GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDELL

CHECKLIST – SHORT FORM RELEASE

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 legible and completed in their entirety. The clerks may refuse to accept for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court's Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440- 226-7339. If you decide to proceed without assistance from your attorney or from the Court's Help Center, then you should read the following before taking any action:

Recommended Reading – before deciding to prepare and file an Application for Short Form Release from Administration, the Help Center recommends that to you read the following probate information sheets, which are located on the Court's website:

- Probate Process Overview
- Creditor Rights

Background

- Short Form Release is only available if:
    - the total value of the probate property is $1,000 or less;
    - the probate property does not include real property;
    - the filing of the Application for Short Form Release from Administration is more than six months after the Decedent's date of death;
    - all persons listed on Form 1.0 - Surviving Spouse, Children, Next of Kin, Legatees and Devisees sign the "Consent of Interested Parties;" and
    - the decedent's funeral director bill has been paid in full.

Filing Requirements

- **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.
- **Identification** - [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.10] (1) a government-issued photographic identification (e.g., a current driver's license

or passport), and (2) evidence of current mailing address (e.g., recent utility bill, bank statement account, property tax bill, voter registration card).

- **Form 1.0 - Surviving Spouse, Children, Next of Kin, Legatees and Devisees**

- **Form GC PF 4.60 - Application for Short Form Release from Administration**

- **GC PF 4.61 - Judgment Entry Approving Short Form Release of Estate from Administration**

- **Funeral Bill** - (1) must provide evidence (a) that the funeral bill was paid in full and (b) of who paid that bill (e.g., cancelled check, receipt), or (2) if a funeral bill is not due and owing (e.g., the funeral director was prepaid or the decedent's body was donated and cremation costs were paid by a third party), then provide satisfactory evidence establishing that fact.

- **Form GC PF 4.54 - Waiver of Reimbursement for Funeral and Burial Expenses** – if the person who paid the funeral director's invoice after decedent's death is not being reimbursed from the probate property.

- **Form GC PF 4.29 - Medicaid Recovery Acknowledgment** [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.5(D)(4)]

- If required by Sup.R. 45 and Geauga Probate Local Rule 57.2(C), then **Form 45(D) – Confidential Disclosure of Person Identifiers**

- **Court Cost Deposit -** arrange for payment of the court cost deposit. See the "Probate Court Costs" on the Court's website. See additional note below regarding indigent applicant.

- **Application to Probate Will**. If the decedent died with a valid will, and if the applicant (i) is not the sole next of kin as noted on page 1 of form 1.0 and the sole beneficiary as noted on page 2 of form 1.0 or (ii) does not otherwise qualify to file an Application for Summary Release from Administration (see the probate information sheet titled "Summary Release from Administration"), then the applicant must file an application to probate that will (see the checklist titled "Probating Decedent's Will").

Additional Notes

- Jurisdiction and Venue. Confirm that this Court has jurisdiction to accept the filing of an Application to Relieve Estate from Administration and appoint you as a Commissioner, and that the proper venue is Geauga County. See the probate information sheet titled "Jurisdiction of Ohio Probate Courts."

- Preparation of Form 1.0. If there is a surviving spouse or surviving lineal descendants, then include (i) the name and address of each predeceased child, and (ii) under the name of a predeceased child insert the name and address of that child's lineal descendants. Moreover, you must correctly check one of the boxes toward the bottom of the front page of Form 1.0. Carefully review Geauga Probate Local Rule 78.5(A)(2). Finally, consider whether the Decedent designated an heir at law under R.C. 2105.15, and if so, obtain a certified copy of the court order.

- **Form GC PF 5.9 Report of Distribution** – This form must be prepared and filed with the Court no more than 30 days after appointment as the Commissioner.

- **Evidence of Ownership and Value** – In addition to the form titled Application for Short Form Release from Administration (Form GC PF 4.60), the applicant shall file with the Court evidence of title (e.g., financial account statements, certificate of title, etc.) and evidence of value (e.g., Kelley Blue Book report).
- Indigent If the applicant is Indigent and prepares and files form GCPF 65.0 Financial Disclosure Affidavit together with the filing, then the Clerk will permit the filing without payment of the security deposit; provided however that if the Court disapproves that form, then the applicant must pay the security deposit no later than 30 Calendar Days after the court order of disapproval. (See Geauga Probate Local Rule 58.2(A)).

- Firearms. The applicant should first review the probate information sheet titled “Firearms Law and Probate Concerns,” then the applicant should determine whether the Decedent owned or possessed any (i) Firearms or (ii) Dangerous ordnance as defined by R.C. Sec. 2923.11(K). Federal or state law may regulate the applicant regarding the possession, storage, sale, transport, and the distribution of such probate property to certain beneficiaries, particularly beneficiaries who reside in another state. If the Decedent owned or possessed such probate property and if the 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.