

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

CHECKLIST - RELEASE FROM 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
- Release from Administration
- The Decedent's Will
- Rights of Surviving Spouse
- Creditor's Rights
- Digital Assets

General Requirements

- Determine nature and current value of the probate property
- Determine creditor claims
- Determine whether Relief from Administration is available
 - Is probate property \$35,000 or less?
 - If surviving spouse, then is probate property \$100,000 or less?

Filing Requirements

- **Probating Decedent's Will** - if the Decedent has a Will, then you must file an application to probate that Will - see "Checklist - Probate Decedent's Will."
- **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.
- **Funeral Bill** - (1) must provide evidence (a) that the funeral bill was paid in full and (b) of who paid that bill (e.g., cancelled check, receipt), or (2) if funeral bill is not due and owing (e.g., the funeral director was prepaid or the decedent's body was donated and cremation costs were paid by a third party), then provide satisfactory evidence establishing that fact.

- **Form GC PF 4.54 - Waiver of Reimbursement for Funeral and Burial Expenses** – If the person who paid the funeral bill or other court-approved funeral and burial expenses does not seek reimbursement from the estate, then the Commissioner should have that person sign and then file Form GC PF 4.54 - Waiver of Reimbursement for Funeral and Burial Expenses.
- **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).
- **Form 1.0 - Surviving Spouse, Children, Next of Kin, Legatees and Devisees**
- **Form 5.0 - Application to Relieve Estate from Administration**
- **Form 5.1 - Assets and Liabilities of Estate to be Relieved from Administration**
 - Real Estate – may use street address and permanent parcel number in the property description, and as noted below attach a copy of 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.
 - Certificated Personal Property (e.g., vehicles, motorcycles, mobile homes, boats) – include the I.D. number and Title number in the property description, but attach a copy of the certificate of title if available, otherwise the registration.
 - Firearms – set forth the manufacturer, model, and the serial number.
- **Waiver of Notice of Application to Relieve Estate from Administration** - have Interested Persons (See Form 1.0) sign either (1) Waiver of Notice on Form 5.0, or (2) sign and file Form 5.2 - Waiver of Notice of Application to Relieve Estate from Administration
- **Form GC PF 6.5 - Digital Asset Certification**
- **Form GC PF 6.6 - Tangible Personal Property Certification**
- **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)]
- **Form 5.6 - Entry Relieving Estate from Administration**
- **Form CG 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.
- If required by Sup.R. 45 and Geauga Probate Local Rule 57.2(C), then **Form 45(D) – Confidential Disclosure of Person Identifiers**
- If probate property includes real property, then **Forms 12.0 Application for Certificate of Transfer, 12.1 Certificate of Transfer, and 12.2 Order Issuing Certificate of Transfer.**
- **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 accept the filing of an Application to Relieve Estate from Administration and appoint you as a Commissioner, and that the proper venue is Geauga County. See the probate information sheet titled “Jurisdiction of Ohio Probate Courts.”
- 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.
- Notice of Application to Relieve Estate from Administration – See R.C. 2113.03(B) and Geauga Probate Local Rule 78.5(C)(3). As to those Interested Persons who did not sign the Waiver of Notice of Application to Relieve Estate from Administration (Form 5.2), the Estate Representative shall notify those Interested Persons using the form titled “Notice of Application to Relieve Estate from Administration” (Form 5.3). That notice must be delivered no less than two weeks 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 Estate Representative 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.
- Evidence of Ownership and Value - present to the deputy clerks evidence of assets and current value
 - If a vehicle, then a copy of certificate of title (or registration if title unavailable), and if the applicant elects to value the vehicle as provided in Geauga Probate Local Rule 78.5(D)(1)(a)(2), then a copy of evidence of value that conforms to Geauga Probate Local Rule 78.5(D)(1)(a)(2) (e.g., Kelley Blue Book).
 - If other certificated personal property (e.g. motorcycles, four-wheelers, boats, trailers, mobile homes, etc.), then a copy of certificate of title (or registration if title unavailable)
 - If real estate, then copy of 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, which may also be used as evidence of value, without the need for appraisal.
 - if financial accounts (including brokerage accounts for stocks and bonds), then a copy of financial statement nearest date of filing the Application for Relief from Administration.
 - If stocks or bonds (not listed on a financial/brokerage account), then the total number of the shares and bonds and their total current value and, for each share or bond, its serial number, the name of its issuer, its current value, and, if any, the name and address of its transfer agent.
 - If death benefit (e.g., life insurance, annuity, retirement), then copy of evidence of value.
 - If past due wages, the evidence of value (in writing from employer of possible).

- Appraisal – The applicant need only obtain an appraisal by an appraiser approved by the Court if any of the probate property (i) has a value that is not readily ascertainable or (ii) applicant does not elect to value probate property as permitted by Geauga Probate Local Rule 78.5(D)(1)(a)(2) (e.g., real property, vehicles). Moreover, as to such probate property that requires an appraisal, the applicant may obtain an order dispensing with an appraisal by preparing and filing (i) Court form GC PF 4.7 - Application to Dispense with Appraisal. Obtain the signed consent of all interested persons to the extent possible.
- Personal Identifiers - see Sup.R. 45(D) and Geauga Probate Local Rule 57.2(C). Do not insert protected personal identifiers into a court document, except for not more than the last four digits. For example, regarding financial accounts that have a unique account number, you could include the last four digits in the description of each such account on Form 5.1 – “Assets and Liabilities of Estate to be Relieved from Administration” - see Geauga Probate Local Rule 78.1(F). Prepare and file with the Court SC Form 45(D) - Confidential Disclosure of Personal Identifiers.
- Determine Probate Assets - determine all of Decedent’s probate property (see Probate Information Sheet-Probate Process Overview), 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.
- Describing and Transfer of Vehicles - when describing a vehicle on Form 5.1 Assets and Liabilities of Estate to be Relieved From Administration and on Form 5.6 Entry Relieving Estate From Administration, you must include (1) Year, (2) Make, (3) Model, (4) Body Type, (5) Mfr. Vehicle ID Number, and (6) Certificate of Title Number. Additionally, you may prepare and file GC Form “GC PF 10.3 - Application and Entry Transfer Motor Vehicles.”
 - If a surviving spouse selects one or more automobiles under R.C. 2106.18(A), then those automobiles are not an estate asset and need not be listed on Form 5.1 Assets and Liabilities of Estate to be Relieved From Administration or included in Form 5.6 Entry Relieving Estate From Administration. Please note that a surviving spouse MAY NOT select an automobile under R.C. 2106.18(A) that is otherwise disposed of by a will admitted to probate.
 - Moreover, If a surviving spouse selects more than one automobile under R.C. 2106.18(A), then the allowance for support prescribed by R.C. 2106.13 is reduced by the value of the automobile having the lowest value of the automobiles so selected. The value of the automobile is determined by the affidavit that the surviving spouse executes for the BMV pursuant to R.C. 4505.10(B).
- Transfer of Real Property. Prepare and file form 12.0 Application for Certificate of Transfer and form 12.1 Certificate of Transfer. Consider filing the Certificate of Transfer with the County Recorder upon receipt from the Court.
- 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)).

- Attorneys' Fees - If attorneys fees are to be paid from the probate assets, then the attorney must prepare and file a motion to approve such fees, providing detail required by Geauga Probate Local Rule 71.1 and obtain a court order approving the fees.
- 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 filing the Application for Release from Administration, 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.)
- Surety Bond Requirement - Review Geauga Probate Local Rule 78.17(I). A surety bond is not required unless the Court orders otherwise.
- Notice to Distributee Use GC Form "GC PF 4.42 – Notice to Distributee" if the Fiduciary is required to deliver a notice to a distributee as required by R.C. 2117.06(K).
- 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)).
- Establish Estate Checking Account. As soon as possible after receiving the Letters of Appointment, the Commissioner must establish an estate checking account if required by Geauga Probate Local Rule 78.5(C)(6).
- Firearms. The applicant should first review the probate information sheet titled "Firearms Law and Probate Concerns," then the applicant should determine whether the Decedent owned or possessed any (i) Firearms or (ii) Dangerous ordnance as defined by R.C. Sec. 2923.11(K). Federal or state law may regulate the applicant 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 or possessed such probate property and if the Commissioner does not have an attorney, then it is highly recommended that the Commissioner obtain legal advice from an attorney who is familiar with such legal issues.

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

ESTATE OF _____, DECEASED

Case No. _____

**SURVIVING SPOUSE, CHILDREN, NEXT OF KIN,
 LEGATEES AND DEVISEES**

[R.C. 2105.06, 2106.13 and 2107.19]

**[Use with those applications or filings requiring some or all of the
 information in this form, for notice or other purposes. Update as required]**

The following are decedent's known surviving spouse, children, and the lineal descendants of deceased children, if none, the following are decedent's next of kin who are or would be entitled to inherit under the statutes of descent and distribution.

Name	Residence Address	Relationship to Decedent	Birth date of Minor
_____	_____	Surviving Spouse	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTICE - The Clerk will not accept for filing this Form 1.0 if (i) a surviving spouse and at least one lineal descendant or a minor child of decedent is listed above and (ii) one of the following boxes is NOT checked.

[Check whichever of the following is applicable]

- The surviving spouse is the natural or adoptive parent of all of the decedent's children.
- The surviving spouse is the natural or adoptive parent of at least one, but not all, of the decedent's children.
- The surviving spouse is not the natural or adoptive parent of any of the decedent's children.
- There are minor children of the decedent who are not the children of the surviving spouse.
- There are minor children of the decedent and no surviving spouse.

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

ESTATE OF _____, DECEASED

Case No. _____

APPLICATION TO RELIEVE ESTATE FROM ADMINISTRATION
[R.C. 2113.03]

Applicant states that decedent died on _____

Decedent's domicile was _____
Street Address

City or Village or Township if unincorporated area County

Post Office State Zip Code

[Check one of the following]

- Decedent's will has been admitted to probate in this Court.
- To applicant's knowledge, decedent did not leave a will.

[Check one of the following]

- The assets are \$15,000 or less and decedent died on or after January 1, 1976.
- The assets are \$25,000 or less and decedent died on or after October 20, 1987.
- The assets are \$35,000 or less and decedent died on or after November 9, 1994.
- The assets are \$50,000 or less; the surviving spouse is entitled to all of the assets and the decedent died on or after April 16, 1993.
- The assets are \$85,000 or less; the surviving spouse is entitled to all of the assets and the decedent died on or after September 14, 1993.
- The assets are \$100,000 or less; the surviving spouse is entitled to all of the assets and the decedent died on or after March 18, 1999.

Applicant asks that the estate be relieved from administration because the assets do not exceed the statutory limits. A statement of the assets and liabilities of the estate is listed on the attached Form 5.1.

The decedent's surviving spouse, next of kin, legatees, and devisees know to applicant, are listed on the attached Form 1.0.

Attorney for Applicant

Type or print name

Street Address

City State Zip

Phone Number (include area code)

Attorney Registration No.

Applicant

Type or print name

Street Address

City State Zip

Phone number (include area code)

WAIVER OF NOTICE

The undersigned surviving spouse, heirs at law, legatees, devisees, and other persons entitled to notice of the filing of the application to relieve decedent's estate from administration, waive such notice.

_____	_____
_____	_____
_____	_____
_____	_____

[] ENTRY [] MAGISTRATE'S ORDER - SETTING HEARING AND ORDERING NOTICE

The Court sets _____, at _____ o'clock _____ M., as the date and time for hearing the application to relieve decedent's estate from administration.

[Check one of the following]

- All notice is dispensed with as unnecessary.
- Notice by publication to interested parties is dispensed with as unnecessary. Written notice shall be given, as provided by law and the Rules of Civil Procedure, to those persons entitled to notice, who have not waived notice.
- Written notice is dispensed with as unnecessary. Notice by publication shall be given to interested parties as provided by law and the Rules of Civil Procedure.
- Written notice shall be given to those persons entitled to notice, who have not waived notice, and notice by publication shall be given to interested parties, as provided by law and the Rules of Civil Procedure.

Date

Judge / Magistrate

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

ESTATE OF _____, DECEASED

Case No. _____

**ASSETS AND LIABILITIES OF ESTATE TO BE RELIEVED FROM
ADMINISTRATION**

Following is a summary statement of the character and value of the assets in decedent's estate [Insert a check in the "Appraised" column opposite an item if it was valued by the appraiser. Leave blank if the readily ascertainable value of the item was determined by applicant. Use extra sheets if necessary.]

	Appraised	Value
Automobiles distributed to surviving spouse by affidavit		Value
First automobile selected by surviving spouse under R.C. 2106.18 [Omit value when computing total assets] -----Appraised value \$	XXXX	
Second automobile selected by surviving spouse under R.C. 2106.18 [Omit value when computing total assets] -----Appraised value \$	XXXX	
Total value [not to exceed \$65,000.00]	\$	XXXX

Character of asset	Appraised	Value
Real Estate, described in accompanying Certificate of Transfer No.		\$
Other assets		
_____		\$ _____
_____		\$ _____
_____		\$ _____
_____		\$ _____
_____		\$ _____
_____		\$ _____
_____		\$ _____
_____		\$ _____
_____		\$ _____
_____		\$ _____
Total Assets		\$ _____

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

ESTATE OF _____, DECEASED

Case No. _____

NOTICE OF APPLICATION TO RELIEVE ESTATE FROM ADMINISTRATION

To the following persons:

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

An application has been filed in this Court asking that decedent's estate be relieved from administration, saying that the assets in the estate do not exceed the statutory limits.

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

The Court is located at **231 MAIN STREET, SUITE 200, CHARDON, OHIO 44024**

If you know of any reason why the application should not be granted, you should appear and inform the Court.

Fiduciary

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

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

ESTATE OF _____, DECEASED

Case No. _____

- MAGISTRATE'S DECISION RELIEVING ESTATE FROM ADMINISTRATION
 JUDGMENT ENTRY RELIEVING ESTATE FROM ADMINISTRATION

[R.C. 2113.03]

Upon hearing the application to relieve decedent's estate from administration, the Court finds that:

Decedent died (check one of the following) - testate intestate. The date of death and domicile are as stated in the application, and the Court has jurisdiction over the estate;

Notice to the surviving spouse, heirs at law, legatees, devisees, and other persons was duly effected or dispensed with by the Court as unnecessary;

The values of the several assets in the estate, given in the application do not exceed the statutory limits.

The Court therefore relieves the estate from administration, and orders (check and complete whichever of the following are applicable):

That the following personal property be sold (describe):

That the following debts of decedent shall be paid to the extent of assets:

That the statutory family allowance be paid to the surviving spouse - minor children of the decedent - apportioned between the surviving spouse and minor children of the decedent who are not the children of the surviving spouse. Attach Form 7.2A if necessary.

That Certificate of Transfer No. _____, attached to the application and describing decedent's real estate, issue and be preserved in the records of the Court and that authenticated copies of the certificate be delivered as required to the persons entitled to them;

That the financial institutions holding accounts in decedent's name as set forth below pay the same upon proper tax release (check one of the following) - to the commissioner - to _____

JUDGMENT ENTRY ADOPTING MAGISTRATE’S DECISION

The Court, upon independent review of the record, finds the Magistrate’s Decision to be well taken. The Court has reviewed the Decision for any errors pursuant to Civ. Rule 53 and hereby adopts the Magistrate’s Decision as an Order of this Court. The Magistrate’s Decision is hereby incorporated into the Entry by reference.

Date

Judge Timothy J. Grendell

NOTICE OF FINAL APPEALABLE ORDER
You are hereby notified that this may be a final appealable order.

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

ESTATE OF _____, DECEASED

CASE NO. _____

MEDICAID RECOVERY ACKNOWLEDGMENT

[R.C. § 2117.061]

As the person responsible for this estate (executor, administrator, commissioner, or the person who filed for a Release or Summary Release), I acknowledge that it is my duty to ascertain within 30 days after filing the initial application of appointment whether the decedent was:

- (1) 55 years of age or over on the date of death; and
- (2) recipient of medical assistance (Medicaid) benefits under R.C Chapter 5162.

I further acknowledge that *if the answer to both of those determinations is "yes"*, then I have a further duty to determine whether I must prepare SC Form 7.0(A) - "Notice of Administrator of Medicaid Estate Recovery Program," and timely mail that notice to the Medicaid Recovery Administrator at:

Administrator, Medicaid Estate Recovery
30 E. Broad St., 14th Floor
Columbus, OH 43215

After mailing that Notice of Administrator of Medicaid Estate Recovery Program, I will promptly file with the Court SC Form 7.0 - "Certification of Notice to Administrator of Medicaid Estate Recovery Program.

Print Full Name

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

ESTATE OF _____, DECEASED

CASE NO. _____

DIGITAL ASSET CERTIFICATION

I certify that (1) I have made a good faith effort to ascertain the Digital Assets owned by _____ (the "Decedent") and the value, and (2) the following is true and correct to the best of my knowledge:

The Decedent owns equipment capable of storing "electronic records" [see R.C. 2137.01(J) and (U) – e.g. computer, external hard drive, tablet, iPOD, cellphone, flash-drive, backup equipment, CD, DVD, etc.] Yes No

The aggregate value of Decedent's Digital Assets is greater than \$5,000 Yes No

The Decedent owns or leases the following Digital Assets (as defined by R.C. 2137.01):

- 1. Photos, Video, Music Yes No
- 2. Computer programs – Microsoft Windows, etc. Yes No
- 3. Gaming Software Yes No
- 4. Cryptocurrency – e.g. Bitcoin, Ethereum, etc. Yes No
- 5. Loyalty Programs – e.g. credit card usage, airline accounts, etc. Yes No
- 6. Domain Names Yes No
- 7. Website Accounts – e.g. Amazon, eBay, Goggle, PayPal, etc. Yes No
- 8. Social Media Accounts – e.g. Facebook, Linkedin, Twitter, YouTube, Instagram, Reddit, Tumbler, etc. Yes No
- 9. Other Digital Assets (see R.C. 2137.01(l)) Yes No
If so, please explain:

I have fully informed (i) the surviving spouse, if any, (ii) all adult next of kin or beneficiaries of this probate estate, and (iii) the guardian of all minor next of kin or beneficiaries of this probate estate of the description, extent, and value of all Digital Assets known by me to be owned by the decedent at date of death. Yes No

Date: _____

Print Name

PROBATE COURT OF GEAUGA COUNTY, OHIO

JUDGE TIMOTHY J. GRENDALL

ESTATE OF _____, DECEASED

CASE NO. _____

TANGIBLE PERSONAL PROPERTY CERTIFICATION

I certify that (1) I have made a good faith effort to ascertain the tangible personal property owned by _____ (the "Decedent") at death, and (2) the following is true and correct to the best of my knowledge as of the date of death:

- 1. Decedent owned household goods and clothing that, in the aggregate, have a value in excess of \$5,000. Yes No
- 2. Decedent owned one or more items of jewelry that individually have a value in excess of \$2,000. Yes No
- 3. Decedent owned one or more items of artwork that, individually have a value in excess of \$2,000. Yes No
- 4. Decedent owned one or more collections that, in the aggregate, have a value in excess of \$2,000 - e.g., coins, stamps, baseball cards, etc. Yes No
- 5. Decedent owned precious metals that, in the aggregate, have a value in excess of \$2,000 – e.g., gold, silver, etc. Yes No
- 6. Decedent owned business tangible personal property that, in the aggregate, has a value in excess of \$2,000 – e.g., tools, inventory, supplies, computers, etc. Yes No
- 7. Decedent owned or possessed one or more firearms that are regulated by federal law or applicable state law or any Dangerous ordnance as defined in R.C. Sec. 2923.11(K). Yes [] No []

To the extent possible, I have fully informed (i) the surviving spouse, if any, (ii) all adult next of kin or beneficiaries of this probate estate, and (iii) the guardian of all minor next of kin or beneficiaries of this probate estate of the description, extent, and value of all tangible personal property known by me to be owned by the decedent at date of death.

Yes No

Dated : _____

Print Name

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

IN THE MATTER OF _____

CASE NO. _____

CONFIDENTIAL DISCLOSURE OF PERSONAL IDENTIFIERS
[Rule 45(D) of the Rules of Superintendence for the Courts of Ohio]

Complete Personal Identifier	Institution	Abbreviation	Form No.	Filing Date
Ex. 123-45-6789	Social Security	6789	22.3	7/1/2019
Ex. 0001234567	Anytown Bank Checking	Anytown #1	6.1	7/1/2019
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____

Check if additional pages are attached

Signature of Filing Party

Printed Name

Date: _____

This is page _____ of _____ pages

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

ESTATE OF _____, DECEASED

Case No. _____

REPORT OF DISTRIBUTION

The undersigned submits this Report of Distribution, reporting the distribution of probate property in accordance with the previous order of this Court in the following manner:

Date of Sale or Distribution	To Whom Sold or Distributed	Description	Proceeds or Value
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Signature _____

 Print Name

JUDGMENT ENTRY MAGISTRATE'S ORDER

The within report and distribution having been made according to law and the former order of the Court, it is ordered that the report and distribution are hereby approved.

 Judge / Magistrate

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

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION FOR ORDER DISPENSING WITH APPRAISAL

The applicant requests that an appraisal of the following probate property be dispensed with: (Check appropriate boxes)

- Real Property, where value is determined in accordance with Geauga County Probate Local Rule 78.5(D)(1)(a)(2)(a) and evidence is provided.
- Vehicles, where value is determined in accordance with Geauga County Probate Local Rule 78.5(D)(1)(a)(2)(b) and evidence is provided.
- Tangible Personal Property, where value is determined in accordance with Geauga County Probate Local Rule 78.5(D)(1)(a)(2)(c) and the total value is equal to or greater than \$5,000.
- Digital Assets, where value is determined in accordance with Geauga County Probate Local Rule 78.5(D)(1)(a)(2)(c) and the total value is less than \$5,000.
- Other:

Attorney Name

Street Address

City, State, Zip

Telephone

Atty Reg. No. _____

Fiduciary Name

Street Address

City, State, Zip

Telephone

APPLICATION FOR ORDER DISPENSING WITH APPRAISAL

Entry Magistrate's Order - Dispensing with Appraisal

IT IS THE ORDER OF THIS COURT that the fiduciary may file an inventory release from administration summary release from administration without an appraisal within 30 days.

IT IS THE ORDER OF THIS COURT that the fiduciary may file an inventory release from administration summary release from administration without an appraisal within 30 days, except as provided below.

Date: _____

Judge / Magistrate

CONSENT TO DISPENSING WITH APPRAISEMENT

The undersigned consent to dispensing with the appraisal of probate assets as set forth in the Application for Order Dispensing with Appraisement.

Signature

Print Name

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IN THE COURT OF COMMON PLEAS, PROBATE DIVISION, GEAUGA COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
Probate Process Overview

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

The Fundamental Purpose of Probate

- Background. When a person dies owning probate property (the “Decedent”), the probate court judge will determine who should receive that probate property. Of course, the judge cannot take any action until an interested person: (i) notifies the judge of the death of the Decedent, (ii) applies to the judge to be appointed as the person responsible to handle the probate estate under the judge’s direction and according to law, and (iii) informs the judge of the extent of Decedent’s probate property (“Probate Property”), the valid creditor claims, and the identifies the Decedent’s beneficiaries and next-of-kin. Thus, probate is a legal proceeding to determine who is entitled to receive the Decedent’s Probate Property.¹ The recipients of Probate Property could be (i) creditors, (ii) the surviving spouse (and minor children, if any), (iii) persons named in a valid Will (the “Beneficiaries), or next-of-kin if there is not a valid Will (the “Heirs”). Generally, the probate legal proceeding is conducted in the Decedent’s county of residence at time of death.²
- Probate and Non-Probate Property. A Decedent can own two types of property, which are Probate Property and Non-Probate Property. The probate court is only concerned with the reporting, administration, and distribution of the Decedent’s Probate Property. The Decedent’s Will, if any, only affects the distribution of Probate Property. If the Decedent died without owning any Probate Property, then there is no need for a probate proceeding, even if the Decedent died with a valid Will.
 - Probate Property. Essentially, Probate Property is property that the Decedent solely owns or owns jointly but without rights of survivorship. Examples of Probate Property are:

¹ See generally R.C. 2101.24 for a description of the types of matters handled by a probate court.

² R.C. 2107.11 and R.C. 2113.01

- Real Property, where the deed shows the Decedent as an owner of that real property or owned jointly by the Decedent and one or more other persons, but without survivorship rights,³ and without the recording of a valid Transfer on a Death Designation Affidavit);⁴
- Titled Personal Property (such as a car, truck, RV, motorcycle, mobile home, trailer, watercraft, aircraft, etc.) where ownership is evidenced by a certificate of title (but without any survivorship rights or transfer-on-death designation);⁵
- Tangible Personal Property, such as household goods, clothing, jewelry, artwork, collections, etc.;
- Cash;
- Precious metals (e.g., gold or silver)
- Financial Accounts, such as bank or brokerage accounts, etc. (but without any survivorship rights or payable on death designation);
- Stocks and Bonds (unless held in a brokerage account with survivorship rights or payable on death designation);
- Business property if the Decedent owned a sole proprietorship business;
- Business interests (e.g., stock, partnership interest, LLC membership interest);
- Intellectual property (e.g., patents, copyrights, etc.);
- Digital Assets, which could be digital photos, videos, music, emails, social media accounts, cryptocurrency (e.g., bitcoins), etc. (see the probate information sheet titled “Digital Assets”);
- Firearms (please read the probate information sheet titled “Firearms Law and Probate Concerns”).
- Money owed to the Decedent, such as a personal injury claim, unpaid wages, rental security deposit, insurance refund checks, nursing home refunds, social security benefits, VA benefits, and a loan made by the Decedent, including a loan to a beneficiary, even if the Will forgives the repayment of that debt;⁶
- Uncashed checks in Decedent’s name;
- Wages owed by an employer to a surviving spouse, children, or parents before the appointment of the Estate Representative;⁷

³ See R.C. 5302.20

⁴ Regarding a Transfer-On-Death Designation Affidavit, see R.C. 5302.22.

⁵ R.C. 2131.12 and 2131.13

⁶ R.C. 2115.11

⁷ R.C. 2113.04

- Unclaimed funds;⁸
- Income tax refunds (e.g., federal, state, city);
- A death benefit from life insurance or annuities policies with no valid beneficiary designation; and
- A death benefit from retirement accounts (e.g. IRAs or 401k accounts) with no valid beneficiary designation.

If the Probate Property includes real property located outside the State of Ohio, then the Estate Representative⁹ must start a separate probate proceeding in the state where that real property is located and should consider obtaining legal advice to assist with that probate proceeding – generally referred to as an ancillary proceeding. Review the information sheet titled “Ancillary Administration.”

- Non-Probate Property. Non-Probate Property is property that, by its nature, determines who should receive the Non-Probate Property upon death. Often, before death, the Decedent will create Non-Probate Property as part of an estate plan to avoid probate. Title to Non-Probate Property passes directly to named survivors upon the Decedent’s death. The Decedent’s Will does not apply to the disposition of Non-probate Property and Non-Probate Property is NOT subject to the probate court. Moreover, with few exceptions, the Decedent’s creditors have no claim against Non-Probate Property.¹⁰ Examples of Non-Probate Property are:
 - Real Estate that is owned jointly with survivorship rights,¹¹ or transfer on death by reason of a valid and recorded Transfer on Death Designation Affidavit;¹²
 - Life insurance and annuity policies with a valid beneficiary designation;
 - Retirement accounts, such as IRAs or 401k accounts, with a valid beneficiary designation;
 - Financial Accounts, such as bank accounts or brokerage accounts that are (i) owned jointly, but with a right of joint and survivorship (WROS accounts) or (ii) payable on death accounts;
 - Property held in a valid Trust that the Decedent established and funded while living;

⁸ See the website <https://www.com.ohio.gov/unfd/>. The website has a useful tool to search for unclaimed funds

⁹ “Estate Representative” is the person appointed by the probate court to handle the probate estate, whether the probate process is a Full Administration (in which case the name of that person is the Executor, Administrator, or Administrator with Will Annexed), the Commissioner of a Release from Administration, or the applicant of a Summary Release from Administration. Sometimes that person is called a “fiduciary.”

¹⁰ The state of Ohio, through the Medicaid Estate Recovery Program has the right to proceed against Non-Probate Property.

¹¹ R.C. 5302.17, 5302.20, and R.C. 5302.21

¹² R.C. 5302.22, R.C. 5302.222, R.C. 5302.23, R.C. 5302.24

- Vehicles (e.g., motor vehicle, all-purpose vehicle, off-highway motorcycle, watercraft, or outboard motor) that pass on death to a surviving person by right of (i) joint ownership with right of survivorship¹³ or transfer-on-death designation; or (ii) a recorded transfer-on-death form.¹⁴
- Vehicles selected by a surviving spouse under R.C. 2106.18.¹⁵

Regarding Non-Probate Property, if the person, who is named as the designated beneficiary or as the joint owner with survivorship rights of Non-Probate Property, does not survive the Decedent, then that property is deemed to be Probate Property. For example, if the Decedent has a bank account that is payable-on-death to his son and that son is not living when the Decedent died, then that bank account is the Decedent's Probate Property.

Regarding any specific property, in some cases it can be challenging to decide whether that property is Probate Property or Non-Probate Property. Consider these examples:

- Financial Accounts.
 - P.O.D. Accounts.¹⁶ A bank statement for the Decedent's checking account may show only the name of the Decedent as the owner. On the face of it, you might conclude that the checking account is probate property of the Decedent. However, it is possible that the checking account is Non-Probate Property if the Decedent signed a "payable-on-death" (POD) form provided to the Decedent by a bank officer. In that case, the person or persons named as beneficiary on the POD form will receive that property, and that checking account is not Probate Property. You may need to ask the bank whether the Decedent signed a POD form.
 - WROS Accounts.¹⁷ A bank statement for the Decedent's checking account may show both the Decedent's name and the name of another person. Unless that bank statement clearly shows that the checking account is a joint and survivor account (typically the bank statement will have a designation such as "WROS" (i.e., "with right of survivorship), you cannot determine whether the account is Non-Probate Property, with the ownership of that account being solely in the name of the surviving person, or whether a one-half interest in that account is Probate Property. Again, you may need to ask the bank whether that account is a joint and survivor bank account.
- Real Estate.
 - Survivorship Tenancy.¹⁸ Ohio law permits two or more persons to own real property as a survivorship tenancy (making that real estate Non-

¹³ R.C. 2131.12

¹⁴ R.C. 2131.13

¹⁵ See *generally* Information Sheet "Rights of Surviving Spouse."

¹⁶ See R.C. 2131.10

¹⁷ See R.C. 1109.07

¹⁸ See R.C. 5302.20

Probate Property). A Survivorship deed is not limited to a husband and wife. For example, if the deed indicates that a husband and wife are the co-owners of the real estate, then depending upon the wording of the deed,¹⁹ if one of the spouses dies, then the surviving spouse is fully vested in the title to that real estate.²⁰ Typically, the surviving tenant will file an affidavit and a certified copy of the death certificate with the county auditor, and then the county recorder, which provides a public record that the surviving tenant has full title to the real estate. However, a mere examination of the deed does not necessarily allow a conclusion that the real estate is Non-Probate Property. For example, if the two persons named on the deed were married, but subsequently were divorced, then the ownership of the real estate could become a tenancy in common, thus causing tenancy interest of the Decedent in the real estate to be Probate Property.²¹

- Transfer on Death Designation Affidavit.²² Before December 28, 2009, Ohio permitted a “Transfer on Death” Deed that would permit the sole owner of real estate to name one or more persons to own the real estate upon the death of the sole owner. Effective December 28, 2009 such deeds executed on or after December 28, 2009 are ineffective.²³ However, effective December 28, 2009, Ohio law permits a transfer on death designation affidavit, which allows the sole owner to cause that real estate to be owned as Non-Probate Property by preparing and filing with the county recorder a “transfer on death designation affidavit,” naming persons as beneficiaries of the real property upon the death of the owner, similar to a beneficiary designation form for a life insurance policy.

THE KEY POINT – You have the duty to determine what property of the Decedent is Probate Property or Non-Probate Property. As to any specific property, the Help Center cannot give you advice or an opinion as to whether that property is Probate Property or Non-Probate Property. If you need assistance to determine whether the Decedent’s property is Probate Property or Non-Probate Property, then you should obtain legal advice from an attorney of your choosing. This is particularly true regarding any real property owned by the Decedent.

Once again, to the extent that Decedent’s property is Probate Property, then Decedent’s creditors may have a claim against those assets. However, to the extent that Decedent’s property is Non-Probate Property, then that property may not be subject to the claims of most creditors.

- Fundamental Purpose. The fundamental purpose of probate administration is to:
 - identify, gather, and safeguard the Decedent’s Probate Property;

¹⁹ R.C. 5302.17 sets forth the form of a survivorship deed.

²⁰ R.C. 5302.

²¹ See R.C. 5302.20(C)(5).

²² See R.C. 5302.22, R.C. 5302.222, and R.C. 5302.23

²³ Please note that any Transfer on Death Deed signed before December 28, 2009, is still effective.

- inform the Court of the nature and extent of that Probate Property;
- obtain an appraiser when required;
- investigate all potential creditor claims and identify the Decedent's creditors who have a valid claim against the probate estate or the Probate Property;²⁴
- identify both the Beneficiaries under a valid Will and the Decedent's Heirs (even if there is a valid Will), and determine each person's name, age, address, and degree of relationship to the Decedent;²⁵
- follow the Judge's instructions and abide by all filing date requirements and other requirements;
- with a Full Administration, inform the Judge by filing a timely inventory and periodically inform the Judge of the probate proceedings (typically by the timely filing of an Account²⁶ or written status report when needed); and
- distribute the Probate Property in accordance with law, which generally means to the Decedent's:
 - Surviving Spouse or minor children in accordance with those rights given to them by law²⁷ (see the probate information sheet titled "Rights of Surviving Spouse");
 - Creditors, who have a valid claim against the probate estate or the Probate Property, including court costs, costs of administration (fiduciary and attorneys' fees), funeral and burial expenses, government claims (such as under the Medicaid Estate Recovery Program or federal and state income taxes). (Review the probate information sheet titled "Creditor Rights");²⁸
 - Beneficiaries under a valid Will, or the Heirs if there is no valid Will or if the valid Will does not dispose of all the Probate Property.

Five Types of Probate Proceedings. There are at least five types of probate proceedings. The person who seeks to be appointed as the Estate Representative must determine which probate proceeding will be used. The five probate proceedings are known as:

- Full Administration – See probate information sheet titled "Full Administration."
- Release from Administration²⁹ – see probate information sheet titled "Release from Administration."

²⁴ See generally the Information Sheet titled "Creditor Rights"

²⁵ Typically, the Decedent's Beneficiaries are those person and entities that are named in the Decedent's Will. The Decedent's next-of-kin are described in R.C. 2105.06 (see generally R.C. Chapter 2105). If the Decedent died without a valid Will, then those persons who inherit are the Decedent's nearest next-of-kin (the "Heirs").

²⁶ "Account" means the forms Fiduciary's Account (Probate Form 13.0), Receipts and Disbursements (Probate Form 13.1), and Assets Remaining in the Fiduciary's Hands (Probate Form 13.2).

²⁷ See generally Information Sheet "Rights of Surviving Spouse"

²⁸ See generally Information Sheet "Creditor Rights"

²⁹ R.C. 2113.03

- Summary Release from Administration³⁰ – see probate information sheet titled “Summary Release from Administration.”
- Real Estate Certificate of Transfer³¹ – see the checklist titled “Checklist – Certificate of Transfer.”
- Short Form Release from Administration - see the checklist titled “Checklist – Short Form Release from Administration.”

In all circumstances, the interested person can select a Full Administration by filing the appropriate forms with the Probate Court. If a Will is presented, that person must be named in the Will as the Executor, and if appointed by the Judge, that person is known as the “Executor.” If a Will is not presented (to the knowledge of that person no Will exists), then the applicant, if appointed by the Judge, is known as the “Administrator.” If a Will is admitted to probate, but the applicant is not named as the Executor in the Will and no person named in the Will as Executor is available or suitable for appointment, then, if appointed by the Judge, the applicant is known as the “Administrator with Will Annexed.”

Key Point - Typically, a Full Administration is the most complex and time-consuming of the five types of probate proceedings. Depending upon the value of the Probate Property, the interested person could apply for (i) a Release from Administration, (ii) a Summary Release from Administration, (iii) Real Estate Certificate of Transfer, or (iv) a Short Form Release from Administration. Before applying to be appointed the Executor or Administrator, you should review the applicable probate information sheets regarding a Release from Administration or a Summary Release from Administration or the website checklist titled “Checklist-Certificate of Transfer” or “Checklist – Short Form Release from Administration.”

If the interested person files an application to be appointed as Executor or Administrator, and if the probate court so appoints the applicant, then, at a later date, the Executor or Administrator cannot proceed with a Release from Administration or a Summary Release from Administration without a court order permitting the conversion. If the Executor or Administrator decides that a Release from Administration or a Summary Release from Administration is more appropriate, then that Fiduciary may seek a court order to convert the Full Administration by preparing and filing with the Court the form titled Motion to Convert Decedent’s Estate Proceeding (GC PF 4.33).

Who are the Beneficiaries and Heirs?

Any person who is at least 18 years old, of sound mind and memory, and not under restraint may make a Will, and thus decide who will receive his or her Probate Property.³² The Will must be executed in accordance with law.³³ For example, a person has the right to leave all of his or her Probate Property to a charity or a friend, and thus disinherit all of his or her family members, including a spouse and children.³⁴ However, if a person dies without a valid Will (possibly as the result of a

³⁰ R.C. 2113.031

³¹ R.C. 2113.61(D)(1)

³² R.C. 2107.02

³³ R.C. Chapter 2107 provides the specifics of creating a Will, and more specifically, R.C. 2107.03.

³⁴ However, *see generally* the Information Sheet “Rights of a Surviving Spouse,” which describes other rights of a surviving spouse to Probate Property, regarding the provisions in the Will.

Will Contest),³⁵ or if the valid Will does not dispose of all of the Probate Property, then that Probate Property not disposed of by a valid Will must be distributed in accordance with a statute known as the “Statute of Descent and Distribution.”³⁶ In effect, that statute defines who receives the Probate Property to the extent that a valid Will does not name all persons entitled to receive the Probate Property. Those persons identified in the Statute of Descent and Distribution are known as the Decedent’s Heirs (or next-of-kin”). There are several categories of Heirs depending upon who survives the Decedent and the survivor’s relationship to the Decedent, and those categories are prioritized. For example, R.C. 2105.06 includes the following:

When a person dies intestate³⁷ having title or right to any personal property, or to any real property or inheritance, in this state, the personal property shall be distributed, and the real property or inheritance shall descend and pass in parcenary, except as otherwise provided by law, in the following course:

- (A) If there is no surviving spouse, to the children of the intestate or their lineal descendants, per stirpes;*
- (B) If there is a spouse and one or more children of the decedent or their lineal descendants surviving, and all the decedent's children who survive or have lineal descendants surviving also are children of the surviving spouse, then the whole to the surviving spouse;*
- (C) If there is a spouse and one child of the decedent or the child's lineal descendants surviving and the surviving spouse is not the natural or adoptive parent of the decedent's child, the first twenty thousand dollars plus one-half of the balance of the intestate estate to the spouse and the remainder to the child or the child's lineal descendants, per stirpes;*
- (D) If there is a spouse and more than one child or their lineal descendants surviving, the first sixty thousand dollars if the spouse is the natural or adoptive parent of one, but not all, of the children, or the first twenty thousand dollars if the spouse is the natural or adoptive parent of none of the children, plus one-third of the balance of the intestate estate to the spouse and the remainder to the children equally, or to the lineal descendants of any deceased child, per stirpes;*

The Estate Representative must determine who are the Heirs as defined by R.C. 2105.06 even if the Decedent has a valid Will and that Will disposes of all the Probate Property. The reason is that the Heirs are entitled to be notified if the Court admits the Will to probate. For example, they have a right to contest the Will, and if successful, then the Probate Property would pass to the Heirs. (Review the probate information sheet titled “The Decedent’s Will.”).

Note that the surviving spouse has rights to receive Probate Property even if the surviving spouse is not named as a beneficiary in a valid Will. That results from R.C. 2106.01. Please read the probate information sheet titled “Rights of Surviving Spouse” if the Decedent is survived by a surviving spouse.³⁸

The Estate Representative should make every reasonable effort to determine whether the Decedent died with a Will. In addition to searching the Decedent’s home and contacting the Decedent’s attorney, the Estate Representative should inquire as to whether the Decedent had a safe deposit box, perhaps at the bank where the Decedent has a checking account.³⁹ Additionally, the Estate Representative should check with the probate clerk of courts office. A Will may have been deposited with the probate court or filed with the probate court after death.⁴⁰ The Court maintains a Will Index

³⁵ See R.C. 2107.71 for a description of a Will Contest.

³⁶ R.C. 2105.06. See generally R.C. Chapter 2105.

³⁷ “Intestate” means there is no valid Will, or the valid Will does not dispose of all the Probate Property.

³⁸ See generally R.C. Chapter 2106 regarding rights of surviving spouse.

³⁹ See the “Checklist – Safe Deposit Box” on the Court’s website

⁴⁰ R.C. 2107.07

that identifies all Wills that were deposited. Review the website checklist titled “Checklist – Will for Deposit and Delivery.”

Appraisal of Probate Property.

For several reasons, it is important to know the value of Probate Property. If the value of any Probate Property is not “readily ascertainable,” then, unless the Court dispenses with an appraisal by court order, the Estate Representative must hire an appraiser and have the appraiser perform an appraisal and prepare and deliver to the Estate Representative an appraisal report that is acceptable to the Judge.⁴¹

Examples of Probate Property that have a readily ascertainable value, and thus an appraisal is not needed as to those items, include:

- Bank accounts
- Financial accounts
- Retirement accounts
- Publicly-traded stocks and bonds
- Checks
- Death benefits for insurance policies or retirement benefits

Examples of Probate Property that do NOT have a readily ascertainable value, and thus an appraisal is likely to be required as to those items, include:

- Real property (however, in lieu of an appraisal, you may be able to establish the value using the value set forth on the assessment by the county auditor, nearest the Decedent’s date of death, for determining real estate taxes – or “letter of valuation” from the County Auditor’s Office).
- Vehicles [automobiles, trucks, RVs, motorcycles, boats, etc.] (however, in lieu of an appraisal, you may be able to establish the value using the value set forth in Kelley Blue Book)
- Digital Assets – domain names, customer lists, etc.
- A business (for example a sole proprietorship, or ownership interest in a non-public business entity, such as a corporation, limited liability company, partnership)
- Debts owed to the Decedent that may not be fully collectible
- Artwork
- Collections
- Jewelry
- Intellectual property

Income Tax Consequence. If Probate Property is sold either during the estate administration or after distribution, the value of the Probate Property as shown on the Inventory may result in an unintended income tax consequence to the estate or the beneficiaries depending upon the sale price. The Estate Representative should consider obtaining tax advice from a tax professional before deciding to use the “letter of valuation” or “REALink” information from the County Auditor’s Office or other methods of valuation, including appraisal, before assigning a value to Probate Property.

A grey area is household goods and personal effects (other than valuable jewelry, artwork, collections, or antiques) or articles of clothing. Typically, those items can be assigned a value in bulk, based upon an estimate of what could be received from a yard sale or house auction. If you decide

⁴¹ R.C. 2115.02 and Loc.R. 5 of the Court of Common Pleas of Geauga County, Probate Division.

to file an application for a Full Administration, a Release from Administration, or a Summary Release from Administration, you must file form GC PF 6.6 - Tangible Personal Property Certification. Depending upon the information provided by that form, the Judge will determine whether those items of tangible personal property must be appraised and whether they must be disclosed in a supplemental inventory.

Characteristics of an Effective Estate Representative The following characteristics of an effective Estate Representative are:

- being highly organized;
- keeping complete and accurate records;
- capable of establishing and managing a checking account solely for the probate estate administration, to account for the receipt of all income or other payments to the probate estate and the payment of all disbursements;
- learning and conducting all procedures required, in a timely manner, to complete the administration of the probate estate;
- understanding and attending to the rights of creditors and the surviving spouse or minor children;
- keeping a positive relationship with the Beneficiaries or Heirs, and keeping them informed; and
- understanding personal limits and seeking professional advice when needed.

Using Legal Counsel

While there are reasons why persons may choose not to hire an attorney to represent them, including financial considerations, you should consider whether you need an attorney.

You may need an attorney if:

- you do not have the time or capability to fully understand the law that applies to your case, including applicable statutes and tax requirements;
- the Decedent had creditors, including bank loans, credit cards, judgement creditors, etc. (an attorney can provide you with a plan to deal with those creditors);
- you need some legal advice (the Help Center cannot give you legal advice), for example whether to proceed under a Full Administration, Release from Administration, a Summary Release from Administration, Short Form Release from Administration, or a Certificate of Transfer (per R.C. 2113.61(D)(1), or whether certain creditors should be paid or not paid;
- the Decedent has a surviving spouse or surviving minor children, who have special rights under the law;
- one or more of the Beneficiaries or Heirs may object to your actions or the provisions in the Decedent's Will;

- The Decedent owned or possessed Firearms (see the probate information sheet titled “Firearms Law and Probate Concerns”);
- one or more of the creditors, Beneficiaries or Heirs have hired an attorney;
- you are too close to the probate matter, too emotional, and you will have trouble thinking logically and objectively;
- the Decedent was self-employed or owned a business; or
- You need assistance to determine what is the Probate Property and the Non-Probate Property of the Decedent.

You may not need an attorney if

- the probate estate is straight-forward and all interested persons or entities (creditors, surviving spouse, Beneficiaries, or Heirs) will agree with the actions you intend to take;
- the probate estate can be handled as a Release from Administration, a Summary Release from Administration, Short Form Release from Administration, or a Certificate of Transfer (per R.C. 2113.61(D)(1));
- you understand all options and can make informed choices;
- you are willing to learn and have the time needed to understand the applicable law and the rules of procedure;
- you have the time required to handle your duties and to do so in a timely manner;
- you understand your obligations regarding all tax filings;
- you are capable of following instructions and working on your own; or
- You are able to determine what is the Probate Property and the Non-Probate Property of the Decedent.

Risks of Representing Yourself

The risks of representing yourself including the following:

- you could violate federal or state tax law regarding the filing of the Decedent’s tax returns;
- you could violate state law regarding the Medicaid Estate Recovery Program;
- you could be sued by a disgruntled creditor, Beneficiary, or Heir;
- you could violate the rights provided to a surviving spouse or surviving minor children;
- You could make a mistake determining what is the Probate Property and the Non-Probate Property of the Decedent; or

- If the Decedent died owning or possessing Firearms you could violate state and federal law and be exposed to penalties and even a prison sentence.

Tips for Representing Yourself

If you decide to proceed without being represented by an attorney, then you should consider the following:

- Research the law that is applicable to your case. The Court's website has links that are helpful for you to research the law on the Internet. Additionally, the Help Center has various probate information sheets that may assist you. Those probate information sheets contain footnotes that specifically reference applicable law. You might consider a limited consultation with an attorney just to make sure you are on the right track.
- Read all the probate information sheets and website checklists that are applicable to your case.
- Check the Ohio Unclaimed Funds website, searching under the Decedent's name.⁴²
- Keep track of all deadlines, especially deadlines for filing documents with the Court, tax authorities, and the Medicaid Estate Recovery Program.
- If the Decedent has creditors, consider a consultation with an attorney, BEFORE you file any documents with the court, and develop a strategy regarding the timing of all filings and the payment of creditors.
- Establish a checking account solely for the probate estate administration, to account for the receipt of all income or other payments to the probate estate and the payment of all disbursements.
- Maintain a calendar and tickler system to remind you of filing deadlines, and other requirements.
- Consider a consultation with a tax advisor regarding required tax filings and the assigned value for Probate Property.
- Consider whether the Decedent's death will cause the payment of special benefits under social security or the Veteran's Administration.
- Determine whether the Decedent had a safe deposit box.
- If the Decedent was employed, consider whether the employer may owe past due wages or bonuses.
- Consider a consultation with an attorney as to whether any real property owned by the Decedent is Probate Property or Non-Probate Property.

LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND

⁴² <<https://www.com.ohio.gov/unfd/>>

INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY PROBATE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.

IN THE COURT OF COMMON PLEAS, PROBATE DIVISION, GEAUGA COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
Relief from Administration

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

Background

R.C. 2113.03 provides an applicant with a process to obtain a court order to distribute the probate property ("Probate Property") without having to undergo a Full Administration if the value of the Probate Property is relatively modest. The applicant may be any "interested person."¹ However, unlike a Summary Release from Administration, the applicant for a Release from Administration proceeding must (i) notify interested parties as the Court directs, and (ii) if the Decedent died with a Will, then file the Decedent's Will with the Court to be admitted to probate.² Probate Property may include the Decedent's interest in financial accounts, digital assets, household goods, furnishings, personal effects, collections, stocks and bonds, real estate, vehicles, unpaid wages, tax funds, unclaimed funds, and uncashed checks.³ Automobiles selected by the surviving spouse under R.C. 2106.18 are not considered Probate Property. The applicant must account for and disclose to the Court all Probate Property known to the applicant. Please review the probate information sheet titled "Probate Overview Process." The applicant must determine which of Decedent's property is Probate Property and which is Non-probate Property. A probate court is only concerned about Probate Property.

Requirements to Relieve Estate from Administration

The Court will only issue an order that relieves the estate from administration in two situations.

¹ R.C. 2113.03(B).

² See generally Information Sheet "The Decedent's Will."

³ See generally Information Sheet "Probate Process Overview" for a definition of Probate Property.

First – The value of the Probate Property is not greater than \$35,000 and Decedent died without a surviving spouse, or

Second – The value of the Probate Property is not greater than \$100,000 and the Decedent died with a surviving spouse, and either of the following applies:⁴

- (1) The Decedent had a valid Will that gives all the Decedent's Probate Property to the surviving spouse; or
- (2) The Decedent died without a valid Will, but the surviving spouse is entitled to receive all of the Probate Property as provided for by either:
 - a. R.C. 2105.06 (the "Statute of Descent and Distribution");⁵ or
 - b. R.C. 2105.06 (the "Statute of Descent and Distribution"), together with R.C. 2106.13 (the "Allowance for Support" statute),⁶ which could be applicable even if the surviving spouse is not the natural parent of all of the Decedent's children.

However, even if either of those requirements is met the Judge is not required to issue an order relieving the estate from administration, but rather may require a Full Administration, depending upon the particular facts of the probate estate.

Also note that any automobiles that the surviving spouse selects under R.C. 2106.18, are not included in Probate Property⁷ and thus not included in the calculation of \$100,000. See the probate information sheet titled "Rights of Surviving Spouse."

Third – If the probate estate is insolvent (i.e., the debts are greater than the Probate Property values), the Court may not approve an Application to Relieve Estate from Administration (Form 5.0), but rather may require a Full Administration, depending upon the particular facts of the probate estate.

Initial Steps

If you intend to serve as the Estate Representative⁸ and commence a probate proceeding, you first need to decide whether to proceed as (i) a Full Administration, (ii) a Release from Administration, (iii) a Summary Release from Administration, (iv) a Short Form Release from Administration (if the aggregate value of the Probate Property is \$1,000 or less), or (v) an Application for Certificate of Transfer (if the only Probate Property is real property). Before you decide and before you prepare any court documents, you should review the probate information sheets titled "Probate Process Overview," "Jurisdiction Ohio Probate Courts," "Creditor Rights," "Rights of a Surviving Spouse," and "The Decedent's Will." Regardless of the probate process you select, much of the information set forth in those information sheets is applicable. In order to proceed, you must be an "interested

⁴ R.C. 2113.03(A)(2).

⁵ See generally Information Sheet "Probate Process Overview."

⁶ R.C. 2113.03(A)(2)(b). Also see generally Information Sheet "Rights of Surviving Spouse," and specifically the paragraph titled "Right of Inheritance."

⁷ See generally Information Sheet "Rights of Surviving Spouse" regarding the right to select automobiles. Additionally, automobiles that pass to a survivor by reason of survivorship are not included in Probate Property.

⁸ "Estate Representative" is the person appointed by the probate court to handle the probate estate, whether the probate process is a Full Administration (in which case the name of that person is the Executor, Administrator, or Administrator with Will Annexed), the Commissioner of a Release from Administration, or the applicant of a Summary Release from Administration. Sometimes that person is called a "fiduciary."

person.”⁹ An interested person could be a creditor, next-of-kin, or beneficiary named in a Will. If the Decedent died with a Will, you do not necessarily have to be a person named in that Will as executor.

If a Release from Administration is available to you, and if you decide to proceed with a Release from Administration, then please consider the following:

- Jurisdiction and Venue. Confirm that this Court is the proper court to accept an Application to Relieve Estate from Administration. Carefully review the probate information sheet titled “Jurisdiction of Ohio Probate Courts.” Generally, an Application to Relieve Estate from Administration must be filed in the county where the Decedent resided at the time of death.
- Death Certificate. Obtain a copy of the Death Certificate. Typically, the funeral director can obtain it for you. The Court does not require a certified copy. Before filing with the Court, the applicant must: (1) shrink the size of the death certificate to letter-size and (2) redact the Decedent’s social security number.
- Determine if the Decedent has a Will. Please review the probate information sheet titled “The Decedent’s Will,” which provides information regarding the determination of whether the Will (including a lost, damaged, or destroyed Will) should be admitted to probate. Unlike a Summary Release from Administration proceeding, if the Decedent died with a Will, that Will must be presented to the Court when filing an Application to Relieve Estate from Administration.
- Identify the Decedent’s Creditors.
 - Create a list of all creditors, including the name (and the address and phone number if possible), a description of the claim, and the amount owed. You will need that information to prepare the form titled Assets and Liabilities of Estate to be Relieved from Administration (Form 5.1) and to decide when to file the Application to Relieve Estate from Administration (Form 5.0). The Estate Representative may owe a duty to certain creditors. Additionally, the Estate Representative must determine whether the Decedent owed the Estate Representative any money. Moreover, the debt owed to the Estate Representative is not entitled to preference over other creditors of the same class.¹⁰ Please carefully review the probate information sheet titled “Creditor Rights” for numerous issues pertaining to creditors.
 - Determine whether the probate estate is insolvent. If so, then the applicant may be required to proceed with a Full Administration regardless of the value of the Probate Property.
 - Consider whether to wait six months following the Decedent’s date of death before filing the Application to Relieve Estate from Administration. If the Decedent died with creditors, be sure to read the probate information sheet titled “Creditor Rights,” and perhaps hire an attorney for legal advice regarding the payment of creditor claims.
 - Obtain a copy of the funeral director’s bill, even if the funeral bill was prepaid. If that funeral bill has been paid or prepaid, then obtain (i) a copy of the funeral bill showing a zero-balance due and (ii) proof of payment by the person who paid that funeral bill

⁹ R.C. 2113.03(B).

¹⁰ R.C. 2117.01

(e.g., a cancelled check), or if waived, a copy of the waiver of payment by the funeral director. If there is no funeral expense, typically the result of the Decedent having donated the body, and the body was cremated by the donee institution, then obtain a statement from that institution explaining the event and file a copy of that statement in lieu of the paid funeral director's bill. Please review the information sheet titled "Creditor Rights" for more detailed information regarding the duty of the Commissioner to reimburse from the estate a person who paid the funeral bill.

- If the person who paid the funeral bill or other court-approved funeral and burial expenses does not seek reimbursement from the estate, then the Estate Representative should have that person sign and then file Form GC PF 4.54 - Waiver of Reimbursement for Funeral and Burial Expenses.
- If the Estate Representative decides to reject a creditor claim, then the Estate Representative should refer to the probate information sheet titled "Creditor Rights."
- Determine whether the probate estate is illiquid – i.e., not sufficient cash or other personal property to pay creditor claims, including the Allowance for Support or specific gifts under the Will. You may need a Court order to sell personal or real property in order to make needed payments.
- Identify Beneficiaries.
 - The applicant should create a list of the name of each person and entity that is named in the Will, who has survived the Decedent, and who has a vested right to distribution under the Will (a "Beneficiary) including as to each vested Beneficiary, the address, the relationship to the Decedent, and the birthdate of any minor. On that list indicate those persons whose current address is unknown and those persons whose name is unknown.
 - If the Decedent died with a valid Will, then the Will defines the Beneficiaries of the Probate Property.¹¹ In that event, the applicant must file the Will with the Court, and allow the Judge to determine if the Will is valid according to law.¹² See the probate information sheet titled "The Decedent's Will."
 - Sometimes the Will may not describe Beneficiaries by name, but rather by describing a class of persons. For example, the Will might say – "I leave the remaining assets to my lineal descendants, per stirpes." In that example, the Beneficiaries are defined by the "Statute of Descent and Distribution," which is R.C. 2105.06.¹³
- Identify the Next-of Kin.
 - In addition to a list of the Beneficiaries, the applicant should create a list of the name of each person who is next-of-kin to the Decedent and as to each such person, the address, the relationship to the Decedent, and the birthdate of any minor. The next of kin is determined by R.C. Chapter 2105 (the Next-of Kin"), with a focus on R.C.

¹¹ That is true except to the extent that the Will does not dispose of all the Probate Property, in which case that Probate Property will pass to the Decedent's next-of-kin, but subject to the rights of a surviving spouse. See probate information sheets titled "Probate Process Overview" and "Rights of a Surviving Spouse."

¹² See generally the probate information sheet "The Decedent's Will."

¹³ See generally probate information sheet "Probate Process Overview."

2105.06. Identify those Next-of-Kin whose current address is unknown but include the last known address. If the Decedent has a surviving spouse or any surviving or predeceased lineal descendants (e.g., children or grandchildren), then include the required information for each of them including a predeceased child, and including the name and address of each lineal descendant of a predeceased child. If the Decedent does not have a surviving spouse or any surviving lineal descendants, then include the required information for any surviving parent, and if none, then any surviving brothers and sisters (both whole and half siblings), and the lineal descendants or any deceased siblings.

- If there is doubt as to who is a Next-of-Kin, then the Estate Representative may file a complaint with the Court under R.C. Chapter 2123, requesting the Court to determine heirship. An example might be if the Decedent fathered a child outside of wedlock. In such case, you should contact an attorney for assistance.
- Finally, R.C. 2105.15 permits a person, who is legally competent, to designate a person as a Next-of-Kin of the declarant. For example, a person could designate a child born out of wedlock as the declarant's child, the result being that the designated child would share with any of the declarant's other children if the declarant died intestate (e.g., without a valid will admitted to probate). The declaration of Next-of-Kin is accomplished by filing the declaration in a probate court and obtaining a court order accepting the declaration. A certified copy of the court record is evidence of that declaration. The applicant should make inquiry to determine whether the Decedent ever made such a declaration.
- Determine Rights of Surviving Spouse (or Minor Children). If the Decedent has a surviving spouse or minor children, then be sure to review the probate information sheet titled "Rights of Surviving Spouse (or Minors)" and determine how to satisfy each of those rights from the Probate Property. Those rights, in most cases, are superior to the creditor rights, and in all cases, superior to the rights of other Beneficiaries or Next-of-Kin.
- Medicaid Issues.¹⁴ Determine whether there is a duty to notify the Ohio Medicaid Estate Recovery Program. There may be an obligation to provide such notice, which could result from the Decedent (or the Decedent's predeceased spouse) having benefited from Medicaid payments. The Ohio Medicaid Estate Recovery Unit may be able to recover such benefits from any non-probate property as well as Probate Property.
- Identify the Decedent's Probate Property.
 - Make a detailed list of the Decedent's Probate Property, including gathering all documents that evidence title to property (such as deeds for real property and current county auditor tax bills, vehicle titles, digital assets, financial account statements, retirement account statements, stock certificates, bonds, uncashed checks, tax refunds for year of death, unclaimed funds, intellectual property, digital assets, copy of wages due from employer if possible, etc.)

¹⁴ See R.C.2117.061(B)(2). For general information see:
<https://medicaid.ohio.gov/Portals/0/Resources/Publications/Forms/ODM07400.pdf>

- Obtain Financial Information. If the Decedent owned financial accounts and you do not know the account balances or account numbers, and if the financial institution will not release that information to you, then you can obtain a court order that requires the financial institution to release that information to you. Read Geauga Probate Local Rule 78.23 and the “Checklist – Medical and Financial Information,” which is on the Court’s website and which explains the process and forms to be prepared and filed with the Court to obtain a court order. Gather the most recent monthly statement for the financial accounts.
- Digital Assets. Review (i) the probate information sheet titled “Digital Assets” and (ii) the form titled “Digital Asset Certification” (GC PF 6.5). You need to prepare and file that form together with the Application to Relieve Estate from Administration. You must make a careful examination to determine to what extent the Decedent owned Digital Assets.
- Tangible Personal Property. Review the form titled “Tangible Personal Property Certification” (GC PF 6.6). You need to prepare and file the Tangible Personal Property Certification (GC PF 6.6) together with the Application to Relieve Estate from Administration. You must make a careful examination to determine to what extent the Decedent owned tangible personal property, particular that which has significant value, for example jewelry, collections, antiques, artwork, etc.
- Tax Refunds. Determine whether the Decedent is entitled to any income tax (federal or state) refunds. See the discussion below regarding income tax returns and review the probate information sheet titled “Creditor Rights.”
- Unclaimed Funds. The Decedent may be owed unclaimed funds for any variety of reasons, including a deposit refund, forgotten bank account, expense reimbursement, wages, etc. Consider contacting the Ohio Division of Unclaimed Funds. The website is <https://www.com.ohio.gov/unfd/>. The website has a useful tool to search for unclaimed funds. The phone number is 877-644-6823. The mailing address is Ohio Department of Commerce, Division of Unclaimed Funds, 77 South High Street, 20th Floor, Columbus, OH 43215-6133. If the Decedent has a right to unclaimed funds, then print the relevant information on that website describing the unclaimed funds.
- Intellectual Property. The Decedent may own intellectual property, which could include patents, copyrights, or trademark, both federal and state. If so, obtain copies of documents that evidence such property.
- Business Interests. The Decedent may own business interests, which could include shares of stock of a corporation that is not publicly traded, a partnership interest, or a membership interest in a limited liability company. Obtain copies of documents that evidence such property and the ownership such business entities.
- Firearms. The Decedent may own or possess (i) firearms that are regulated by federal or state law or (ii) Dangerous ordnance as defined by R.C. Sec.

2923.11(K). Federal or state law may regulate the Estate Representative regarding the possession, use, storage, sale, transport, and the distribution of such Probate Property to certain Beneficiaries of Next-of-Kin, particularly such persons who reside in another state. Such federal and state law is complex. Some Beneficiaries or Next-of-Kin are not permitted by law to own, possess, or use certain firearms, resulting from age, criminal background, mental health issues, use of drugs, or citizenship status (e.g., illegal alien). Depending upon the nature of a firearm or Dangerous ordnance, the Estate Representative may have a risk arising from violation of federal or state law, including criminal law. If the Decedent owned firearms or Dangerous ordnance and the Estate Representative does not have an attorney, then it is highly recommended that the Estate Representative obtain legal advice from an attorney, who has experience with such issues. Please review the probate information sheet titled "Firearms Law and Probate Concerns." Prepare a list describing (i) each Firearm including the name of manufacturer, the model, and the serial number, and (ii) the Dangerous ordnance.

- Determine if Decedent had a Safe Deposit Box. Determine whether the Decedent had a safe deposit box. Check with the bank that has the Decedent's checking account. If you locate a safe deposit box, then review the "Checklist - Safe Deposit Box" on the Court's website. You must obtain a court order to open a safe deposit box..
- Determine whether any Probate Property is Concealed. Decide whether any of the Decedent's Probate Property is concealed or held by another person. If that is the case, then R.C. 2109.50 to 2109.56 provides a legal process to discover and include that Probate Property in the probate estate.¹⁵ The Help Center recommends that you obtain an attorney to assist you with the process set forth in R.C. 2109.50 to 2109.56. The Help Center cannot assist you with the preparation of the required complaint or related documents.
- Determine any Pending Lawsuits involving the Decedent. If there is a pending claim in a court of record against the Decedent at the time of death or if after appointment the Estate Representative has actual knowledge of such litigation, then R.C. 2117.06(E) requires the Estate Representative to give written notice to the Court within 10 days after acquiring such actual knowledge. If the Decedent filed a lawsuit against another person before death, then the Estate Representative should promptly contact the attorney of record after appointment as Estate Representative.
- Determine any Certificated Property. Determine such Probate Property (e.g., automobiles, trucks, motorcycles, four-wheelers, boats, airplanes, mobile homes, etc.) and obtain a copy of the certificate of title (or registration if the certificate of title cannot be found).
- Determine any Real Property. Determine whether the probate property includes real property, and if so, obtain a copy of the deed and related current county auditor tax bills.
- Decide whether any Probate Property must be Appraised.¹⁶ If so, determine who will be the appraiser, depending upon the nature of the Probate Property to be appraised.

¹⁵ See Supreme Court of Ohio Probate Bench Cards – "CONCEALMENT OF ASSETS"

¹⁶ See generally Information Sheet "Probate Process Overview."

The Estate Representative may select more than one appraiser.¹⁷ See the Court's website for a list of preapproved appraisers.¹⁸ The Estate Representative may pay the cost of the appraiser from the Probate Property after being appointed by the Judge.

Note: If applicant is unsure whether the value of the Probate Property is \$35,000 or less (or up to \$100,000 with surviving spouse),¹⁹ and thus whether a Release from Administration is available, then the applicant can select an appraiser from the Court's approved list, and if the appraiser's report indicates that the Probate Property is \$35,000 or less (or \$100,000 with surviving spouse), then the applicant can proceed with the Release from Administration, and attach the appraiser's report to the "Application to Relieve Estate from Administration" (Form 5.0). Of course, if the appraiser's report indicates that the Probate Property is above \$35,000 (or \$100,000 with surviving spouse), then typically the applicant must proceed with a Full Administration.

- The general rule is that any Probate Property that (i) does not have a readily ascertainable value or (ii) can be valued as provided in Geauga Probate Local Rule 78.5(D)(1)(a)(2) (e.g., real property, vehicles, or tangible personal property and digital assets of minimal value) must be appraised.²⁰ You should review the probate information sheet titled "Probate Process Overview" regarding appraisers and the appraisal of Probate Property.

Note: Depending upon the circumstances, if the Estate Representative has a factual basis to determine the value of Probate Property that does not have a readily ascertainable value, the Court may waive the requirement to obtain an appraisal and accept the value that the Estate Representative determines. The Estate Representative could prepare and file with the Court the form titled "Application for Order Dispensing with Appraisal" (GC PF 4.7). Try to obtain the consent of all interested parties.

- Again, if Probate Property includes an ownership interest in real property or a vehicle, then the value may be determined by means other than appraisal. Again, see Geauga Probate Local Rules 78.5(D)(1)(a)(2).
 - Financial Accounts. Financial Accounts should be value at current value - see Geauga Probate Local Rules 78.5(C)(8).
 - Vehicles. Rather than appraisal, the Court will accept the value of a vehicle as established by Kelley Blue Book.²¹ If you elect to determine value using Kelley Blue Book, then make a photocopy of the page that sets forth the value and file it with the Court when you file the "Application to Relieve Estate from Administration" (Form 5.0).

¹⁷ R.C. 2115.06

¹⁸ Loc.R. 5 of the Court of Common Pleas of Geauga County, Probate Division

¹⁹ Review the probate information sheet titled "Right of Surviving Spouse" for more information.

²⁰ R.C. 2115.02

²¹ See <https://www.kbb.com/>

- Real Estate. The Court may accept as the value of real estate the value set forth on the latest assessment by the county auditor for determining real estate taxes – or “letter of valuation” from the County Auditor’s Office (or the Auditor’s REALink site²²). If you intend to establish value in that manner, then make a photocopy of the auditor’s letter of valuation (or REALink printout) and file it with the Court when you file the “Application to Relieve Estate from Administration” (Form 5.0).
- Income Tax Consequence. If a Probate Property is sold either during the estate administration or after distribution, then the value of the Probate Property as shown on the form Assets and Liabilities of Estate to be Relieved from Administration may result in an unintended income tax consequence to the estate or the Beneficiaries or Next-of-Kin depending upon the sale price. The Estate Representative should consider obtaining tax advice from a tax professional before deciding to use the “letter of valuation” from the County Auditor’s Office (or REALink print-out).

Procedure to Obtain an Order Relieving the Estate from Administration. Review the “Checklist – Release from Administration.”

- Preliminary Matters. Before preparing and filing the Application to Relieve Estate from Administration (Form 5.0) as described below, the Estate Representative should attend to the following:
 - Digital Asset Certificate. Make a good faith examination to determine the extent and nature of the Decedent’s Digital Assets. Review the probate information sheet titled “Digital Assets Certificate.” If necessary, in order to obtain a court order to gather information regarding Custodial Digital Assets, then prepare and file with the Court the form titled Application for Authority over Digital Assets (Form GC PF 6.5B).²³ Before or together with the filing of the Application to Relieve Estate from Administration (Probate Form 5.0), prepare and file with the Court the form titled Digital Asset Certification (GC PF 6.5).²⁴ Be prepared to file the form titled Supplemental Schedule of Assets (GC PF 6.1A) if requested by the Court.
 - Tangible Personal Property Certificate. Make a good faith examination to determine the extent and nature of the Decedent’s Tangible Personal Property (e.g., household goods, collections, artwork, jewelry, personal effects, clothing, etc.). Before or together with the filing of the Application to Relieve Estate from Administration, prepare and file with the Court the form titled Tangible Personal Property Certification (GC PF 6.6).²⁵ Be prepared to file the form titled Supplemental Schedule of Assets (Form GC PF 6.1A) if requested by the Court.
- Application to Relieve Estate from Administration. For the Estate Representative to have the authority to collect the Probate Property, satisfy the rights of a surviving spouse (or minor children), pay the valid creditor claims, and distribute the remaining Probate Property to the Beneficiaries or Next-of-Kin of the probate estate, the Judge must appoint the Estate

²² See <http://geaugarealink.co.geauga.oh.us/realink/>

²³ See Geauga Probate Local Rule 78.5(A)(3)(c).

²⁴ See Geauga Probate Local Rule 78.5(A)(3)(a).

²⁵ See Geauga Probate Local Rule 78.5(A)(3)(a).

Representative (i.e., known as the “Commissioner”). To receive such authority from the Judge, the applicant must file the form titled Application to Relieve Estate from Administration (Probate Form 5.0). On that application the Estate Representative will indicate whether the Decedent had a Will and whether it was admitted to probate. If the Decedent has a valid Will or a Will that was lost, damaged or destroyed, please review the probate information sheet titled “The Decedent’s Will.” In that event, the applicant must complete the process of having that Will presented to the Court for admission to probate. The applicant should review the “Checklist - Probating Decedent’s Will,” on the Court’s website and the probate information sheet titled “The Decedent’s Will.”

- List of Surviving Spouse, Children, Next-of-Kin, Legatees and Devises. Prepare and file, together with the “Application to Relieve Estate from Administration” (Probate Form 5.0), the form titled “Surviving Spouse, Children, Next of Kin, Legatees and Devisee” (Form 1.0).²⁶ 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, if any. Moreover, you must correctly check one of the boxes toward the bottom of the front page of Form 1.0.
- List of Debts and Assets. The Estate Representative must prepare the form titled Assets and Liabilities of Estate to be Relieved from Administration (Form 5.1), and file it together with the Application to Relieve Estate from Administration.
 - Regarding tangible personal property consisting of household goods, clothing, furnishings, which do not have a significant value, you need not identify such items separately on the form Assets and Liabilities of Estate to be Relieved from Administration. You may indicate on that listing something like “household goods, clothing, furnishings” and assign an aggregate value based upon a reasonable estimate of the price that you could sell such items for at a public auction. Regarding tangible personal property that has a significant value, such as jewelry, artwork, or collections, you must have those items appraised and separately list those items on the form Assets and Liabilities of Estate to be Relieved from Administration (Form 5.1).
 - The form titled Assets and Liabilities of Estate to be Relieved from Administration is a Public Record (Form 5.1). Do not include on that form any information concerning the identity of the Decedent or the Probate Property, known as “personal identifiers.” Examples of personal identifiers are the Decedent’s social security number, bank account numbers, or other brokerage or financial account numbers. Instead, provide such information to the Court by completing and filing the form titled Confidential Disclosure of Personal Identifier (Form 45(D)).²⁷ That form is not a public record, and the Court will keep it confidential. However, with respect to financial accounts that have a unique account number, you should include the last four digits in the description of each such account on the form titled Assets and Liabilities of Estate to be Relieved from Administration (Form 5.1).
 - The value of the Probate Property listed should be the current value.

²⁶ See Geauga Probate Local Rule 78.5(A)(2).

²⁷ See Geauga Probate Local Rule 57.2(C)

- Proof of Ownership.
 - Real Property. Regarding any real property that is Probate Property, the Estate Representative shall: (i) describe the real property on the applicable court document by the street address and the tax parcel identification number, and (ii) file with the Clerk a copy of 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.
 - Vehicles. Regarding any vehicles (including motorcycles, recreational vehicles, boats, airplanes, etc.) that are Probate Property, the Estate Representative must file with the Application for Relief from Administration (Form 5.0) a copy of the certificate of title or (if not obtainable, then the registration of title) for each vehicle.
 - Financial Accounts. Regarding financial accounts (for example, checking and saving accounts, certificates of deposit, brokerage accounts, retirement accounts, life insurance, annuities, etc.), the Estate Representative must attach to the Application to Relieve Estate from Administration a copy of the monthly statements or other evidence of ownership, which display the current value of that Probate Property. Regarding those financial accounts that have a unique account number, you must only include the last four digits in the description of each such account.
 - Stocks and Bonds. Regarding any stocks and bonds not held in a brokerage account that are Probate Property, the Estate Representative must provide copies of those instruments.
 - Uncashed Checks, Wages. Regarding any uncashed checks and unpaid wages that are Probate Property, the Estate Representative must provide copies of those checks or wage statements.
- Evidence of Value. See the discussion above regarding the appraisal of Probate Property. If an appraisal is not required for any real property or vehicles that are Probate Property, then file with the Application to Relieve Estate from Administration a copy of the: (1) the County Auditor's Valuation Letter (or REALink print-out) regarding real property (or other acceptable valuation report), and (2) Kelley Blue Book Value regarding any vehicle (or other acceptable valuation report). Again, the Estate Representative must prepare and file with the Court the form titled "Application for Order Dispensing with Appraisement" (GC PF 4.7), and try to obtain the consent of all interested parties.
- Death Certificate. Together with the Application to Relieve Estate from Administration, file with the Court a letter-size copy of the death certificate, with the Decedent's social security number redacted.
 - Residency Affidavit. If the Decedent's residence on the death certificate is different from the Decedent's actual residence in Geauga County as of the date of death, then prepare and file with the Court the form titled "Residency Affidavit" (GC PF 052).
- Proof of Payment – Funeral Bill. Together with the Application to Relieve Estate from Administration, file with the Court a copy of (i) the funeral bill (both funeral and burial costs), even if the funeral cost is prepaid, showing "paid-in-full" or a balance due of zero, and (ii) proof of payment by the person who paid the bill (e.g., cancelled check). If the funeral bill has been paid, then obtain a copy of the proof of payment, or if waived, a copy of the waiver of

payment. If there is no funeral expense, typically the result of the Decedent having donated the body, and the body was cremated by the donee institution, then obtain a statement from that institution explaining the event and file a copy of that statement in lieu of the paid funeral director's bill.

- Personal Identification. Unless you are represented by an Ohio attorney, obtain (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).
- Background Certification and Records Check. Together with the Application to Relieve Estate from Administration, prepare and file with the Court the form titled Background Certification and Records Check (GC PF 4.30).
- Medicaid Recovery. If the applicant is not represented by an attorney, then prepare and file with the Court the form titled Medicaid Recovery Acknowledgment (GC PF 4.29), (and if required prepare and file the appropriate forms with the Ohio Medicaid Estate Recovery Unit and then file with the Court the form titled Certification of Notice to Administrator of Medicaid Estate Recovery Program (Form 7.0) – see the probate information sheet titled "Creditor Rights."
- Notice of Filing Application to Relieve Estate from Administration.
 - Waiver of Notice of Filing. Those persons identified as a Next-of-Kin on the front page of Probate Form 1.0 have a right to be informed that the Estate Representative filed an Application to Relieve Estate from Administration. To the extent possible the Estate Representative should obtain from each of such person a waiver of notice, which is on page 2 of Probate Form 5.0 or is the form titled Waiver of Notice of Application to Relieve Estate from Administration (Form 5.2). That waiver of notice is in addition to any notice or waiver that is required if the Decedent died with a Will and the Will is presented to the Court and admitted to probate. Thus, to the extent possible, the Estate Representative should have each such person sign a waiver of notice and file that waiver of notice when the Estate Representative files the Application to Relieve Estate from Administration.
 - Notice of Filing of Application. To the extent that the notice of filing of the Application to Relieve Estate from Administration is not waived by the surviving spouse, if any, or any of the Next of Kin and vested Beneficiaries, then: (1) the Estate Representative shall give notice, using form titled Notice of Application to Relieve Estate from Administration (Form 5.3), at least two weeks before the hearing date to each person who has not waived such notice, in accordance with Civ.R. 73(E). The Estate Representative 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.

If such notice cannot be delivered to the surviving spouse or any Next of Kin or vested Beneficiary because a name or address is unknown, then the Estate Representative must give notice by publication and may do so by publication on the Court's website by filing an affidavit, using GC Form "GC PF 62.0 - Affidavit for Notice by Publication" with a copy of the applicable notice attached. Please review Geauga Probate Local Rule 78.5(C)(3).

- Judgment Entry. When filing an Application to Relieve Estate from Administration, the Applicant must prepare and file with that application the form titled Entry Relieving Estate from Administration (Form 5.6).
- Be Prepared to Pay the Court Cost Deposit. The court costs are listed on the Court's website. Please understand that the payment of court costs is really a deposit against the actual court costs incurred. If the actual court costs are more than the deposit, the Estate Representative shall pay the additional court costs. Likewise, if the actual court costs are less than the deposit, then the Court will reimburse the Estate Representative for that excess amount.
- Report of Distribution. After the distribution of all Probate Property as ordered by the Court and within 60 days after the court order, the Estate Representative must prepare and file with the Court the form titled Report of Distribution (Form 5.9), which, if accepted by the Court, will close the probate proceeding.

Other Matters to Consider

- Allowance for Support.
 - Minor Children. If the Estate Representative determines that there are surviving minor children of the Decedent who are entitled to receive an Allowance for Support under RC 2106.13 (see the probate information sheet titled "Rights of Surviving Spouse"), then the Estate Representative should prepare and file the form titled Application for Family Allowance (Form 7.1), or the form titled Application for Apportionment of Family Allowance (Form 7.2), as applicable. See the Information Sheet titled "Rights of Surviving Spouse (or Minors) for more information.
 - Selection of Automobiles. If surviving spouse selects more than one automobile under R.C. 2106.18(A), then the allowance for support prescribed by R.C. 2106.13 is reduced by the value of the automobile having the lowest value of the automobiles so selected. The value of the automobile is determined by the affidavit that the surviving spouse executes for the BMV pursuant to R.C. 4505.10(B).
- Transfer of Real Property. If the Probate Property includes real property, then the Estate Representative should prepare and file with the Court the forms titled "Application for Certificate of Transfer" (Probate Form 12.0) and "Certificate of Transfer" (Probate Form 12.1). When the Court issues the Certificate of Transfer, then that document should first be filed with the County Auditor's office, and then with the Court Recorder's office.
- Transfer of Motor Vehicles. If the Probate Property includes a motor vehicle (including motorcycles, recreational vehicles, boats, airplanes, etc.), then on page 2 of the Entry Relieving Estate from Administration (Form 5.6), the Estate Representative should enter the name of the Distributee, and under the "Property" description, the Estate Representative should describe the vehicle as presented on the Certificate of Title, including (i) Year, (ii) Body Type, (iii) Model, (iv) Make, (v) Mfrs Serial Number, and (vi) Cert. of Title No. After the Estate Representative receives the signed the judgment entry, the Estate Representative should deliver a certified copy of that court order to the Title Bureau and a new certificate of title should be issued. Note that automobiles selected by the surviving spouse under RC 2106.18 are not Probate Property, and the surviving spouse can cause the transfer of title for such automobiles by presenting to the title bureau the death certificate and the certificate of title.

- Tax Concerns. Please review probate information sheet titled “Creditor Rights.” Additionally, review IRS Publication 559. You may have a duty to file the Decedent’s federal and Ohio income tax returns, and possibly an income tax return for the probate estate. The filing of those tax returns could result in a refund or an obligation to pay an income tax. You should consider hiring a tax advisor to assist you.
- Medicaid Estate Recovery Program. Again, please review the probate information sheet titled “Creditor Rights.” You may have a duty to:
 - prepare and deliver a notice, by certified mail, return receipt requested, to the Administrator of the Medicaid Estate Recovery Program not later than 30 days after the date that you were appointed the Estate Representative, using the form titled Notice to Administrator of Medicaid Estate Recovery Program (Form 7.0A).²⁸
 - Promptly after delivery of the Notice to Administrator of Medicaid Estate Recovery Program, prepare and file with the Court the form titled Certification of Notice to Administrator of Medicaid Estate Recovery Program (Form 7.0), with the signed “green card” and copy of that notice attached.
- Social Security and VA benefits. Consider contacting the Social Security Administration or the Veteran’s Administration to determine whether benefits are payable to the probate estate as the result of the Decedent’s death.
- Estate Checking Account.²⁹ To better account for any payments received by the probate estate (such as uncashed checks, last wages, deposit refunds, tax refunds, death benefits, etc.), and any payments made by the probate estate to pay costs and expenses, creditors (including tax authorities), surviving spouse or minor children, or Beneficiaries or Next-of-Kin, with few exceptions, the Estate Representative should consider establishing an estate checking account. That account should be used solely to receive and make payments. Consider hiring an accountant or an attorney to advise you as to the best use of an estate checking account and to account for income and disbursements. You will need an estate federal tax identification number to establish an estate checking account. If you desire to obtain a federal tax identification number, then consider using the IRS website.³⁰
- Federal Income Tax Issues. The Internal Revenue Service may be a creditor of the Decedent’s estate. As noted in the probate information sheet titled “Creditor Rights,” when appointed as the Estate Representative, you may have duties and liabilities to the Internal Revenue Service regarding the filing of decedent’s tax returns and the payment of income taxes as noted in IRS Publication 559. You should discuss that publication with your tax advisor. Additionally, you should discuss with your tax advisor whether you should prepare and file IRS Form 56, which is intended to notify the Internal Revenue Service of the creation and termination of a fiduciary relationship. Finally, before distributing Probate Property, you should discuss with your tax advisor whether you should (i) again file IRS form 56, noting that you are terminating your fiduciary relationship, (ii) file IRS form 4810, which is a request to the Internal Revenue Service to promptly assess the Decedent’s income tax liabilities, and (iii) file IRS form 5495, which is a request to the Internal Revenue Service to discharge you from any liability to the Internal Revenue Service as the fiduciary of the Decedent’s estate.

²⁸ R.C. 2117.061(B)(2).

²⁹ See Geauga Probate Local Rule 78.5(C)(6).

³⁰ See < <https://www.govdocfiling.com/tax-id-application>>

- Illiquid Estate. An illiquid estate is an estate that has sufficient assets to pay valid creditor claims but does not have sufficient cash to pay those claims or to make other needed payments, such as repairs to Probate Property before sale. An example would be a probate estate that consists primarily of real estate. In that case, the Estate Representative may have a duty to file a complaint to obtain a court order to sell the real property under R.C. 2127 titled "Land Sale." For more information, see the probate information sheet titled "Land Sale."

If such payments must be made and the only available cash is that of the Estate Representative's personal assets (or that of other family members), then the Estate Representative should not make payments on behalf of the probate estate from his or her personal checking account, but rather should consider loaning the required cash to the probate estate by depositing sufficient cash in the estate checking account. Then the Estate Representative can make the required payments directly from the estate checking account. Handling payments in this manner results in a better method for accounting for all probate estate payments. Eventually, the loan made by the Estate Representative may be paid after the illiquid Probate Property is sold, assuming the sale proceeds are sufficient.

LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY PROBATE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.