

Probate Notes Pt. 2

Using Verified Supplements

How to supplement what you have
already filed to get ready for your
hearing



Using Verified Supplements

Some Probate Notes will tell you that your document is defective because it contains contradictory or incomplete information.

Kern County doesn't have a standard form for clearing notes like this.

In order to clear probate notes that request clarification of information you provided in your paperwork, you may complete a Verified Supplement on Pleading Paper.

You may contact the Kern County Law Library for a customizable template for a Verified Supplement.



Using Verified Supplements

What exactly is a Verified Supplement?

A Verified Supplement is your written response to a question asked by a probate examiner that you file with the court under penalty of perjury.

The Court needs clear, accurate information. Don't worry if you made a mistake on an earlier form submitted to the Court. The probate examiner just needs to make sure the information on your paperwork is complete and accurate. Deliberately misleading the Court is not OK, but honest mistakes are correctable with Verified Supplements.



Using Verified Supplements

PLEASE NOTE: Verified Supplements can also be used to add new information to pleadings you have already filed, even before you receive notes from the probate examiners - in this presentation, we are just focusing how they are used to clear notes to get you ready for your hearing.



Using Verified Supplements

There are some general guiding principles to keep in mind when writing your responses to the requests for verified supplements.

- 1) Try to focus on providing factual answers as simply as possible.
- 2) Stay organized - Respond to the questions in the order they are asked.
- 3) Date and sign both on the page where you answer the probate examiner's questions and on your Verification.
- 4) Don't write a response on your Supplement to notes that ask you to file new documents.



Using Verified Supplements - Example

Probate Notes: (1) What is Jane J. Roe's relationship to Conservatee? (2) What is the correct spelling of Jane Roe's middle name?

The examiner is asking two questions. Let's see what the Verified Supplement would look like.

1 John Doe, Jr.
2 123 Fake St.
3 Bakersfield, CA 93310
4 (661) 123-4567
5 In Pro Per

6 SUPERIOR COURT OF CALIFORNIA
7 COUNTY OF KERN

8) Case No.: BPB-12-345678
9 Conservatorship of the Estate and Person)
10 of) Supplement to Petition for
11 John Doe, Sr.,) Conservatorship
12 Also Known As) Hearing Date: 6/6/2022
13 John Doe) Time: 8:30 a.m.
14) Dept: J-1
15)
16)

17 Petitioner has filed a Petition for Conservatorship and Petitioner hereby supplements
18 the Petition with the following:

19 Probate Note 1: What is Jane J. Roe's relationship to conservatee?

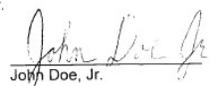
20 Response: Jane J. Roe is the biological sister of the conservatee.

21 Probate Note 2: What is the correct spelling of Jane J. Roe's middle name?

22 Response: Jane J. Roe's middle name is Jay.

23
24 WHEREFORE, Petitioner(s) request(s) that this supplement be allowed and approved,
25 and for all other orders the court considers proper.

26
27 Date 5/6/2022

28 
John Doe, Jr.

SUPPLEMENT

Your completed first page will feature all of your contact information, an accurate caption for the case, and a concise series of responses to the questions asked by the probate examiners.

Let's take a closer look at the way you clarify your responses.

Petitioner has filed a Petition for Conservatorship and Petitioner hereby supplements the Petition with the following:

Probate Note 1: What is Jane J. Roe's relationship to conservatee?

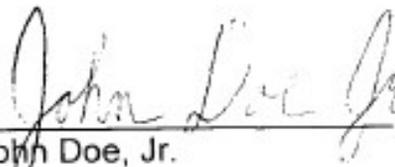
Response: Jane J. Roe is the biological sister of the conservatee.

Probate Note 2: What is the correct spelling of Jane J. Roe's middle name?

Response: Jane J. Roe's middle name is Jay.

WHEREFORE, Petitioner(s) request(s) that this supplement be allowed and approved, and for all other orders the court considers proper.

Date 5/6/2022


John Doe, Jr.

The response takes the questions in order, it answers them clearly, and provides the information requested.

Now, on to the Verification page.

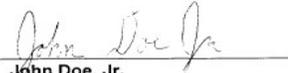
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VERIFICATION

I, John Doe, Jr., am the Petitioner named in the above-entitled proceeding. I have read the foregoing Supplement to Petition for Conservatorship and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/6/2022


John Doe, Jr.

SUPPLEMENT

The Verification - this part is fairly straightforward. It is why this is called a Verified Supplement - you are verifying its contents by declaring under penalty of perjury these are the most accurate responses you can provide, to the best of your knowledge.

You must also serve a copy of the Verified Supplement on all parties entitled to notice and attach a proof of service to the Verified Supplement for filing with the court.



Using Verified Supplements

Not all Probate Examiners will always state explicitly “Need to file Verified Supplement.”

They may write something like “Petitioner must clarify if they are seeking Conservatorship of the Person Only since “Person Only” was checked, but item 1(b) was also checked, indicating they are petitioning for the estate.”

This note may be answered with a Verified Supplement because it asks a question that can be answered with a straightforward statement of fact.



Final Points

Normally, the probate examiner will require the filing of a verified supplement to correct your errors. On rare occasions, the probate examiner will ask you to file an AMENDED pleading.

If the form you have been asked to amend is a Judicial Council form, you must write AMENDED next to the title of the form on the front page, and then fill the form out completely. Do not just fill in the sections that were unclear or incomplete the first time.

Make sure that the document is filled out top to bottom to avoid further delay.



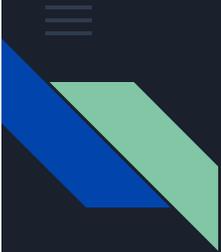
Final Notes

If you are uncertain about the order in which to file your documents, or are unclear on the probate note, there are resources available to assist you.

Your most valuable resource may be the Probate Examiners themselves. You may dial **(661) 868-6864** Tuesday through Friday, 10:00 AM through Noon to get clarification on your probate notes.

You can contact the Kern County Law Library for blank Judicial Council forms, template pleadings you may edit to fit the case information and facts of your probate matter, access to legal research tools like Westlaw and self-help resources like NOLO books. The Law Library may be reached at (661) 868-5320 or via email at info@kclawlib.org.

If yours is a Guardianship matter, you may wish to reach out to the legal assistants in the Self-Help Center for information. They may be reached at (661) 868-2532 or via email at wmselfhelp@kern.courts.ca.gov.



Final Points

If you are feeling lost in your probate matter, you may wish to consider whether you have room in your budget for an attorney to handle any or all of your matter. You may check out the **Kern County Bar Association** at www.kernbar.org to search for attorneys in Kern County who specialize in probate.



Final Points

Try your best to stay organized. If you have a probate matter before the court, there will be a lot of paperwork to keep track of, dates to keep in mind, and information to review. Keep all of your documents and information organized to the best of your ability. Take notes during the process to keep your thinking focused.

Do not go to court without a notepad to write down exactly what the Judge tells you. Their feedback is meant to help you.



Final Points

Please address your Probate Notes sooner than later.

Kern County Local Rule of Court 8.3.2.1 (a) states, "Any documents submitted to resolve examiner's notes shall be filed by 9:00 a.m. two court days prior to the hearing date, or they may not be considered by the court and the matter may be continued."

The Court cannot *guarantee* documents submitted after this deadline will be reviewed in time for your hearing, and late submissions may cause avoidable delays in your case.



Final Points

This presentation is being prepared during a time of ever-changing rules and regulations regarding access to the court due to Covid-19. If you are unsure of how to file your documents, or what the current rules are regarding access to the Probate Court, please contact the court's general assistance line at (661) 868-5393 and select the Probate Department from the automated menu. They can give you the most up to date information about how to file your documents, and what the current policy is on appearing in court (whether in person or via remote electronic means).

To be clear: a clerk in the Probate department cannot offer you legal advice, only general information. If you need legal advice, please consider seeking advice from an experienced probate attorney.