

**HOW TO FILE A PROBATE  
ORDER TO SHOW CAUSE IN THE  
CHANCERY DIVISION – PROBATE PART  
CAPE MAY COUNTY**

## ORDER TO SHOW CAUSE

An "Order to Show Cause" (OTSC) requires the party(s) against whom it is entered to show cause on a specific date (return date) why a particular action of the court should not occur. Examples include restraints on someone from engaging in a particular activity (such as eviction from or possession of property), or why a Final Judgment should not be entered.

An Order to Show Cause may come in several different forms. Generally, they are filed when there is an emergency which requires immediate action by the court. Attached to this packet is a "Form Order to Show Cause." You are required to complete the name, address and telephone portion of the Order to Show Cause, the names of the parties involved, and Paragraph 1 of the Order to Show Cause. The court will complete the remaining portion of the Order to Show Cause. The filing fee for an Order to Show Cause is \$175.00, made payable to Surrogate of Cape May County.

An Order to Show Cause must be supported by a "Certification" (Statement of Facts), and any supporting documentation. A sample Certification is attached to this packet.

Generally, after an Order to Show Cause is filed with the Clerk, the Judge will conduct a hearing, either by phone or in person, to determine whether or to the Judge feels that an Order to Show Cause is warranted. It is not unusual for the Judge to deny an applicant's request for an Order to Show Cause. If the Judge feels an Order to Show Cause is warranted, he will schedule a date when you and the other party(s) are to appear in court. Once the Judge signs the Order to Show Cause, you will receive a signed copy. The Order to Show Cause will indicate the date and time upon which you and the other party(s) are to appear in court. IT IS YOUR RESPONSIBILITY TO SERVE THE ORDER TO SHOW CAUSE SIGNED BY THE JUDGE AND ANY OTHER DOCUMENTS SUCH AS A VERIFIED COMPLAINT, ETC. ON ALL PARTIES BY REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

For more information on Order to Show Causes, please refer to New Jersey Court Rules 4:67 (Summary Hearings) and 4:52 (Injunctions). Legal reference books may be found in the Legal Library located at the Cape May County Court House, 9 North Main Street, Cape May Court House, New Jersey.



This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

a) \_\_\_\_\_

b) \_\_\_\_\_

c) \_\_\_\_\_

d) \_\_\_\_\_

(Your Name)

DATED \_\_\_\_\_

\_\_\_\_\_  
(Your Name)  
\_\_\_\_\_

\_\_\_\_\_  
(Your Address & Phone No.)  
\_\_\_\_\_

IN THE MATTER OF THE ESTATE  
OF

\_\_\_\_\_  
Deceased

) SUPERIOR COURT OF NEW JERSEY  
) CHANCERY DIVISION, PROBATE  
) DOCKET NO. \_\_\_\_\_

)  
)  
) Civil Action

*ORDER TO SHOW CAUSE*

\_\_\_\_\_  
(1). THIS MATTER having been brought before the court by \_\_\_\_\_  
(Your Name), plaintiff, appearing pro se, on notice to all defendants and/or defendants being  
represented by attorneys, and the court having reviewed the documents submitted by plaintiff(s)  
in support of the Order to Show Cause, and the court having considered the equities and relief  
requested by plaintiff(s), and for good cause shown;

(2). IT IS ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, ORDERED that the  
defendant(s) show cause before the Superior Court of New Jersey, Chancery Division,  
Probate Part, Cape May County Court House, 9 North Main Street, Cape May Court  
House, NJ, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ ( ) a.m. ( ) p.m. why an  
Order should not be entered in favor of plaintiff(s) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IT IS FURTHER ORDERED that a copy of these pleadings be served upon the defendant(s) by mailing same certified mail, return receipt requested and regular mail, at least \_\_\_\_\_ days prior to the return date hereof.

\_\_\_\_\_, Surrogate



\_\_\_\_\_  
(Your Name)

\_\_\_\_\_  
(Your Address & Phone No.)

\_\_\_\_\_  
IN THE MATTER OF THE ESTATE

\_\_\_\_\_  
Deceased

) SUPERIOR COURT OF NEW JERSEY  
) CHANCERY DIVISION, PROBATE  
) DOCKET NO. \_\_\_\_\_

)  
) Civil Action  
)

) ORDER  
\_\_\_\_\_

THIS MATTER having been brought before the court as a result of a Complaint filed by

☐ Plaintiff ☐ Defendant, for an Order \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the court having considered the matter, and for good cause shown;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ ORDERED:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
J.S.C.



\_\_\_\_\_  
(Your Name)  
\_\_\_\_\_

\_\_\_\_\_  
(Your Address & Phone No.)  
\_\_\_\_\_

IN THE MATTER OF THE ESTATE  
OF

\_\_\_\_\_  
Deceased  
\_\_\_\_\_

) SUPERIOR COURT OF NEW JERSEY  
) CHANCERY DIVISION, PROBATE  
) DOCKET NO. \_\_\_\_\_  
)  
)  
)

CIVIL ACTION

PROOF OF MAILING

I, \_\_\_\_\_ (Your Name) am the ☐ plaintiff ☐ defendant  
in this action. On \_\_\_\_\_, 20\_\_\_\_, I mailed copies of the following documents by  
regular and certified mail to:

DOCUMENTS \_\_\_\_\_

(List Parties)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

I certify that the statements noted above are true. I am aware that if any of the statements  
made by me are willfully false, I am subject to punishment by this court.

\_\_\_\_\_  
(Your Name)

\_\_\_\_\_  
(Date)