HOW TO FILE A PROBATE ORDER TO SHOW CAUSE IN THE CHANCERY DIVISION – PROBATE PART CAPE MAY COUNTY

ORDER TO SHOW CAUSE

An "Order to Show Cause" (OTSC) requires the party(s) against whom it is entered to show cause on a specific date (**return date**) why a particular action of the court should not occur. Examples include restraints on someone from engaging in a particular activity (such as eviction from or possession of property), or why a Final Judgment should not be entered.

An Order to Show Cause may come in several different forms. Generally, they are filed when there is an emergency which requires immediate action by the court. Attached to this packet is a "Form Order to Show Cause." **You are required to complete the name, address and telephone portion of the Order to Show Cause, the names of the parties involved, and Paragraph 1 of the Order to Show Cause.** The court will complete the remaining portion of the Order to Show Cause. The filing fee for an Order to Show Cause is $175.00, made payable to Surrogate of Cape May County.

An Order to Show Cause must be supported by a "Certification" (**Statement of Facts**), and any supporting documentation. A sample Certification is attached to this packet.

Generally, after an Order to Show Cause is filed with the Clerk, the Judge will conduct a hearing, either by phone or in person, to determine whether or to the Judge feels that an Order to Show Cause is warranted. It is not unusual for the Judge to deny an applicant's request for an Order to Show Cause. If the Judge feels an Order to Show Cause is warranted, he will schedule a date when you and the other party(s) are to appear in court. Once the Judge signs the Order to Show Cause, you will receive a signed copy. The Order to Show Cause will indicate the date and time upon which you and the other party(s) are to appear in court. **IT IS YOUR RESPONSIBILITY TO SERVE THE ORDER TO SHOW CAUSE SIGNED BY THE JUDGE AND ANY OTHER DOCUMENTS SUCH AS A VERIFIED COMPLAINT, ETC. ON ALL PARTIES BY REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED.**

For more information on Order to Show Causes, please refer to New Jersey Court Rules 4:67 (Summary Hearings) and 4:52 (Injunctions).
Legal reference books may be found in the **Legal Library** located at the Cape May County Court House, 9 North Main Street, Cape May Court House, New Jersey.

_____
(Your Name)

_____

_____
(Your Address & Phone No.)

_____

IN THE MATTER OF THE ESTATE OF _____ Deceased _____	) SUPERIOR COURT OF NEW JERSEY) CHANCERY DIVISION, PROBATE) DOCKET NO. _____)) CIVIL ACTION)) COMPLAINT

Plaintiff, _____(Your Name), by way of Complaint, against defendant(s), state the following:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

WHEREFORE, Plaintiff(s) demand judgment as follows:

a) _____

b) _____

c) _____

d) _____

_____
(Your Name)

DATED _____

_____
(Your Name)

_____

_____
(Your Address & Phone No.)

_____

IN THE MATTER OF THE ESTATE OF _____ Deceased	) SUPERIOR COURT OF NEW JERSEY) CHANCERY DIVISION, PROBATE) DOCKET NO. _____))) Civil Action *ORDER TO SHOW CAUSE*

_____

(1). THIS MATTER having been brought before the court by _____ (Your Name), plaintiff, appearing pro se, on notice to all defendants and/or defendants being represented by attorneys, and the court having reviewed the documents submitted by plaintiff(s) in support of the Order to Show Cause, and the court having considered the equities and relief requested by plaintiff(s), and for good cause shown;

(2). IT IS ON THIS _____ day of _____, 20____, ORDERED that the defendant(s) show cause before the Superior Court of New Jersey, Chancery Division, Probate Part, Cape May County Court House, 9 North Main Street, Cape May Court House, NJ, on the _____ day of _____, 20___, at _____ ( ) a.m. ( ) p.m. why an Order should not be entered in favor of plaintiff(s) as follows:

_____

_____

_____

_____

IT IS FURTHER ORDERED that a copy of these pleadings be served upon the defendant(s) by mailing same certified mail, return receipt requested and regular mail, at least _____ days prior to the return date hereof.

_____ _____

, Surrogate

_____
(Your Name)

_____

_____
(Your Address & Phone No.)

_____

IN THE MATTER OF THE ESTATE	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION, PROBATE
_____	)	DOCKET NO. _____
Deceased		
_____		CIVIL ACTION
		CERTIFICATION PURSUANT TO R.4:5-1

I, _____ (Your Name), being of full age, certify as follows:

1. I am the plaintiff in the foregoing action.

2. To the best of my knowledge, information and belief, the matter in controversy is not the subject of any action pending in any court in the State of New Jersey, or in a pending arbitration of valid jurisdiction. To the best of my knowledge there are no other parties who should be named in this matter. I certify that the statements noted above are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment by this court.

_____
(Your Name)

DATED: _____

_____
(*Your Name*)

_____

_____
(*Your Address & Phone No.*)

_____

IN THE MATTER OF THE ESTATE

_____
Deceased

_____

) SUPERIOR COURT OF NEW JERSEY
) CHANCERY DIVISION, PROBATE
) DOCKET NO. _____
)
) Civil Action
)
) ORDER

THIS MATTER having been brought before the court as a result of a Complaint filed by

☐ Plaintiff ☐ Defendant, for an Order _____

_____

_____

and the court having considered the matter, and for good cause shown;

IT IS on this _____ day of _____, 20____ ORDERED:

_____

_____

_____

_____

_____
J.S.C.

_____
(Your Name)

_____

_____
(Your Address & Phone No.)

_____

IN THE MATTER OF THE ESTATE OF _____ Deceased _____	) SUPERIOR COURT OF NEW JERSEY) CHANCERY DIVISION, PROBATE) DOCKET NO. _____)) CIVIL ACTION) PROOF OF MAILING

I, _____ (Your Name) am the ☐ plaintiff ☐ defendant in this action. On _____, 20___, I mailed copies of the following documents by regular and certified mail to:

DOCUMENTS _____.

(List Parties)

_____ Name	_____ Address
_____ Name	_____ Address
_____ Name	_____ Address
_____ Name	_____ Address

I certify that the statements noted above are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment by this court.

_____
(Your Name)

_____
(Date)