

ST. LOUIS COUNTY PROBATE eFILING HELPFUL HINTS

GENERAL

- ✦ **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** – Payments of court costs or filing fees should be submitted electronically through the eFiling system at the time of filing unless the filing is accompanied by a motion to proceed in forma pauperis or a certification of inability to pay. Forms of payment include 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.
- ✦ **Filing as New Case vs. Filing on Existing Estates**
 - ❖ If a probate case has been closed or disposed, file as a new case. **Do not** file new matters under the existing case number. Example – a Will has been admitted and the case is disposed. Now an Affidavit for Collection of Small Estate needs to be filed. File the Affidavit for Collection of Small Estate as a new case. In the Note to Clerk, you may mention the prior case number.
 - ❖ File under the open existing case any adversarial matters relating to that open estate. Pursuant to Administrative Order dated March 3, 2014, these matters will be assigned separate case numbers. All future filings relating to that specific matter must be filed under the assigned new case number.
- ✦ **Use of Appropriate Document Type** – Document types are limited for different types of filings, i.e. civil, probate, criminal. It is important to use the appropriate document type so that clerks are not spending valuable time to change them. **To get a complete list of all document selections, use the 2nd drop down.** NOTE: When filing an Affidavit for Collection of Small Estate, you will need to use Affidavit to Establish Title to Property.
- ✦ **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** – Reasons for putting a submission on hold or rejecting the submission can be found under the general eFiling rules for St. Louis County Circuit Court.
- ✦ **Cover Letters/Memos** - Please **do not** use cover letters when eFiling documents.
 - ❖ If you wish to submit any important information you want to be made part of the Court's record, you need to eFile it.
- ✦ **Note to Clerk** – Please **do not** use the Note to Clerk option unless you are responding to a checklist, indicating prior case information or have other **important** information to include. This

is not viewable by anyone but the Clerk and takes up valuable “cyber space” if it contains no useful information.

- ✚ **Confidential Filing Information Sheet** – For new cases, 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. However, petitions asking for appointment of successor fiduciaries or termination of minor guardianships will require you to complete and file the old “Filing Information Sheet”.
- ✚ **Parties** - All parties which includes interested persons as defined by the Probate Code must be entered into the eFiling system. See Local Court Rule 72.2, Entry of Parties. Make sure the names and addresses are current and complete and that they are the same as those used in your pleadings. **Full Social Security Numbers** should be entered in the party information section if readily available. These will not be viewable by the public. 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.
- ✚ **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.
- ✚ **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.
- ✚ **Naming Documents** – *Important eFile rule* – **NEVER** use a slash (/) in your document name. Example – Petition to Sell R/E. Documents with a slash in the name are not viewable in the system. Keep in mind what you name your document is how it will be entered into the eFiling system and seen through File Viewer on Case.net. Try to be descriptive as possible of the document being filed. If you are filing a Claim Against Estate provide the name of the claimant in your document description.
- ✚ **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

- 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 e-Notice 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.

- Do Not Include 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. Different clerks are responsible for processing different types of pleadings. If there is a problem with one filing and it needs to be returned, everything in the submission must be returned.

- Verified Documents and Affidavits** –

 - ❖ Rule 103.04 provides that eFiled documents may be signed by “original signature, stamped signature or an electronic graphic representation of a signature, or in the following manner: /s/John or Jane Person. However, 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.”
- ❖ It is our policy that the attorney efile the scanned copy of the verified document containing the original signature of their client.
- ✚ **Proposed Orders** – Please file “proposed” orders/judgments as an attachment rather than scanning it as part of your pleading. In certain instances, if directed by one of the Judicial Officers, it may be acceptable to e-mail a proposed order/judgment in WORD format to the Judicial Officer handling the matter.
 - ✚ **Trial Exhibits** – These are not required to be filed in advance. Bring original trial exhibits to the trial/hearing unless you are notified otherwise to scan them in advance. Trial briefs should be eFiled prior to the court hearing.
 - ✚ **Inventories** – Inventories are reviewed and if not approvable, the eNotice to 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.
 - ✚ **Claims** - When a claim against the estate is filed, the attorney for the estate will receive an e-Notice. The claim can then be viewed on Case.net.
 - ✚ **Bonds** – Requirements for filing original, additional or riders:
 - ❖ **It is no longer necessary to file the paper copy of the bond. See Rule 72.2 revised 09/2019.**
 - ❖ e-File 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.
 - ✚ **Withdrawals of Attorneys** – all withdrawals of attorneys must show that the fiduciary has been provided with a 2 week notice of the attorney’s intent to withdraw.
 - ✚ **Publications** – Publication costs are included with our filing fees with the exception of publications for filing final settlements or statement of accounts. The court will send notices directly to the newspapers and have the affidavits returned to us.

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.
 - ❖ 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 one document.
 - ❖ Medical interrogatories must be submitted as a separate document.
 - ❖ Background screenings and credit history reports must be submitted as separate documents.
 - ❖ Expedited or Emergency Hearings should be efiled with a Note to 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.
 - ❖ File a **separate** case for each minor even when there are multiple minor siblings. Attorney may submit a Note to Clerk that a sibling case has been filed and indicate the sibling's name.
 - ❖ Filing fees are required on the first minor case only. Service fees if by Special Process Server or Sheriff and service is by St. Louis County Sheriff, are required for **all** the cases.
 - ❖ 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 one document.
 - ❖ Death certificates for natural parents should always be submitted as a separate document and not as an attachment to any other pleadings.
 - ❖ Background screenings and credit history reports must be submitted as separate documents.
 - ❖ Suitability Studies and CAN Reports should be submitted in paper directly to Family Court. See Local Court Rule 72.2, CAN Reports and Suitability Studies.

TIPS FOR INITIAL eFILINGS IN DECEASED ESTATES

- ✚ An eFiled copy of the will must be submitted with your initiating pleadings or documents. The original Will and Codicils should be filed in person or by mail only AFTER the initiating pleadings or documents have been eFiled. No further processing of the case will commence 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 Checklist included in the packet of forms.
- ✚ 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 the 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.
- ✚ Make sure to select the proper case type when efiled new cases. It is very important as some filing fees are charged based on the case type selected.
- ✚ If information is not submitted properly with the initial pleading, an amended pleading will be required.

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 should be submitted as a separate document. Multiple Notices or Waivers from all persons on the Application can be submitted together but 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 located on the forms webpage - <http://wp.stlcourtscourts.com/probate-court/probate-forms/>.
- ✚ 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 efiled prior to or at the hearing.