

# **A VIEW FROM ROOM 103 THE SAN FRANCISCO SUPERIOR COURT FILING WINDOWS**



**March 15, 2016**

**Noon-1:00PM**

**Topic: Document Filing/E-Filing  
Tips - Trusts and Estates**

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## **DOCUMENTS FILED AT THE PROBATE COUNTER**

The following documents must be filed traditionally in paper in their original form in the Clerk's Office, Room 103:

- Inventories and Appraisals.
- Ex Parte Petition for Final Discharge and Order.
- Letters of Administration.
- Letters Testamentary.
- Original wills/Codicils/Certified/Exemplified copies from Outside Counties
- Certified copies of Death Certificates with Affidavits pursuant to Probate Code 13100, et seq.
- Certified copies of Birth Certificates.
- Certified copy of Spousal Property order.
- Certified copy of Letters issued in estates administered outside San Francisco County.

**The following are exceptions and additions to LRSF,  
Rule 2.11, specific to Probate (SFLR 14.91):**

- A. Initiating Filings.** A new case shall originate with the filing of a hard copy of the initial pleading and a related ex parte petition, if appropriate. All documents thereafter may be filed by E-Filing.
- B. Exclusion from E-Filing and E-Service Requirements.** [See LRSF, Rule 2.11 D.] A self-represented person may, but is not required to, E-File. Once a party chooses either to E-File or conventionally file documents, such chosen filing method must be used exclusively in that case. A self-represented party who chooses to E-File thereby affirmatively consents to electronic service.
- C. Signatures on E-Filed Documents.** [See LRSF, Rule 2.11 N.1.] Declarations must have a written signature. This rule does not apply to any document signed by a judge.
- D. Original Documents.** [See LRSF, Rule 2.11 N.4.] Original documents, required pursuant to LRSF, Rule 14.62 and Probate Code §2620 shall be E-Filed. If the attorney of record retains the original document as with retention of original documents under LRSF, Rule 2.11 N.4, the attorney must file a Declaration certifying the retention of the original. If a Court appointed fiduciary assumes the responsibility of retaining the original documents, the fiduciary must file the Declaration certifying the retention of the original. Original bonds may be retained by the bonding company or the attorney of record. A Declaration certifying the retention of the original must be filed.
- E. Exclusion from E-Service.** [See LRSF, Rule 2.11 P.] Mandatory E-Service does not apply to Probate filings. Attorneys may serve documents by conventional means or by E-Service.
- F. Courtesy Copies to Court.** [See LRSF, Rule 2.11 T.]
1. Courtesy copies for the Probate Department must be endorsed filed copies, must include the hearing date in the caption of the document and should be directed to the attention of specific staff members to the extent known, e.g., Director, Assistant Director, assigned Examiner, or assigned Investigator.
  2. A courtesy copy of any petition filed conventionally to initiate a case must be provided to Room 202.

# **TOP TIPS TO AVOID REJECTED PROBATE FILINGS**

## **BASIC FILING REQUIREMENTS**

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

## **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.

## **DOCUMENT TITLE**

The document title field must match the document title/caption exactly. See SFLR 2.11 (O).

## **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.

## **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. The clerk’s phone number is 415-551-3702.

## **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.

## **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.

## **NOTICE OF HEARING**

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

## **DECLARATIONS/HANDWRITTEN SIGNATURES**

Declarations under penalty of perjury require a handwritten signature on the image. See SFLR 2.11. Also, know requirements about when handwritten signatures, not graphic signatures, are required. SFLR 2.11(N).

## **CAPTION PAGE REQUIRED-EXHIBITS**

A caption page is required for stand-alone exhibits.

## **BANK STATEMENTS/BONDS**

When filing a bond or bank statements, a separate “Declaration of Retention of Original Document” must be filed in the same transaction. See SFLR 14.91.

## **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. Refer to page two.

## **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)”.

## **EX PARTE APPLICATIONS-HEARING NOT REQUIRED**

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

## **LODGING PROPOSED ORDER**

A lodged order will not appear on the Court’s Register of Actions, nor will it be delivered or available to the examiners. A hard copy of the original proposed order must be delivered to Room 202.

## **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).

## **A quick QUIZ....No worries, it should be easy...**

**#1. If a confidential document is electronically filed through File & ServeXpress™, which of the following should you do next?**

- a. Contact the deputy clerk to let them know and have them delete the document.
- b. When the clerk rejects the document, contact File and Serve Express to have the document “tombstoned.”
- c. Nothing. It is up to a filing party if they want a document entitled “confidential” electronically filed.

**#2 The original E-Filed and/or E-Served documents with original signatures must be retained by the party filing the document for how long?**

- a. Keep the document until the Attorney is sure that a Judicial Officer might not request it.
- b. For a period of time when the case has ended, including all appeals.
- c. No specific amount of time. The retention of the original is not necessary because the court’s copy is now the original.

**#3 Electronic title of documents: Why does the caption of the document have to match the document title entered on the vendor system?**

- a. It is a San Francisco Local Rule.
- b. The Deputy Clerk of the court requires it.
- c. It is in the File & Serve Special Instructions.

**#4 If your case beginning with a “PES” prefix is not appearing in File and Serve Express (as a case that can accept e-filed documents), what should you do next?**

- a. Assume that this case must be filed in paper form at the front counter.
- b. Contact File and Serve Express to have the case uploaded.
- c. Contact the Probate Division to have the case uploaded.

## **ADDITIONAL NOTES AND RESOURCES BELOW:**

### **From File and Serve Express RESOURCE CENTER-Special Instructions (excerpt):**

#### **10. Rejected E-Filed Documents**

If your document has been rejected, click the blue “Document History” link on the left side of the Transaction Details page to obtain the name of the clerk as well as the reason for rejection. If you decide to call the court for an additional explanation, the court requests that you contact the specific clerk who rejected the document. When you call, be sure to have your Transaction ID number ready, as it will help the clerk assist you more quickly.

#### **11.0 File-Stamped Copies**

To view, print or download a file-stamped copy of an e-filed document, you will need to go to court's public website as these copies are not available on File & ServeXpress™. Once the Court Clerk has accepted your document for filing, the file-stamped copy will be available for viewing on the court’s website. The official court record of a case will continue to be the court’s Register of Actions, which will include all e-filed documents; however, you can check File & ServeXpress™ to confirm a document was accepted by the court. This information can be obtained by looking at the “Clerk Review Status” field on the Transaction Details page.

#### **REFERENCES FOR YOUR USE:**

##### **San Francisco superior Court website:**

PROBATE: <http://sfsuperiorcourt.org/divisions/probate>

COURT E-FILING: <http://sfsuperiorcourt.org/online-services/efiling>

COURT ONLINE CASE INQUIRY: <http://sfsuperiorcourt.org/online-services>

COURT TECHNOLOGY TIPS: <http://sfsuperiorcourt.org/general-info/court-technology>

##### **File and Serve Express Information:**

File & ServeXpress San Francisco Superior Court On-Demand Video and Webinar Training Site:

<http://tinyurl.com/SanFranciscoVideoTraining>

San Francisco Superior Court Special Instructions: <http://tinyurl.com/FSX-Special-Instructions>

File & ServeXpress Client 24/7 Client Support: 888-529-7587 or [info@fileandservexpress.com](mailto:info@fileandservexpress.com)

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