

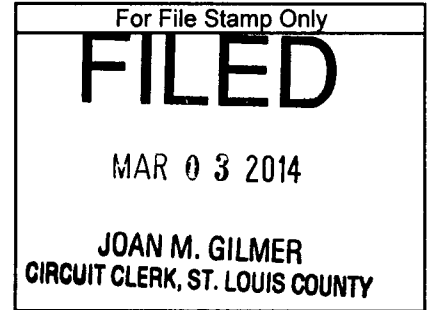
IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

21st JUDICIAL CIRCUIT

IN RE: THE 21ST JUDICIAL CIRCUIT

Probate Division

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ADMINISTRATIVE ORDER

1. Use of Sub-Case Numbers Discontinued.

(a) Effective immediately, the probate division will discontinue the use of sub-case numbers for successive or subsequent proceedings involving the same decedent's estate. For example, if a will is filed with the court and later the will is formally presented to the court for admission to probate, those two actions will be assigned separate case numbers. Every succeeding or subsequent action will be assigned a new case number distinct from the number assigned to the previous action, unless the judicial officer to whom the action is assigned determines that the succeeding or subsequent action should be consolidated into the prior action under the original case number.

(b) The sole exception to this order will be filings that simply amend Information already on file in a prior action. However, if the filing seeks to reopen a closed estate as a result of the discovery of new assets not previously inventoried in an estate, the filing will receive a new case number.

(c) Designations such as -01, -02, etc. will no longer be used with the original file number. Documents filed in the original case file which are relevant to a succeeding or

subsequent action will be copied and will be inserted in the record of the succeeding or subsequent action.

2. Adversary Probate Proceedings.

(a) The following matters are declared to be “adversary probate proceedings,” within the meaning of and as that term is defined in Section 472.140.2, RSMo:

- (i) Actions for Accounting from and/or Breach of Fiduciary Duty of an Attorney-in-Fact Under the Durable Power of Attorney Law, Section 404.717, RSMo;
- (ii) Trust Contests, Section 456.6-604, RSMo;
- (iii) Removal of Trustee, Section 456.7-706, RSMo;
- (iv) Breach of Trust, Section 456.10-1001, RSMo;
- (v) Disqualification of Beneficiary Designations for Fraud, Duress, or Undue Influence, Section 461.054.1, RSMo;
- (vi) Fraud under Probate Code, Section 472.013, RSMo;
- (vii) Discovery of Assets, Section 473.340, RSMo;
- (viii) Gifts in Fraud of Marital Rights, Section 474.150, RSMo; and,
- (ix) Breach of Contract to Make a Will, Section 474.155, RSMo.

(b) Effective immediately, every adversary probate proceeding filed in the probate division will be opened as a separate case and will be assigned a separate case number. It will have the same case name as the original estate or other related action but will also contain the designation “adversary matter” or ADV. The case number listed on pleadings already filed in a pending adversary matter will be changed to reflect the new case number. Subsequent pleadings filed in the adversary matter should bear the new case number. Orders issued by the court in the adversary matter shall be issued under the new case number. When the adversary matter is concluded, the case file

opened as the adversary matter will be closed.

(c) Nothing in Section 2 of this Order should be construed to limit the discretion of the judicial officers of the probate division under section 472.141.1, RSMo, or Rule 41.01(b), Mo. R. Civ. Proc., acting upon their own motion or on the motion of any party, to declare on a case-by-case basis any other action or claim filed with the division that is not listed in Section 2(a) of this Order as an “adversary probate proceeding” in light of the pleadings and other materials filed by the parties to any such action. If such a declaration is made, notice shall be given to all parties. The action will then be assigned a separate case number and designated an “adversary matter” or “ADV” in the same manner as the other adversary probate proceedings listed in section 2(a) of this Order.

(d) Nothing in section 2 of this Order should be construed to modify any of the procedures applicable to adversary probate proceedings that are prescribed under the Rules of Civil Procedure, with particular reference to Rules 52.07 (interpleader), 52.11 (third party practice), 55.01, 55.06, 55.32, 55.33 and 55.34 (joinder of claims, counterclaims, cross-claims, amended pleadings, and remand of actions from Federal court). All pleadings in these collateral actions should bear the same case number assigned to the related adversary matter.

SO ORDERED:



Carolyn C. Whittington, Probate Judge