

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____ COUNTY
PROBATE PART

[Caption: See Rule 4:83-3 for Probate Part Actions]

IN THE MATTER OF

Docket No.:

CIVIL ACTION

ORDER TO SHOW CAUSE
SUMMARY ACTION

THIS MATTER being brought before the Court by _____, attorney for plaintiff, [*insert the plaintiff's name*], 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 paragraph __ of the verified complaint appear and show cause on the ____ day of _____, 20__ before the Superior Court, Chancery Division, Probate Part [*and fill in, or leave an appropriate blank to be filled in by the Court or Surrogate, if the matter is to be heard by a specified Judge*] at the _____ County Courthouse [*provide the address*] in _____, 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. [*Set forth with specificity the return date relief that the plaintiff is seeking.*];
- 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 _____ 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 _____ County at

[insert address of Surrogate in the County where action is being brought]. Such responding party in interest shall also file with such Surrogate by the foregoing date a proof of service upon the plaintiff. [A copy of such response shall also be filed directly with the chambers of Judge _____ at the following address: _____.]

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 the 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 [*add if appropriate: "and may take testimony" or "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 above [and a copy of the reply papers must be sent directly to the chambers of Judge _____].

7. Plaintiff shall submit to the Surrogate 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) no later than _____ (___) days before the date this matter is scheduled to be heard.

8. A copy of this order to show cause, the verified complaint, and [*insert a description of any other filed papers, such as an accounting*], 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 paragraph ___ of 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] [*or alternatively: shall be personally served upon the parties in interest listed in paragraph ___ of the complaint*] within ___ 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 _____ County a proof of service of the documents required by paragraph 8 above to be served on the parties in interest no later than _____ (___) 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 _____ days before the return date.

11. [*In many proceedings in the probate part, an interested party will be a minor or incapacitated, which will require that a guardian ad litem be appointed, and/or an attorney be appointed as counsel to represent the minor or incapacitated person. See generally R.4:26-2. In such matters, it may be appropriate to add an additional paragraph or paragraphs to this order to show cause to appoint, or provide for the procedure to appoint, such counsel or guardian ad litem.*]

J.S.C.