

FILING REQUIREMENTS

These court rules are the reasons why we must insist that your paperwork contain these two frequently missed items.

MCR 5.114 (B) Authentication by Verification or Declaration

(1) An application, petition, inventory, accounting, proof of claim, or proof of service must be either authenticated by verification under oath by the person making it, or, in the alternative, contain a statement immediately above the date and signature of the maker: "I declare under the penalties of perjury that this _____ has been examined by me and that its contents are true to the best of my information, knowledge, and belief."

MCR 5.113 (B) Contents of Petitions

- (1) A petition must
 - (e) except when ex parte relief is sought, include a current list of interested persons, indicate the existence and form of incapacity of any of them, the mailing addresses of the persons or their representatives, the nature of representation and the need, if any, for special representation.
- (2) The petition may incorporate by reference papers and lists of interested persons previously filed with the court if changes in the papers or lists are set forth in the incorporating petition.

SCAO FORM USAGE

MCR 5.113 (A) Forms of Papers Generally

- (1) An application, petition, motion, inventory, report, account, or other paper in a proceeding must
 - (c) be substantially in the form approved by the State Court Administrator, if a form has been approved for the use.

Accordingly, the Oakland County Probate Court *policy* is as follows:

The SCAO form **must** be used when a form has been approved for that particular use. A hand-drafted or word-processed document may be filed if it contains the following language: "This document is a replication of the SCAO approved form. No alterations or deletions have been made."

Thank you for your attention to these filing requirements.

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