

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

**CHECKLIST – CERTIFICATE OF TRANSFER
[R.C. 2113.61(D)]**

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 before taking any action:

- Geauga Probate Local Rule 78.5(E)
- Probate Information Sheet – The Decedent's Will
- R.C. 2113.61(D)

BACKGROUND

This checklist is only intended for the filing of Form 12.0 - Application For Certificate of Transfer when the box is checked that states "There has been no administration, and none is contemplated."

Filing Requirements

1. **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.
2. **Identification** - [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.10], then present to the Clerk (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).
3. **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees**
4. **Form 12.0 - Application For Certificate of Transfer**
5. **Form 12.1 - Certificate of Transfer**
6. **GC Form "GC PF 12.2 – Entry Issuing Certificate of Transfer"**
7. **Form GC PF 4.29 - Medicaid Recovery Acknowledgment** [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.5(D)(4)]
8. **Copy of Deed**

9. **Evidence of Ownership** – file a copy of evidence of decedent’s current ownership of the real property, which is either (i) the most current county auditor’s tax bill; provided that if the real property is in Geauga County, Ohio, then a copy of the “Tax Card,” which is displayed <https://realestate.geauga.oh.gov/>, after completing the search, or (ii) a current preliminary title report for the real property indicating decedent as the current owner.

10. **Probating Decedent’s Will**

- If the Decedent has a Will that is not admitted to probate, then you must file an application to probate that Will and file all related documents to have that Will admitted to probate - see “Checklist - Probate Decedent’s Will.”
- If the Decedent has a Will that was admitted to probate in another Court, then obtain and file an authenticated copy of that Will.

11. **Court Cost Deposit** - arrange for payment of the court cost deposit. See the “Probate Court Costs” on the Court’s website.

Additional Notes

1. Probate Administration. R.C. 2113.61(D) has two situations that allow filing an Application for Certificate of Transfer when no probate administration is pending.
- Prior Probate Administration. An Application for Certificate of Transfer of real property may be filed if there was a prior probate administration and the executor or administrator failed to file an Application for Certificate of Transfer before being discharged. The Application for Certificate of Transfer must be filed in the probate court of the prior probate administration. In effect, although that real property is a newly discovered asset, the applicant need not follow the more complex process to reopen the prior probate estate (as explained in the probate checklist titled “Checklist – Reopen Estate”).
 - No Probate Administration. An Application for Certificate of Transfer of real property may be filed if (i) there was no prior probate administration and (ii) no probate administration is contemplated (except in the case of the grant of or contemplated application for the grant of an order of a summary release from administration under R.C. 2113.031. The Application for Certificate of Transfer must be filed in the probate court of the county in which either (i) the decedent resided at time of death or (ii) the real property is located. For example, if the decedent died owning real property worth \$200,000 and a bank account worth \$3,000, and if the funeral bill was \$4,000, then an heir, a devisee, or a successor in interest could file an Application for Certificate of Transfer of real property and then the person who paid the funeral bill could file an Application for Summary Release from Administration to transfer that bank account. However, if the bank account was worth \$6,000, then a full administration would have to be filed in order to file an Application for Certificate of Transfer, because the bank account could not be transferred by an Application for Summary Release from Administration. In other words, a probate proceeding is contemplated to probate that bank account.

➤ **NOTE:** If (i) the fiduciary files an Application for Summary Release from Administration after the filing of an Application for Certificate of Transfer and (ii)

the proceeding resulting from the filing of an Application for Certificate of Transfer is closed, then the fiduciary must also prepare and file the documents required to reopen the estate (**see the end of Checklist – Reopen Estate and form GC PF 4.51C**). If no will is admitted to probate, then the Court will close the proceeding resulting from the filing of an Application for Certificate of Transfer on the date the Certificate of Transfer is issued. If a will is admitted to probate, then the court will close the proceeding resulting from the filing of an Application for Certificate of Transfer on the date that is the later of (a) the date that the Certificate of Transfer is issued, or (b) the date that the will contest period is concluded.

2. Qualification of Applicant. The applicant must be either an heir, a devisee or a successor in interest.
3. Six-Month Waiting Period. Geauga Probate Local Rule 78.5(E) requires that Form 12.0 - Application For Certificate of Transfer may not be filed until six months after date of death.
4. Title to Real Property. The Estate Representative should confirm that Decedent is the owner of the real estate at date of death by performing a property search on the Geauga County Auditor's website (<https://realestate.geauga.oh.gov/>). The Court may request that the Fiduciary obtain a title examination for that real property and file with the Court GC Form "GF PF 50.3 – Certificate of Title – Inventory." Consider obtaining a title examination and preparing and filing GC Form "GF PF 50.3 – Certificate of Title – Inventory" together with the other documents required above.
5. 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).
6. Decedent's Name. First Insert the decedent's name as shown on the death certificate, in all court documents, and then next insert 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).
7. Will Index. Search the Court's Will Index – (see Sup.R. 59(A) and Geauga Probate Local Rule 59.1(C)).
8. 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 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.
9. Waiver of Right to Contest Will. Consider having appropriate persons waive their right to file a Will Contest action as permitted by R.C. 2107.71, within the time period allowed under R.C. 2017.76. Such waiver may be provided using Court Form GC PF 3.4 – Waiver of Right to Contest Will. Otherwise, the Court may not issue a Certificate of Transfer until the Will Contest period has expired.

10. Indigent. If the applicant 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 applicant 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)).
11. Surviving Spouse Rights. If a surviving spouse is a transferee named in the Certificate of Transfer, then the surviving spouse may not be entitled to consideration of surviving spouse rights such as allowance for support or interest (R.C. 2106.13) or interest the mansion house (R.C. 2106.10) without first filing for a full administration in order to have a fiduciary appointed. The appellant should obtain legal advice on this issue.