

TOP TIPS TO AVOID REJECTED PROBATE FILINGS

1. BASIC FILING REQUIREMENTS

Check basic filing requirements: correct case name and number, completed forms, signatures, and dates. Note: dates must accompany signatures.

2. CAPACITY

Include the capacity at the top of the document after “attorney for:”, e.g. John Jones, Executor. See San Francisco Superior Court Local Rule 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 CRC 2.111. Review all pleading requirements. See CRC 2.100, et seq.

5. MOTIONS

Motion dates need approval from the Courtroom Clerk. You must first obtain a hearing date and time from the courtroom 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.

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

Documents that are filed in multiples, such as receipts, consents, waivers or nominations should be submitted together in one submission with one caption page identifying the documents, i.e. “Receipts on Distribution (15), rather than submitting 15 separate receipts. Exception: Multiple fee payments are filed separately, i.e. previously exempt or waived fees.

8. NOTICE OF HEARING

The Notice of Hearing is submitted after the proof of Service is completed.

9. DECLARATIONS/HANDWRITTEN SIGNATURES

Declarations under penalty of perjury 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 1/1/16)

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).