

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

CHECKLIST - SUMMARY 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
- Summary Release from Administration
- Rights of Surviving Spouse
- Digital Assets

General Requirements

- Determine nature and date of death for the probate property
- Determine whether Summary Release from Administration is available
 - Applicant is NOT the surviving spouse.¹ If the applicant has paid or is obligated to pay the funeral and burial expenses, then the applicant may file if the date of death value of the probate property is less than the lesser of \$5,000 or the funeral and burial expense. See R.C. 3113.031(A)(2) for definition of the funeral and burial expense.
 - Applicant is the surviving spouse.² First, the surviving spouse must be either (i) the surviving spouse with no minor children of the Decedent or (ii) the surviving spouse and minor children of the Decedent, but the surviving spouse must be the parent of the minor children.³ Second, if the surviving spouse meets that definition, then there are two situations available to the surviving spouse:
 - If the Decedent's funeral and burial expenses have been prepaid, then the surviving spouse may file an application for Summary Release from Administration if the date of death value of the probate property less than (i) \$40,000 (adjusted for automobile(s) selected) and the funeral and burial expenses paid by the spouse, and (ii) an amount the prepaid funeral and burial expenses, but not exceeding \$5,000.
 - If (i) the Decedent's funeral and burial expenses have Not been prepaid, (ii) the surviving spouse has paid or is obligated to pay the Decedent's funeral and burial

¹ See R.C. 2113(B)(1).

² See R.C. 3113(B)(2).

³ See R.C. 2113.031(A)(3).

expenses, and (iii) the date of death value of the probate property does not exceed the value set forth in the preceding paragraph.

- **NOTE** that if (i) the funeral and burial expenses have not been prepaid and (ii) the surviving spouse has not paid or is not obligated to pay the funeral and burial expenses, then the surviving spouse may not file an application for Summary Release from Administration.

Filing Requirements

1. **Copy of Death Certificate** - (1) must redact the social security number and (2) must be shrunk to letter-size
 - **Form GC PF 4.52 - Residency Affidavit** - if the Decedent's address on the Death Certificate is not in Geauga County.
2. **Funeral Bill** - (1) must provide evidence (a) that the funeral bill was paid in full and (b) proof of payment by the applicant (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 (i) surviving spouse files the Application for Summary Release from Administration (GC PF 5.10) and (ii) someone other than the surviving spouse paid the funeral bill or other court-approved funeral and burial expenses and does not seek reimbursement from the estate, then the surviving spouse should have that person sign and then file with the Clerk Form GC PF 4.54 - Waiver of Reimbursement for Funeral and Burial Expenses.
3. **Identification** - [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.10] (1) a government-issued photographic identification (e.g., a current driver's license or passport), and (2) evidence of current mailing address (e.g., recent utility bill, bank statement account, property tax bill, voter registration card).
4. **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees** Determine whether the Decedent has designated an heir at law as permitted under R.C.2105.15.
5. **Form 5.10 Application For Summary Release From Administration** (must be notarized)
6. **Form 5.11 Entry Granting Summary Release From Administration**
7. **Form GC PF 6.5 - Digital Asset Certification**
8. **Form GC PF 6.6 - Tangible Personal Property Certification**
9. **Form GC PF 4.29 - Medicaid Recovery Acknowledgment** [if applicant is not represented by an attorney]
10. **Form GC PF 55.0 - Surviving Spouse Selection of Automobile** – [if the applicant is the surviving spouse - see Geauga Probate Local Rule 78.5(B)(5)]

11. If required by Sup.R. 45 and Geauga Probate Local Rule 57.2(C), then Form 45(D) – Confidential Disclosure of Person Identifiers
12. 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.
13. **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 for Summary Release from Administration, 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).
- Evidence of Assets and Value - present to the clerks evidence of assets and date of death value.
 - if vehicle, then copy of certificate of title and Kelley Blue Book Value (or other acceptable evidence of value).
 - if financial accounts (including brokerage accounts for stocks and bonds), then a copy of financial statement nearest the date of death.
 - If stocks or bonds (not listed on a financial/brokerage account), then the total number of the shares and bonds and their total date of death value and, for each share or bond, its serial number, the name of its issuer, its date of death value, and, if any, the name and address of its transfer agent.
 - If real estate, then a copy of the deed, and a copy of the Auditor’s property record reflecting the date of death value (e.g., real estate tax bill).
- Description and Transfer of Vehicles - when describing a vehicle on 5.10 Application For Summary Release From Administration (must be notarized) and Form 5.11 Entry Granting Summary Release 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.
 - 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 5.10 Application For Summary Release From Administration (must be notarized) or included in Form 5.11 Entry Granting Summary Release From Administration.
 - 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 (BMV 3773) that the surviving spouse executes for the BMV pursuant to R.C. 4505.10(B).

- Firearms The applicant should review the probate information sheet titled “Firearms Law and Probate Concerns.” 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 applicant does not have an attorney, then it is highly recommended that the applicant obtain legal advice from an attorney who is familiar with such legal issues. When describing a Firearm on 5.10 Application For Summary Release From Administration and Form 5.11 Entry Granting Summary Release From Administration, you must include the name, a description, and serial number.
- 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 5.10 – “Application For Summary Release 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.
- 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).
- Decedent Died with Will - no need to file application to admit Will to probate, but you may deposit the Will with the Court.
- Additional Funeral Expenses - If the applicant desires a court order to include funeral and burial expenses that are not included in the funeral director’s invoice, then prepare and file with the Court form GC PF 5.12 - Application for Approval of Funeral Expenses.
- 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.
- 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 Court form GC PF 4.7 - Application to Dispense with Appraisal.
- Notice by Publication – please note that, unlike a Release from Administration, if the name or address of the decedent’s next-of-kin are unknown, R.C. 2113.031 does not require any notice of filing the Application for Summary Release from Administration, and thus there is no requirement that a notice be served by publication in a newspaper or otherwise.

- Indigent. If the Filer is Indigent and prepares and files form GCPF 65.0 Financial Disclosure Affidavit together with the filing, then the Clerk will permit the filing without payment of the security deposit; provided however that if the Court disapproves that form, then the Filer must pay the security deposit no later than 30 Calendar Days after the court order of disapproval. (See Geauga Probate Local Rule 58.2(A))

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 FOR SUMMARY RELEASE FROM ADMINISTRATION
[R.C. 2113.031]

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]

- The applicant is decedent's surviving spouse entitled to one hundred percent of the allowance for support and decedent's funeral and burial expenses have been prepaid or the surviving spouse has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets does not exceed the \$40,000 allowance for support under R.C. 2106.13(B) plus an amount not exceeding \$5,000 for decedent's funeral and burial expenses.
- The applicant, who is not the surviving spouse, has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets is the lesser of \$5,000 or the amount of decedent's funeral and burial expenses.

Attached hereto is a receipt, contract or other document that confirms the applicant's payment or obligation to pay decedent's funeral and burial expenses or if the applicant is the surviving spouse, the prepayment receipt, if applicable.

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

Applicant states that there are no pending proceedings for the administration of decedent's estate or relief of decedent's estate from administration under R.C. 2113.03.

All known assets with date of death values of the estate are as follows:

- Motor Vehicles (include year, make, model, body type, manufacturer's vehicle identification number and Certificate of Title number)

_____ \$ _____

_____ \$ _____

[] Accounts maintained by a Financial Institution (include financial institution name and the account's complete identifying number):

_____ \$
_____ \$

[] Stocks and Bonds (include for each stock or bond its serial number, the name of its issuer, the name and address of its transfer agent, and the total number of shares of stocks or bonds):

_____ \$
_____ \$

[] Real estate described in accompanying Form 12.0 Application for Certificate of Transfer and Form 12.1 Certificate of Transfer and date of death value. [**Attach verification of value.**] \$ _____

[] Other assets and date of death values

_____ \$
_____ \$

Total Assets \$ _____

Applicant requests an order granting summary release.

Attorney for Applicant

Typed or Printed Name

Street Address

City State Zip Code

Phone Number (include area code)

Attorney Registration No. _____

Applicant's Signature

Applicant's Typed or Printed Name

Street Address

City State Zip Code

Phone Number (include area code)

Signed and acknowledge by the applicant in my presence this _____ day of _____, _____.

Notary Public/Deputy Clerk

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

ESTATE OF _____, DECEASED

Case No. _____

MAGISTRATE'S DECISION GRANTING SUMMARY RELEASE FROM ADMINISTRATION

JUDGMENT ENTRY GRANTING SUMMARY RELEASE FROM ADMINISTRATION

[R.C 2113.031]

The Court finds that the application by _____, satisfies all requirements of R.C. 2113.031 and therefore summarily releases the estate from administration and directs:

- The delivery to the applicant of decedent's personal property set forth in the application with the title to that property.
- That Certificate(s) of Transfer, attached to the application, be issued.

A certified copy of this order together with a certified copy of the application for this order constitutes sufficient authority for a financial institution, corporation or other entity or person referred to in division (A) to (F) of Section 5731.39 of the Revised Code or for a clerk of a Court of Common Pleas to transfer title to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the need for a financial institution, corporation, or other entity or person to be provided a written consent of the tax commissioner prior to the delivery, transfer, or payment to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the duty of all persons to file an Ohio Estate Tax Return exclusively for the assets listed in the application.

Date

Judge / Magistrate

NOTICE: Pursuant to Civ. R. 53(D)(3)(a), a party may file written objections to the Magistrate's Decision within 14 days of filing of the decision. A party shall not assign as error on appeal the Court's adoption of any factual findings or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. (D) (3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

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. _____

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

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 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. _____

Surviving Spouse Selection of Automobile
[R.C. §2106.13 and R.C. §2106.18]

I, _____, certify that I am the surviving spouse of
_____ (the "Decedent").

Select one of the following:

- I have not and will not exercise my right to select an automobile owned by the Decedent, as permitted under R.C. §2106.18.
- I have exercised my right to select an automobile owned by the Decedent, as permitted under R.C. §2106.18, described as follows (as to automobile description, provide year, make, model, and body type, and as to value, provide the value set forth in the affidavit of value required by R.C. §4505.10(B)):

Note: Automobile includes a motorcycle and truck for person use - See R.C. 2106.18(D)

Automobile Description	Value
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Dated: _____

Print Name of Surviving Spouse

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
Summary Release 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.

The Ohio Revised Code gives priority to the claim of a funeral director for unpaid funeral and burial expenses, and the claim of a surviving spouse to an Allowance for Support,¹ above the claims of the Decedent's other unsecured creditors.² Essentially, an applicant for a Summary Release from Administration is filing as a creditor, and not as a beneficiary or next-of-kin. Generally, if there is (i) no surviving spouse and the value of the probate property is equal to or less than the lesser of \$5,000 or the funeral director bill and other court-approved funeral and burial expenses, or (ii) a surviving spouse and the value of the probate property is equal to or less than \$40,000 (i.e., the Allowance for Support, but subject to adjustment) and an amount not to exceed \$5,000 if the surviving spouse paid or is obligated to pay the funeral bill, then R.C. 2113.031 offers an "applicant-creditor" a relatively simple process to receive the probate property by obtaining a court order of summary release from administration without any requirement of notifying creditors or beneficiaries of the probate estate, and without the need to apply to the Court to have the Decedent's Will admitted to probate. Probate property may include the Decedent's interest in financial accounts, stocks and bonds, unpaid wages, uncashed checks, refunds, and automobiles not selected under R.C. 2106.18. Please review the probate information sheet titled "Probate Process Overview" for a description of probate property and non-probate Property.

Requirements for Summary Release from Administration. Please read R.C. 2113.031(A) and (B). In summary, the Court may issue an order of Summary Release from Administration in one of two situations. For the purpose of this discussion, the phrase "Funeral and Burial Expenses" means the sum of (i) the

¹ See generally probate information sheet titled "Rights of Surviving Spouse."

² R.C. 2117.25(A)

decedent's funeral bill (including both funeral and burial expenses) and (ii) other court-approved funeral expenses only.

First – If the value of the Decedent's probate property does not exceed the lesser of: (1) \$5,000; or (2) the total amount of Funeral and Burial Expenses, then any person, who has paid, or is obligated to pay, those expenses may apply for a Summary Release from Administration.³

Second – If the Decedent has a surviving spouse, then that spouse may apply for a Summary Release from Administration if either of two circumstances apply

- **First Circumstance.** The Decedent's Funeral and Burial Expenses have been prepaid, and the value of the probate property does not exceed the total of the following items:
 - The Allowance for Support permitted under R.C. 2106.13. Please review the probate information sheet titled "Rights of Surviving Spouse." Generally, the amount for the Allowance for Support is \$40,000, but subject to an adjustment for automobiles selected by the surviving spouse under R.C. 2106.13;⁴ and
 - An amount equal to the lesser of: (i) \$5,000, or (ii) Decedent's Funeral and Burial Expenses.⁵
- **Second Circumstance.** The Decedent's Funeral and Burial Expenses have not been prepaid, the Decedent's surviving spouse has paid or is obligated in writing to pay the Funeral and Burial Expenses, and the value of the probate property does not exceed the total of the items described above in the First Circumstance.

KEY POINT – If the Funeral and Burial Expenses have not been prepaid, then the surviving spouse may not file a Summary Release solely upon the basis of the Allowance for Support, but rather only if the surviving spouse has paid (or is obligated to pay) the Funeral and Burial Expenses. If the surviving spouse paid a funeral or burial expense other than the funeral director bill, then the spouse will need court approval using the form titled "Application for Approval of Other Funeral Expense" (GC PF 5.12).

Determination of Value. Determine the date of death value of the probate property.⁶

Procedure to Obtain an Order for Summary Release from Administration

To commence a probate proceeding, you need to decide whether to proceed as a Full Administration, Release from Administration, or Summary Release from Administration. If you conclude that a Summary Release from Administration is available to you, then before you proceed you should review the probate information sheets titled "Probate Process Overview," "Jurisdiction of Ohio Probate Courts," and "Rights of a Surviving Spouse," and please read the "Checklist – Summary Release from Administration," which is on the Court's website.

³ See R.C. 2113.031(B)(1).

⁴ See probate information sheet titled "Rights of Surviving Spouse."

⁵ See R.C. 2113.031(A) for the definition of "funeral and burial expenses."

⁶ See R.C. 2113.031(C)(2)(d) and Probate Local Rule 78.5(B)(6).

Preliminary Considerations. Before you decide whether the Decedent's probate estate qualifies for a Summary Release from Administration, please do the following:

- Jurisdiction and Venue. Confirm that this Court is the proper court to accept an Application for Summary Release from Administration (Form 5.10). Carefully review the probate information sheet titled "Jurisdiction of Ohio Probate Courts." Generally, the Application for Summary Release from Administration (Form 5.10) must be filed in the county where the Decedent resides at the time of death.
- Timing. If the Applicant, who paid the funeral director's bill (and other approved funeral and burial expenses), is not the surviving spouse, then the Applicant should consider filing the Application for Summary Release from Administration (Form 5.10) within six months after the decedent's date of death. If the applicant does not present the claim against the estate in accordance with R.C. 2117.06(A) within six months after the date of death, then the claim for reimbursement of the funeral bill could be barred under R.C. 2117.06(C). See the probate information sheet titled "Creditor Rights."⁷
- Identify Next-of-Kin. 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, with a focus on R.C. 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 (i.e., children or grandchildren), then obtain 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 obtain the required information for any surviving parent, and if none, then any surviving brothers and sisters (and the lineal descendants or any deceased siblings).
- 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 may obtain a court order by filing the form titled "Application For Appointment Of Commissioner To Report On The Contents Of A Safe Deposit Box" (GC PF 41.0), together with: (1) a redacted death certificate, (2) the form titled "Surviving Spouse, Children, Next of Kin, Legatees and Devisees" (Form 1.0), and (3) a judgment entry titled "Judgment Entry Appointing Commissioner to Inventory Safe Deposit Box" (GC PF 41.1). Of course, if the safe deposit box is jointly owned, then the surviving owner can open the safe deposit box without need of a court order.
- 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.

⁷ See *Osbourne v. Osbourne*, 114 Ohio App.3d 412 (1996)(2nd App. Dist. – Greene Cty.)

The mailing address is Ohio Department of Commerce, Division of Unclaimed Funds, 77 South High Street, 20th Floor, Columbus, OH 43215-6133.

- Allowance for Support Reduction. If applicable, determine whether the Allowance for Support must be reduced as required by R.C. 2106.13(C) by reason of (i) the value of a vehicle selected under R.C. 2106.18 or (ii) Decedent's minor children who are NOT children of the surviving spouse. See "Other Matters to Consider" set forth below.
- Funeral Director's Bill. Obtain a copy of the funeral director's bill. If that funeral bill has been paid, then obtain (i) a copy of the funeral director bill showing a balance due of zero or "paid in full," and (ii) proof of payment by the person who paid that funeral bill (e.g., a cancelled check), or if waived by the funeral director, then 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.
 - If (i) surviving spouse files the Application for Summary Release from Administration (Form 5.10) and has NOT paid the funeral bill and (ii) someone other than the surviving spouse paid the funeral bill or other court-approved funeral and burial expenses and does not seek reimbursement from the estate, then the surviving spouse should consider having that person sign and then file with the Clerk the form titled "Assignment of Creditor Rights – Funeral" (GC PF 4.54A).
- Other Funeral Expenses.⁸ If the applicant intends to obtain court approval for recoverable funeral or burial expenses other than those billed by the funeral director, then gather the evidence of those expenses and proof of payment by the applicant. Court approval is required, which may be obtained by preparing and filing with the Court the form titled "Application for Approval of Funeral Expenses" (GC PF 5.12).
- Medicaid Issues.⁹ 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. See the probate information sheet titled "Creditor Rights."
- Identify the Decedent's Probate Property.
 - As noted in the "Checklist - Summary Release From Administration," make a detailed list of the Decedent's probate property, including gathering copies of all documents that evidence title to property (such as, legal description for real property, vehicle certificate of title, financial account statements, digital assets, retirement account statements, stock certificates, bonds, uncashed checks, tax refunds, State of Ohio unclaimed funds, digital assets, copy of wages due from employer if possible, etc.).

⁸ See R. C. 2113.031(A)(2)(b)

⁹ See R.C.2117.061(B)(2). For general information see:

<https://medicaid.ohio.gov/Portals/0/Resources/Publications/Forms/ODM07400.pdf>

- The value of the probate property listed shall be the date of death value.
- 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.
- 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 for Summary Release from Administration (Form 5.10). You must make a careful search to determine to what extent the Decedent owned Digital Assets.
- Tangible Personal Property. Review the form title Tangible Personal Property Certification (GC PF 6.6). You need to prepare and file that form together with the Application for Summary Release from Administration (Form 5.10). You must make a careful search to determine to what extent the Decedent owned tangible personal property, particular that which has significant value, for example jewelry, collections, antiques, artwork, etc.
- Appraisal. Decide whether any probate property must be appraised.¹⁰ If so, determine who will be the appraiser, depending upon the nature of the probate property to be appraised. The applicant may select more than one appraiser.¹¹ See the Court’s website for a list of preapproved appraisers.¹² The applicant may pay the cost of the appraiser from the probate property after being appointed by the Judge.
 - 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.¹³ 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 applicant 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 applicant determines. The applicant could prepare and file with the Court the form titled “Application for Order Dispensing with Appraisalment” (GC PF 4.7).

¹⁰ See generally Information Sheet “Probate Process Overview.”

¹¹ R.C. 2115.06

¹² Loc.R. 5 of the Court of Common Pleas of Geauga County, Probate Division

¹³ R.C. 2115.02

- 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).
- Vehicles. Rather than appraisal, the Court will accept the value of a vehicle as established by Kelley Blue Book (or similar resource).¹⁴ 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 for Summary Release from Administration (Form 5.10).
- 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 site¹⁵). If you intend to establish value in that manner, then you must prepare and file with the Court the form titled “Application for Order Dispensing with Appraisement” (GC PF 4.7). Additionally, make a photocopy of the auditor’s letter of valuation (or REALink printout) and file it with the Court when you file the Application for Summary Release from Administration” (Form 5.10).
- 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
- Identification. If an attorney does not represent you, then gather (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).
- Spousal Selection of Motor Vehicle. If the surviving spouse is the applicant, then determine whether the surviving spouse selected any motor vehicle under R.C. 2106.18 and R.C. 4505.10. If so, the applicant must file the form titled “Surviving Spouse Selection of Automobile” (GC PF 55.0). The amount of Allowance for Support (i.e., \$40,000) may need to be reduced.
 - 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 the Application for Summary Release from Administration (5.10) or included in the form titled “Entry Granting Summary Release From Administration” (Form 5.11).
 - 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 (form BMV 3773) that the surviving spouse executes for the BMV pursuant to R.C. 4505.10(B).

¹⁴ See <https://www.kbb.com/>

¹⁵ See <http://geaugarealink.co.geauga.oh.us/realink/>

Preparation of Document to be Filed. Review the “Checklist - Summary Release of Administration”

- Application for Summary Release from Administration. In order for the applicant to receive the probate property the judge must appoint the applicant. To receive such authority from the Judge the applicant must prepare and file with the Court the form titled “Application for Summary Release from Administration” (Form 5.10).
 - You will indicate the basis upon which you may proceed with a Summary Release from Administration.
 - Be sure to indicate all known names of the Decedent on the Court forms, especially if different names are indicated on financial accounts, stock certificates, vehicle titles, real estate deeds, etc.
 - You will describe the Probate Assets and their date of death value.
 - The Application for Summary Release from Administration (Form 5.10) is a public record. Do not include on the Application for Summary Release from Administration (Form 5.10) any information concerning the identity of the Decedent or the probate property, known as “personal identifiers.”¹⁶ 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)). 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 page two of the form titled “Application for Summary Release from Administration” (Form 5.10) - see Geauga Probate Local Rule 78.1(F).

Note: If you intend to include paid funeral or burial expenses that are not included in the funeral director’s bill, then complete and file with the Court the form titled “Application for Approval of Other Funeral Expenses” (GC PF 5.12).

- 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 Application for Summary Release from Administration (Form 5.10). You may indicate on that listing something like “household goods, clothing, furnishings” and assign a value based upon a reasonable estimate of what you could sell such items at a public auction. Regarding tangible personal property that has a significant value, such as jewelry, artwork, or collections you must separately list those items on the Application for Summary Release from Administration (Form 5.10). Depending upon how you complete the form titled Tangible Personal Property Certification (GC PF 6.6), you may be required to prepare and file the form titled “Supplemental Schedule of Assets” (GC PF 6.1A).
- Regarding Digital Assets, you need not identify the Digital Assets on the Application for Summary Release from Administration (Form 5.10). Depending upon how you complete

¹⁶ Geauga Probate Local Rule 57.2(C).

the form titled “Digital Asset Certification” (GC PF 6.5), you may be required to prepare and file the form titled “Supplemental Schedule of Assets” (GC PF 6.1A).

- The applicant’s signature on the Application for Summary Release from Administration (Form 5.10) must be notarized. The probate clerks can notarize any probate documents.
- If the Decedent died with a Will, there is no need to file an Application to Probate Will, or otherwise present the Will to the Probate Court. However, the applicant should consider depositing the Will with the Court in case additional Probate Property is later found.
- List of Surviving Spouse, Children, Next-of-Kin, Legatees and Devises. Prepare and file together with the Application for Summary Release from Administration (Form 5.10), the form titled “Surviving Spouse, Children, Next of Kin, Legatees and Devises” (Form 1.0).¹⁷ 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.
- Other Documents to be Filed.
 - Death Certificate. Together with the Application for Summary Release from Administration (Form 5.10), 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 for Summary Release from Administration (Form 5.10), file with the Court a copy of the funeral bill showing a zero balance due or “paid in full.” If the funeral bill has been paid or prepaid, then obtain and file with the Court 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 and file with the Court a statement from that institution explaining the event and file a copy of that statement in lieu of the paid funeral director’s bill.
 - Proof of Ownership.
 - Real Property. Regarding any real property that is probate property, the applicant shall: (i) file with the Clerk a copy of the deed for the real property; and (ii) describe the real property on the applicable court document by the street address, legal description, and the tax parcel identification number.
 - Vehicles. Regarding any vehicles (including motorcycles, recreational vehicles, boats, airplanes, etc.) that are probate property, the applicant must file with the

¹⁷ See Geauga Probate Local Rule 78.5(A)(2).

Application for Summary Release from Administration (Form 5.10) 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 applicant must attach to the Application for Summary Release from Administration (Form 5.10) a copy of the statements or other evidence of ownership. 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 on page two of the Application for Summary Release from Administration (Form 5.10).
 - Stocks and Bonds. Regarding any stocks and bonds not held in a brokerage account that are probate property, the applicant must provide copies of those instruments.
 - Uncashed Checks, Wages. Regarding any uncashed checks and unpaid wages that are probate property, the applicant must provide copies of those checks or wage statements.
- Personal Identification. Unless you are represented by an Ohio attorney, present to the clerk (1) a government-issued photographic identification (e.g., a current driver's license or passport), and (2) evidence of current mailing address (e.g., recent utility bill, bank statement account, property tax bill, voter registration card).
 - Digital Asset Certificate. Prepare and file with the Court the form titled "Digital Asset Certification" (GC PF 6.5).¹⁸ Be prepared to file the form titled "Supplemental Schedule of Assets" (GC PF 6.1A) if requested by the Court.
 - Tangible Personal Property Certificate. Prepare and file with the Court the form titled "Tangible Personal Property Certification" (GC PF 6.6).¹⁹ Be prepared to file the form titled "Supplemental Schedule of Assets" (GC PF 6.1A) if requested by the Court.
 - Surviving Spouse Selection of Automobile. If surviving spouse is the applicant, then prepare and file the form titled "Surviving Spouse Selection of Automobile" (GC PF 55.0).
 - Medicaid Recovery Acknowledgment. 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).
 - Entry Granting Summary Release from Administration. Prepare and file the form titled "Entry Granting Summary Release from Administration" (Form 5.11).
 - Be Prepared to Pay the Court Costs. The court costs are listed on the Court's website. 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, then the applicant shall pay the additional court costs. Likewise,

¹⁸ See Geauga Probate Local Rule 78.5(A)(3)(a).

¹⁹ See Geauga Probate Local Rule 78.5(A)(3)(a).

if the actual court costs are less than the deposit, the Court will reimburse the applicant for that excess amount. If the applicant is indigent and prepares and files the Financial Disclosure form (ODP-206R) 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)).

Other Matters to Consider

- 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 applicant should prepare and file with the Court the forms titled "Application for Certificate of Transfer" (Form 12.0) and Certificate of Transfer (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 at the bottom of page one of the Application for Summary Release from Administration (Form 5.10), the applicant should describe the vehicle as presented on the Certificate of Title (or registration), including (i) Year, (ii) Body Type, (iii) Model, (iv) Make, (v) Mfrs Serial Number (i.e., the VIN or ID number), and (vi) Cert. of Title No. After the judge has signed the Entry Granting Summary Release from Administration (Form 5.11), a certified copy of both the Application for Summary Release from Administration (Form 5.10) and the Entry Granting Summary Release from Administration (Form 5.11) will be mailed to the applicant, and then the applicant should deliver those documents to the BMV and a new certificate of title should be issued in the name of the applicant. Note that vehicles 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 motor vehicles by presenting to the BMV the death certificate and the certificate of title.
- Tax Concerns. Please review the 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. You should consider hiring a tax advisor to assist you.
- 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.
- Reopen Summary Release from Administration. If a proceeding for Summary Release from Administration is opened and closed and if there are newly discovered probate assets after the closing of that proceeding, then it may be possible for the applicant to reopen the proceeding as a Summary Release from Administration. Depending upon the value of the initial probate property and the value of the newly discovered probate property, the Court may require a full administration, including the filing of an inventory and a final and distributive account, or possibly

a Release from Administration. However, if the value of the initial probate property and the value of the new probate property still permits a Summary Release from Administration, then the applicant could prepare and file the form titled "Application to Reopen Estate – Summary Release from Administration" (GCPF 5.0R).

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.