

NYS Courts E-Filing (NYSCEF) Training

7th Judicial District Surrogate's Courts

2013

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REQUEST FOR SURROGATE'S COURT ACTION

NAME OF MATTER: _____ FILE No. (If assigned): _____

NATURE OF PROCEEDING

- Administration
 - Temporary Letters are being sought
 - Citation required
 - Objection to Administration
- Probate
 - Preliminary Letters are being sought
 - Citation required
 - Objection to Probate
- Voluntary Administration
 - Number of Short Forms requested: _____
- Accounting proceeding
 - Estate Citation required
 - Testamentary Trust Citation required
 - Inter vivos trust Citation required
- Construction proceeding Citation required
- Advice and Direction Citation required
- Answer or Objection (other than to Probate or Administration)
- Appointment of successor fiduciary
- Proceeding to compel accounting
- Proceeding to continue a business
- Proceeding to open a safe deposit box
- Discovery Proceeding
- Proceeding to determine the right of election
- Application of fiduciary to resign
- Proceeding to compel the production of a Will
- Other

Describe:

Check or cash in the amount of _____ applied as follows:

Filing fee _____ Certified copies _____

Certificates _____ Other _____

Filed by Attorney _____

Address _____

Telephone no. _____

Email _____

Method of contact/return:

telephone email SASE pickup

REQUEST FOR SURROGATE'S COURT ACTION

NAME OF MATTER: _____ FILE No. (if assigned): _____

NON PROCEEDING RELIEF

- Reissue of Short forms - Letters Testamentary Number _____
- Reissue of Short forms - Letters of Administration Number _____
- Reissue of Short forms - Letters of Trusteeship Number _____
- Reissue of Short forms - Other Number _____

describe: _____

Search of safekeeping for Will on file
Most recent address of decedent _____

Prior addresses of decedent _____

- Certification of documents
Describe the document(s) to be certified: _____
- Exemplification of documents
Describe the document(s) to be exemplified: _____
- Disclaimer and Renunciation
- Right of Election
- Inventory of Assets
- Informal Closing
- Releases
- Other
Describe: _____

Check or cash in the amount of _____ applied as follows:

Filing fee _____ Certified copies _____

Certificates _____ Exemplified copies _____

Other _____

Filed by Attorney _____

Address _____

Telephone no. _____

Email _____

Method of contact/return:

telephone email SASE pickup

SURROGATE'S COURT E-FILING CHEAT SHEET
NYSCEF - New York State Courts E-Filing (www.nycourts.gov/efile)

TOPICS:

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Hybrids (an e-filing in a estate that started as a hard file)	Page 5

Attorney Data Entry Prior to NYSCEF

1. Your scanner should meet state standards which is 200 DPI (dot per inch).
*Click on the NYSCEF Surrogate Live System link for additional Tech Information support
2. Create a folder on your computer to scan your pdf documents into (for selection later, to link into your estate record in NYSCEF).
3. You may need to photocopy and lighten the density of the death certificate so the court will be able to read the scanned image. Check your image for clarity before uploading to NYSCEF.
4. Scan documents of one type under one image (ex. 3 waivers-scan as 1 image with 3 quantity in NYSCEF; Notice w/Affidavit of Mailing-scan as 1 image;).
5. If you are requesting Preliminary or Temporary Letters scan the Application in back of the Petition as one document.
6. **WILLS/CODICILS:**
 - * Scan the ORIGINAL will, NOT an attorney certified copy.
 - * ***It is OK to unstaple the Wills.*** (dependent on local rules/procedure)
 - * Only if you are requesting to probate a copy of a will would you enter the document description comment of "copy of will" and scan the copy.
 - * If there is a Codicil **DO** scan that document separately.
 - * If Affidavit of Attesting Witness was executed at time of will signing (self proving will) scan as one image.

7. **Be sure** that your documents include all of their pages and are scanned forward facing and right side up !

8. Do not submit an image with any blank pages. The images you submit become the Court's official record and a blank page could be construed as a missing page.

9. **Complete** the Request for Surrogate's Court Action form. Do not substitute your cover page for this.

Attorney Data Entry into NYSCEF - 1st Filing Ever for Decedent

1. Perform an **Inquiry** search of the decedent's name (If you get a result see instructions for Additional Filings.)
2. **DECEDENT NAME ENTRY:**
 - * When entering the decedent's name be sure to enter it correctly.
The program creates a link for the images to hook up using the first 5 letters of last name and the first 3 letters of first name.
 - * Enter the names exactly as the decedent signed their will, OR as it appears on the death certificate for an administration proceeding.
 - * If this is a Hybrid filing enter the estate name as presented on the Letters or Certificate previously issued
3. **CONSENTS:**
 - * To have access to a file the Consent portion must be checked.
 - * All parties that have Consented to the E-filed proceeding will receive e-mail notifications whenever a document is filed on the estate.
4. **PAYMENT:** Enter Credit Card information if paying on line or select "Pay at Court" if you will be submitting a check.
5. Use the Certificate function when requesting certificates, however, **do not** use for Voluntary Administration certificates.
6. If entering an "Other Document" in NYSCEF enter the name of the document in the Description field. **ONLY** enter a document as "Other Document" if it does not appear on the drop down list.
7. **IMAGE ATTACHMENT:**
 - * Click the Browse button to find the image in your folder to attach to the corresponding document.
 - * Be patient and wait for the progress bar at the bottom of your screen to complete.

8. **DO NOT** submit any further filings for the initial file until *after* the Court has assigned a file# (whether an original proceeding or Hybrid). You will be notified by email of the assigned file number.

9. Submit the original will and filing fee (if not paying online) to the Court.

The Court may not require the following documents to be filed (check with the specific Court Clerks office regarding their requirements):

The Court does not need a hard copy certified death certificate.

Rule 130 coverage - required only if attorney does not sign the petition.

Attorney certified copy of the will.

Attorney Certification pursuant to 207.4(B)

Attorney Data Entry into NYSCEF - Subsequent Filings

1. Do not use the previous Request for Court Action form you already e-filed unless it is exactly what you're e-filing.
2. Wait until the Court has assigned a file number to your initial e-filing before submitting **anything** further.
3. Once a file number has been assigned by the court in NYSCEF you may submit filings using that number.
4. Once a proceeding is started as an e-filing continue to submit ALL subsequent filings via NYSCEF (i.e. proofs of service, correction affidavits, additional proceedings, etc.)

Hybrids

A Hybrid filing is when you e-file an additional filing in a proceeding that started as a hard file.

Do not enter the File# in NYSCEF unless the Court has already assigned one in NYSCEF in the past (even if already known).

Be sure to use the estate name as presented on the Letters or Certificate previously issued.

If you are submitting closing documents DO scan them separately by document (ex. Inventory separate from Receipts and Releases.)

Efiling Do's and Don'ts

DO

- ~ Use File # assigned if there is a prior record in NYSCEF
- ~ Use the Cert docs request function (NOT for Voluntaries)
- ~ File docs of the same ALL together (ie waivers) and conversely, different docs in separately (ie Fam Tree and Aff)
- ~ Use specific RFSCA form (proceeding vs non-proceeding) for each individual filing (not re-filing previous used form)
- ~ Check the doc list carefully and try to minimize the use of "other docs" (if used, make brief note in the description area)
- ~ Be certain that doc chosen matches image
- ~ Check image quality (lightness, missing pgs, cut-offs, etc) and that the image=named estate and doc !)
- ~ Scan related docs together that are jointly listed in NYSCEF (ie Notice of Probate w/ mail aff)
- ~ Use RFSCA form for comments and/or specific needs (ie desired contact info or date request)
- ~ Scan the ORIGINAL WILL only. No photo copies or attorney certified copies
- ~ Order Exemplifications as 1 doc and then the total # of pgs in the certifications field (indicate on your RFSCA form what copies are needed)

DO NOT

- ~ File unwanted copies (ie, atty cert copy of will)
- ~ Use the Cert request function for Voluntaries
- ~ File the "Consent to Efiling" form
- ~ Scan After Death Witness Affs with the will
- ~ Use periods in the estate name
- ~ Request/order updated certs with the the "pay at court" option, as we cannot process w/out payment in hand
- ~ Scan docs sideways or upside down ! Check your images *after* scanning.
- ~ File anything additional on a matter *until after* you have rec'd notice of an assigned file number

**SURROGATE'S COURT
 CONSENSUAL V. MANDATORY E-FILING**

CONSENSUAL	MANDATORY
A party may commence a proceeding by filing the initiating documents electronically or any party may start e-filing at any stage of a proceeding. [207.4-a(e)(1)]	The proceeding must be commenced electronically by filing the initiating documents with the Clerk of the Court via NYSCEF. [207.4-aa(b)(1)]
A Notice Regarding Availability of Electronic Filing [Form SC-1] must be served along with hard-copy citation or order to show cause or the first e-filed documents in any proceeding. [207.4-a(e)(1)]	A Notice of Commencement of Proceeding Subject to Mandatory Electronic Filing [Form SCM- 1] must be served along with hard-copy citation or order to show cause [207.4-aa(b)(3)]
Other parties/attorneys wishing to participate record their consent to electronic filing.	Other parties/attorneys involved in the proceeding must record their representation in the electronically filed proceeding.
Non-consenting parties simply do not record their consent.	Non-participating parties/attorneys must file a Notice of Opt-Out from Mandatory E-Filing [Form SCM-2]. [207.4-aa(e)]
Notice of Hard Copy Submission – E-Filed Proceeding [Form SC-6] must be attached to any hard-copy submission in any Surrogate's Court proceeding in NYSCEF (with appropriate boxes checked). [207.4-a(e)(10)]	Notice of Hard Copy Submission – E-Filed Proceeding [Form SCM-3] must be attached to any hard-copy submission in any Surrogate's Court proceeding in NYSCEF (with appropriate boxes checked). [207.4-a(e)(10)]
Filing of initiating documents in hard copy permissible. [207.4-a(c)(1)]	Filing of initiating documents in hard copy permissible under emergency exception. (Form SCM-3 required.) [207.4-aa(b)(2)]
	All subsequent documents must be filed and served (on participating parties) electronically via NYSCEF unless emergency exception applies.
Clerk may not reject hard-copy filings.	Clerk must reject hard-copy filings. [207.4-aa(d)]

All non-participating parties must be served with hard-copy documents as per the SCPA.

If the court requires working copies, the filer must affix a notice identifying the document as a working copy and indicating that the document has been e-filed. [207.4-a(e)(11)]

**SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

_____x

File No. _____

Deceased.

_____x

**NOTICE OF COMMENCEMENT OF PROCEEDING
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the proceeding captioned above, which has been commenced by filing of the accompanying documents with the Clerk of the Court, is subject to mandatory electronic filing pursuant to Section 207.4-aa of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 207.4-aa(e) must immediately record their representation within the e-filed proceeding on the Consent/Represent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment or the requisite knowledge to comply (knowledge of employees is imputed to counsel); and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 207.4-aa, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center at 646-386-3033 or efile@courts.state.ny.us.

Dated: _____

_____ (Signature)	_____ (Address)
_____ (Name)	_____
_____ (Firm Name)	_____ (Phone)
	_____ (E-Mail)

To: _____

SUROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----X

File No. _____

Deceased.

-----X

**NOTICE OF OPT-OUT FROM PARTICIPATION
IN PROCEEDING SUBJECT TO MANDATORY ELECTRONIC FILING**

Pursuant to Section 207.4-aa of the Uniform Rules for the Trial Courts, I hereby opt out of participation in electronic filing in this mandatory e-filed proceeding.

For Attorneys:

I certify in good faith that I am unable to participate in mandatory electronic filing of documents in this proceeding on behalf of my client, _____, because [place your initials in the applicable space]:

_____ I lack [check off the applicable box]:

the necessary computer hardware

a connection to the internet

a scanner or other device by which documents may be converted to an electronic format

_____ I lack the knowledge regarding operation of computers and/or scanners needed to participate in electronic filing of documents in this case and no employee of mine or of my firm, office or business who is subject to my direction possesses such knowledge.

For Self-Represented Litigants [place your initials in the space below]:

_____ I choose not to participate in electronic filing of documents in this proceeding.

Dated: _____

_____ (Signature)

_____ (Name)

_____ (Firm Name)

_____ (Address)

_____ (Phone)

This form must be signed. All contact information must be provided, including the address at which hard-copy documents in this case should be served.

12/9/11

**SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

File No. _____

Deceased.

NOTICE OF HARD COPY SUBMISSION - - E-FILED PROCEEDING

(This Form Must be Annexed to Hard Copy Submissions in E-Filed Proceedings)

With limited exceptions, all documents in mandatory e-filed proceedings and e-filed proceedings in which consent has been given must be filed electronically. Counsel who seek to submit original hard copy documents in an e-filed proceeding must indicate the reason for hard copy submission by checking the relevant box and signing below.

1. Consensual Proceedings

I am authorized to and do withhold consent to e-filing on behalf of my client, a party to the case, or, if self-represented, myself and therefore submit this document in hard copy form.

2. Mandatory Proceedings

I am exempt from the requirement to e-file because I have filed with the court the exemption form required by the Rules or the court has granted my application upon good cause shown.

3. Consensual or Mandatory Proceedings

As provided by the Protocol on Electronic Filing, I am submitting a proposed order to show cause and supporting papers seeking a TRO, together with the required showing pursuant to Uniform Rule 202.7(f) demonstrating significant prejudice to the applicant from the giving of notice. If these documents are served in hard copy only, I shall, as required by the Protocol, e-file these documents within 3 business days after service unless the clerk of the court elects to e-file these documents.

I am authorized to file this document in hard copy pursuant to an emergency exception and am submitting the explanatory affirmation/affidavit required by the E-Filing Rules. I shall, as required by the Rules, e-file these documents within 3 business days unless the clerk of the court elects to e-file these documents.

I am applying for a sealing order and the need to protect sensitive information in the moving papers requires that I submit the papers in hard copy form, as permitted by the Protocol on Electronic Filing.

I am authorized to file this document in hard copy because of a technical failure on the e-filing site as defined in the E-Filing Rules. I shall, as required by the Rules, e-file these documents within 3 business days after restoration of normal operations at the site unless the clerk of the court elects to e-file these documents.

I am submitting documents for in camera review.

I am filing an exhibit that cannot be e-filed (Rule 207.4-a(e)(9)).

Dated: _____	_____ (Address)
_____ (Signature)	_____
_____ (Name)	_____ (Phone)
_____ (Firm Name)	_____ (E-Mail)

12/9/11

NOTICE OF HARD COPY EXHIBIT FILING

File Number: _____

Pursuant to Uniform Rule § 207.4-a(e)(9), notice is hereby given that the exhibit described below:

[] was filed in hard copy only with the Clerk of Surrogate's Court _____ County under the above referenced File Number

or

[] will be retained by the party set forth below until the conclusion of this proceeding, including all appeals, and therefore will not appear in electronic form in the e-docket.

Filing/Retaining Party: _____

Brief Description (e.g., map, videotape, etc.) _____

Dated: _____

Name

Firm/Department

Street Address

City, State and Zip Code

Phone

E-Mail Address

4/15/11

Example 1

~~From: "Elena F. Cariola" <ElenaCariola@GalloLaw.com>
To: Sarah Sennett <ssennett@courts.state.ny.us>
Date: 2/7/2012 4:18 PM
Subject: FW: NYSCEF: Monroe - Surrogate <> (COLETTE L LIGURI) COURT FILED DOCUMENT Confirmation Of E Filing~~



-----Original Message-----

From: eFile@courts.state.ny.us [mailto:eFile@courts.state.ny.us]
Sent: Tuesday, February 07, 2012 4:09 PM
To: Elena F. Cariola
Subject: NYSCEF: Monroe - Surrogate <> (COLETTE L LIGURI) COURT FILED DOCUMENT Confirmation Of E Filing

This is an AUTOMATED response

The New York State Courts Electronic Filing System (NYSCEF) received documents on 02/07/2012 04:08 PM from E-Filing User: Court User, Ellen K Sargent, for the following proceeding:

Decedent: COLETTE L LIGURI
File Number: 2010-1766
Date record created in NYSCEF: 03/30/2011 03:30 PM

Email Notifications Sent to:

CARIOLA, ELENA F - elenacariola@gallolaw.com

Pursuant to Section 207.4-a of the Uniform Rules, service of interlocutory documents through the electronic filing system can be made only on parties who have agreed to participate in e-filing. All other parties, whose names are not listed above, must be served with papers in hard copy form in accordance with the Surrogate's Court Procedure Act.

You can view the contents of the submitted documents by clicking on the hyperlinks that appear in the body of this message below.

Document Links ...

= direct link to open the court filed document (ie order, decree, citation)



COURT FILED DOCUMENT
DESCRIPTION: DECREE OF INTERMEDIATE JUDICIAL SETTLEMENT
<https://iapps.courts.state.ny.us/fbem/SurrogateDocumentDisplayServlet?documentId=vjuSQ88b7SZIKZmw/XObSg==&system=prod>

If the hyperlink does not display the document by clicking on it, cut and paste the entire document link into your browser.

THIS E-MAIL IS INTENDED ONLY FOR THE USE OF THE NAMED ADDRESSEE(S) AND FOR THE PURPOSES OF THE ELECTRONIC FILING SYSTEM. IF YOU ARE NOT THE INTENDED RECIPIENT NOR A PERSON DESIGNATED TO RECEIVE MESSAGES ON BEHALF OF THE INTENDED RECIPIENT, PLEASE NOTIFY THE SENDER IMMEDIATELY. THANK YOU.

Example 2

Sarah Sennett - FW: NYSCEF: Monroe County Surrogate's Court(2012-201 HELEN TOMCZAK)

From: "Elena F. Cariola" <ElenaCariola@GalloLaw.com>
To: Sarah Sennett <ssennett@courts.state.ny.us>
Date: 2/7/2012 4:21 PM
Subject: FW: NYSCEF: Monroe County Surrogate's Court(2012-201 HELEN TOMCZAK)

Original Mssg

* **From:** eFile@courts.state.ny.us [mailto:eFile@courts.state.ny.us]
Sent: Friday, January 27, 2012 2:46 PM
To: Elena F. Cariola
Subject: NYSCEF: Monroe County Surrogate's Court(2012-201 HELEN TOMCZAK)

= email confirmation
(notice) of a user's
e-filed matter

File Record Information
01/27/2012 02:45 PM

File Number	Decedent	Date Of Death	Proceeding Type	Record Created	E-Filing User
2012-201	HELEN TOMCZAK	03/14/2011	Other	01/27/2012	CARIOLA, ELENA F
Domicile:	Address1	Address2	City	State	Zip
	150 TOWNLINE ROAD		ROCHESTER	NY	14626
Record Id	Court	Judge Assigned	Value of The Estate		
8605	Monroe County Surrogate's Court		Less than \$10,000		
Comments or Instructions					
Need 4 copies of 1211					

Receipt Information

Transaction Id: 301009
Transaction Date: 01/27/2012 02:45 PM
Authnet Auth Code:
Authnet Transaction Id: E33333789

*** FEES OWED ***

No. Of Docs	Description	Amount
	REQUEST FOR SURROGATES COURT ACTION	

1	PROCEEDING RELIEF	\$ 0
1	OTHER DOCUMENT	\$ 0

***** PAYMENTS *****

Payment Type:

***** TOTALS *****

Total Due: \$ \$0.00

Total Tendered: \$ \$0.00

Comment:

Processed By: Boyce, Michael

If the hyperlink does not display the document by clicking on it, cut and paste the entire document link into your browser.

=====

NOTE : Pursuant to Section 207.64(g) of the Uniform Rules, service of the initiating papers and the "Court Notice Regarding Availability of Electronic Filing" must be made in hard copy on each party (unless the party agrees to accept service by electronic means). A copy of the "Court Notice Regarding Availability of Electronic Filing" can be found on the E-Filing website under the Surrogate forms menu as SC-1.

=====

THIS E-MAIL IS INTENDED ONLY FOR THE USE OF THE NAMED ADDRESSEE(S) AND FOR THE PURPOSES OF THE ELECTRONIC FILING SYSTEM. IF YOU ARE NOT THE INTENDED RECIPIENT NOR A PERSON DESIGNATED TO RECEIVE MESSAGES ON BEHALF OF THE INTENDED RECIPIENT, PLEASE NOTIFY THE SENDER IMMEDIATELY. THANK YOU.

Efiling Quick Reference Sheet 7th JD Surrogate's Court

→ **New York State Courts Efilng (NYSCEF) web site:**
www.nycourts.gov/efile

→ **Reference Materials:**

- 1 - NYSCEF User Manuals (found on NYSCEF web page)
Part I - Surrogate's Court Users Manual
- 2 - Efile User Cheat Sheet
- 3 - Dos & Don'ts of Efilng

→ **Court Contacts by County:**

Cayuga - MaryAnne Marr, Chief Clerk
mmarr@courts.state.ny.us
(315) 255-4316

Livingston - Nannette Galvin, Chief Clerk
ngalvin@courts.state.ny.us
(585) 243-7095

Monroe - Mark Annunziata, Esq., Chief Clerk
mannunzi@courts.state.ny.us
(585) 371-3289

Sarah Sennett, Deputy Chief Clerk
ssennett@courts.state.ny.us
(585) 371-3307

Ontario - Elizabeth Simpson, Chief Clerk
esimpson@courts.state.ny.us
(585) 346-4054

Seneca - Jane Lawson, Chief Clerk
jalawson@courts.state.ny.us
(315) 539-7531

Steuben - Mark Howell, Chief Clerk
mshowell@courts.state.ny.us
(607) 776-7126

Wayne - Margaret Smith, Chief Clerk
mssmith@courts.state.ny.us
(315) 946-5430

Yates - Vanessa Smith, Chief Clerk
vsmith@courts.state.ny.us
(315) 536-5130