

FILED

APR 17 2020

By the Court

Superior Court Chancery Division
Probate Part

In The Matter of

EMERGENT APPLICATION #1 BY
BERGEN COUNTY SURROGATE'S COURT

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
CHANCERY DIVISION: PROBATE PART
P-173-20
CIVIL ACTION

**ORDER ALLOWING REMOTE
VIDEO SUBSCRIPTION
OF PROBATE DOCUMENTS
IN THE SURROGATE'S COURT**

THIS MATTER having come before the Court upon Application by Michael R. Dressler, Surrogate of Bergen County, for an Order allowing the Surrogate and Probate Clerks to permit Applicants and witnesses to appear, swear, and subscribe to documents required for completion of Applications for Probate, and other documents which must be verified under oath in the Surrogate's Court, by way of videoconferencing, and:

WHEREAS on April 14, 2020, Governor Murphy signed into law A.3903 as amended, which allows notaries, attorneys, and other officials in New Jersey to perform notarial acts remotely using technology;

WHEREAS, pursuant to N.J.S.A. 3B:3-17 *et seq.*, and 3B:10-1 *et seq.* the Surrogate is authorized to admit Wills to probate, to grant Letters Testamentary or Letters of Administration, and to perform other functions in Probate matters as set forth in R.4:80-1 *et seq.*, upon application and proofs,

WHEREAS, the Surrogate and Probate Clerks are authorized under N.J.S.A. 41:2-1 to administer oaths, witness signatures, and receive proofs in connection with matters in the Surrogate's Court, which customarily requires the personal appearance of applicants and witnesses in the Surrogate's Court, and

WHEREAS, on or about March 16, 2020, the Governor of New Jersey declared a state of emergency due to the COVID-19 pandemic, which among other things, restricts personal interaction to slow the spread of the virus, and

WHEREAS, Probate is an essential governmental function, but personal interaction between Surrogate staff and the public must be kept to a minimum, and

WHEREAS, the Surrogate of Bergen County has requested the ability to offer the option to applicants and witnesses to be sworn and to execute necessary documents remotely by video conference before the Surrogate or Probate Clerk, in lieu of requiring personal appearance at the Surrogate's Court or before a Notary Public,

NOW THEREFORE, this Court having considered the matter, and good cause appearing,

IT IS ON THIS 17th day of April, 2020, **ORDERED**:

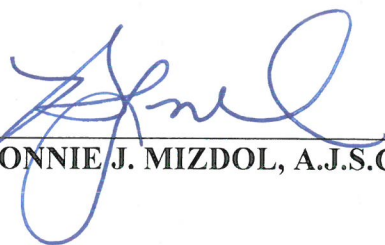
1) For the duration of the COVID-19 State of Emergency, the Bergen County Surrogate and Probate Clerks may administer oaths and witness signatures by videoconferencing in all matters before the Surrogate's Court, in the following manner:

- a. New Jersey representatives may send, via email or facsimile, a completed will fact sheet, the Last Will and Testament (the original will be required, but a copy may be produced initially); copies of two forms of identification (one of which shall be a valid government issued photo identification), a valid social security number, and proof of address indicating current address (such as a utility bill, property tax bill, credit card bill, etc.). Upon receipt of same, qualification papers will be prepared by the Surrogate's Court and sent to counsel and/or the pro se representative, and an appointment scheduled for virtual qualification via Webex.
- b. Two forms of original identification of each applicant and witness shall be submitted for viewing by the Probate Clerk during the videoconferencing, one of which shall be a valid government issued photo identification (such as a Driver's license or U.S. Passport). Photocopies shall not be permissible.
- c. Proof of address indicating current address (such as utility bill, property tax bill, credit card bill) of each applicant and witness shall be submitted for viewing by the Probate Clerk during the videoconferencing.
- d. The Surrogate and Probate Clerks shall have the sole authority to accept or reject the identification provided by each such applicant and witness. If the Surrogate and/or Probate Clerks are not satisfied as to the identity of each such applicant and/or witness, the video-conferencing shall be terminated and the applicant and/or witness must appear at the Surrogate's Court to qualify in person once the COVID-19 state of emergency is lifted.
- e. Upon conclusion of the videoconference, all signed documents must be mailed to the Surrogate's Court, along with payment in full for Surrogate's fees. Upon satisfactory receipt of the signed copies by mail and return and acceptance by the Bergen County Surrogate, Letters Testamentary or Letters of Administration will be issued.

2) Documents executed electronically during such videoconference may be conformed and filed by the Surrogate and shall have the same force and effect as if executed in the physical presence of the Surrogate staff.

3) This Order shall be effective for a period not to exceed the duration of the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020.

4) This Order shall expire upon rescission of Executive Order No. 103 of 2020 by the Governor, or upon further order of this Court, whichever comes first.



BONNIE J. MIZDOL, A.J.S.C.