

TIPS TO AVOID REJECTED PROBATE FILINGS

1. COMPLETE BASIC FILING REQUIREMENTS

Ensure that your Probate filing includes the correct case name and number, all completed forms, dates, and signatures accompanied by dates.

2. CAPACITY

At the top of the document after “attorney for:” be sure to include the “capacity” e.g. John Jones, Executor. See San Francisco Superior Court Local Rule (SFLR) 14.17.

3. DOCUMENT TITLE

The document title field must match the document title/caption exactly. See SFLR 2.10 (O).

4. FORMAT OF FIRST PAGE/PLEADING REQUIREMENTS

The entire format of the first page must comply with California Rules of Court (CRC) 2.111. Review all pleading requirements. See CRC 2.100, et seq.

5. MOTION DATES

You must first obtain a hearing date and time from the Clerk before filing a Probate motion. The name of the Clerk who provided the date should be written on the document next to or under the hearing date on the pleading/motion. Motion dates need approval from the Clerk.

6. DEPARTMENT NUMBER

Be sure to put the correct Department Number on your papers. The Probate Calendars are heard in Dept. 204, and Probate Ex parte appearances are heard in Dept. 202.

7. MULTIPLE DUPLICATE DOCUMENTS

Certain documents that are filed in multiple such as receipts, consents, waivers or nominations should be filed together in a single submission instead of, for example, filing 15 receipts separately. Furthermore, the combined filing should include a single caption page identifying the documents e.g. “Receipts on Distribution (15)”. **Exception:** Multiple fee payments are filed separately e.g. previously exempt or waived fees.

8. NOTICE OF HEARING

After the proof of Service is completed, the Notice of Hearing is submitted.

9. DECLARATIONS/HANDWRITTEN SIGNATURES

Under penalty of perjury, Declarations require a handwritten signature on the image. See SFLR 2.10. Also, know requirements about when handwritten signatures, not graphic signatures, are required. SFLR 2.10(N).

10. CAPTION PAGE REQUIRED-EXHIBITS

A caption page is required for stand-alone exhibits.

11. BANK STATEMENTS/BONDS

When filing a bond or bank statements, a “Declaration of Retention of Original Document” must be filed in the same transaction. See SFLR 14.100. (The rule number changes to 14.89 on 01/01/16)

12. FILED IN PAPER FORM

Some documents must be filed in PAPER form, such as initial Probate filings, Probate Letters and Confidential Documents including Fee Waivers.

13. STIPULATION AND PROPOSED ORDER

A stipulation and a proposed order must be filed as two separate documents, not combined. Select the document type “Stipulation (w/ separate proposed order)”.

14. EX PARTE APPLICATIONS-HEARING NOT REQUIRED

The filed-stamped courtesy copy must be delivered to Room 202 with the original proposed order.

15. LODGING PROPOSED ORDER

A lodged order will not appear on the Court’s Register of Actions. A hard copy of the original proposed order must be delivered to Room 202.

16. SCANNING/IMAGING

Documents should be scanned at 300 dpi, black & white (not color or grayscale). Document output size of 8.5” x 11” (100% normal size, not reduced or magnified).