

NAME: _____

ADDRESS: _____

PHONE NO.: _____

EMAIL: _____

IN THE MATTER OF THE ESTATE OF

_____ ,

DECEASED

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: PROBATE PART
HUDSON COUNTY

CIVIL ACTION

DOCKET NO. _____

**ORDER TO SHOW CAUSE
SUMMARY ACTION**

THIS MATTER being brought before the Court by _____, 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 Rule 4:83-1, and for good cause shown;

IT IS on this _____ day of _____, 20_____, ORDERED that the parties in interest named appear and show cause on the _____ day of _____, 20_____, before the Hon. Mary K. Costello, P.J.Ch., at the Superior Court, Chancery Division, Probate Part, located at the Brennan Courthouse, 583 Newark Avenue, Second Floor, Jersey City, New Jersey, at a time to be determined by the Court, why judgment should not be entered for the relief sought in the Complaint;

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 Hudson 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 Hudson County at 595 Newark Avenue, Room 407, Jersey City, New Jersey 07306. 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 shall be made payable to the Surrogate of Hudson County. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. 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.

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 and may 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 of Hudson County.

7. Plaintiff shall submit to the Surrogate of Hudson County an original and two copies 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) at least 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 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, by 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), and by regular mail within ten (10) days of the date hereof, in accordance with Rule 4:67-3, Rule 4:4-3, and Rule 4:4-4, this order to show cause being original process.

9. The plaintiff shall file with the Surrogate of Hudson County a proof of service of the documents required by paragraph 8 above to be served on the parties in interest at least 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 before the return date.

Hon. Mary K. Costello, P.J.Ch.