GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDELL

CHECKLIST – REOPEN ESTATE

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 440-226-4928.

Background

1. Determine who will apply to reopen the probate proceeding. If the applicant is the prior fiduciary, the sole beneficiary, or the sole next of kin, then there is no need to file form "4.0 - Application for Authority to Administer Estate." Otherwise, that form must be filed.

2. If the probate proceeding was a Release from Administration or a Summary Release from Administration, then review the applicable provisions below in "Additional Notes" section.

Filing Requirements – Applicant is Prior Executor or Administrator, Sole Beneficiary, or sole Next of Kin (if the applicant was the fiduciary of the estate when the estate was closed, or if applicant is the sole beneficiary under the Will or sole next of kin if decedent died intestate)

1. **Form GC PF 4.51 - Application to Reopen Estate and Appoint Fiduciary**

2. **Form GC PF 4.51A – Report of Newly Discovered Assets**

3. **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees** (no need to insert information on the back page regarding beneficiaries if the Decedent died without a Will).

4. **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).

5. **Form GC PF 4.30 - Criminal Background Check Authorization** - see Geauga Probate Local Rule 78.11.

6. **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)]

7. **Bond Requirement – file either (1) Form 4.2 – Fiduciary's Bond or (2) Form GC PF 4.40 - Application to Dispense Fiduciary's Bond** (and related documents as required – see Geauga Local Probate Rule 78.17 – Bond Requirement) – see Additional Notes below.

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

Filing Requirements – Applicant is not the Prior Executor of Administrator, Sole Beneficiary, or Sole Next of Kin (if the applicant was not the fiduciary of the estate when the estate was closed, or if applicant is not the sole beneficiary under the Will or is not sole next of kin if decedent died intestate).

1. **Form GC PF 4.51 - Application to Reopen Estate and Appoint Fiduciary**

2. **Form GC PF 4.51A – Report of Newly Discovered Assets**

3. **Form 4.0 Application for Authority to Administer Estate**

4. **Waiver or Declination of Right to Administer**

    - **Form 4.3 Waiver of Right to Administer**. If the decedent died without a will and if another person has a superior or equal right to be appointed as Administrator, then prepare, obtain the signature of that person, and file with the Court Form 4.3 - Waiver of Right to Administer.

    - **GC PF 4.9 - Declination**. If the decedent died with a will, which was admitted to probate, and if another person has a superior or equal right to be appointed as Executor, then prepare, obtain the signature of that person, and file with the Court Form GC PF 4.9 - Declination. If any such person refuses to sign a Declination, then the Court will set the Application for Application to Administer the Estate for hearing and the Court will notify the pertinent parties.

5. **Form GC PF 4.9A – Executor Listing** If the applicant seeking appointment as Executor is not the Person who is first in priority as executor in the Will that was admitted to probate, then prepare and file this form.

6. **Form GC PF 4.8 Fiduciary's Acceptance**

7. **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees** (no need to insert information on the back page regarding beneficiaries if the Decedent died without a Will).

8. **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).

9. **Form GC PF 4.30 - Criminal Background Check Authorization** - see Geauga Probate Local Rule 78.11.

10. **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)]

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

12. **Bond Requirement – file either (1) Form 4.2 – Fiduciary's Bond or (2) Form GC PF 4.40 - Application to Dispense Fiduciary's Bond** (and related documents as required – see Geauga Local Probate Rule 78.17 – Bond Requirement)

Additional Notes

- Bond Requirement. Decide whether to obtain a Bond or whether to file Application to Dispense with Bond. If Bond is required, then prepare and present Form 4.2 – Fiduciary's Bond. If you seek to dispense with the Bond, then prepare and file Form GC PF 4.40 – Application to Dispense with Bond. If the basis is consent of heirs and beneficiaries, then also prepare and file (1) Form GC PF 4.37 – Consent to Dispense with Bond and (ii) Form GC PF 4.38 – Fiduciary's Acknowledgment of Personal Liability

- Preparation of Form 1.0. If there is a surviving spouse or surviving lineal descendants, then include (i) the name 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).

- Personal Identifiers - see Geauga Probate Local Rule 57.2(C). Do not insert protected personal identifiers into a court document. Report such personal identifiers by preparing and filing form SC Form 45(D) - Confidential Disclosure of Personal Identifiers.

- Evidence of Assets and Value - present to the deputy clerks evidence of assets and current value
    - If a vehicle, then (i) a copy of certificate of title, 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 real estate, then 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, and which also may be used to establish value for the real estate rather than appraisal. Additionally, prepare and file an application for a certificate of transfer (i.e. forms 12.0, 12.1, and 12.2), all as described in R.C. §2113.61.
    - 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, which reflects Current value.
    - 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 – determine whether any newly discovered assets must be appraised. For such assets that do not have a readily ascertainable value, then an appraisal may be required, provided however that real estate may be valued using the current county auditor's tax bill and vehicles (including motorcycles, RVs, trailers, watercraft, etc.) by a copy of a recognized valuation resource for motor vehicles as the fair market value of the motor vehicle (e.g., Kelley Blue Book). Consider preparing and filing (i) Court form GC PF 3.2 - Application to Dispense with Appraisement and (ii) to the extent possible, Court form GC PF 3.2A – Consent to Dispense with Appraisement, which contains the signatures of Interested Persons (see form 1.0), and provide a copy of any evidence of value noted above, or otherwise.

- 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 appointment, 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.)

- Surviving Spouse Rights. If decedent had a surviving spouse, then determine whether the surviving spouse has any remaining spousal rights (e.g., Allowance for Support). Consider reviewing the probate information sheet titled "Rights of Surviving Spouse."

- Report of Distribution. Unless the Court otherwise orders the filing of a final and distributive account, after the newly discovered assets have been distributed, the fiduciary shall prepare and file the form GC PF 4.15B – Report of Distribution.

Additional Notes If the applicant was not the Executor or Administrator of the estate when the estate was closed, or sole beneficiary under the Will, or sole next of kin if decedent died intestate

- Notice of Hearing on Appointment of Fiduciary.

    - Appointment of Executor. If a person has a superior or equal right to serve as executor and does not sign form GC PF 4.9 - Declination, then the Court may set the matter for hearing and the applicant shall serve notice of the hearing upon those persons using form GC PF 4.18 - Notice of Hearing, in accordance with Civ.R. 73(E), served no less than 10 Calendar Days before the hearing. The administrator 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 the probate information sheet titled "Service of Notice," and Probate Local Rules 78.13. Determine whether service of notice must be by publication. See Geauga Probate Local Rule 78.14.

    - Appointment of Administrator. If a person has a superior or equal right to serve as administrator and does not sign form 4.3 - Waiver of Right to Administer, then the Court may set the matter for hearing and the applicant shall serve notice of the hearing upon those persons using form 4.4 - Notice and Citation of Hearing on Appointment of Fiduciary, in accordance with Civ.R. 73(E), served no less than 10 Calendar Days before the hearing. The administrator 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 the probate information sheet titled "Service of Notice," and Probate Local Rules 78.13. Determine whether service of notice must be by publication. See Geauga Probate Local Rule 78.14.

- Notice of Appointment. As required by Sup. R. 60(B), the administrator shall give notice of the appointment, in accordance with Civ.R. 73(E), within seven days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have been provided notice of the hearing on the appointment (i.e., Form 4.4 – Notice and Citation of Hearing on Appointment of Fiduciary") or have waived such notice. The administrator shall use the form titled "Notice of Appointment of Administrator" (GC PF 4.4A). The administrator 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 the probate information sheet titled "Service of Notice," and Probate Local Rules 78.13. Determine whether service of notice must be by publication. See

Geauga Probate Local Rule 78.14.

Filing Requirements - Reopen Release from Administration

- Reopen Release from Administration. If the initial proceeding was a Release from Administration, and if the value of the newly discovered asset(s), when combined with the value of the assets released from administration, would require a full administration, then follow the process outlined above as if the applicant was not the fiduciary of the estate when the estate was closed, or if applicant is not the sole beneficiary under the Will or is not sole next of kin if decedent died intestate). The Court may require the filing of an inventory and a final account.

  However, if the value of the newly discovered probate asset(s), when combined with the value of the probate assets disclosed in the initial Application to Relieve Estate from Administration (form 5.0) and the Assets and Liabilities of Estate to be Relieved from Administration (form 5.1) does qualify the probate proceeding under R.C. 2113.03, then the applicant may proceed to reopen the probate proceeding by filing:

  - **Form GC PF 4.51 - Application to Reopen Estate and Appoint Fiduciary**
  - **Form GC PF 4.51A – Report of Newly Discovered Assets**
  - **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees** (no need to insert information on the back page regarding beneficiaries if the Decedent died without a Will).
  - **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 GC PF 4.30 - Criminal Background Check Authorization** - see Geauga Probate Local Rule 78.11.
  - **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)]
  - **Court Cost Deposit -** arrange for payment of court cost deposit. See the "Probate Court Costs" on the Court's website.

Additional Notes

- Evidence of Assets and Value - present to the deputy clerks evidence of assets and current value
  - If a vehicle, then (i) a copy of certificate of title, 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 real estate, then 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, and which may be used to establish value for the real estate rather than appraisal. Additionally, prepare and file an application for a certificate of transfer (i.e. forms 12.0, 12.1, and 12.2), all as described in R.C. §2113.61.

- 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, which reflects Current value.
- 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 real estate, then an application for a certificate of transfer as described in R.C. §2113.61.
- 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 GC PF 4.51A – Report of Newly Discovered Assets - see Geauga Probate Local Rule 78.1(F). Prepare and file with the Court SC Form 45(D) - Confidential Disclosure of Personal Identifiers.

1. New Commissioner. If the applicant was not the initial Commissioner of the estate, then

    a. Waiver of Notice of Application to Relieve Estate from Administration - have Interested Persons (See Form 1.0) sign and file Form 5.2 - Waiver of Notice of Application to Relieve Estate from Administration – OR

    b. Notice of Application to Relieve Estate from Administration - 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.

Filing Requirements –Reopen Summary Release from Administration

Reopen Summary Release from Administration. If the initial proceeding was a Summary Release from Administration, and if the value of the newly discovered probate asset(s), when combined with the value of the probate assets disclosed in the initial Application for Summary Release from Administration does not qualify the probate proceeding under R.C. 2113.031, then the applicant must proceed as if the initial filing was an Application to Relieve Estate from Administration or a Full Administration, depending upon the value of the newly discovered asset(s), when combined with the value of the assets reported in the initial proceeding. However, if the value of the newly discovered probate asset(s), when combined with the value of the probate assets disclosed in the initial

Application for Summary Release from Administration does qualify the probate proceeding under R.C. 2113.031, then the applicant may proceed to reopen the probate proceeding by filing the form titled "Application to Reopen Estate – Summary Release from Administration" (GC PF 5.05R).

Filing Requirements –Filing of Application for Summary Release from Administration AFTER filing of Application for Certificate of Transfer. If the applicant intends to file an Application for Summary Release from Administration after the probate proceeding was initiated by the filing of an Application for Certificate of Transfer and subsequently closed, then the applicant shall also file:

1. **Form GC PF 4.51C – Application to Reopen Estate – Application for Summary Release from Administration.**

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