

Section 6 - Form, Contents, Execution and Filing of Pleadings and Other Documents

6.10 Form, Contents, Execution

6.10.1 Form

All pleadings, other than those enumerated in Section 6.10.4, may be executed by the attorney of record and shall comply with Section 3.10, supra. Each shall also contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Inventories must be verified.

References: § 472.080
 Supreme Court Rule 41.07
 Local Court Rule 3.1

6.10.2 Approved Forms

An index of forms is attached to this manual. Additional forms are also available on the court website at www.16thcircuit.org. The Court encourages the use of these forms to help facilitate timely processing.

6.10.3 Contents

The petitioner shall be responsible for furnishing the complete name and complete address, including the zip code, of all interested persons to whom notice must be given.

6.10.4 Execution

The fiduciary, along with counsel, must execute the following pleadings:

- (1) Inventories
- (2) Settlements
- (3) Attorney and fiduciary fee applications
- (4) Applications for partial distributions
- (5) Petitions for distribution
- (6) Other pleadings as the Court may require on a case-by-case basis.

Said pleadings must also comply with Section 3.10, supra.

Reference: § 472.080

6.20 Proof of Filing and Copies

When filing pleadings, self-represented parties desiring proof that pleadings have been filed may present a copy to the filing clerk who will stamp the copy with a received stamp showing that the original document was filed in the Probate Division on that date. This procedure will apply when the copy is personally presented to the clerk at the time the original is filed. Requests by mail will be honored if a stamped, self-addressed envelope is provided. Attorneys will receive proof of filing via electronic notification.

Certified or attested copies of pleadings or orders may be secured upon request and upon payment of the cost therefor. Costs may be charged to the estate if the copies are requested by the estate's fiduciary or attorney, the estate is still open, and final costs have not yet been calculated.

6.30 Pick-Up of Copies

The Court allows for pick-up of copies in the Probate Records Department at both the Kansas City and Independence locations. The Request for Copies form has an option for the requestor to select how they wish to receive the copies, with one of those options being *pick-up*. There will be a charge for any photocopy, attested, or certified copy. See Section 5.10.2 for charges. A fiduciary or their attorney may select to charge the copy fees to the estate if the estate is still open and final court costs have not yet been calculated.

Copies will be held up to 30 days and destroyed if not picked up within that time. Any copy charges that were assessed against the estate when the copies were prepared must be paid, regardless of whether the copies were picked up by the fiduciary or their attorney.

6.40 Venue: Kansas City v. Independence

The Probate Division of Jackson County, for venue purposes, is divided into two portions: an eastern portion and a western portion. (See § 478.461). When commencing an action, whether it be opening the estate of a decedent or initiating a guardianship or conservatorship, determining the location to file said action can get complicated.

For probate purposes, venue is generally determined by:

- the residence of the decedent as of the date of death of the decedent (§ 473.010);
- the residence address of the adult respondent at the time of the filing of the petition for adjudication of incapacity or disability (§ 475.035);
- the residence address of the custodial parents or guardian of the minor at the time of the filing of the petition for appointment of guardian or conservator for the minor (§ 475.035).

There are other statutory provisions relating to the situs of real property owned by a non-county resident. See § 473.010.

Any matter not specifically mentioned in the venue statute may be filed in either Independence or Kansas City.

Effective August 28, 1989, § 476.410 provides that the division of a circuit court in which a case is filed laying venue in the wrong division or wrong circuit shall transfer the case to any division or circuit in which it could have been brought.

References: §§ 473.010, 475.035, 476.410, 478.461, 478.473

6.50 Filing Pleadings

Attorneys are required to submit all filings electronically pursuant to Administrative Order No. 2013-108. Any original wills/codicils should be mailed or hand delivered within 48 hours of electronic submission, pursuant to Local Court Rule 72.3.

Self-represented litigants, except those who are attorneys licensed to practice in the State of Missouri and are subject to the Missouri Electronic Filing System rules, may submit filings via mail or by physically delivering said pleadings and documents to either the Probate Records Department in Kansas City or Independence. If necessary, pleadings/documents will be transported to the appropriate courthouse location by courier. Documents are typically transported twice daily.

For filing will contest actions, see Section 9.70.1.

All pleadings or documents submitted in compliance with an auditor's exception letter shall be filed electronically and directed to the attention of the auditor issuing the exception letter. Failure to comply with the foregoing directions may cause delay or issuance of a show cause order.

Court personnel will not respond to telephone inquiries regarding the status of pleadings and proposed orders. It is the responsibility of the attorney to ascertain the status of any documents by reviewing the file on Case.net.

References: Supreme Court Rule 103
Court Operating Rule 27
Local Court Rule 72.3

6.60 Fax Filing of Pleadings

Applications for temporary emergency detention of mentally ill persons and persons who abuse substances, submitted pursuant to Chapters 631 and 632 RSMo, may be filed by facsimile transmission.

References: Local Court Rule 72.3

[END OF SECTION]