

Deceased Resident of Another State

Q The title shows property vested in an individual who died a resident of another state. How do we address this?

A Assuming a personal representative has been appointed in the decedent's state of residence, the easiest way to address this is for the personal representative to obtain authenticated copies of the letters of appointment (and official bond, if any) from the home state and file them with the Surrogate of the county in which the real property is located (NJSA 3B:14-28). Upon such filing, the personal representative may proceed with the sale of the decedent's New Jersey real property as if he/she had been appointed here.

An alternative procedure is found in NJSA 3B:3-27 which provides that for a decedent who died testate (i.e. with a will), the personal representative may record exemplified copies of the will and related probate documents with the Surrogate in the New Jersey county in which the decedent owned real property. Thereafter, the foreign fiduciary may proceed with the sale of the decedent's New Jersey real property as if he/she had been appointed here.

Finally, if no proceedings have been brought for probate of the decedent's estate in his/her home state, a probate action may be opened in the New Jersey county in which the decedent owned real property. Appointment of a personal representative and disposition of the real property will be determined by that Surrogate's court.