

## PROCEDURES/PREFERENCES

### Judge James S. Moody, III – East Circuit Probate Division W

**SCHEDULING HEARINGS ON JAWS** – Probate hearings will be scheduled on the same docket as Judge Moody's East Circuit Division T cases, therefore hearing times of 30 minutes or less are available through JAWS for **East Circuit Div. T**. Options are: Uniform Motion Calendar (UMC) - 7 to 10 minutes per case; Open Docket: 5 minutes per case; 15 minute hearing; 30 minute hearing. When a hearing time has been agreed upon, please email JA at [wingattm@fljud13.org](mailto:wingattm@fljud13.org) and request that the hearing be scheduled in JAWS.

If more than 30 minutes is needed, please email JA at [wingattm@fljud13.org](mailto:wingattm@fljud13.org) and copy opposing party or attorney.

All contested evidentiary matters of 30 minutes or more will be conducted in person at 301 N. Michigan Ave., Courtroom 4, Plant City, FL 33563. CMCs and uncontested matters of 15 minutes or less may be conducted via Zoom.

For hearings taking place electronically, Division W is using the Zoom videoconference platform. You do not need an account to use Zoom and the service is free. You may use a cellphone, tablet or computer. The Zoom link for Judge Moody is <https://zoom.us/j/2575039244> and the Zoom Meeting ID is 257-503-9244. No password is required. If unable to use the Zoom link, please call one of the following phone numbers and enter the Zoom Meeting ID: 1-253-215-8782; 1-301-715-8592; 1-312-626-6799; 1-646-558-8656. Please include the Court's Zoom log-in information on Notice of Hearing. The Court is able to swear in witnesses and parties over Zoom; please have a picture. The following documents no longer need to be originals and should not be mailed to the Clerk's office:

1. Certified copies of Death Certificates can be e-filed.
2. Oath of Personal Representative and Designation of Resident Agent and Acceptance can be e-filed.

**PROBATE DIVISION W IS PAPERLESS. PLEASE DO NOT SEND IN HARD COPIES OF ORDERS TO BE SIGNED. ALL ORDERS MUST BE UPLOADED THROUGH THE E-PORTAL TO EAST CIRCUIT PROBATE DIVISION W.** Please be sure to check that it is the correct Division.

– Attorneys please do not upload any orders until all required documents have been filed in the Court file. Please wait 3 business days after filing through the e-portal or submitting original documents to upload the Order to allow time for the Clerk's office to docket same. Any Orders uploaded without compliance with the above requirements having been met will be rejected by the Clerk's office and removed from the judge's work queue.

– Documents filed in response to an **Order to Show Cause MUST be filed no later than 5 business days prior to the hearing.** Documents filed after this date will not result in cancellation of the Order to Show Cause Hearing. NOTE: This includes petition and order extending time.

– The parties are required to attend mediation prior to attending any hearing for 2 hours or more. Failure to attend mediation shall result in cancellation of the hearing.

– Attorneys must submit all case law authority being cited or relied upon at all contested hearings. You can hand deliver, email or mail to East Circuit Probate Division W and please put the case number. **CASE LAW MUST BE SUBMITTED AT LEAST 3 DAYS BEFORE HEARING.**

– **ALL EXHIBITS INTENDED TO BE INTRODUCED IN HEARING/TRIAL MUST BE SUBMITTED NO LATER THAN 3 DAYS BEFORE HEARING/TRIAL AND BE SUBMITTED IN A BINDER WITH AN INDEX AND TABBED.**

- Every Order that is uploaded to e-portal as a result of a hearing MUST include the date of the hearing in the opening paragraph of the Order and SHOULD NOT be uploaded more than 2 days before the hearing. If an Order is uploaded more than 2 days in advance of a hearing, the Clerk of the Circuit Court will reject and remove the Order. East Circuit Probate Division W is electronic and ALL Orders MUST be uploaded to the e-portal - see [www.fjud13.org](http://www.fjud13.org) PLEASE DO NOT MAIL IN HARD COPIES OF PROPOSED ORDERS.

- The preferred method for scheduling in East Circuit Probate Division W is by email request rather than telephone. Please email [wingattm@fjud13.org](mailto:wingattm@fjud13.org) only after checking JAWS. JAWS will have UMC, Open Docket, 15 minute and 30 minute hearing times available. If any case has opposing counsel/parties, they MUST be copied on any emails to the division JA. Please email copy of Notice of Hearing to JA at [wingattm@fjud13.org](mailto:wingattm@fjud13.org). **IF HEARING WILL BE CONDUCTED VIA ZOOM, PLEASE INCLUDE THE COURT'S ZOOM LOG-IN INFORMATION ON NOTICE OF HEARING.**

- All Orders MUST carry something of substance on the judge's signature page, i.e., no hanging signatures.

### **ADDITIONAL REQUIRED DOCUMENTS FOR PROBATE MATTERS**

#### *FORMAL ADMINISTRATION*

If the decedent died less than two years before the date of filing, the petition for administration must be accompanied by a paid funeral bill or other satisfactory proof that the funeral expenses have been paid. All petitions for administration in intestate estates must be accompanied by an affidavit of heirs. In addition to the requirements listed above, all signatures related to petitions for administration filed *pro se* must be notarized.

#### *SUMMARY ADMINISTRATION*

If the decedent died less than two years before the date of the filing, the petition for summary administration must be accompanied by a paid funeral bill or other satisfactory proof that the funeral expenses have been paid. All petitions for summary administration in intestate estates must be accompanied by an affidavit of heirs.

In addition to the requirements listed above, all signatures related to petitions for summary administration filed *pro se* must be notarized.