

## **Probate Procedures**

1. Causes of action arising during the lifetime of the decedent, unrelated to the creation of a will or codicil, are to be filed in the appropriate general circuit or county court civil division. Examples of causes of action that must be filed in the general civil division notwithstanding the existence of an open probate case, include, but are not limited to claims of fraudulent deed transfers to or from the decedent, challenges to *inter vivos* gifts made by the decedent, claims of breach of fiduciary duty by the decedent's power of attorney, and claims for tortious interference with an expectancy.
2. All hearings are in person unless Zoom appearance has been granted by motion and order. Motions for Zoom appearance must comply with Rule of General Practice and Judicial Administration 2.530. See the link on the judge's cover page for instructions on how to motion for Zoom appearance.
3. To avoid delays, proposed orders should not be e-filed until the petitioner believes that all required accompanying documents have been filed. Once the petition, appropriate accompanying documents, and proposed orders have been filed, the probate clerks will perform an initial review and complete a probate checklist where applicable. They will then forward the file to the judge for further review.

4. If any of the required documents or information is missing, incomplete, or inaccurate, you will be notified. Please ensure that all noted deficiencies are promptly rectified to avoid further delay.
5. If you intend to dispute any aspect of the Court's order requiring correction of deficiencies, please set your case for hearing. Neither the Clerk's Office nor the Judicial Assistant can offer legal advice. Otherwise, uncontested petitions should not be set for hearing. Doing so will not shorten the processing time.