

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

CHECKLIST - FULL ADMINISTRATION

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. If you decide to proceed without assistance from your attorney or from the Court's Help Center, then you should read the following Probate Information Sheets before taking any action:

- Probate Process Overview
- Jurisdiction of Ohio Probate Courts
- Full Administration
- The Decedent's Will
- Rights of Surviving Spouse
- Creditor's Rights

Filing Requirements

1. **Probating Decedent's Will** - if the Decedent has a Will, then you must also file an application to probate that Will - see "Checklist - Probate Decedent's Will" and Probate Information Sheet "The Decedent's Will."
2. **Copy of Death Certificate** - (1) must redact the social security number and (2) must be shrunk to letter-size.
 - **Form GC PF 4.52 Residency Affidavit** - if the Decedent's address on the Death Certificate is not in Geauga County.
3. **Identification** - If applicant is not represented by an attorney - see Geauga Probate Local Rule 78.10] (1) a government-issued photographic identification (e.g., a current driver's license or passport), and (2) evidence of current mailing address (e.g. recent utility bill, bank statement account, property tax bill, voter registration card).
4. **Criminal Background Check Authorization** - prepare and file with the Court form "GC PF 4.30 - Background Certification and Records Check" unless the applicant is the sole next-of-kin or beneficiary under Decedent's Will – see Local Probate Rule 78.11.
5. **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees**
6. **Form 4.0 Application for Authority to Administer Estate**

7. Waiver or Declination of Right to Administer

- **Form 4.3 Waiver of Right to Administer.** If the decedent died without a will and if another person has a superior or equal right to be appointed as Administrator, then prepare, obtain the signature of that person, and file with the Court form 4.3 - Waiver of Right to Administer.
 - **GC PF 4.9 - Declination.** If the decedent died with a will, which was admitted to probate, and if another person has a superior or equal right to be appointed as Executor, then prepare, obtain the signature of that person, and file with the Court form GC PF 4.9 - Declination. If any such person refuses to sign a Declination, then the Court will set the Application for Application to Administer the Estate for hearing and the Court will notify the pertinent parties.
8. **GC PF 4.9A – Executor Listing** If the applicant seeking appointment as Executor is not the Person who is first in priority as executor in the Will that was admitted to probate, then prepare and file this form.
9. **Form 4.8 Fiduciary’s Acceptance**
10. **GC PF 4.29 - Medicaid Recovery Acknowledgment** [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.5(D)(4)]
11. **Determine Bond Requirement** - comply with Geauga Probate Local Rule 78.17 and Additional Notes below.
12. **Court Cost Deposit** - arrange for payment of court cost deposit. See the “Probate Court Costs” on the Court’s website. See additional note below regarding indigent applicant.

Additional Notes

- **Jurisdiction and Venue.** Confirm that this Court has jurisdiction to appoint you as an Executor or Administrator, as applicable and that the proper venue is Geauga County. See the probate information sheet titled “Jurisdiction of Ohio Probate Courts.”
- **Residency Requirement.**¹
 - **Administrator.** If the applicant is applying to be appointed as (1) administrator, (2) special administrator, (3) administrator de bonis non, or (4) administrator with the will annexed, then the applicant must reside in Ohio.
 - **Executor.** If the applicant is applying to be appointed as Executor, then the applicant may be a nonresident of Ohio if the applicant otherwise qualifies as provided in R.C. 2109.21(B)(1).
- **Bond Requirement.** Decide whether to obtain a Bond or whether to file Application to Dispense with Bond. If Bond is required, then prepare and present Form 4.2 – Fiduciary’s Bond. If you seek to dispense with the Bond, then prepare and file Form GC PF 4.40 – Application to Dispense with Bond. If the basis is consent of heirs and beneficiaries, then

¹ R.C. 2109.21

also prepare and file (1) Form GC PF 4.37 – Consent to Dispense with Bond and (ii) Form GC PF 4.38 – Fiduciary’s Acknowledgment of Personal Liability

- Preparation of Form 1.0. If there is a surviving spouse or surviving lineal descendants, then include (i) the name and address of each predeceased child, and (ii) under the name of a predeceased child insert the name and address of that child’s lineal descendants. Moreover, you must correctly check one of the boxes toward the bottom of the front page of Form 1.0. Carefully review Geauga Probate Local Rule 78.5(A)(2). Finally, consider whether the Decedent designated an heir at law under R.C. 2105.15, and if so, obtain a certified copy of the court order and file it with the Court if that court order is by another court.
- Personal Identifiers - see Geauga Probate Local Rule 57.2(C). Do not insert protected personal identifiers into a court document. If ordered by the Court, prepare and file form SC Form 45(D) - Confidential Disclosure of Personal Identifiers.
- Determine Probate Assets - determine an estimate of the Decedent’s probate property (see Probate Information Sheet - Probate Process Overview) and the value, including whether Decedent has (i) any right to unclaimed funds (see Ohio Division of Unclaimed Funds), (ii) a safe deposit box, (iii) tax refunds, (iv) unpaid wages, and (v) security deposit. See Geauga Probate Local Rule 60.1(B). As to each class of estimated value only insert “None” (if applicable) or the good faith estimated - not “\$0.00” or “unknown.” The Court required the estimate value to determine any bond requirement.
- Decedent’s Name - insert the decedent’s name first, as shown on the death certificate, in all court documents, and insert next any other name as shown on the probate assets (e.g., certificate of title or financial account statement) - see Geauga Probate Local Rule 78.5(A)(8).
- Will Index - search the Court’s Will Index (see Sup.R. 59(A) and Geauga Probate Local Rule 59.1(C)).
- Medicaid Recovery - if the applicant is not represented by an attorney, then prepare and file with the Court form GC PF 4.29 - Medicaid Recovery Acknowledgment, (and if required prepare and file, within 30 days after appointment, the appropriate forms with the Ohio Medicaid Estate Recovery Unit and then file with the Court the Form 7.0 Certification of Notice to Administrator of Medicaid Estate Recovery Program. Generally, the Ohio Medicaid Estate Recovery Unit must be notified of the decedent’s death if the decedent received or indirectly benefited from [e.g., payments to a nursing home] Medicaid payments AND the decedent was older than 54 or was permanently institutionalized.)
- Notice of Hearing on Appointment of Fiduciary.
 - Appointment of Executor. If a person has a superior or equal right to serve as executor and does not sign form GC PF 4.9 - Declination, then the Court will set the matter for hearing and the applicant shall serve notice of the hearing upon those persons using form GC PF 4.18 - Notice of Hearing, served no less than 10 Calendar Days before the hearing. As to those Interested Persons who did not sign the form GC PF 4.9 – Declination, the Estate Representative shall deliver a copy of that notice to each such person in accordance with Civ.R. 73(E). Before the Hearing, the Applicant shall provide the Court with proof of service of that notice by preparing and filing with the Court the form titled “Affidavit Evidencing Service of Notice” (GC PF 41.6) together with a copy of each such notice and evidence of service (e.g., the “green card”) for

each notice. See Geauga Probate Local Rule 78.13. Determine whether service of notice must be by publication. See Geauga Probate Local Rule 78.14.

- Appointment of Administrator. R.C. 2113.06(A) determines who can be appointed an administrator. If a person has a superior or equal right to serve as administrator and does not sign form 4.3 - Waiver of Right to Administer, then the Court will set the matter for hearing and the applicant shall serve notice of the hearing upon those persons using Form 4.4 - Notice and Citation of Hearing on Appointment of Fiduciary, served no less than 10 Calendar Days before the hearing date. The Estate Representative shall deliver a copy of that notice to each such person in accordance with Civ.R. 73(E). Before the Hearing, the Applicant shall provide the Court with proof of service of that notice by preparing and filing with the Court the form titled "Affidavit Evidencing Service of Notice" (GC PF 41.6) together with a copy of each such notice and evidence of service (e.g., the "green card") for each notice. See Geauga Probate Local Rule 78.13. Determine whether service of notice must be by publication. See Geauga Probate Local Rule 78.14.
- Waiver of Service to Surviving Spouse of the Citation to Elect. If there is a surviving spouse, then consider preparing the form titled "Waiver of Service to Surviving Spouse of the Citation to Elect" (Form 8.6), deliver it to the spouse together with the form titled Summary of Rights of Surviving Spouse (Form 8.3). If Form 8.6 is signed by the surviving spouse, then file it together with the Application for Authority to Administer Estate (Form 4.0).
- Allowance for Support. If there is a surviving spouse or minor children, please review R.C. 2106.13. The Court must order payment of the Allowance for Support. If the surviving spouse or a guardian of a minor child is willing to waive the right to the Allowance for Support, then prepare, obtain signatures and file the form titled "Waiver of Allowance for Support" (GC PF 7.3). Otherwise, the Executor or Administrator **MUST** prepare and file, no later than five months after appointment as such, either (i) Form 7.1 – "Application for Family Allowance, or (ii) Form 7.2 – "Application for Apportionment of Family Allowance, if the Court must apportion the Allowance for Support. If the Allowance for Support must be paid and if the surviving spouse selected one or more automobiles, requiring an adjustment of the value of the Allowance for Support per R.C. 2106.13(A), then obtain of copy of the affidavit of value delivered to the Auto Title Bureau per R.C. R.C. 4505.10(B) for the lowest value automobile selected.
- Notice of Appointment. As required by Sup. R. 60(B), an Administrator (not Executor) shall give notice of the appointment within seven days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have (i) waived notice by signing and filing the form titled Waiver of Notice of Appointment of Administrator (GC PF 4.4B), or (ii) been provided notice of the hearing on the appointment (i.e., Form 4.4 – "Notice and Citation of Hearing on Appointment of Fiduciary"). If notice of appointment is required, then the Administrator shall use the form titled "Notice of Appointment of Administrator" (GC PF 4.4A). The Administrator shall deliver a copy of that notice to each such person in accordance with Civ.R. 73(E). The Administrator shall provide the Court with proof of service of that notice by preparing and filing with the Court the form titled Affidavit Evidencing Service of Notice (GC PF 41.6) together with a copy of each such notice and evidence of service (e.g., the "green card") for each notice. See Probate Local Rules 78.13.
- Indigent. If the Filer is Indigent and prepares and files form GCPF 65.0 Financial Disclosure Affidavit together with the filing, then the Clerk will permit the filing without payment of the

security deposit; provided however that if the Court disapproves that form, then the Filer must pay the security deposit no later than 30 Calendar Days after the court order of disapproval. (See Geauga Probate Local Rule 58.2(A)).

- Establish Estate Checking Account. As soon as possible after receiving the Letters of Appointment, the Fiduciary must establish an estate checking account if required by Geauga Probate Local Rule 78.5(D)(4).
- Firearms. As soon as practicable after receiving the Letters of Appointment, the Fiduciary should determine whether the Decedent owned or possessed any (i) firearms that are regulated by federal or applicable state law or (ii) Dangerous ordnance as defined by R.C. Sec. 2923.11(K). Federal or state law may regulate the Fiduciary regarding the possession, storage, sale, transport, and the distribution of such probate property to certain beneficiaries, particularly beneficiaries who reside in another state. If the Decedent owned such probate property and if the Fiduciary does not have an attorney, then it is highly recommended that the Fiduciary obtain legal advice from an attorney who is familiar with such legal issues.