GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDELL

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 there are minor children of the Decedent, but the surviving spouse must be the parent of all those 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. 2113(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.

- 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 Appraisement.

- 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))

- Attorney Fees. The applicant need not obtain a court order to pay attorney fees. See Geauga County Probate Local Rule 71.1(F).