

3 B:1-1 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 3B:1-1 et al (Administration of estates -- new Title 3B)

LAWS 1981

CHAPTER 405

Bill No. A3580

Sponsor(s) Burstein

Date Introduced June 29, 1981

Committee: Assembly ---

Senate ---

Amended during passage Yes

~~XXX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 30, 1981

Senate Dec. 14, 1981

Date of approval Jan. 5, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XXX~~

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~XXX~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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<i>Revised Section</i>	<i>Source</i>	<i>Treatment of Source</i>
3B:28-6	N. J. S. 3A:25-12	Saved from repeal
3B:28-7	N. J. S. 3A:35-3	Saved from repeal
3B:28-8	N. J. S. 3A:35-4	Saved from repeal
3B:28-9	N. J. S. 3A:36-1	Saved from repeal
3B:28-10	N. J. S. 3A:36-2	Saved from repeal
3B:28-11	N. J. S. 3A:36-3	Saved from repeal
3B:28-12	N. J. S. 3A:36-4	Saved from repeal
3B:28-13	N. J. S. 3A:36-5	Saved from repeal
3B:28-14	N. J. S. 3A:37-1	Saved from repeal
3B:28-15	N. J. S. 3A:37-2	Saved from repeal
3B:28-16	N. J. S. 3A:37-3	Saved from repeal
3B:28-17	N. J. S. 3A:37-4	Saved from repeal
3B:28-18	N. J. S. 3A:37-5	Saved from repeal
3B:28-19	N. J. S. 3A:37-6	Saved from repeal
3B:29-1	N. J. S. 3A:37-7	Repealer

STATEMENT

This bill has been drafted by the Division of Legal Services (Law Revision) in furtherance of its duty to conduct a continuous examination of the general and permanent statutory law of this State and to carry on a continuous revision of the general and permanent statutory law of the State.

As stated in the title, this bill will revise the statutory law relating to the administration of estates of decedents and others and enact a new title to be known as Title 3B, Administration of Estates-Decedents and Others, to the New Jersey Statutes.

The existing statutory law relating to the administration of estates-decedents and others is found in Title 3A of the New Jersey Statutes. This title was enacted by P. L. 1951, c. 345, which became effective January 1, 1952.

Since its enactment, Title 3A of the New Jersey Statutes has undergone many changes by way of amendments and supplements thereto. Commencing with the enactment of P. L. 1977, c. 412, and up to the present, many basic changes have been made in the statutory law relating to the administration of estates. As a result of these changes, sections of the existing law have become obsolete or superseded and by reason thereof have not been enacted as parts of the proposed new Title 3B.

The following is a summary of the sections which have not been enacted as a part of the proposed new Title 3B and the reasons therefore:

1. N. J. S. 3A:3-5 provides that a member of the armed forces may make an holographic will. This section has been superseded by P. L. 1977, c. 412, s. 5 (C. 3A:2A-5) which permits any competent person to make an holographic will.

2. P. L. 1962, c. 241, s. 3 (C. 3A:3-16.3) by its provisions has become obsolete by the passage of time.

3. N. J. S. 3A:3-30 saved R. S. 3:2-45 from repeal. The section relates to foreign wills probated in this State prior to July 4, 1888, and has become obsolete by the passage of time.

4. N. J. S. 3A:3-31 saved P. L. 1948, c. 367, s. 17 from repeal. The section relates to the recording of certain wills probated in another state or country more than 100 years ago and has become obsolete by the passage of time.

5. N. J. S. 3A:3-32 saved R. S. 3:2-12 from repeal. The section created a presumption as to the competency of certain testators where 100 years or more have elapsed after probate of a will and has become obsolete by the passage of time.

6. N. J. S. 3A:3-33 saved P. L. 1948, c. 364, s. 18 from repeal. The section permitted the probate of wills of testators who died prior to January 1, 1895, and whose wills were not probated here but in another state. This section has become obsolete by passage of time.

7. P. L. 1952, c. 221, s. 2 (C. 3A:3A-2) merely prescribes the time after which section 1 of the act (C. 3A:3A-1) shall apply to wills and trusts and its retention is no longer necessary.

8. N. J. S. 3A:5-5 states that chapter 5 of Title 3A shall not apply to persons dying before July 4, 1947, and its retention is no longer necessary.

9. N. J. S. 3A:6-30 confers jurisdiction upon the surrogate's court and the Superior Court to appoint a guardian for a minor. This section is cumulative to N. J. S. 3A:6-28, as amended P. L. 1979, c. 482, s. 23, and its retention is no longer necessary.

10. N. J. S. 3A:6-34 prescribes the duties of a guardian of a minor of an absconding or absent parent. By reason of the enactment of P. L. 1979, c. 482 (C. 3A:6-16.10 et seq.), setting forth the

powers and authority of guardians, the retention of this section is no longer necessary.

11. P. L. 1959, c. 132, s. 2 (C. 3A:7-14.2) ratifies the deposit of bonds with a surrogate prior to the effective date of the act (June 19, 1959), and its retention is no longer necessary.

12. N. J. S. 3A:10-3 provides that a fiduciary shall be entitled to corpus commissions on real estate coming into his possession. P. L. 1977, c. 412, s. 54 (C. 3A:2A-54) provides that a personal representative has a right to and shall take possession or control of a decedent's property, and P. L. 1977, c. 412, s. 5 (C. 3A:2A-55) provides that until termination of his appointment a personal representative has the same power over title to property of the estate that an absolute owner would have. P. L. 1979, c. 482, s. 4 (C. 3A:6-16.3) provides that the appointment of a guardian of a minor or mental incompetent vests in the guardian title as trustee to all of his ward's property. Title to real property forming a part of a trust estate vests in the trustee by operation of law. By virtue of the foregoing, N. J. S. 3A:10-3 has been superseded, and its retention is no longer necessary.

13. N. J. S. 3A:12-4 provides that an administrator has the right to sue for and be sued for debts due to and owed by his decedent. This section has been superseded by P. L. 1977, c. 412, s. 54 (C. 3A:2A-51), and its retention is no longer necessary.

14. N. J. S. 3A:12-16, 3A:12-17 and 3A:12-18 relate to the filing of powers of attorney for services of process by foreign fiduciaries. P. L. 1977, c. 412, ss. 64 to 69 inclusive (C. 3A:2A-61 to C. 3A:2A-66 inclusive) provide for the manner in which foreign fiduciaries subject themselves to the jurisdiction of the courts in this State, and the retention of these sections is no longer necessary.

15. N. J. S. 3A:14-1 through N. J. S. 3A:14-4 provide for the manner in which claims for and against a decedent's estate may be compromised. These sections have been superseded by P. L. 1968, c. 2 (C. 3A:6-16.2) and their retention is no longer necessary.

16. N. J. S. 3A:15-1 relates to investments authorized for fiduciaries. This section has been superseded by the "Prudent Investment Law," P. L. 1975, c. 337 (C. 3A:15-36 et seq.), and its retention is no longer necessary.

17. N. J. S. 3A:15-4 through 3A:15-6, 3A:15-8 and 3A:15-9 relate to the investment by fiduciaries in bonds and mortgages.

These sections have been superseded by the "Prudent Investment Law," P. L. 1975, c. 377 (C. 3A:15-36 et seq.), and their retention is no longer necessary.

18. N. J. S. 3A:15-10 relates to the continuing legality of investments made by a fiduciary. This section has been superseded by the "Prudent Investment Law," P. L. 1975, c. 377 (C. 3A:15-36 et seq.), and its retention is no longer necessary.

19. N. J. S. 3A:15-14 authorizes a guardian of a minor or mental incompetent to sell the ward's personal property and invest the proceeds of sale with or without court order. This section has been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2) and the "Prudent Investment Law," P. L. 1975, c. 377 (C. 3A:15-36 et seq.), and its retention is no longer necessary.

20. N. J. S. 3A:15-16 concerns the investment of money retained by a fiduciary. This section has been superseded by the "Prudent Investment Law," P. L. 1975, c. 377 (C. 3A:15-36 et seq.), and its retention is no longer necessary.

21. N. J. S. 3A:15-17 provides that article 1 of chapter 15 of Title 3A of the New Jersey Statutes shall not apply where it differs from a will, trust instrument or court judgment. This section has been superseded by the "Prudent Investment Law," P. L. 1975, c. 372 (C. 3A:15-36 et seq.), and its retention is no longer necessary.

22. P. L. 1963, c. 94, s. 4 (C. 3A:15-17.4) defines "security." New section 3B:1-2 defines "security," and its retention is no longer necessary.

23. N. J. S. 3A:16-1 authorizes a guardian to manage and lease real property. This section has been superseded by P. L. 1968, c. 279, s. 2 (C. 3A:6-16.2) and its retention is no longer necessary.

24. N. J. S. 3A:16-2 relates to the private sales of real property of persons under disability. This section has been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2) and P. L. 1979, c. 486 (C. 3A:20-12 et seq.), and its retention is no longer necessary.

25. N. J. S. 3A:16-3 relates to a fiduciary's power of sale as to certain real property. This section has been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2), and its retention is no longer necessary.

26. N. J. S. 3A:16-4 authorizes a guardian or any other person to apply to the court for the sale of lands belonging to a minor

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or mental incompetent. This section has been superseded by P. L. 1979, c. 486 (C. 3A:20-12 et seq.), and by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2), and its retention is no longer necessary.

27. N. J. S. 3A:16-8 through 3A:16-11 relate to the sale by surviving, ancillary or substituted fiduciaries. These sections have been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2), and their retention is no longer necessary.

28. N. J. S. 3A:16-13 and 3A:16-14 relate to the sale of property liable to deteriorate or depreciate in value. These sections have been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2), and their retention is no longer necessary.

29. N. J. S. 3A:16-15 relates to the sale of real estate yielding insufficient income. This section has been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2), and its retention is no longer necessary.

30. N. J. S. 3A:16-18 validated sales of certain real estate acquired by fiduciaries appointed prior to January 3, 1941. This section has become obsolete by passage of time, and its retention is no longer necessary.

31. P. L. 1932, c. 205, saved from repeal by N. J. S. 3A:16-19 validated the appointments of certain fiduciaries and sales made by them. This act has become obsolete by the passage of time, and its retention is no longer necessary.

32. N. J. S. 3A:16-20 validated certain deeds made prior to May 7, 1938. This section has become obsolete by passage of time, and its retention is no longer necessary.

33. N. J. S. 3A:17-1 provides for the protection of real property of a minor, mental incompetent or a trust through the sale of personal property or mortgage of the real property. This section has been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3), and its retention is no longer necessary.

34. N. J. S. 3A:18-1 through 3A:18-8 provide for the making of improvements to real property by a fiduciary. These sections have been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3), and their retention is no longer necessary.

35. N. J. S. 3A:19-1 through 3A:19-4 relate to the exchange, purchase and sale of real property by a fiduciary. These sections have been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2) and P. L. 1977, c. 412, s. 73 (C. 3A:2A-70), and their retention is no longer necessary.

36. N. J. S. 3A:20-6 through 3A:20-8 relate to the mortgaging of real property owned by a minor or mental incompetent for his proper support and education and that of others have been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3), and their retention is no longer necessary.

37. N. J. S. 3A:21-1 and 3A:21-2 relate to the release, assignment or satisfaction of a mortgage held by a minor or mental incompetent. This section has been superseded by P. L. 1979, c. 486 (C. 3A:20-12 to C. 3A:20-14), P. L. 1979, c. 482, s. 14 (C. 3A:6-16.19) and P. L. 1968, c. 270, s. 3 (C. 3A:6-16.3), and their retention is no longer necessary.

38. N. J. S. 3A:21-3 provides that the court may direct the personal representative of a decedent who holds real property in trust to convey the real property in accordance with the terms of the trust. This section has been superseded by P. L. 1968, c. 270, s. 3 (C. 3A:6-16.3), and its retention is no longer necessary.

39. N. J. S. 3A:22-2 provides where real property is devised to a trustee with a power of sale upon the unanimous consent of all of the testator's children, the sale may be consummated with the consent of all of the testator's surviving children has been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3), and its retention is no longer necessary.

40. N. J. S. 3A:22-4 provides that the court may order a decedent's personal representative to specifically perform a decedent's contract for the sale of real property. The retention of this section is not necessary as the vendee may invoke the equitable doctrine of specific performance or bring an action for damages and has been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3).

41. The retention of N. J. S. 3A:22-5 is not necessary for the same reasons relating to N. J. S. 3A:22-4.

42. N. J. S. 3A:22-6 authorizes the personal representative of a decedent to carry out a decedent's contract for the sale or purchase of real property without court order. This section has been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3), and its retention is no longer necessary.

43. N. J. S. 3A:24-1 defining "claim" has been superseded by P. L. 1977, c. 412, s. 1 (C. 3A:2A-1) and its retention is no longer necessary.

44. N. J. S. 3A:24-19 through 3A:24-32 relate to proceedings for the sale of lands to pay debts where a decedent's personal estate is insufficient to pay debts. As a result of recent changes in the law, P. L. 1977, c. 412, s. 56 (C. 3A:2A-53) power of personal representative to settle and distribute an estate without court order, P. L. 1977, c. 412, s. 57 (C. 3A:2A-54) possession and control of decedent's property vested in the personal representative P. L. 1979, c. 221, s. 12 (C. 3A:2A-48.1) providing that a decedent's estate shall abate for the payment of claims without any preference or priority as between real and personal property, and P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2) as to the powers of a fiduciary, these sections have been superseded, and their retention is no longer necessary.

45. N. J. S. 3A:25-3 provides for the conversion of real estate in certain cases. This section has been superseded by P. L. 1968, c. 270, s. 2 (C. 3A:6-16.2), and its retention is no longer necessary.

46. N. J. S. 3A:25-24 provides for the recovery of legacies and distributive shares in the county court. County courts have been abolished, and the retention of the section is no longer necessary. Also see N. J. S. 3A:25-18 and 3A:25-19.

47. N. J. S. 3A:25-38 merely provides that article 8 of chapter 25 of Title 3A of the New Jersey Statutes shall apply to the estates of persons dying after January 1, 1951. This section has become obsolete by passage of time, and its retention is no longer necessary.

48. N. J. S. 3A:32-1 to 3A:32-3 inclusive provide for the sale of real property for the purposes of paying improvement assessments. These sections have been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3), and their retention is no longer necessary.

49. N. J. S. 3A:33-1 and 3A:33-2 provide for the sale or mortgage of real property to pay legacies or other encumbrances. These sections have been superseded by P. L. 1968, c. 270, ss. 2 and 3 (C. 3A:6-16.2 and C. 3A:6-16.3), and their retention is no longer necessary.

50. N. J. S. 3A:34-1 to 3A:34-14 relate to the sale of real property limited over to infants, mental incompetents and persons not in being and have been superseded by P. L. 1979, c. 486 (C. 3A:20-12 et seq.), and their retention is no longer necessary.

51. N. J. S. 3A:38-1 through 3A:38-7 provide for the sale or mortgage of real property and release of dower or curtesy where

holder is incompetent or a minor. These sections have been superseded by P. L. 1979, c. 486 (C. 3A:20-12 et seq.), and their retention is no longer necessary.

52. N. J. S. 3A:41-11 merely provides as to transactions to which chapter 41 of Title 3A of the New Jersey Statutes shall not apply, and its retention is no longer necessary.

53. N. J. S. 3A:42-2 merely provides for the applicability of chapter 42 of Title 3A of the New Jersey Statutes, and its retention is no longer necessary.

The following new sections have been added to the proposed revision:

1. Section 3B:1-9 is derived from section 1-106 of the U. P. C. The purpose of this section is to afford a remedy of a person wronged by fraud. It is intended to be supplementary to other protections provided in the title, and can be maintained outside the process of settlement of an estate. Any action to obtain relief against the fraud perpetrated within the time limits set forth in the section.

2. Section 3B:3-28.1 is derived from section 1605 of the New York Surrogate's Court Procedure Act and provides that a non-resident decedent's will may be admitted to probate in New Jersey where the laws of the decedent's domicile are discriminatory.

3. Sections 3B:22-26, 3B:22-27 and 3B:22-28 provide a procedure for the sale of property to pay a decedent's debts where his property may be subject to escheat to the State.

4. Section 3B:28-3.1 provides that the right to joint possession of the principal matrimonial residence shall be subject to the lien of a mortgage under the circumstances provided in the section.

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ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 3580

STATE OF NEW JERSEY

ADOPTED NOVEMBER 23, 1981

Amend page 2, table of contents, c. 6, line 1, delete "Act", insert "Law".

Amend page 2, table of contents, c. 10, article 2, line 3, delete "ss. 3B:10-14 to 3B:10-18", insert "s. 3B:10-14".

Amend page 2, table of contents, c. 10, article 3, lines 4 and 5, after "3.", delete entire lines, insert "Substituted administrators, ss. 3B:10-15 to 3B:10-18."

Amend page 2, table of contents, c. 10, after article 3, after line 5, insert "4. Duties and Powers of Personal Representatives, ss. 3B:10-19 to 3B:10-32."

Amend page 3, table of contents, c. 14, line 1, delete "3B:14-61", insert "3B:14-65".

Amend page 3, table of contents, c. 14, after article 7, after line 13, insert "8. Abandonment of real property, ss. 3B:14-62 to 3B:14-65."

Amend page 4, table of contents, c. 20, article 3, lines 4 and 5, after "recapitalization," insert "reorganization,".

Amend page 4, table of contents, c. 20, article 3, lines 5 and 6, delete "corporations", insert "corporation".

Amend page 4, table of contents, c. 22, line 2, delete "3B:22-60", insert "3B:22-44".

Amend page 5, table of contents, c. 23, line 1, delete "3B:23-40", insert "3B:23-43".

Amend page 5, table of contents, c. 27, article 2, line 4, delete "to 3B:27-6", insert "and 3B:27-5".

Amend page 5, table of contents, c. 27, after article 2, after line 4, insert "3. Declaration of death, s. 3B:27-6".

Amend page 6, section 3B:1-1, line 16, delete "anymore", insert "any more".

Amend page 7, section 3B:1-1, line 67, delete "1978", insert "1979".

Amend page 8, section 3B:1-2, delete "act", insert "title".

Amend page 9, section 3B:1-2, line 75, delete "1978", insert "1979".

Amend page 9, section 3B:1-3, line 1, delete "Devotion", insert "Devolution".

Amend page 9, section 3B:1-3, line 6, delete "testimentary", insert "testamentary".

Amend page 10, section 3B:1-5, line 7, delete "1:11-14", insert "1:1-14".

Amend page 10, section 3B:1-7, line 3, after "of", delete "a".

Amend page 10, section 3B:1-7, line 7, delete "in", insert "an".

Amend table of contents, c. 2, line 8, delete "Oath", insert "Oaths".

Amend page 11, section 3B:2-2, line 5, after "things", delete "are", insert "as".

Amend page 12, section 3B:2-5, line 6, after "Source:", insert "N.J.S."

Amend page 13, table of contents, c. 3, article 1, line 10, delete "Law", insert "Laws".

Amend page 13, table of contents, c. 3, article 1, line 12, delete "personal tangible property", insert "tangible personal property".

Amend page 13, table of contents, c. 3, article 2, heading, delete "Alteration", insert "Alterations".

Amend page 13, table of contents, c. 3, article 3, line 10, after "Proof", insert "of execution".

Amend page 14, table of contents, c. 3, article 3, line 18, delete "or", insert "of"; after "nonresident", insert "decedent".

Amend page 14, table of contents, c. 3, article 4, line 3, delete "laws", insert "law".

Amend page 14, table of contents, c. 3, article 4, line 6, after "after", insert "-".

Amend page 14, table of contents, c. 3, article 4, line 7, delete "Anti-lapse", insert "Anti-lapse".

Amend page 14, table of contents, c. 3, article 4, line 21, after "sale", delete ",", insert ",".

Amend page 15, section 3B:3-4, line 9, delete "1", insert "T".

Amend page 16, section 3B:3-4, line 33, after "by", insert "and".

Amend page 16, section 3B:3-5, line 6, after "46:14-6", insert "R. S."

Amend page 16, section 3B:3-5, line 16, delete "has", insert "had".

Amend page 17, section 3B:3-5, line 28, after "by", insert "and".

Amend page 17, section 3B:3-9, line 2, after "executed", insert "if executed".

Amend page 17, section 3B:3-9, line 3, after "place", insert "where it was executed, or with the law of the place".

Amend page 18, section 3B:3-11, line 3, delete "or", insert "of".

Amend page 19, section 3B:3-16, line 1, delete "kills", insert "will".

Amend page 19, section 3B:3-17, line 3, delete "court", insert "courts".

Amend page 25, section 3B:3-37, line 2, after "death", delete "or", insert "of".

Amend page 25, section 3B:3-38, line 5, delete "indefienite", insert "indefinite".

Amend page 25, section 3B:3-39, line 4, delete "expression", insert "expressions".

Amend page 26, section 3B:3-43, line 8, delete "subsection", insert "section".

Amend page 27, section 3B:3-46, line 10, after "as", insert "of".

Amend page 28, section 3B:4-2, line 2, delete "me", insert "be".

Amend page 30, table of contents, c. 3, article 2, heading, delete "not provided for in will", insert "Not Provided for in Will".

Amend page 31, section 3B:5-3, line 13, delete "3A:3A-34", insert "3A:2A-34".

Amend page 32, section 3B:5-4, line 32, after "by", delete "the".

Amend page 32, section 3B:5-8, line 4, before "3A:2A-40", insert "C."

Amend page 34, c. 3, article 2, heading, delete "not provided for in will", insert "Not Provided for in Will".

Amend page 36, section 3B:7-1, line 4, after "estate", insert "and the estate".

Amend page 37, section 3B:7-5, line 3, delete "article", insert "chapter".

Amend page 37, section 3B:7-6, line 6, delete "3A:3A-8", insert "3A:38A-8".

Amend page 43, section 3B:8-19, line 5, delete "contributions", insert "contribution".

Amend page 45, section 3B:9-4, line 1, delete "a".

Amend page 46, section 3B:9-8, line 4, after "to", insert "a"; delete "of", insert "if".

Amend page 46, section 3B:9-8, line 10, after "interest", insert "is".

Amend page 47, section 3B:9-9, line 8, after "or", insert "any".

Amend page 47, section 3B:9-13, line 4, delete "act", insert "chapter".

Amend page 51, section 3B:10-7, line 10, delete "an", insert "to".

Amend page 51, section 3B:10-7, line 13, delete "30:6-9", insert "3A:6-9".

Amend page 53, section 3B:10-10, line 22, after "of", insert "his".

Amend page 56, section 3B:10-27, line 5, after "C. 3A:2A-52", insert "(1977, c. 412, s. 55)".

Amend page 57, section 3B:10-28, line 1, delete "Expenditures", insert "Expeditious".

Amend page 57, section 3B:10-29, line 5, delete "persons", insert "person".

Amend page 58, section 3B:11-1, line 1, delete "reserve", insert "reserved".

Amend page 60, section 3B:11-5, line 14, delete "3A:6-50", insert "3A:6-49".

Amend page 60, section 3B:11-6, line 3, after "a", insert "fit".

Amend page 61, section 3B:11-10, line 14, after "code," insert "and shall not make any investments as defined in section 4944 of the code,".

Amend page 62, section 3B:11-12, line 9, delete "s. 8", insert "s. 5".

Amend page 63, table of contents, c. 12, article 1, line 1, after "of", insert "the".

Amend page 63, table of contents, c. 12, article 2, line 2, delete "transferred", insert "delivered".

Amend page 63, table of contents, c. 12, article 2, line 3, delete "transfer", insert "delivery".

Amend page 63, table of contents, c. 12, article 2, line 7, after "excess", insert "sums".

Amend page 64, table of contents, c. 12, article 3D, line 13, delete "appointments", insert "appointment".

Amend page 64, table of contents, c. 12, article 3D, line 15, delete "person", insert "parent".

Amend page 65, table of contents, c. 12, article 5A, line 17, after "estate", insert "in making expenditures".

Amend page 68, section 3B:12-8, line 12, delete "the", insert "that".

Amend page 73, section 3B:12-28, line 11, delete "use", insert "user".

Amend page 73, c. 12, article 4B, heading, delete "guardian", insert "Guardian".

Amend page 75, c. 12, article 5, heading, delete "court and guardians", insert "Court and Guardians".

Amend page 80, section 3B:12-53, line 4, delete "duty", insert "duties".

Amend page 80, section 3B:12-55, line 10, delete "s. 19", insert "s. 18".

Amend page 80, section 3B:12-56, line 3, delete "mentally", insert "mental".

Amend page 82, section 3B:12-61, line 11, delete "and", insert "an".

Amend page 84, section 3B:12-66, line 7, delete "3A6-47", insert "3A:6-47".

Amend page 86, section 3B:13-2, line 13, before "Estate", insert "e."

Amend page 88, section 3B:13-11, line 16, delete "3:29-2", insert "3A:29-2".

Amend page 88, c. 13, article 4, heading, delete "estates and property received from sources other than", insert "Estates and Property Received from Sources Other Than".

Amend page 90, section 3B:13-22, line 7, delete "educed", insert "reduced".

Amend page 92, section 3B:13-30, line 1, delete "account", insert "accounts".

Amend page 93, table of contents, c. 14, article 4B, lines 1 and 2, after "property", insert ",".

Amend page 97, section 3B:14-9, line 9, delete "reinstates", insert "reinstatement of".

Amend page 98, section 3B:14-13, line 7, delete "remains", insert "remain".

Amend page 99, section 3B:14-17, line 3, delete "ward", insert "war".

Amend page 99, c. 14, article 3, heading, delete "removal of fiduciaries", insert "Removal of Fiduciaries".

Amend page 100, section 3B:14-21, line 19, after "one", insert "of two".

Amend page 101, c. 14, article 4, heading, delete "fiduciaries", insert "Fiduciaries".

Amend page 101, c. 14, article 4A, heading, delete "general", insert "General".

Amend page 101, section 3B:14-23, line 10, delete "assets", insert "asset".

Amend page 103, section 3B:14-23, line 104, delete "be", insert "have".

Amend page 103, section 3B:14-23, line 114, before "period", insert "decendent, for any".

Amend page 104, c. 14, article 4B, heading, delete "fiduciaries", insert "Fiduciaries".

Amend page 106, section 3B:14-32, line 6, delete "1979", insert "1977".
Amend page 106, section 3B:14-33, line 8, delete "1979", insert "1977".
Amend page 106, section 3B:14-34, line 5, delete "1979", insert "1977".
Amend page 107, section 3B:14-37, line 6, after "exercise.", delete "No", insert "Except as to real property specifically devised, no".
Amend page 107, section 3B:14-37, line 21, after "s. 74", insert "amended 1979, c. 221, s. 6".
Amend page 108, section 3B:14-40, line 5, delete "exception", insert "except".
Amend page 108, section 3B:14-40, line 7, delete "letter", insert "letters".
Amend page 110, section 3B:14-47, line 1, delete "3B:14-17", insert "3B:14-47".
Amend page 112, section 3B:14-55, line 1, delete "3A:14-55", insert "3B:14-55".
Amend page 112, section 3B:14-56, line 1, delete "3A:14-56", insert "3B:14-56".
Amend page 114, c. 14, article 8, heading, delete "real property", insert "Real Property".
Amend page 115, c. 15, heading, delete "Securities", insert "Sureties".
Amend page 117, section 3B:15-1, line 27, delete ".", insert " ;".
Amend page 119, section 3B:15-7, line 5, after "guardian", insert "is the guardian".
Amend page 121, c. 15, article 3B, heading, delete "minors consisting of proceeds of judgments", insert "Minors Consisting of Proceeds of Judgments".
Amend page 121, section 3B:15-16, line 14, before "savings", insert "federal".
Amend page 122, c. 15, article 4, heading, delete "surety and reduction of bonds", insert "Surety and Reduction of Bonds".
Amend page 124, section 3B:15-26, line 12, delete "with", insert "within".
Amend page 124, section 3B:15-27, line 1, delete "3B:14-27", insert "3B:15-27".
Amend page 126, section 3B:16-3, line 1, delete "In", insert "If".
Amend page 128, table of contents, c. 17, article 2, line 7, delete "estate", insert "account".
Amend page 128, table of contents, c. 17, article 3, line 1, delete "Non-testamentary", insert "Nontestamentary".

Amend page 128, table of contents, c. 17, article 4, line 2, after "safe-keeping", insert "of".
Amend page 132, table of contents, c. 18, article 4, line 9, delete "or conservatorship".
Amend page 132, table of contents, c. 18, article 4, line 19, delete " ;", insert "or".
Amend page 132, table of contents, c. 18, article 4, line 19, delete "or conservatorship".
Amend page 137, c. 18, article 4, heading, delete " ;".
Amend page 140, section 3B:18-33, line 2, delete " ;", insert "or"; delete "or conservatorship".
Amend page 141, table of contents, c. 19, article 1, line 18, delete "dividends", insert "dividend".
Amend page 141, section 3B:19-1, line 11, delete "agreement", insert "instrument".
Amend page 141, section 3B:19-1, lines 21 and 22, after "investment", insert "company or investment".
Amend page 146, section 3B:19-16, line 7, delete "tust", insert "trust".
Amend page 147, table of contents, c. 20, article 1, line 9, delete "Trust", insert "Trusts"; after "of", insert "trust".
Amend page 148, table of contents, c. 20, article 2, line 5, delete "instrument", insert "investment".
Amend page 148, table of contents, c. 20, article 3, heading, after "Recapitalization", insert "Reorganization".
Amend page 149, section 3B:20-1, line 25, delete "s. 1", insert "s. 2".
Amend page 151, section 3B:20-9, line 2, after "conditions", insert "which".
Amend page 152, c. 20, article 2, heading, delete "investment law", insert "Investment Law".
Amend page 153, c. 20, article 3, heading, after "Exchange or", delete entire lines; insert "Conversion of Securities Upon Recapitalization, Reorganization, Merger or Consolidation of Issuing Corporation".
Amend page 153, section 3B:20-20, line 6, delete "a.".
Amend page 153, section 3B:20-20, line 8, delete " ;", insert " ;".
Amend page 153, section 3B:20-20, line 9, delete "b.".
Amend page 154, section 3B:20-24, line 7, delete "a.".
Amend page 154, section 3B:20-24, line 8, delete " ; or b.", insert "or".
Amend page 154, section 3B:20-25, line 2, after "deed", omit "or", insert "of".

Amend page 157, section 3B:21-1, line 14, delete "R. S.", insert "N. J. S."

Amend page 159, table of contents, c. 22, article 3A, line 6, delete "Directions", insert "Direction".

Amend page 164, section 3B:22-16, line 6, delete "devisee", insert "devise".

Amend page 164, section 3B:22-17, line 2, delete "devisee", insert "devise".

Amend page 165, section 3B:22-21, line 6, after "claims", insert "allowed".

Amend page 171, table of contents, c. 23, article 1, line 10, delete "purposes", insert "purpose".

Amend page 171, table of contents, c. 23, article 2, line 3, delete "funds", insert "fund".

Amend page 171, table of contents, c. 23, article 4, heading, delete "Etc", insert "etc".

Amend page 171, table of contents, c. 23, article 4B, heading, delete "Etc", insert "etc".

Amend page 172, table of contents, c. 23, article 5B, line 5, after "representative", insert "is"; after "of", insert "a".

Amend page 172, table of contents, c. 23, article 8, line 1, delete "to", insert "of".

Amend page 173, section 3B:23-1, line 18, delete "c. 211", insert "c. 221".

Amend page 174, section 3B:23-6, line 1, after "Proof", insert "of".

Amend page 174, section 3B:23-6, line 2, delete "asset", insert "assets".

Amend page 176, c. 23, article 2, heading, delete "under", insert "Under".

Amend page 176, section 3B:23-12, line 13, after "s. 76", insert "amended 1979, c. 221, s. 7".

Amend page 176, section 3B:23-13, line 7, after "s. 76", insert "amended 1979, c. 221, s. 7".

Amend page 176, section 3B:23-14, line 7, after "s. 76", insert "amended 1979, c. 221, s. 7".

Amend page 176, section 3B:23-15, line 5, after "s. 76", insert "amended 1979, c. 221, s. 7".

Amend page 180, section 3B:23-29, line 4, after "to", insert "in".

Amend page 184, section 3B:24-2, line 2, delete "estate tax", insert "tax estate".

Amend page 185, section 3B:24-2, line 18, delete "esse", insert "sese".

Amend page 186, section 3B:24-7, line 15, delete "exporation", insert "expiration".

Amend page 187, section 3B:24-8, line 6, delete "to", insert "by".

Amend page 187, section 3B:24-8, line 15, after "from", delete "the", insert "any".

Amend page 189, section 3B:27-1, line 9, delete "1979", insert "1977".

Amend page 191, section 3B:27-4, line 13, delete "state", insert "estate".

Amend page 191, table of contents, c. 28, article 1, line 6, delete "3B:28:3.1", insert "3B:28-3.1".

Amend page 191, table of contents, c. 28, article 1, line 7, delete " ; ", insert ".".

Amend page 193, section 3B:28-3.1, line 7, delete "required", insert "acquired".

Amend page 193, c. 28, article 2, heading, delete "saved from repeal", insert "Saved from Repeal".

Amend page 195, section 3B:29-1, lines 23 and 24, after "3A:16-13 to", delete "3A:16-15 inclusive, 3A:16-18 to".

Amend page 196, section 3B:29-1, lines 33 and 34, after "3A:25-9 to", delete "3A:25-11 inclusive, 3A:25-13 to".

Amend page 196, section 3B:29-1, after line 44, insert "N. J. S. 3A:36-1 to 3A:36-5 inclusive; N. J. S. 3A:37-1 to 3A:37-6 inclusive;".

Amend page 196, section 3B:29-1, line 46, delete "to", insert "and".

Amend page 196, section 3B:29-1, line 53, after "3A:2A-83", insert "inclusive".

Amend page 197, section 3B:29-1, after line 82, insert "Laws of 1979, c. 485, s. 1 (C. 3A:35-5);".

Amend page 197, allocation of source material, line 2, after "R. S. 1:1-14", delete "3B:1-6", insert "3B:1-5".

Amend page 198, allocation of source material, line 13, after "L. 1977, c. 412, s. 15", delete "3B:3-16", insert "3B:3-19".

Amend page 198, allocation of source material, line 14, after "L. 1977, c. 412, s. 16", delete "3B:3-17", insert "3B:3-18".

Amend page 199, allocation of source material, line 17, after "3A:2A-51", delete "3B:20-24", insert "3B:10-24".

Amend page 200, allocation of source material, line 27, after "L. 1977, c. 412, s. 86", delete "3B:7-4".

Amend page 200, allocation of source material, line 35, after "N. J. S. 3A:3-1", delete "As am. L. 1953, c. 40", insert "As am. L. 1953, c. 80".

Amend page 201, allocation of source material, line 6, after "N. J. S. 3A:3-5", delete "L. 1967, c. 363", insert "L. 1967, c. 293".

Amend page 203, allocation of source material, line 10, after "N. J. S. 3A:4-8", delete "As am. L. 1971, c. 341", insert "As am. L. 1971, c. 374".

Amend page 203, allocation of source material, line 27, after "N. J. S. 3A:5-6", insert "As am. L. 1977, c. 412, s. 87".

Amend page 206, allocation of source material, line 10, before "3A:6-33", delete "C.", insert "N. J. S."

Amend page 206, allocation of source material, line 33, after "N. J. S. 3A:6-46", delete "3B:12-65", insert "Not Enacted".

Amend page 206, allocation of source material, line 34, after "N. J. S. 3A:6-47", delete "3B:12-66", insert "{3B:12-65
}3B:12-66".

Amend page 207, allocation of source material, line 15, after "N. J. S. 3A:6-68", delete "3B:14-24", insert "3B:14-23".

Amend page 207, allocation of source material, line 32, after "C. 3A:7-14.1", delete "L. 1960, c. 271, s. 1", insert "L. 1960, c. 71, s. 1".

Amend page 208, allocation of source material, line 30, after "N. J. S. 3A:9-8", insert "As am. L. 1979, c. 482, s. 6".

Amend page 209, allocation of source material, line 1, after "N. J. S. 3A:10-2", delete "As am. L. 1950, c. 80, s. 2", insert
"As am. L. 1957, c. 80, s. 2;
L. 1964, c. 25;
L. 1972, c. 147".

Amend page 209, allocation of source material, line 12, after "N. J. S. 3A:10-2", delete "3B:18-31".

Amend page 213, allocation of source material, after line 22, after "N. J. S. 3A:15-27 (Repealed)", insert "L. 1975".

Amend page 214, allocation of source material, line 2, after "C. 3A:15-36", delete "L. 1979, c. 240", insert "L. 1979, c. 490".

Amend page 217, allocation of source material, line 10, after "N. J. S. 3A:20-7", delete "As am. L. 1966, c. 41, s. 2".

Amend page 217, allocation of source material, line 16, after "N. J. S. 3A:20-8", delete "As am. L. 1966, c. 41, s. 2".

Amend page 219, allocation of source material, between lines 16 and 17, between "N. J. S. 3A:24-20" and "N. J. S. 3A:24-22", insert

"N. J. S. 3A:24-21 {Not Enacted;
}unnecessary".

Amend page 225, allocation of source material, line 1, after "C. 3A:35-5", insert "L. 1979, c. 485".

Amend page 226, allocation of source material, line 18, after "C. 3A:38A-1", delete "L. 1977, c. 483, s. 1", insert "L. 1979, c. 483, s. 1".

Amend page 226, allocation of source material, line 23, after "C. 3A:38A-2", delete "L. 1977, c. 483, s. 2", insert "L. 1979, c. 483, s. 2".

Amend page 226, allocation of source material, line 27, after "C. 3A:38A-3", delete "L. 1977, c. 483, s. 3", insert "L. 1979, c. 483, s. 3".

Amend page 226; allocation of source material, line 28, after "C. 3A:38A-4", delete "L. 1977, c. 483, s. 4", insert "L. 1979, c. 483, s. 4".

Amend page 226, allocation of source material, line 31, after "C. 3A:38A-5", delete "L. 1977, c. 483, s. 5", insert "L. 1979, c. 483, s. 5".

Amend page 226, allocation of source material, line 34, after "C. 3A:38A-6", delete "L. 1977, c. 483, s. 6", insert "L. 1979, c. 483, s. 6".

Amend page 226, allocation of source material, line 35, after "C. 3A:38A-7", delete "L. 1977, c. 483, s. 7", insert "L. 1979, c. 483, s. 7".

Amend page 226, allocation of source material, line 37, after "C. 3A:38A-8", delete "L. 1977, c. 483, s. 8", insert "L. 1979, c. 483, s. 8".

Amend page 227, allocation of source material, line 10, after "N. J. S. 3A:40-1", delete "L. 1979, c. 412, s. 88", insert "L. 1977, c. 412, s. 88".

Amend page 227, allocation of source material, line 14, after "N. J. S. 3A:40-4", delete "(3B:27-5)".

Amend page 227, allocation of source material, between pages 13 and 15, between "N. J. S. 3A:40-4" and "N. J. S. 3A:40-6", insert "N. J. S. 3A:40-5 3A:27-5".

Amend page 239, treatment of source material, line 13, after "3B:14-34", delete "C. 3A:2A-69", insert "C. 3A:2A-68".

Amend page 249, treatment of source material, line 15, after "3B:29-1", delete "N. J. S. 3A:37-7".

JANUARY 7, 1982

- 1 -

Under current law, banks are required to publish notices of unclaimed deposits twice in the fifth year of dormancy and twice in the tenth year. This bill repeals that requirement.

A-3580, sponsored by Assemblyman Albert Burstein (D-Bergen) revising the entire statutory law governing estates and trusts now set forth in Title 3A, and codifying them under a new Title 3B.

The revisions, needed to organize some of the confusing and obsolescent provisions cause by the many amendments to Title 3A since its enactment in 1951, places the sections of Title 3A in a more logical order, added some new provisions and repealing obsolete or superseded statutes.

The bill takes effect the first day of the fourth month following enactment.

A-3274, sponsored by Assemblyman Thomas A. Gallo (D-Hudson) granting tenure to certain county adjusters who have held their position for five or more years. Tenure