GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDELL

CHECKLIST - WILL DEPOSIT & DELIVERY

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten or legibly handwritten, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court's Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-226-7339. If you decide to proceed without assistance from your attorney or from the Court's Help Center, then you should read the following before taking any action:

- See Geauga Probate Local Rule 59.1(A) and (B)
- R.C. 2107.07
- R.C. 2107.08

Will Deposit

Initial Considerations

The Testator or any other person on behalf of the Testator may deposit an original Will with the probate court of the country where the Testator resides, both before or after the Testator's death. The depositor should retain at least one copy of that Will.

- Determine whether that Will has been validated by a probate judge (in Ohio pursuant to R.C. 5817.02) and if so, obtain the name and address of the court (and the case number).

- Determine name and address of the person, if any, to be endorsed on the court's sealed envelope (other than the Testator).

Filing Requirements

- **Original Will**

- **GC PF 45.1 - Will Deposit Information**

- **Court Cost Deposit -** arrange for payment of court cost deposit. See the "Probate Court Costs" on the Court's website.

- **Personal Identification** - a government-issued photo identification (e.g., driver's license, passport) of the Depositor, except if the Depositor is an attorney licensed in Ohio, or an employee of that attorney depositing the Will on behalf of the attorney.

- **Death Certificate** – If Testator is deceased, then a copy of Testator's death certificate (social security number redacted).

Will Delivery

Initial Considerations

If the Testator is living, then only (i) the Testator, (ii) other person on behalf of the Testator who is authorized by the Testator by a signed and notarized written order, or (iii) the probate judge for determination of the Will's validity (under R.C. Chapter 5817), may request the original Will that was previously deposited with the clerk.

If the Testator is deceased, then only the person, who is endorsed on the sealed envelope of the original Will, may request the original Will that was previously deposited with the clerk. Moreover, if no person is so endorsed, then the Clerk will open the envelope within one month after learning of the Testator's death and deliver that Will to the probate judge.

Note that the rules are different if that Will was declared valid by the probate judge during the Testator's lifetime as permitted by R.C. Chapter 5817.

Request Requirements if Testator is Living

- **GC PF 45.1A – Request for Deposited Will**
- **GC PF 45.1B – Written Order for Will Delivery** – if the Requestor is not the Testator.
- **Personal Identification** - a government-issued photo identification (e.g., driver's license, passport) of the Requestor, except if the Requestor is an attorney licensed in Ohio, or an employee of that attorney requesting the Will on behalf of the attorney.

Request Requirements if Testator is Deceased

- **Death Certificate** – copy of Testator's death certificate (social security number redacted)
- **GC PF 45.1A – Request for Deposited Will**
- **Personal Identification** - a government-issued photo identification (e.g., driver's license, passport) of the Requestor, except if the Requestor is an attorney licensed in Ohio, or an employee of that attorney requesting the Will on behalf of the attorney.

  NOTE: That pursuant to R.C. 2107.08, if the Testator is deceased, then the only person who can receive the Will (other than the probate judge) is the person, if any, whose name is endorsed on the sealed envelope when the Will was deposited with the Court.