

**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.

Name: _____

Address: _____

Phone: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
CAPE MAY COUNTY
PROBATE PART

IN THE MATTER OF THE ESTATE OF

Deceased

DOCKET NO:

CIVIL ACTION

**ORDER TO SHOW CAUSE
SUMMARY ACTION**

THIS MATTER being brought before the Court by _____, Plaintiff, Pro Se, seeking relief by way of summary action based upon the facts set forth in the Verified Complaint filed herewith; and the Court having determined that this matter may be commenced by Order to Show Cause as a summary proceeding pursuant to R.4:83-1 and for good cause shown;

IT IS on this ____ day of _____, 20__ , **ORDERED** that the parties in interest named in the Verified Complaint and/or Exhibits and Appendix attached thereto appear and show cause on the ____ day of _____, 20__ before the Superior Court, Chancery Division, Probate Part at the Cape May County Courthouse, 9 North

Main Street, Cape May Court House, New Jersey at _____ o'clock in the _____ noon, or as soon thereafter as counsel can be heard, why judgment should not be entered for:

- A. _____;
- B. _____;
- C. _____;
- D. Granting such other relief as the court deems equitable and just.

And it is further **ORDERED** that:

1. Any party in interest who wishes to be heard with respect to any of the relief requested in the Verified Complaint served with this Order to Show Cause shall file with the Surrogate of Cape May County and serve upon the attorney for the plaintiff at the address set forth above, a written Answer, an answering Affidavit, a Motion returnable on the date this matter is scheduled to be heard, or other response to this Order to Show Cause and to the relief requested in the Verified Complaint by _____, 20___. Filing shall be made with the Surrogate of Cape May County and mailed to 4 Moore Road, DN 207, Cape May Court House, New Jersey, 08210. Such responding party in interest shall also file with such Surrogate by the foregoing date a Proof of Service upon the plaintiff.

2. Any party in interest who fails to timely file and serve a response in the manner provided in Paragraph 1 of this Order to Show Cause shall be deemed in default, the matter may proceed to judgment without any further notice to or participation by such defaulting party in interest, and the judgment shall be binding upon such defaulting party in interest.

3. Parties in interest are hereby advised that a telephone call to the plaintiff, to the plaintiff's attorney, to the Surrogate, or to the Court will not protect your rights; you must file and serve your Answer, answering Affidavit, Motion or other response with the filing fee required by statute. The check or money order for the filing fee in the sum of \$110.00 shall be made payable to the Surrogate of Cape May County where this matter is being heard. If you cannot afford an attorney, you may call the Legal Services Office in the county in which you live. A list of these offices is provided. If you do not have an attorney or are not eligible for free

legal assistance through the Legal Services Office (or such office does not provide services for this particular type of proceeding), you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these office numbers is also provided.

4. If no party in interest timely files and serves a response to this Order to Show Cause as provided for above, the application may be decided by the Court on or after the date this matter is scheduled to be heard, and may be decided on the papers without a hearing, provided that the plaintiff has filed a Proof of Service and a proposed form of Judgment as required by Paragraphs 7 and 9 of this Order to Show Cause.

5. If a party in interest timely files a response as provided for above, the Court may entertain argument but will not take testimony on the date this matter is scheduled to be heard.

6. The plaintiff must file and serve any written reply to the response of a party in interest by _____, 20____. The reply papers together with a Proof of Service must be filed with the Surrogate in the county listed.

7. Plaintiff shall submit to the Surrogate an original of a proposed form of Judgment addressing the relief sought on the date this matter is scheduled to be heard (along with a postage-paid return envelope) no later than ten (10) days before the date this matter is scheduled to be heard.

8. A copy of this Order to Show Cause, the Verified Complaint, and all Affidavits, Exhibits, Reports, and attachments submitted in support of this application, all of which shall be certified thereon by plaintiff's attorney to be true copies, shall be served upon the parties in interest listed in the Complaint, personally or by regular and certified mail, return receipt requested (or by registered mail, return receipt requested with respect to any party in interest who resides outside the United States) within five (5) days of the date hereof, in accordance with *R. 4:67-3*, *R. 4:4-3* and *R. 4:4-4*, this Order to Show Cause being original process.

9. The plaintiff shall file with the Surrogate of Cape May County a Proof of Service of the documents required by Paragraph 8 above to be served on the parties in interest no later than ten (10) days before the date this matter is scheduled to be heard.

10. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless the Court and parties are advised to the contrary no later than three (3) days before the return date.

SURROGATE

<p>Atlantic County Surrogate Atlantic County Civil Courthouse 1201 Bacharach Blvd. Atlantic City, NJ 08401</p>	<p>ATLANTIC COUNTY: LAWYER REFERRAL: (609) 345-3444 LEGAL SERVICES: (609) 348-4200</p>
<p>Bergen County Surrogate Bergen County Justice Center 10 Main Street, Room 211, P.O. Box 600, Hackensack, NJ 07601-7691</p>	<p>BERGEN COUNTY: LAWYER REFERRAL (201) 488-0044 LEGAL SERVICES (201) 487-2166</p>
<p>Burlington County Surrogate Burlington County Court Complex 49 Rancocas Road, 1st floor PO Box 6000, Mt. Holly, NJ 08060-1827</p>	<p>BURLINGTON COUNTY: LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (800) 496-4570</p>
<p>Camden County Surrogate Camden County Surrogate Office 415 Federal Street, Camden, NJ 08103-1122</p>	<p>CAMDEN COUNTY: LAWYER REFERRAL: (856) 964-4520 LEGAL SERVICES: (856) 964-2010</p>
<p>Cape May County Surrogate 4 Moore Rd., POB 207 Cape May Court House, NJ 08210</p>	<p>CAPE MAY COUNTY: LAWYER REFERRAL: (609) 463-0313 LEGAL SERVICES :(609) 465-3001</p>
<p>Cumberland County Surrogate Cumberland County Courthouse 60 West Broad Street, Suite A111 Bridgeton, NJ 08302</p>	<p>CUMBERLAND COUNTY: LAWYER REFERRAL: (856) 692-6207 LEGAL SERVICES: (856) 451-0003</p>
<p>Essex County Surrogate 206 Hall of Records 465 Dr. Martin Luther King, Jr. Blvd., Newark, NJ 07102</p>	<p>ESSEX COUNTY: LAWYER REFERRAL: (973) 622-6207 LEGAL SERVICES: (973) 624-4500</p>
<p>Gloucester County Surrogate Surrogate Building 17 North Broad Street, 1st flr. P.O. Box 177, Woodbury, NJ 08096-7177</p>	<p>GLOUCESTER COUNTY: LAWYER REFERRAL: (856) 848-4589 LEGAL SERVICES: (856) 848-5360</p>
<p>Hudson County Surrogate Administration Bldg. 595 Newark Ave., Room 107 Jersey City, NJ 07306</p>	<p>HUDSON COUNTY: LAWYER REFERRAL: (201) 798-2727 LEGAL SERVICES: (201) 792-6363</p>
<p>Hunterdon County Surrogate Hunterdon County Justice Center 65 Park Avenue P.O. Box 2900, Flemington, NJ 08822-2900</p>	<p>HUNTERDON COUNTY: LAWYER REFERRAL: (908) 263-6109 LEGAL SERVICES: (908) 782-7979</p>
<p>Mercer County Surrogate Mercer County Courthouse 175 So. Broad Street P.O. Box 8068, Trenton, NJ 08650-0068</p>	<p>MERCER COUNTY: LAWYER REFERRAL: (609) 585-6200 LEGAL SERVICES: (609) 695-6249</p>
<p>Middlesex County Surrogate Administration Building 75 Bayard Street, PO Box 790 New Brunswick, NJ 08903-0790</p>	<p>MIDDLESEX COUNTY: LAWYER REFERRAL: (732) 828-0053 LEGAL SERVICES: (732) 249-7600</p>
<p>Monmouth County Surrogate Hall of Records 1 East Main Street P.O. Box 1265, Freehold, NJ 07728-1265</p>	<p>MONMOUTH COUNTY: LAWYER REFERRAL: (732) 431-5544 LEGAL SERVICES: (732) 866-0020</p>
<p>Morris County Surrogate Administrative & Records Bldg, 5th Fl. Court Street P.O. Box 900 Morristown, NJ 07963-0900</p>	<p>MORRIS COUNTY: LAWYER REFERRAL: (973) 267-5882 LEGAL SERVICES: (973) 285-6911</p>

<p>Ocean County Surrogate Ocean County Courthouse 118 Washington Street P.O. Box 2191 , Toms River, NJ 08754-2191</p>	<p>OCEAN COUNTY: LAWYER REFERRAL: (732) 240-3666 LEGAL SERVICES: (732) 341-2727</p>
<p>Passaic County Surrogate Passaic County Courthouse 77 Hamilton Street Paterson, NJ 07505</p>	<p>PASSAIC COUNTY: LAWYER REFERRAL: (973) 278-9223 LEGAL SERVICES: (973) 523-2900</p>
<p>Salem County Surrogate Salem County Surrogate's Court 92 Market Street Salem, NJ 08079</p>	<p>SALEM COUNTY: LAWYER REFERRAL: (856) 678-8363 LEGAL SERVICES: (856) 451-0003</p>
<p>Somerset County Surrogate Somerset Co. Surrogate's Office 20 Grove Street P.O. Box 3000, Somerville, NJ 08876</p>	<p>SOMERSET COUNTY: LAWYER REFERRAL: (908) 685-2323 LEGAL SERVICES: (908) 231-0840</p>
<p>Sussex County Surrogate Sussex County Surrogate's Court 4 Park Place, 2nd fl., Newton, NJ 07860</p>	<p>SUSSEX COUNTY: LAWYER REFERRAL: (973) 267-5882 LEGAL SERVICES: (973) 383-7400</p>
<p>Union County Surrogate Union County Courthouse 2 Broad Street, 2nd fl. Elizabeth, NJ 07207-6001</p>	<p>UNION COUNTY: LAWYER REFERRAL: (908) 353-4715 LEGAL SERVICES: (908) 354-4340</p>
<p>Warren County Surrogate Warren County Courthouse 413 Second Street Belvidere, NJ 07823-1500</p>	<p>WARREN COUNTY: LAWYER REFERRAL: (908) 387-1835 LEGAL SERVICES: (908) 475-2010</p>

(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)