

RULE 4:89. Distribution

4:89-1. Where an Account Is About to Be Settled

If an account is to be settled, the plaintiff in the complaint may apply to the court for directions as to the distribution of the estate. If such an application is made, notice thereof shall be given either in the order to show cause for the settlement of the account or as the court orders.

Note: Source-R.R. 4:108-1; amended June 29, 1990 to be effective September 4, 1990.

4:89-2. Complaint

In actions for distribution the complaint shall state: (a) when letters, if any, were granted to a fiduciary; (b) the names and addresses of all persons interested, specifying which of them are minors or mentally incapacitated persons; and in actions for the distribution of an intestate's estate, the manner and degree in which the next of kin severally stand related to the intestate; (c) the balance in the fiduciary's hands for distribution, so far as the same may be known; and (d) shall have annexed to the complaint a copy of the will or other instrument, if any, pursuant to which distribution is to be made.

Note: Source-R.R. 4:108-2; amended June 29, 1990 to be effective September 4, 1990; amended July 12, 2002 to be effective September 3, 2002.

4:89-3. Inquiry for Unknown Distributees

If in an action for the distribution of personal property of a decedent who died intestate, proceedings are taken under N.J.S.A. 3B:23-19 to bar persons whose names or addresses are unknown from all right, title or claim to the estate, the court shall require an inquiry and affidavit to be made pursuant to R. 4:4-5(a)(3). Plaintiff's attorney shall also give notice of the proceedings to the Attorney General within 45 days of the date they are scheduled to commence and shall file an appropriate proof of said notice.

Note: Source-R.R. 4:108-3. Amended July 22, 1983 to be effective September 12, 1983; amended June 29, 1990 to be effective September 4, 1990; amended July 5, 2000 to be effective September 5, 2000; amended July 23, 2010 to be effective September 1, 2010.

4:89-4. Unclaimed Moneys Deposited in Court [Deleted]