

ST. LOUIS COUNTY PROBATE eFILING HELPFUL HINTS

GENERAL

- ✚ **E-filing Webpage** - available with link from Circuit Court's webpage – <http://www.stlouisco.com/lawandpublicsafety/circuitcourt>
- ✚ **Local Court Rules** – We have developed specific Efiling rules which are available on the Circuit Court webpage under Local Court Rules. Rule 72 governs Probate. The 21st Circuit has developed general efiling rules which could also apply to Probate.
- ✚ **Costs and Fees** - Court costs or filing fees can be paid by credit card, eCheck or court debit account.
 - ❖ Requests to set up Court Debit Accounts must be submitted on the Request to Establish Debit Account form available from the Circuit Court E-filing Webpage and will be processed by the Circuit Clerk's Accounting Department. See St. Louis County Circuit Court Administrative Order No. 12.
 - ❖ The exception to this is payment of accrued costs on existing cases. See Local Court Rule 72.2, item j, Payment of Accrued Costs on Existing Cases.
- ✚ **Cover Letters/Memos** - Please **do not** use cover letters when eFiling documents.
 - ❖ Any important information you want **in the record** will need to be made part of the Court's file by appropriate eFiled pleadings.
- ✚ **Recalling Submissions** – You can recall a submission as long as the court has not looked at it. Instructions for Recalling a Submission can be found on the Missouri Courts website (www.courts.mo.gov) under the Electronic Filing section - Frequently Asked Questions.
- ✚ **Hold/Reject of Submissions** – Unsigned documents or documents filed in the wrong venue will be returned to filer.
- ✚ **Confidential Filing Information Sheet** - The Efiling system automatically generates a filing sheet from the party information that you submit. It is not necessary to prepare the old "Filing Information Sheet" or scan it with your submission.
- ✚ **Parties** – Enter all parties which includes interested persons as defined by the Probate Code. See Local Court Rule 72.2, item i, Entry of Parties. Full Social Security Numbers should be entered in the party information section if readily available. These will not be viewable by the public. Make sure the names and addresses are current and complete and that they are the same as those used in your pleadings. If the information is incomplete, you will be asked to file an amended pleading so that all necessary persons/entities are added into the system.
- ✚ **Note to Clerk** – It is not necessary to use the Note to the Clerk unless you are responding to a checklist or have important information regarding your eFiling, such as service information, info regarding filing fees, etc. This is not viewable by anyone but the Clerk and takes up valuable "cyber space" if it contains no useful information.

- ✚ **Responses to Checklists** – When responding to a checklist from a specific Issue Clerk or Auditor, please enter that in the Note to Clerk along with the clerk’s name, i.e. Response to Checklist from Kim Nakashima-Moran.
- ✚ **Filing Requirement Checklists** – Checklists for filing new estates; filing and approval of settlements; and filing of inventories are available on the Circuit Court website under Forms; Probate Court Filing Requirement Checklists. These checklists have information about what case type to choose as well as the section and description of the documents to use.
- ✚ **Estate name and number** – When submitting on an existing case, make sure the correct name and case number are included on all documents, including correspondence. This will be especially important for the new procedure for matters deemed adversary proceedings pursuant to Administrative Order dated March 3, 2014, where a new case will be opened.
- ✚ **Trial Exhibits** - Bring original trial exhibits to the trial/hearing unless you are notified otherwise to scan them in advance.
- ✚ **Medical Interrogatories** should be submitted electronically but you will need to bring the original to the hearing to be admitted as evidence as it will not be a part of the record until it is offered and admitted in Court.
- ✚ **Confidential Information in Pleadings** - Be sure there are no Social Security Numbers or other confidential information contained in your pleadings. Use only the last 4 digits of the Social Security Number if required by a court form. Refer to COR 2.02 – “clerks are not required to review the case documents to confirm that personal information has been omitted. The responsibility for redacting personal information rests solely with counsel, the parties or any other person filing the document. The clerks will not review each document for compliance with this policy.”
- ✚ **Interim Pleadings in Existing Cases** – Please submit interim pleadings in an existing case, (such as fees, requests to sell real and personal property, requests to expend funds, etc) separately and not combined in the same submission. If there is a problem with one filing and it needs to be put on hold or returned, everything in the submission must be held or returned.
- ✚ **Verified Documents and Affidavits** –
 - ❖ Efiling Rule 103.07 provides that: “A document required by law to be verified, to be signed under penalty of perjury, or to be signed by a notary public may be filed as an electronic document **if the affiant, declarant, or notary public has signed a paper document.** Until the entire case is finally disposed, the registered user shall be the custodian of the paper document.”
 - ❖ Local Court Rule 72.2, item g, Verified Documents and Affidavits, requires fiduciaries and attorneys to sign these documents and scan the documents for submission. If the court receives a verified petition or affidavit with the /s/name as the signature, it will require the presentment of the originally signed document.

- ✚ **Proposed Orders** - Please send “proposed” orders/judgments via e-mail in WORD format to the clerk for the Judicial Officer handling the matter.
- ✚ **E-Notices** – The only notices being mailed in paper will be to pro se parties; fiduciaries who are not attorneys, and bonding companies when required.
 - ❖ Notice of Required Filings, Notice of Hearing, Notice of Entry, Checklists and Memos from the Court will be sent by Enotice to attorneys of record and viewed on Case.net.
- ✚ **Wills Filed During Lifetime** – please submit all wills being filed during the testator’s lifetime in paper form. These are confidential records.
- ✚ **Claims** - When a claim against the estate is filed, the attorney for the estate will receive an Enotice. The claim can then be viewed on Case.net.
- ✚ **Bonds** – Requirements for filing original, additional or riders:
 - ❖ Original and additional bonds as well as riders increasing the bond amounts must have the Power of Attorney attached authorizing the Attorney-in-Fact to issue the bond.
 - ❖ All bonds and riders must be signed by the principal and attorney-in-fact. The attorney-in-fact’s seal must be affixed next to their signature.
 - ❖ All bonds must have the notarized Acknowledgement of the Principal and Acknowledgement of Surety attached.
 - ❖ Riders increasing or decreasing the bond do not require the notarized acknowledgements.
- ✚ **Inventories** – Inventories will be reviewed by the Legal Department and if not approvable, the Enotice to the attorney will contain the reason along with a description of what is needed. When resubmitting your corrected inventory, please add a Note to Clerk indicating that this is a resubmission of a previously submitted inventory.
- ✚ **Withdrawals of Attorneys** – all withdrawals of attorneys must show that the fiduciary has been provided with 2 weeks notice of the attorney’s intent to withdraw.
- ✚ **Continuance Requests** –
 - ❖ Local Court Rules 72.2 and 72.3 detail information on requesting continuances.
 - ❖ Requests for an extension of time to meet requirements of checklists from both the Issue Department or Auditing Department; file inventories; file settlements or statement of accounts; file status reports; file additional bonds; and pay court costs must be efiled with a detailed reason and a requested due date of not more than 30 days at a time.
- ✚ **Publications** – We will continue our current procedure for handling publications – collecting publication costs with filing fees; sending notices directly to the newspapers and having the affidavits sent to us.
- ✚ **Copy Requests** – Requests for copies cannot be efiled. They must be by phone call or requested in writing. Remember there is 48 hour turnaround time so please do not call about your copy order until its expiration. Copy orders are usually processed within this time frame unless there is a problem.

✚ Scanning Documents –

- ❖ Scanner should be set to scan your documents as 8.5 x 11.
- ❖ Check to make sure documents are not sideways or upside down.
- ❖ Don't scan blank pages.
- ❖ The total size limit for your documents and attachments is 21MB. You can monitor the size of your submission by looking at the gray box titled Document Title/Attachment at the bottom of the Documents and Attachments section.

Document and Attachments [Help](#)

Document Category

* Document Type

Upload Document
Document must be in PDF format and 7.0MB or less in size. To convert documents to PDF, [click here](#).

* Document Location

* Document Title

Add attachment(s) to this document (e.g.,Exhibit,Appendix)

Attachment Location

Attachment Title

Document Title/Attachment	Size
Total Size: 0MB	

ALL Documents and Attachments Size: 0MB of 21MB limit

TIPS FOR INITIAL eFILINGS FOR GUARDIAN/CONSERVATOR PROCEEDINGS.

✚ Adult Guardian and/or Conservator –

- ❖ Case description should be name and respondent – MICKEY MOUSE, RESPONDENT
- ❖ Party types should be Petitioner and Respondent, do not use Guardian/Conservator, Incapacitated/Disabled or Ward/Protectee.
- ❖ All parties must be entered into the system by the eFiling attorney – petitioner, respondent, relatives, trustees, attorneys-in-fact, public administrator, etc.
- ❖ Medical interrogatories should be submitted electronically but you will need to bring the original to the hearing to be admitted as evidence as it will not be a part of the record until it is offered and admitted in Court.
- ❖ Expedited or Emergency Hearings should be efiled with a note to the clerk. In addition, please call the Issue Department to alert them to the filing of this matter.

✚ Minor Guardian and/or Conservator –

- ❖ Case description should be name and Minor – DONALD DUCK, MINOR
- ❖ Party types should be Petitioner and Minor, do not use Guardian/Conservator.

- ❖ All parties must be entered into the system by the eFiling attorney – petitioner, minor, natural mother and father, relatives, trustees, attorneys-in-fact, public administrator, etc.
 - ❖ All related minor cases must be filed **separately**. Filing fees are required on the first minor case only. Sheriff fees, if service is by St. Louis County Sheriff, are required for **all** the cases.
 - ❖ Suitability Studies and CAN Reports should be submitted in paper directly to Family Court. See Local Court Rule 72.2, item d, CAN Reports and Suitability Studies.
- ✚ Both –
- ❖ When a filing party is an organization, use the name of the organization (government agencies, hospital, care facilities), and not the name of the social worker or employee.
 - ❖ Petition and Exhibits should be submitted as **separate** documents unless indicated on the Checklist.

TIPS FOR INITIAL eFILINGS IN DECEASED ESTATES

- ✚ Original Wills should be filed in person or by mail only AFTER the initiating pleadings or documents have been eFiled. An eFiled copy of the will is also required with your pleadings. The case cannot be processed further until the original Will is received. Please provide your e-filing confirmation number as verification the will was electronically filed.
- ✚ Wills being filed only – no further action being requested – must have the Record of Deposit of Will and a death certificate submitted with the electronic submission.
- ✚ All documents should be submitted as separate documents unless specifically stated on the Checklists.
- ✚ Death certificates are required on all decedent filings. If the death certificate shows residence as other than St. Louis County, an Affidavit of Domicile is required.
- ✚ Provide complete filing information on all parties listed on the Application for Letters, Small Estate, etc, including the Decedent. Names should match those listed in a Will or include an explanation in the Application for Letters, if they are not the same.
- ✚ Party types should be Petitioner; Attorney for Petitioner, Heirs, Devisees or Trustees.
- ✚ If information not submitted properly with the initial pleading, an amended pleading will be required.
- ✚ Selection of the proper document codes is very important and some filing fees are charged based on the codes selected. Details for these are listed on the Checklists.

SETTLEMENTS/STATEMENTS OF ACCOUNT

- ✚ Local Court Rule 72.3 – Electronic Filing of Settlements in the Probate Division sets out important information with regards to the filing and approval of settlements.
- ✚ Vouchers must be efiled and paper copies submitted as a courtesy copy pursuant to Local Court Rule 72.3.
- ✚ If bank statements are eFiled for a Settlement, these must be filed separately. Please scan them oldest to newest, the same as the Settlement entries. Also, remember, if scanned, they are part of the file but are only viewable by attorneys of record on the case.
- ✚ All Final Settlements and Statements of Account – Petitions to Approve, Notices or Waivers from all persons on the Application should be submitted as separate documents, not attachments.
- ✚ Proposed Schedule of Distribution for the Statement of Account must be submitted as part of the Statement of Account – not as an attachment or separate document..

SERVICE PACKET

- ✚ See Service of Process in Probate Proceedings posted on the Circuit Court’s Efiling website.
- ✚ Garnishments on Probate Cases will continue to be filed and processed in the Circuit Clerk’s Office.
- ✚ Proof of Service –
 - ❖ For those proceedings declared adversary as outlined in Rule 72.4, Application of Civil Rules of Procedure to Adversary Proceedings, proof of service is governed by Rule 54 of the Missouri Rules of Civil Procedure.
 - ❖ For all other proceedings, proof of service must be submitted in **affidavit form** per 472.110 RSMo prior to the hearing.
 - ❖ Service by certified mail requires the Certified Mail Return Receipt be attached to the proof of service which should be filed prior to or at the hearing.

Revised 08/09/2016