

New Delaware Court of Chancery eFiling Tips, Tricks and Special Instructions

1. Verification of Pleadings

- Please take note that all pleadings filed with the Court of Chancery setting forth a claim or cause of action against another party, including but not limited to, all complaints, amended complaints, cross claims and third party complaints must be verified.

2. Location of Cases

- A new court named "DE Chancery Guardianship/Trust" will be available on File & Serve beginning December 3rd, 2007.
- Any case with a CM case number filed prior to December 3rd, 2007 will be available in this court for electronic filing.
- In addition, all new guardianship and trust cases formerly filed as miscellaneous actions must be initiated in this court in their proper case class.
- Any other miscellaneous action should be initiated in the DE Court of Chancery as a Civil Action, per the Court's standing order of September 26th, 2007 and amended November 20th, 2007.

3. File & ServeXpress fees for special counsel:

- If you are a court-appointed attorney (attorney-ad-litem, attorney fact finder, Public Guardian, or the Attorney General filing on behalf of the Public Guardian's Office), you must identify yourself as one on every transaction filed by marking the "Court Appointed Counsel/ADR" box.
- The "Court Appointed Counsel/ADR" box is located on the Review and Submit tab, directly below the 'File with the court and Serve selected parties' button. Selecting this box will waive the File & ServeXpress eFiling and eService fees.
- If you do not click the "Court Appointed Counsel/ADR" box, your FSX fees will not be waived, nor will the court's rule 3(bb) \$2.00 per page fee be waived.
- If you choose to use US Mail and/or Fax service, the fees for these services will still apply as are optional services.

4. Designation of Pleadings:

- Per Standing Order dated November 8, 2007 "all pleadings or other filings with the Court of Chancery shall carry the designation "IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE" and shall not reflect the county where filed."

5. Selection of Division When Initiating New Guardianship or Trust Case:

- When filing a new Guardianship or Trust case formerly filed as a miscellaneous action, you will be prompted to select a Division which identifies the county of the case.
- You will no longer need to put a county designation on pleadings.

6. IMO case names:

- All new Guardianship cases filed entitled with “In the Matter of...” shall be filed beginning with “IMO.”
- For example, “In the Matter of John Doe” should be “IMO John Doe.”

7. Guardianship and Trust Entries of Appearance:

- Due to the security of Guardianship and Trust cases, the court must first add the attorney involved in the case to the File & Serve eFiling system in order for the attorney to see the case or file into the case.
- Please fax your “Entry of Appearance” to:

o New Castle County:	302-255-2213
o Kent County:	302-736-2240
o Sussex County:	302-856-5778

8. Transaction and Document File Size Limits:

- Beginning December 3rd, 2007 the court will no longer accept any documents larger than 10 megabytes.
- In addition, the court will no longer accept transactions in which all documents combined are larger than 25 megabytes per Standing Order dated November 19th, 2007.

9. Linking Documents:

- The court recommends that the document types in the left hand column below be linked to document types in the right hand column.
- Please note that this list should not be considered an exhaustive list of documents which should be linked.
- If you have questions as to whether documents should be linked, please call the Register’s Office.

Document Type	Suggested Document to be Linked to
Accounting	Previous accounting and/or Inventory
Amended Answer	Original answer
Amended Petition	Original petition
Answer	Petition
Answer and Petition	Petition
Answer to Petition	Petition
Answering Brief	Opening brief

Document Type	Suggested Document to be Linked to
Appraisal of Real Estate	Petition to sell real estate
Attorney Ad Litem report	Approved preliminary order
Attorney's Fees	Petition and/or final order
Bond Approved	Final order
Contested Petition	Petition and/or document being contested
Cross petition	Petition
Discovery Requests	Only responses have to be linked-not the request
Exceptions to Accounting	Accounting
Exceptions to Masters Report	Master's Report
Financial Disclosure	Petition to Expend
Guardian status report	Last status report and/or final order
Inventory	Final order and proof of compliance
Letter	Any document the letter references to
Motion	Any item referenced to in the Motion
Motion for default judgment	Petition
Motion for Summary Judgment	Any item referenced to in the Motion
Motion to Dismiss	Petition and/or cross petition
Notice of Voluntary Dismissal	Petition
Objection	Document the objection is in reference to
Opening Brief	Briefing schedule
Promissory Note	Petition to Expend
Proof of Compliance	Approved final order
Proposed Final Order	Petition (if not loaded in same transaction)
Proposed Order	Motion (if not loaded in same transaction)
Receipts	Petition to Expend
Reply	Document the reply is in reference to
Reply Brief	Answering brief

Document Type	Suggested Document to be Linked to
Response	Any document the response is in reference to
Response to Exceptions	Exceptions
Response to Exceptions to Masters Report	Exceptions to Masters Report
Stipulation	Any document the stipulation is in reference to
Stipulation & (Proposed) Order	Any document the stipulation is in reference to
Vacation of Deposition	Notice or Deposition

10. Other Court Recommendations for Guardianship Cases:

- Every document certification request must be accompanied by a copy of the document and a \$25 certification fee per document
- All consents filed with a document must be notarized
- There is a 12 Noon filing deadline in each county for petitions to be considered at the next routine hearing day:
 - o New Castle County: Noon Tuesday
 - o Kent County: Noon Wednesday
 - o Sussex County: Noon Wednesday
- A statement must be filed as clarification for any situation when NO KNOWN NEXT OF KIN AND/OR WHEREABOUTS UNKNOWN is stated.

11. Other Court Recommendations for Partition Cases:

- Trustee must be identified in Order of Sale
- Trustee report due within 90 days of the date of sale

12. Other Court Recommendations for Former Miscellaneous Cases:

- Attorney of record for Sale of Real Estate is responsible for e-filing appraisal report