

CHAPTER 2
TESTAMENTARY DOCUMENTS; CONSOLIDATION; SANCTIONS

Rule 4.2.1

Backing on Papers Filed

The court requests all wills and other testamentary documents submitted for filing be attached to a stiff backing or manuscript cover, the right-side margin of which contains the document's caption (title) which must be fully visible. (Adopted 1/1/1990; Rev. & Renum. 7/1/2001; Rev. 7/1/2002; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2017; Rev. 1/1/2021)

Rule 4.2.2

Consolidation and Notice of Related Case/Petition

A. Whenever it appears that two or more petitions with different numbers have been filed with reference to the same decedent, conservatee or minor, the court will, on its own motion, consolidate all of the matters.

B. Where a complete consolidation of proceedings under the Probate Code is ordered, the clerk, unless otherwise ordered by the court, must file such consolidated proceeding and all subsequent papers relating thereto under the number assigned to the case which was filed first and therefore has the lowest number.

C. California Rules of Court, rule 3.300, respecting the requirements for Notice of Related Case, applies to all petitions or applications filed with the Probate Divisions of the Court.

(Adopted 1/1/1990; Rev. & Renum. 7/1/2001; Rev. 7/1/2002; Renum. 1/1/2006; Rev. & Renum. 1/1/2009; Rev. 1/1/2016)

Rule 4.2.3

Sanctions

A. If any counsel, a party represented by counsel, or a party in pro per, fails to comply with any of the requirements of Division IV of these rules, without good cause or substantial justification, the court, on motion of a party or on its own motion, after notice and hearing, may strike all or any part of any pleadings of that party; or dismiss the action or proceeding or any part thereof; or enter a judgment by default against that party; or impose other penalties of a lesser nature or as otherwise provided by law; and may order that party or his or her counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees.

B. If a failure to comply with the rules in Division IV is the responsibility of counsel and not of the party, any penalty must be imposed on counsel and must not adversely affect the party's cause of action or defense thereto.

(Adopted 1/1/2006; Renum. 1/1/2007; Rev. 1/1/2012)