

**GEAUGA COUNTY PROBATE COURT  
JUDGE TIMOTHY J. GRENDALL**

**CHECKLIST - INSOLVENCY**

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten or legibly handwritten, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court's Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-226-7339.

**Suggested Additional Reading.**

- Probate Information Sheet titled "Creditor Rights"
- Supreme Court of Ohio Bench Card titled "Insolvent Estates"<sup>1</sup>

**Initial Considerations**

- The "Representation of Insolvency" (form 24.0) may not be filed with the Court until
  - The Inventory and Appraisal (form 6.0) and Schedule of Assets (form 6.1) have been filed with the Court; and
  - The six-month period for presenting a creditor claim (per R.C. 2117.06(B)) has elapsed.
- Consider obtaining the signature of interested persons, who are entitled to notice of hearing, upon the "Waiver of Notice of Hearing on Representation of Insolvency and Schedule of Claims" (Form GC PF 24.2A) and filing that waiver with the Court at the initial filing.

**Filing Requirements**

1. "Representation of Insolvency" (form 24.0)
2. "Insolvency Schedule of Claims" (form 24.4)
3. "Continuation of Insolvency Schedule of Claims" (form 24.5)
4. "Insolvency Claims – Class Subtotal" (form GD PF 24.4A)
5. "Judgment Entry Setting Hearing and Ordering Notice" (form 24.1)

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<sup>1</sup> <https://www.supremecourt.ohio.gov/JCS/CFC/resources/probateBenchCards/insolventEstates.pdf>

## Post-Initial Filing

1. Service of Notice of Hearing. Except to the extent that interested persons signed a “Waiver of Notice of Hearing on Representation of Insolvency and Schedule of Claims” (Form GC PF 24.2A), which such waiver was filed with the Court, after obtaining the hearing date from the “Judgment Entry Setting Hearing and Ordering Notice” (form 24.1), the applicant must prepare and serve upon all interested persons “Notice of Hearing on Representation of Insolvency and Schedule of Claims” (Form 24.2) at least 10 days before the hearing date.
  - a. The persons to be served are all creditors (including creditors whose claims were rejected by the Estate Representative, claimants, to the surviving spouse, to the custodians of minor children who are not the children of the surviving spouse, and other persons having an interest in the estate as devisees, legatees, heirs and distributees.
  - b. Service of the notice must be by certified mail, return receipt requested, or personal service.
2. Proof of Service. Promptly after service of notice, the Estate Representative shall prepare and file with the Court the form “Verification of Service – Notice of Hearing on Representation of Insolvency and Schedule of Claims” (form 24.3), together with (1) a copy of the Notice and (2) proof of service for each recipient of the notice of hearing (e.g., the returned “green cards”).
3. Judgment Entry of Insolvency (Form 24.6). Complete the case name and case number at the beginning of Form 24.6 and deliver it to the Court at the hearing.