GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDELL

CHECKLIST - RELEASE FROM ADMINISTRATION

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

- Probate Process Overview
- Jurisdiction of Ohio Probate Courts
- Release from Administration
- The Decedent's Will
- Rights of Surviving Spouse
- Creditor's Rights
- Digital Assets

General Requirements

- Determine nature and current value of the probate property

- Determine creditor claims

- Determine whether Relief from Administration is available
    - Is probate property $35,000 or less?
    - If surviving spouse, then is probate property $100,000 or less?

Filing Requirements

- **Probating Decedent's Will** - if the Decedent has a Will, then you must file an application to probate that Will - see "Checklist - Probate Decedent's Will."

- **Copy of Death Certificate** - (1) must redact the social security number and (2) must be shrunk to letter-size.

    - **Form GC PF 4.52 - Residency Affidavit** - if the Decedent's address on the Death Certificate is not in Geauga County.

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

- **Form GC PF 4.54 - Waiver of Reimbursement for Funeral and Burial Expenses** – If the person who paid the funeral bill or other court-approved funeral and burial expenses does not seek reimbursement from the estate, then the Commissioner should have that person sign and then file Form GC PF 4.54 - Waiver of Reimbursement for Funeral and Burial Expenses.

- **Identification** - [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.10] (1) a government-issued photographic identification (e.g. a current driver's license or passport), and (2) evidence of current mailing address (e.g. recent utility bill, bank statement account, property tax bill, voter registration card).

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

- **Form 5.0 - Application to Relieve Estate from Administration**

- **Form 5.1 - Assets and Liabilities of Estate to be Relieved from Administration**
  - Real Estate – may use street address and permanent parcel number in the property description, and as noted below attach a copy of the most current county auditor's tax bill; provided that if the real property is in Geauga County, Ohio, then a copy of the "Tax Card," which is displayed *https://realestate.geauga.oh.gov/*, after completing the search.
  - Certificated Personal Property (e.g., vehicles, motorcycles, mobile homes, boats) – include the I.D. number and Title number in the property description, but attach a copy of the certificate of title if available, otherwise the registration.
  - Firearms – set forth the manufacturer, model, and the serial number.

- **Waiver of Notice of Application to Relieve Estate from Administration** - have Interested Persons (See Form 1.0) sign either (1) Waiver of Notice on Form 5.0, or (2) sign and file Form 5.2 - Waiver of Notice of Application to Relieve Estate from Administration

- **Form GC PF 6.5 - Digital Asset Certification**

- **Form GC PF 6.6 - Tangible Personal Property Certification**

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

- **Form 5.6 - Entry Relieving Estate from Administration**

- **Form CG PF 4.30 - Background Certification and Records Check -** unless the applicant is the sole next-of-kin or beneficiary under Decedent's Will – see Local Probate Rule 78.11.

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

- If probate property includes real property, then **Forms 12.0 Application for Certificate of Transfer, 12.1 Certificate of Transfer, and 12.2 Order Issuing Certificate of Transfer.**

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

Additional Notes

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

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

- Notice of Application to Relieve Estate from Administration – See R.C. 2113.03(B) and Geauga Probate Local Rule 78.5(C)(3). As to those Interested Persons who did not sign the Waiver of Notice of Application to Relieve Estate from Administration (Form 5.2), the Estate Representative shall notify those Interested Persons using the form titled "Notice of Application to Relieve Estate from Administration" (Form 5.3). That notice must be delivered no less than two weeks before the hearing date. The Estate Representative shall deliver a copy of that notice to each such person in accordance with Civ.R. 73(E). Before the Hearing, the Estate Representative shall provide the Court with proof of service of that notice by preparing and filing with the Court the form titled "Affidavit Evidencing Service of Notice" (GC PF 41.6) together with a copy of each such notice and evidence of service (e.g., the "green card") for each notice. See Geauga Probate Local Rule 78.13. Determine whether service of notice must be by publication. See Geauga Probate Local Rule 78.14.

- Evidence of Ownership and Value - present to the deputy clerks evidence of assets and current value
    - If a vehicle, then a copy of certificate of title (or registration if title unavailable), and if the applicant elects to value the vehicle as provided in Geauga Probate Local Rule 78.5(D)(1)(a)(2), then a copy of evidence of value that conforms to Geauga Probate Local Rule 78.5(D)(1)(a)(2) (e.g., Kelley Blue Book).
    - If other certificated personal property (e.g. motorcycles, four-wheelers, boats, trailers, mobile homes, etc.(, then a copy of certificate of title (or registration if title unavailable)
    - If real estate, then copy of the most current county auditor's tax bill; provided that if the real property is in Geauga County, Ohio, then a copy of the "Tax Card," which is displayed *https://realestate.geauga.oh.gov/*, after completing the search, which may also be used as evidence of value, without the need for appraisal.
    - if financial accounts (including brokerage accounts for stocks and bonds), then a copy of financial statement nearest date of filing the Application for Relief from Administration.
    - If stocks or bonds (not listed on a financial/brokerage account), then the total number of the shares and bonds and their total current value and, for each share or bond, its serial number, the name of its issuer, its current value, and, if any, the name and address of its transfer agent.
    - If death benefit (e.g., life insurance, annuity, retirement), then copy of evidence of value.
    - If past due wages, the evidence of value (in writing from employer of possible).

- Appraisal – The applicant need only obtain an appraisal by an appraiser approved by the Court if any of the probate property (i) has a value that is not readily ascertainable or (ii) applicant does not elect to value probate property as permitted by Geauga Probate Local Rule 78.5(D)(1)(a)(2) (e.g., real property, vehicles). Moreover, as to such probate property that requires an appraisal, the applicant may obtain an order dispensing with an appraisal by preparing and filing (i) Court form GC PF 4.7 - Application to Dispense with Appraisement. Obtain the signed consent of all interested persons to the extent possible.

- Personal Identifiers - see Sup.R. 45(D) and Geauga Probate Local Rule 57.2(C). Do not insert protected personal identifiers into a court document, except for not more than the last four digits. For example, regarding financial accounts that have a unique account number, you could include the last four digits in the description of each such account on Form 5.1 – "Assets and Liabilities of Estate to be Relieved from Administration" - see Geauga Probate Local Rule 78.1(F). Prepare and file with the Court SC Form 45(D) - Confidential Disclosure of Personal Identifiers.

- Determine Probate Assets - determine all of Decedent's probate property (see Probate Information Sheet-Probate Process Overview), including whether Decedent has (i) any right to unclaimed funds (see Ohio Division of Unclaimed Funds), (ii) a safe deposit box, (iii) tax refunds, (iv) unpaid wages, and (v) security deposit.

- Describing and Transfer of Vehicles - when describing a vehicle on Form 5.1 Assets and Liabilities of Estate to be Relieved From Administration and on Form 5.6 Entry Relieving Estate From Administration, you must include (1) Year, (2) Make, (3) Model, (4) Body Type, (5) Mfr. Vehicle ID Number, and (6) Certificate of Title Number. Additionally, you may prepare and file GC Form "GC PF 10.3 - Application and Entry Transfer Motor Vehicles."

    - If a surviving spouse selects one or more automobiles under R.C. 2106.18(A), then those automobiles are not an estate asset and need not be listed on Form 5.1 Assets and Liabilities of Estate to be Relieved From Administration or included in Form 5.6 Entry Relieving Estate From Administration. Please note that a surviving spouse MAY NOT select an automobile under R.C. 2106,18(A) that is otherwise disposed of by a will admitted to probate.

    - Moreover, If a surviving spouse selects more than one automobile under R.C. 2106.18(A), then the allowance for support prescribed by R.C. 2106.13 is reduced by the value of the automobile having the lowest value of the automobiles so selected. The value of the automobile is determined by the affidavit that the surviving spouse executes for the BMV pursuant to R.C. 4505.10(B).

- Allowance for Support. If there is a surviving spouse or minor children, please review R.C. 2106.13 and the Help Center probate information sheet titled "Rights of Surviving Spouse."

- Transfer of Real Property. Prepare and file form 12.0 Application for Certificate of Transfer and form 12.1 Certificate of Transfer. Consider filing the Certificate of Transfer with the County Recorder upon receipt from the Court.

- Decedent's Name - insert the decedent's name first, as shown on the death certificate, in all court documents, and insert next any other name as shown on the probate assets (e.g. certificate of title or financial account statement) - see Geauga Probate Local Rule 78.5(A)(8).

- Will Index - search the Court's Will Index – (see Sup.R. 59(A) and Geauga Probate Local Rule 59.1(C)).

- Attorneys' Fees - If attorneys fees are to be paid from the probate assets, then the attorney must prepare and file a motion to approve such fees, providing detail required by Geauga Probate Local Rule 71.1 and obtain a court order approving the fees.

- Medicaid Recovery - If the applicant is not represented by an attorney, then prepare and file with the Court Form GC PF 4.29 - Medicaid Recovery Acknowledgment, (and if required prepare and file, within 30 days after filing the Application for Release from Administration, the appropriate forms with the Ohio Medicaid Estate Recovery Unit and then file with the Court the Form 7.0 Certification of Notice to Administrator of Medicaid Estate Recovery Program. Generally, the Ohio Medicaid Estate Recovery Unit must be notified of the decedent's death if the decedent received or indirectly benefited from [e.g., payments to a nursing home] Medicaid payments AND the decedent was older than 54 or was permanently institutionalized.)

- Surety Bond Requirement - Review Geauga Probate Local Rule 78.17(I). A surety bond is not required unless the Court orders otherwise.

- Notice to Distributee Use GC Form "GC PF 4.42 – Notice to Distributee" if the Fiduciary is required to deliver a notice to a distribute as required by R.C. 2117.06(K).

- Will Contest Period – If a Will was admitted to probate, then unless all interested parties sign a waiver of the right to file a Will Contest and that waiver is filed with the Court, the Court will not issue a judgment entry relieving the estate from administration until the three-month Will Contest period has expired and no Will Contest has been filed with the Court. Consider using and filing form "GC PF 3.4 – Waiver of Right to Contest Will." The three-month Will Contest period commences on the date that the Commissioner filed the Certificate of Service of Notice of Probate of Will (Form 2.4).

- 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 Commissioner does not have an attorney, then it is highly recommended that the Commissioner obtain legal advice from an attorney who is familiar with such legal issues.