

**PROBATE COURT OF GEAUGO COUNTY, OHIO
JUDGE TIMOTHY J. GRENDALL**

IN RE _____

CASE NO. _____

APPLICATION FOR APPOINTMENT OF TRUSTEE

A. Action Type

Applicant applies to this Court to be appointed Trustee of a:

Testamentary Trust

Decedent's Name _____ Case No. _____

A copy of the Decedent's Last Will and Testament is attached

Wrongful Death Trust

Decedent's Name _____ Case No. _____

A Wrongful Death Trust Agreement is attached, along with a copy of the Entry Approving Settlement and Distribution of Wrongful Death Proceeds

Special Needs Trust Beneficiary's Name _____

A Motion to Establish Special Needs Trust is attached

A Special Needs Trust Declaration is attached

The Beneficiary is a Ward under guardianship in this Court Case No. _____

2111.50(B)(3) Trust Beneficiary's Name _____

A Motion to Establish R.C. §2111.50(B)(3) Trust is attached

A Trust Declaration is attached Case No. _____

2111.182 Trust Beneficiary's Name _____

A Motion to Establish R.C. §2111.182 Trust is attached

A Trust Declaration is attached

Parental or Guardian approval is attached Case No. _____

B. Estimated Value

Applicant states that the trust estate is estimated as follows:

Personal property	\$ _____	
Real property	\$ _____	
Annual rentals	\$ _____	
Other	\$ _____	
	Total	\$ _____

C. Bond

Applicant states that in the matter of a Trustee's bond:

- Bond is dispensed with by the instrument
- Bond is dispensed with by law
- Bond in the sum of \$ _____ is attached
- Applicant has applied to the Court to dispense with bond simultaneously with the filing of this Application

I certify that all of the information in this application and all attached documents are complete and correct to the best of my knowledge and belief.

Print Attorney Name

Street Address

City State Zip Code

Phone: _____

Attorney: _____

Print Fiduciary Name

Street Address

City State Zip Code

Phone: _____

PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GREDELL

In Re: _____

Case No. _____

CURRENT BENEFICIARY LIST

[Current Beneficiary is defined in R.C. 5801.01(F)]

Name	Address	Age Of Minor
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Do any current beneficiaries have a guardian, or are confined to a penal institution or committed by court order resulting from mental illness? Yes No

If so, please explain:

**PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GRENDALL**

In Re: _____,

Case NO. _____

NOTICE HEARING ON APPOINTMENT OF TRUSTEE

To the following persons:

Name

Address

Name

Address

Name

Address

Name

Address

_____ has filed an application in this Court, asking to be appointed Trustee.

The hearing on the application will be held on _____, 20____, at ____ o'clock __ M. in this Court.

The Court is located at the Geauga County Courthouse Annex, 231 Main St Suite 200, Chardon, Ohio 44024.

Probate Judge/Deputy Clerk

PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GREDELL

IN RE _____

CASE NO. _____

- Estate
- Guardianship
- Conservatorship
- Trust
- Other _____

AFFIDAVIT EVIDENCING SERVICE OF NOTICE
[Civ. R. 73(F)]

Having been duly sworn, the undersigned states that he or she has served notice, in accordance with Civil Rule 73(E), upon all persons required to receive notice as required by applicable law, including the Geauga Local Rules, except to the extent that such persons have waived notice. A copy of that notice is attached.

The evidence of service of notice, as required by Civil Rule 73(F), are attached, and the waivers are attached or have been previously filed.

Fiduciary _____
[Print Name]

Attorney _____
[Print Name]

Attorney Registration Number _____

State of Ohio
County of Geauga

Sworn to or affirmed and subscribed before me by _____
this date of _____, 20____.

Notary Public

PROBATE COURT OF GEauga COUNTY, OHIO
JUDGE TIMOTHY J. GRENDALL

IN RE TRUSTEESHIP OF _____

CASE NO. _____

FIDUCIARY'S ACCEPTANCE-TRUSTEE

[R.C. §2109.02]

I accept the duties that are required of me by law, and such additional duties as are ordered by the Court. As Trustee of this trust I will:

1. Make and file an inventory of the real and personal assets of the trust within three months after appointment, or such time as extended by the Court;
2. Deposit funds which come into my hands in a lawful depository located within this state. The trust checking accounts must provide statements showing all cancelled checks, as these checks must be displayed when filing accounts;
3. Keep trust funds in separate trust accounts at all times during the administration of the trust;
4. Invest all funds in a lawful manner;
5. Timely pay bond premium, if any;
6. Make and file a Trustee's Account within one year after my appointment or such time as ordered by the Court, and file additional accounts on at least a biennial basis, or as otherwise ordered by the Court;
7. Timely file all tax documents as required by law;
8. Submit all filings with original signatures of all fiduciaries;
9. Obey all Orders of the Court; and,

I acknowledge that I am required to notify this Court of any change in my permanent address and that I may be removed if I fail to notify this Court of a change in my permanent address.

I acknowledge that I am subject to removal as Trustee if I fail to perform my fiduciary duties.

I also acknowledge that I am subject to possible civil and criminal penalties for improper conversion of the property which I hold as fiduciary.

NOTE: R.C. §2109.02 states that every fiduciary, before entering into the execution of a trust, shall receive letters of appointment from a Probate Court having jurisdiction of the subject matter of the trust. The duties of the fiduciary shall be those required by law and such additional duties as the Court orders. Letters of appointment shall not be issued until a fiduciary has executed a written acceptance of those duties, acknowledging the possibility of removal for failure to perform those duties, and further being subject to possible penalties for conversion of property held as fiduciary. The written acceptance of duties may be filed with the application for appointment.

Date: _____, _____

Type Name of Trustee

PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GRENDALL

IN RE _____ [] Estate
CASE NO. _____ [] Conservatorship
[] Trust
[] Other _____

BACKGROUND CERTIFICATION
AND
RECORD CHECK AUTHORIZATION

(Select one)

{ } I certify that I have not been convicted of or plead guilty to a felony offense, and no felony case is pending.

I have been convicted of or plead guilty to a felony offense, or a felony case is pending, which is explained below: [Provide the court, court number, date of conviction or plea, and description of each offense]:

I *authorize and consent* to the Probate Court of Geauga County, Ohio (“the Court”) obtaining all criminal history and background information pertaining to me and appearing in the files of The Ohio Courts Network. This search is referred to as a “Records Check.” Upon request I will supply the Court with any personal information (e.g. social security number) to facilitate the Records Check.

By signing this document, I *authorize* the release of my criminal history and background information to the Court for a period that is the lesser of (1) a two-year period after the date I file this document with the Court, or (2) the date that my duties as a fiduciary in this matter terminate.

I understand that the Court will file this document and the background information received as a result of a Records Check, in the confidential portion of the Court’s case record for this matter as provided for under Sup. R. 44 and Sup. R. 45, and that this document and such information is not deemed to be a part of the case documents or the case administrative documents pertaining to this file. **This document and such information is not a public record.**

Date: _____

Print Full Name

**PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GRENDALL**

IN RE TRUSTEESHIP OF _____

CASE NO. _____

[] ENTRY [] MAGISTRATE'S ORDER - APPOINTING TRUSTEE

Upon the Application for Appointment of Trustee, the Court finds the following:

- The Decedent's Last Will and Testament was admitted to probate in this Court, or a court of competent jurisdiction, and provides for the establishment of a Testamentary Trust pursuant to item number _____.
- The Wrongful Death Trust Declaration has been reviewed and approved by this Court. The Entry Approving Settlement and Distribution of Wrongful Death Proceeds allocates a portion of the Beneficiary's proceeds to a Wrongful Death Trust.
- The Motion to Establish Special Needs Trust and Special Needs Trust Declaration has been reviewed and approved by this Court. The establishment of a Special Needs Trust is authorized by law and approved by this Court.
- The Motion to Establish R.C. §2111.50(B)(3) Trust and a Trust Declaration has been reviewed and approved by this Court. The establishment of a R.C. §2111.50(B)(3) Trust is authorized by law and approved by this Court.
- The Motion to Establish R.C. §2111.182 Trust and a Trust Declaration has been reviewed and approved by this Court. The establishment of a R.C. §2111.182 Trust is authorized by law and approved by this Court.

The Applicant has filed all necessary documentation in compliance with Ohio law and the Local Rules of this Court. The Court is satisfied that the Applicant is a suitable person to administer the trust estate.

Therefore, it is ordered that _____ **is appointed Trustee of the trust described above. It is further ordered that:**

- Trustee's Bond is dispensed with by the instrument;
- Trustee's Bond is dispensed with by law;
- Trustee's Bond shall be filed in the amount of \$ _____;
- Trustee's Bond is dispensed with by separate order of this Court.
- Other: _____

Letters of Authority of Trustee shall be issued promptly upon the filing of Bond or completion of other instructions set forth in this Judgment Entry.

Date

Judge / Magistrate

PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GREDELL

In Re _____

Case No. _____

APPLICATION TO DISPENSE WITH TRUSTEE'S BOND
[Geauga Local Rule 78.17(G)]

The Applicant requests that the Court dispense with the requirement of a trustee's bond under R.C. §2109.04 in this case for the following reason (check only one):

- Bond is not required under Geauga Local Rule 78.17(G)(1) because the controlling instrument nominating the Applicant for appointment as Trustee expressly dispenses with bond.
- Bond is not required under Geauga Local Rule 78.17(G)(3) because the total value of the trust's personal property, annual income, and annual real property rentals is less than \$10,000.00.
- Promptly upon appointment, the Applicant will deposit all of the trust's assets into a restricted account at a financial institution in compliance with R.C. §2109.13. The Applicant will promptly file a written verification of deposit restrictions with the Court (SC Form 22.3). (Gauga Local Rule 78.17(G)(5))
- The following other special circumstances exist that make bond clearly unnecessary and the absence of bond will not prejudice any person or entity having a financial interest in this case. (Gauga Local Rule 78.17 (G)(6)):

Attorney

Type Name
Attorney Registration No. _____

Applicant

Type Name

[] ENTRY [] MAGISTRATE'S ORDER REGARDING TRUSTEE'S BOND

[Local Rule 78.17(G)]

- The Court grants the Application and dispenses with the requirement of bond in this case for the following reason:
 - Bond is not required under Geauga Local Rule 78.17(G)(1) because the controlling instrument nominating the Applicant for appointment as Trustee expressly dispenses with bond.
 - Bond is not required under Geauga Local Rule 78.17(G)(3) because the total value of trust's personal property, annual income and annual real property rentals is less than \$10,000.00.
 - Bond is not required under Geauga Local Rule 78.17(G)(5) because the Applicant has agreed to promptly deposit all trust assets into a restricted account at a financial institution in compliance with R.C. §2109.13. Once appointed by this Court, the Applicant is ordered to promptly file a written verification of deposit restrictions to the Court (SC Form 22.3).
 - Under Geauga Local Rule 78.17(G)(6), the Court finds that special circumstances exist in this case, as described in the Application, which establish that bond is clearly unnecessary and the absence of bond will not prejudice any person or entity having a financial interest in this case.

- The Court denies the application, but modifies the requirement of bond. In place of bond, the Court orders that promptly upon appointment the Applicant must do the following to preserve the ward's assets:

The Court denies the application. The Court orders the Applicant to post bond in the amount of \$_____.

Date: _____

Judge / Magistrate

**PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GRENDALL**

IN RE TRUSTEE SHIP OF _____

CASE NO. _____

LETTERS OF AUTHORITY OF TRUSTEE

Name of Trustee _____

Pursuant to the Judgment Entry Appointing Trustee filed in this Court, the individual listed above is appointed Trustee of the Trust captioned above.

This appointment grants to the Trustee all the powers necessary to perform the duties required by law.

[Check one of the following]

- Bond is dispensed with by the instrument;
- Bond is dispensed with by law; all checks must be payable to the Trustee and deposited into a custodial Depository by Order of the Court;
- Applicant has executed and filed an appropriate bond, which is approved by the Court.
- Bond is dispensed with by Local Rule;

Applicant is a suitable and competent person to execute the trust and has accepted the duties of Trustee.

Date: _____

Judge Timothy J. Grendell

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of this Court. It constitutes the appointment and letters of authority of the named fiduciary, who is qualified and acting in such capacity.

Judge Timothy J. Grendell

By:

Deputy Clerk

Date