

## **CHAPTER 6**

### **CALENDAR NOTES AND HEARINGS**

#### **Rule 4.6.1**

##### **Availability of Probate Examiner's Notes and Clearing of Defects**

**A.** Probate examiner's notes are available to counsel to determine if any defects in pleadings or procedure have been noted by the examiner.

**B.** The notes are available on the San Diego Superior Court website, [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov). When the examiner receives additional pleadings and updates the notes, the new notes will be posted to the website.

**C.** Persons who do not have access to the internet may request that the notes be mailed by attaching a "Mail Option" form which is available in Probate Services, to the petition, with a self-addressed, stamped envelope or a messenger slip.

**D.** After checking the notes, counsel and self-represented parties are encouraged to contact the assigned Probate Examiner with any questions or explanations that may assist in the clearing of any defects. Examiners may be contacted by email, phone, or in person. Instructions and hours for contacting examiners can be found on the court's web site at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

**E.** Supplements which cure defects do not require additional notice. Amendments and Amendments to pleadings require additional notice. See California Rules of Court, rule 7.53.

**F.** Amended petitions supercede any prior petitions and will be set for hearing in due course.

(Adopted 1/1/1990; Rev. 1/1/2000; Rev. & Renum. 7/1/2001; Rev. 7/1/2002; Rev. 7/1/2003; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2009; Rev. 1/1/2010; Rev. & Renum. 1/1/2012; Rev. 1/1/2013)

#### **Rule 4.6.2**

##### **Telecourt**

If an uncontested matter has not been pre-approved or continued by the examiner, counsel may appear by a telephone call, at such date, time and telephone number as designated by the probate judge and posted on the court's website, [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov), to seek pre-approval or a continuance. Counsel must be on the phone line when the call is answered, prepared with case number and hearing date and time.

(Adopted 1/1/1990; Rev. 7/1/1995; Rev. 1/1/2000; Rev. & Renum. 7/1/2001; Rev. 7/1/2002; Rev. 7/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2012)

#### **Rule 4.6.3**

##### **Appearances**

**A.** An appearance is required on all matters not preapproved, even if no defects appear on the Examiner's Notes.

**B.** No appearance is necessary if the matter has been continued by the Probate Examiners or in telecourt.

**C.** If a continuance request will be made at the hearing, all counsel must appear, unless all counsel have agreed in advance to the continuance and have designated one counsel to appear and make the request.

(Adopted 1/1/2012)