

**FORMS FOR OBTAINING A DECLARATION OF DEATH AND TO PROBATE AN ESTATE FOR A
PERSON MISSING IN CONNECTION WITH THE TERRORIST ATTACKS ON SEPTEMBER 11, 2001.**
(SUPERIOR COURT OF NEW JERSEY, CHANCERY DIVISION, PROBATE PART)
Full Set of Forms for Use by Surrogates, Attorneys, and others Providing Assistance to Litigants

FORM A -- VERIFIED COMPLAINT

To be completed by litigant in all cases to initiate the following actions:

1. Obtain a Declaration of Death for an individual presumed dead because of the events of September 11, 2001, where a death certificate has not been issued;
2. Have the individual's Last Will and Testament probated and an executor or executrix appointed, or, if the individual did not have a Last Will and Testament, have a general administrator appointed;
3. Have the Court appoint a trustee for a missing person's estate to permit immediate access to certain of the decedent's assets needed for the care and maintenance of his/her dependents while the court considers the case.

FORM B - ORDER TO SHOW CAUSE

Applicable to all cases; to be filed with the Verified Complaint. Blanks on first page should be completed. For cases related to the September 11, 2001 attacks, no newspaper publication of the Order to Show Cause is required.

FORM C - TRUSTEE FOR MISSING PERSON'S PROPERTY

To be completed and filed with the Verified Complaint only if the Plaintiff is seeking to have a Trustee named to obtain immediate access to Decedent's estate. Blanks on the first page should be completed.

FORM D - GUARDIAN AD LITEM

To be completed and filed with the Verified Complaint only if there are minor children whose interests may be affected by the legal action.

FORM E - PROOF OF SERVICE

To be completed and filed after the court has issued an Order to Show Cause. Applicable to all cases, to prove that the Plaintiff has served the Order to Show Cause on all interested parties. All blanks should be completed and copies of return receipts should be attached.

FORM F - JUDGMENT

To be submitted to the court with the Verified Complaint in all cases; this is the document that the judge will sign to enter the court's determination. All blanks on the first two pages should be completed, if the information is known. In paragraph #5 insert the name of the proposed executor or executrix. Delete paragraphs #4 and 5 if the decedent did not have a Last Will and Testament. In Alternate paragraph #4, insert the decedent's name and the name of the proposed General Administrator. The court will insert the amount of the bond if necessary.

FORM A -- VERIFIED COMPLAINT FOR A DECLARATION OF DEATH, ESTATE ADMINISTRATION, AND TRUSTEE APPOINTMENT

Plaintiff *(Person filing the Complaint)*

Address:

Telephone Number: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____
COUNTY
PROBATE PART

IN THE MATTER OF

Print or type name of Decedent (the person who died),

DECEASED

Docket No.

(To be filled in by the court)

CIVIL ACTION

VERIFIED COMPLAINT FOR A
DECLARATION OF DEATH, ESTATE
ADMINISTRATION AND TRUSTEE
APPOINTMENT

Plaintiff, _____ residing at

_____, City/Township/ Borough of

_____, _____ County, New Jersey, by way of verified complaint

says:

COUNT I (Declaration of Death)

1. On September 11, 2001, _____ (decedent) departed this life in the New York City World Trade Center [Pentagon][Airplane] terrorist attack.
2. The plaintiff is related to the decedent and is the decedent's _____.
3. The decedent was born on _____ in _____.

4. The decedent's heirs-at-law are: (spouse, children, and -- possibly -- grandchildren, parents, grandparents, brothers, sisters, aunts, uncles, nieces, nephews or first cousins. The Surrogate may be able to provide information as to whom to list.)

<u>Name</u>	<u>Relationship</u>	<u>Age</u> (Adult/Minor)
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These are the decedent's only heirs-at-law.

5. On September 11, 2001, the decedent resided at _____,
_____ County, New Jersey.

6. On September 11, 2001, the decedent was employed by
_____, whose offices were located at
_____ (specify address). His/her occupation was that of
_____. Attached is documentation of the decedent's employment
(paycheck, etc.).

7. Describe whatever you know about the decedent's activities on September 11, 2001, including facts showing that he or she was at or near the World Trade Center [on an affected airplane] [at or near the Pentagon]:

8. Recount the effort to locate the decedent after the decedent failed to communicate or return home after the September 11, 2001 events:

9. **[Cross out one]**

So far as the plaintiff has been able to ascertain, the decedent left no Last Will and Testament.

OR

The decedent left a Last Will and Testament dated _____. The names and address of the devisees (beneficiaries) named therein, in addition to any heirs-at-law listed in paragraph 4, are:

<u>Name</u>	<u>Address</u>	<u>Beneficiary Interest</u> <i>(What is left to him/her.)</i>
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10. **[If applicable]** The decedent is record owner of real property commonly known as _____, New Jersey. No person other than the heirs-at-law identified in paragraph 4 has, or would have, any interest in any real or personal estate by reason of the death of the decedent, and no other person is entitled to any interest which expires or is contingent upon the decedent's death.

11. The plaintiff believes and understands that there is life, credit life or other insurance policy upon the life of the decedent with the following insurance companies:

<u>Insurance Company</u>	<u>Address</u>	<u>Policy Number</u>	<u>Face Amount</u>	<u>Beneficiary</u>
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12. The plaintiff has made a diligent inquiry with the decedent's relatives about the decedent's whereabouts. The decedent's living siblings, parents and other relatives have not seen nor heard from the decedent since September 11, 2001. The effort to locate the decedent has been unsuccessful and no satisfactory explanation, except that the decedent died in the World Trade Center [Pentagon] conflagration and building collapse [or airplane crash] on September 11, 2001, is known to the plaintiff.

WHEREFORE, the plaintiff demands judgment declaring that:

a. The said _____ was exposed to the World Trade Center [Pentagon][Airplane] terrorist attack of September 11, 2001 that resulted in loss of life to many persons known and unknown and his/her absence following the catastrophic conflagration and collapse of the World Trade Center [Pentagon] [airplane crash] is unexplained after a diligent search and inquiry and therefore the said _____ be declared to be dead and that he/she died on September 11, 2001.

b. for such other relief as the Court may deem just and equitable.

COUNT II (Estate Administration)

The plaintiff repeats paragraphs one through twelve of Count I as if set forth at length herein.

13. The decedent departed this life [**check one**] **9**testate (with a will)
9intestate (without a will)

IF TESTATE (that is, if decedent left a will):

Alternate 14a: The decedent left a Last Will and Testament dated _____ that is being submitted for probate with this Complaint. Attached and made a part hereof is the decedent's original Last Will and Testament. The decedent's Last Will and Testament is self proving and may be admitted to probate without further affidavit, deposition or witness proofs. Named as the executor or executrix in the decedent's Last Will and Testament is _____.

OR IF INTESTATE (that is, if decedent left no will):

Alternate 14b: The plaintiff is first entitled to Letters of Administration.

OR

Alternate 14c: All competent adult persons entitled to letters of administration for the estate of the decedent, whose rights are prior or equal to the plaintiff have renounced or will be given notice of this application.

WHEREFORE, the plaintiff demands judgment that:

- a. the court admit the decedent's last will and testament to probate;
- b. Letters Testamentary be issued to _____;
- c. such other relief as the court may deem just and equitable.

OR

- a. the court grant Letters of Administration for the estate of the decedent to _____;
- b. such other relief as the court may deem just and equitable.

COUNT III

The plaintiff repeats paragraphs one through twelve of Count I and paragraphs thirteen and fourteen of Count II as if set forth at length herein.

15. The property of the decedent is necessary for the care, shelter and support of the decedent's family and dependents or is subject to waste or dissipation pending the declaration of death and appointment of a personal representative herein demanded.

16. The provisions of *N.J.S.A. 3B:26-1 to -4* authorize the appointment of a trustee for an absent person's estate.

17. It is requested that the trustee's powers be limited to certain property and further that the use of the property be limited to providing for the support, shelter and care for the missing person's family and the protection of the missing person's real property pending the declaration of death and appointment of a personal representative action herein maintained and therefore bond be waived.

18. The plaintiff requests that the trustee be given authority over the following of the decedent's property:

Bank/Institution

Account No.

Account Owner(s)

WHEREFORE, the plaintiff demands judgment that:

- a. a trustee be appointed to manage the estate of the missing decedent pending an adjudication of death.
- b. for such other relief as the Court may deem just and equitable.

Date: _____

SIGNATURE OF PLAINTIFF

TYPE OR PRINT NAME

VERIFICATION

I, _____, hereby certify and say:

1. I am the plaintiff in the within action.
2. I have read the complaint and its contents are true to my personal knowledge.
3. The value of the decedent's personal estate will not exceed \$_____ and the real estate value will not exceed \$_____.

I hereby certify that the statements made by me are true. I am aware that if any are wilfully false I am subject to punishment.

Date:

SIGNATURE OF PLAINTIFF

TYPE OR PRINT NAME

FORM B -- ORDER TO SHOW CAUSE FOR DECLARATION OF DEATH, WILL
PROBATE AND APPOINTMENT OF ESTATE PERSONAL
REPRESENTATIVE (EXECUTOR OR GENERAL ADMINISTRATOR)

Plaintiff *(Person filing the Complaint)*

Address:

Telephone Number: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____

COUNTY

PROBATE PART

Docket No.

(To be filled in by the court)

CIVIL ACTION

IN THE MATTER OF

_____,
Print or type name of Decedent (the person who died)

DECEASED

ORDER TO SHOW CAUSE

This matter having been presented to the Court for an adjudication that _____ died on September 11, 2001, [for probate of his/her last will and testament] and for granting (Letters Testamentary) (Letters of General Administration)] and for such other relief as the Court may deem just, and the Court having read and considered the verified complaint, supporting affidavits, and other papers and pleadings for this application, and for good cause shown:

(Do not write below this line- for court use only.)

IT IS on this _____ day of _____, 2001 , *ORDERED* that:

1. The parties-in-interest show cause before this court at the _____ County Court House, _____, New Jersey on the ____ day of _____, 2001 , at _____ o'clock in the ____ noon, or as soon thereafter as plaintiff may be heard, why a judgment should not be rendered declaring that the above decedent died on September 11, 2001 and [his/her last will and testament be admitted to probate] and a personal representative appointed for his/her estate.

2. A copy of the verified complaint, supporting affidavits and this order to show cause shall be served on the heirs-at- law, insurance companies and the other interested parties set out in the complaint by certified mail, return receipt requested within ____ days of the date of this order.

3. That any person wishing to contest this application may file not later than four days before the return date any interested party shall file and serve the court and the plaintiff, either an answer, or answering affidavit, or a motion returnable on the return date and in default thereof the action may proceed ex-parte and the entry of a judgment granting the relief requested. In the event you are unable to obtain an attorney, you may communicate with the legal services office or lawyer referral service in your county.

J. S .C.

FORM C -- ORDER APPOINTING TRUSTEE WITH LIMITED AUTHORITY FOR MISSING PERSON

Plaintiff *(Person filing the Complaint)*

Address:

Telephone Number: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____

COUNTY

PROBATE PART

Docket No.

(To be filled in by the court)

CIVIL ACTION

IN THE MATTER OF

_____,

Print or type name of Decedent (the person who died)

DECEASED

ORDER APPOINTING TRUSTEE WITH
LIMITED AUTHORITY FOR MISSING
PERSON'S ESTATE

This matter being presented to the Court by _____ seeking the appointment of a Trustee with the limited authority to protect and preserve the estate of a missing person; and it appearing that _____ is missing and has not been seen or heard from since September 11, 2001; and the appointment of a Trustee to marshal and conserve the missing person's estate is necessary while an application for a declaration of death is pending; and it appearing that good and sufficient cause exists for the relief requested.

It is on this ____ day of _____, 2001 *ORDERED and ADJUDGED* that pursuant to *N.J.S.A. 3B:26-2* _____ whose address is _____ be and hereby is appointed the Trustee of the Estate of _____, a missing person, without bond upon otherwise qualifying according to law.

It is further *ORDERED* that pending the outcome of the declaration of death litigation and subject to right of the Trustee to apply for additional powers deemed necessary to protect and preserve the missing person's estate or support the missing person's dependents the authority of the Trustee be and hereby is limited to:

- A. Securing the missing person's residence at _____, _____ County, New Jersey,
- B. the procurement, if necessary, of fire and liability insurance to protect the missing person's real and personal property including any motor vehicles;
- C. the authority to make withdrawal of funds from account # _____ in the name of the missing person at _____ Bank for the payment of any real property taxes, mortgage installments, insurance and utility charges, accrued or accruing, connected with the missing person's residence and any funds necessary for the support, care, welfare and maintenance of the missing person's dependents.

And, it is further *Ordered* that after the Trustee qualifies as herein set out, the Surrogate of _____ County shall issue Letters of Trusteeship as herein provided.

J.S.C.

FORM D -- ORDER APPOINTING GUARDIAN AD LITEM

Plaintiff *(Person filing the Complaint)*

Address:

Telephone Number: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____
COUNTY
PROBATE PART

IN THE MATTER OF

_____,
Print or type name of Decedent (the person who died)

DECEASED

Docket No.

(To be filled in by the court)

CIVIL ACTION

ORDER APPOINTING
GUARDIAN AD LITEM

It appearing from the plaintiff's verified complaint in the above-entitled action that the interest of a minor(s) without a general or testamentary guardian(s) is (are) involved; and good cause appearing.

It is on this ___ day of _____ 2001, ORDERED that _____ be, and hereby is, appointed the guardian ad litem for _____ for the purpose of representing the interests of said minor(s) in the above-entitled action.

J.S.C.

FORM E -- PROOF OF SERVICE

Plaintiff *(Person filing the Complaint)*

Address:

Telephone Number: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____

COUNTY
PROBATE PART

Docket No.

(To be filled in by the court)

CIVIL ACTION

IN THE MATTER OF

_____,
Print or type name of Decedent (the person who died)

DECEASED

PROOF OF SERVICE

_____, of full age, hereby certifies and says:

1. I am the plaintiff in the within matter.
2. On _____, 2001, I mailed by certified mail, return receipt requested, a true copy of the verified complaint for a declaration of death, [will probate] appointment of [an execut(or)(rix)] [a general administrator] , supporting affidavits and documents and the order to show cause returnable on _____ to the following parties-in-interest:

2. (continued)

Name

Address

3. Attached are photocopies of the certified mail return receipt cards signed for by the aforesaid parties in interest except: _____.

I certify that the foregoing statement made by me is true. I am aware if the foregoing statement made by me is willfully false, I am subject to punishment.

Dated: _____

Plaintiff

FORM F-- JUDGMENT DECLARATION OF DEATH [AND ADMITTING THE
DECEDENT'S LAST WILL AND TESTAMENT TO PROBATE AND
GRANTING LETTERS TESTAMENTARY][AND APPOINTING A
GENERAL ADMINISTRATOR/ADMINISTRATRIX]

Plaintiff *(Person filing the Complaint)*

Address:

Telephone Number: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____
COUNTY
PROBATE PART

IN THE MATTER OF

_____,
Print or type name of Decedent (the person who died)

DECEASED

Docket No.

(To be filled in by the court)

CIVIL ACTION

JUDGMENT OF DECLARATION OF
DEATH [AND ADMITTING DECEDENT'S
LAST WILL AND TESTAMENT TO
PROBATE AND GRANTING LETTERS
TESTAMENTARY] [AND APPOINTING A
GENERAL
ADMINISTRATOR/ADMINISTRATRIX]

This matter being presented to the Court by _____ seeking a
declaration of death for _____, last a resident of the _____
County, New Jersey; [and for the probate of the Last Will and Testament and the appointment of

an Execut(or)(rix)]; and it appearing that all matters required by law for the probate of the decedent's last will and testament have been submitted] **OR** [it appearing that _____ died intestate and all matters required by law for the appointment of a general administrator has been submitted]; and proof of publication and proof of service on the parties-in-interest having been filed with the court and the court being satisfied from the proofs submitted that oral testimony is not required; that a diligent and satisfactory inquiry has been conducted; that _____ was exposed to the World Trade Center [Pentagon][Airplane] terrorist attack on September 11, 2001, and it appearing that and good and sufficient cause exists for the relief requested.

It is on this ____ day of _____, 2001, *ORDERED and ADJUDGED* that:

1. The said _____, a resident of New Jersey, was exposed to the World Trade Center [Pentagon][Airplane] terrorist attack on September 11, 2001 that resulted in loss of life to many persons known and unknown.

2. The said _____'s absence following the catastrophic conflagration and collapse of the World Trade Center [Pentagon][airplane crash] is unexplained after a diligent search and inquiry.

3. The said _____ be and hereby is declared to be dead and that he/she died on September 11, 2001.

4. The Last Will and Testament of _____, deceased, dated _____ be and hereby is admitted to probate.

5. _____ be and hereby is appointed Execut(or)(rix) of the Estate of _____ upon qualifying according to law.

OR

4. Letters of General Administration for the Estate of the said _____, deceased, be granted to _____ without bond [with bond in the amount of \$ _____] and upon qualifying according to law.

J.S.C.