

**LEGISLATIVE HISTORY CHECKLIST**  
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(Probate wills)

**NJSA:** 3B:3-28

**LAWS OF:** 1997 **CHAPTER:** 20

**BILL NO:** A1673

**SPONSOR(S):** Russo and Bateman

**DATE INTRODUCED:** February 24, 1997

**COMMITTEE:** **ASSEMBLY:** Judiciary  
**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** June 17, 1996  
**SENATE:** January 27, 1996

**DATE OF APPROVAL:** February 24, 1997

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

P.L. 1997, CHAPTER 20, *approved February 24, 1997*  
Assembly, No. 1673

1 AN ACT concerning probate of wills of certain decedents and  
2 amending N.J.S.3B:3-28.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.3B:3-28 is amended to read as follows:

8 3B:3-28. Probate of will of nonresident decedent where property  
9 situated in New Jersey. Where the will of any person not resident in  
10 this State at his death has not been admitted to probate in the state,  
11 jurisdiction or country in which he then resided and no proceeding is  
12 there pending for the probate of the will, and he died owning real  
13 estate situate in any county of this State or personal property, or  
14 evidence of the ownership thereof, situate therein at the time of  
15 probate, the Superior Court or the surrogate's court may admit the  
16 will to probate and grant letters thereon.

17 (cf: P.L.1981, c. 405, s.3B:3-28)

18  
19 2. This act shall take effect immediately .

20  
21  
22 STATEMENT

23  
24 This bill amends N.J.S.3B:3-28 to include the surrogate's court as  
25 having the authority to admit the will to probate of a person who is not  
26 resident in New Jersey at his death but who owns real or personal  
27 property in this State if there is no proceeding pending where he did  
28 live at his death. Currently this statute only gives the Superior Court  
29 this authority.

30  
31  
32  
33 Gives surrogate's court authority to probate wills of certain decedents  
34 not resident in this State.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1673

**STATE OF NEW JERSEY**

DATED: MARCH 11, 1996

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1673.

This bill amends N.J.S.3B:3-28 to include the surrogate's court as having the authority to admit to probate the will of a person who is not resident in New Jersey at the time of his death but who owns real or personal property in this State, if there is no proceeding pending where the person did live at the time of his death. Currently this statute only gives the Superior Court this authority.

**SENATE JUDICIARY COMMITTEE**

**STATEMENT TO**

**ASSEMBLY, No. 1673**

**STATE OF NEW JERSEY**

**DATED: DECEMBER 16, 1996**

The Senate Judiciary Committee reports favorably Assembly Bill No. 1673.

Under the provisions of N.J.S.3B:3-38, presently only the Superior Court has the authority to admit to probate the will of a person who is not resident in New Jersey at the time of his death but who owns real or personal property in this State, if there is no proceeding pending where the person lived at the time of his death. This bill would also grant to the surrogate's court the authority to admit a will to probate under those circumstances.

A1673



**OFFICE OF THE GOVERNOR  
NEWS RELEASE**

**CN-004**

**TRENTON, NJ 08625**

**CONTACT: Pete McDonough  
609-777-2600**

**RELEASE: Mon., Feb. 24, 1997**

Gov. Christie Whitman today signed legislation that gives the surrogate court the authority to probate wills of certain descendants who are not residents of New Jersey.

The legislation amends current law to allow the surrogate court to probate the will of a person who is not a resident of New Jersey at the time of his or her death but who owned real or personal property in the state at the time of death. Under current law, only the Superior Court has this authority.

✓ A - 1673<sup>C20</sup> was sponsored by Assembly Members David Russo (R-Bergen/Passaic) and Christopher "Kip" Bateman (R-Morris/ Somerset).