ACCOUNTING

83 For filing complaint and one page of accounting, auditing, stat-
 84 ing, reporting and recording, microfilming or photostating, ac-
 85 counts of executors, administrators, guardians, trustees and
 86 assignees, including drawing judgment, but exclusive of advertising
 87 costs:
 88 In estates up to and including \$2,000.00, **[\$20.00]** \$30.00.
 89 In estates from **[\$2,000.00]** \$2,001.00 to and including \$10,000.00,
 90 **[\$40.00]** \$50.00.
 91 In estates from **[\$10,000.00]** \$10,001.00 to and including
 92 \$30,000.00, **[\$50.00]** \$65.00.
 93 In estates from **[\$30,000.00]** \$30,001.00 to and including
 94 \$65,000.00, **[\$65.00]** \$85.00.
 95 In estates **[exceeding \$65,000.00]** *from \$65,001.00 to \$200,000.00,*
 96 **[1/10]** *3/20* of 1% **[and any additional sum, if any, which the court**
 97 **may allow].**
 98 *In estates exceeding \$200,000.00—1/10 of 1%, but not less than*
 99 *\$300.00.*

- 100 For each page of accounting in excess of one, ~~[\$1.25]~~ \$2.00.
- 101 In computing the amount of an estate for the purpose of fixing
102 the fees of a surrogate for auditing and reporting the account,
103 the balance from the prior account shall be excluded.
- 104 For preparing notice of settlement of accounts and copies of
105 the same, forwarding notice to newspaper, with directions as to
106 publication, obtaining proofs of publication, keeping a record of
107 notices and newspapers to which they are sent and of the moneys
108 received to defray the cost of advertising and transmitting ad-
109 vertising charges to newspaper, ~~[\$7.50]~~ \$15.00.
- 110 No fees herein allowed shall be charged against the recipient
111 of any pension, bounty or allowance, for services of the surrogate
112 and the Probate Division of the County Court in respect thereof,
113 pursuant to N. J. S. 3A :29-1 to 3A :29-4.

MISCELLANEOUS PROCEEDINGS

- 114 Proceedings relative to presumption of death, filing, entering
115 and recording, microfilming or photostating (exclusive of letters),
116 with additional fee for advertising, ~~[\$25.00]~~ \$50.00.
- 117 Sale of land to pay debts (exclusive of advertising), ~~[\$35.00]~~
118 \$50.00.
- 119 Sale of land in fulfillment of contract made by decedent, ~~[\$15.00]~~
120 \$20.00.
- 121 Sale of ~~[bonds]~~ lands within 1 year, ~~[\$15.00]~~ \$20.00.
- 122 *Sale of minor's land, \$30.00.*
- 123 Distribution, filing and entering complaint, recording, microfilm-
124 ing or photostating, and filing judgment, ~~[\$6.00]~~ \$25.00.
- 125 Adoption of adults, filing and entering proceedings (all papers)
126 including one judgment, ~~[\$15.00]~~ \$20.00.
- 127 Adoption of minors with one hearing, filing and entering pro-
128 ceedings (all papers) including one judgment, ~~[\$20.00]~~ \$25.00.
- 129 Adoption of minors with two or more hearings, filing and enter-
130 ing proceedings (all papers) including one judgment, ~~[\$25.00]~~
131 \$30.00.
- 132 *Extra certificate, \$2.00.*
- 133 Application and order to limit time to creditors, ~~[\$14.00]~~ \$18.00,
134 but exclusive of advertising costs.
- 135 Preparing notices to creditors to present their claims and copies
136 of the same, sending notice to newspapers with directions as to
137 publications, obtaining proofs of publication, keeping a record of
138 notices and newspapers to which they are sent for publication, and
139 of the moneys received to defray the cost of advertising and trans-
140 mitting advertising charges to newspapers, ~~[\$6.00]~~ \$10.00.

- 141 Advertising order of court or notice, when done by the surrogate,
 142 ~~[\$2.00]~~ \$5.00, in addition to advertising fees.
- 143 Proceeding for the determination of mental incompetency and
 144 for the appointment of a guardian for an alleged mental incom-
 145 petent, without jury trial, ~~[\$25.00]~~ \$35.00, with trial by jury,
 146 ~~[\$35.00]~~ \$45.00.
- 147 Proceedings in connection with payment into court of proceeds
 148 of a judgment in favor of a minor, in lieu of bond, pursuant to
 149 P. L. 1959, c. 132 (in addition to fees payable under Letters of
 150 Guardianship), the following *~~[fees are]~~* *fee is** payable upon
 151 withdrawal of funds on deposit:
- 152 *~~[Withdrawal of amounts up to \$100.00, 2/3 of 2%, plus~~
 153 ~~2/3 of 1 1/2% on amounts over \$100.00 but not in excess of \$1,000.00,~~
 154 ~~plus 2/3 of 1% on amounts in excess of \$1,000.00.~~
- 155 *Petitions and orders provided and prepared by the surrogate for*
 156 *withdrawal of funds for court approval, \$10.00.]**
- 156A **Ten dollars for each withdrawal including petitions and orders*
 156B *provided and prepared by the surrogate for withdrawal of funds*
 156C *for court approval.**

MISCELLANEOUS CHARGES

- 157 Short certificates, ~~[\$1.00]~~ \$2.00.
- 158 Validating short certificate within 1 year of issue of date, ~~[\$0.25]~~
 159 \$0.50.
- 160 Subpenas, each, ~~[\$1.50]~~ \$3.00.
- 161 Marking true copies, subpenas, each, ~~[\$1.00]~~ \$2.00.
- 162 Marking true copies, orders to show cause, each, ~~[\$1.00]~~ \$2.00.
- 163 *Marking true copies of other papers, each, \$1.00.*
- 164 Authorization of process, ~~[\$0.50]~~ \$1.50.
- 165 Swearing each witness, ~~[\$0.20]~~ \$1.00.
- 166 Adjournment or continuance, ~~[\$1.50]~~ \$3.00.
- 167 Miscellaneous orders of court, first page, ~~[\$1.50]~~ \$2.00.
- 168 For each additional page, ~~[\$1.50]~~ \$2.00.
- 169 Recording, microfilming or photostating all papers not herein
 170 provided for, ~~[\$1.25]~~ \$2.00 for each page.
- 171 For making copies not otherwise provided for, ~~[\$1.25]~~ \$2.00 for
 172 each page.
- 173 Filing transcript of death certificate, ~~[\$0.50]~~ \$2.00.
- 174 Power of attorney, ~~[\$1.00]~~ \$2.00.
- 175 Proceedings relative to appointment of a guardian ad litem,
 176 ~~[\$5.00]~~ \$8.00.
- 177 Renunciation by one person, filing, entering and recording, or
 178 photostating, ~~[\$1.25]~~ \$2.00. Each additional person, ~~[\$0.25]~~
 179 \$0.50.

180 Caveat, filing or withdrawing, ~~[\$3.00]~~ \$5.00.

181 Combined refunding bond and release of not more than two
182 pages, filing, entering, microfilming and recording, or photostat-
183 ing, ~~[\$3.00]~~ \$4.00. For more than two pages, ~~[\$1.25]~~ \$2.00 for
184 each page. Additional charge for county clerk's certificate,
185 ~~[\$1.00]~~ \$1.50.

186 Release of not more than two pages, ~~[\$3.00]~~ \$4.00. For more
187 than two pages, ~~[\$1.25]~~ \$2.00 for each additional page. Additional
188 charge for county clerk's certificate, ~~[\$1.00]~~ \$1.50.

189 Assignments of legacy or interest, ~~[\$3.00]~~ \$4.00, plus ~~[\$1.00]~~
190 \$1.50 where county clerk's certificate is necessary.

191 Filing all papers not herein provided for, ~~[\$1.00]~~ \$2.00, if micro-
192 filming process is used, ~~[\$1.00]~~ \$2.00 per page.

193 *Plain copy of two-page will, \$4.00.*

194 *Each additional page, \$2.00.*

1 3. This act shall take effect on the first day of the calendar month
2 occurring not less than 30 days after enactment.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 275

with Assembly committee amendments

—◆—
STATE OF NEW JERSEY
—◆—

DATED: JULY 14, 1976

This bill would increase the fees and costs in probate proceedings. The present fees have not been increased since 1963.

The bill was amended in committee to correct a misprint and a printing omission with regard to the fees for letters of guardianship.

This bill was also amended to change the fees for withdrawal of funds deposited in connection with a judgment in favor of a minor from the current fee based on a percentage of the amount withdrawn to a flat \$10.00 fee for each withdrawal.