

# SHELBY COUNTY PROBATE COURT

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## ESTATE - FULL ADMINISTRATION CHECKLIST (revised 06/07/2016)

### PRECEDING FIDUCIARY APPOINTMENT

- \_\_\_ **Form 2.0** – Application to Probate Will / \_\_\_ Entry Admitting Will to Probate
- \_\_\_ **Form 1.0** – Surviving spouse, Next of Kin, Children, Legatees and Devisees
- \_\_\_ **Form 4.0** – Application for Authority to Administer Estate
- \_\_\_ **Form 4.5** – Entry Appointing Fiduciary; Letters of Authority
- \_\_\_ **Form 4.8 (website #)** - Fiduciary’s Acceptance
- \_\_\_ **Form 4.2** - Fiduciary’s Bond (if applicable) (also see below)
- \_\_\_ **Form 4.3** - Waiver of Right to Administer (if applicable)
- \_\_\_ **Form 4.4** - Notice and Citation of Hearing on Appointment of Fiduciary (if applicable)
- \_\_\_ **Original Last Will and Testament**
- \_\_\_ Security deposit for costs (Local Rule 58.1)
  
- \_\_\_ Decedent must have been a resident of Shelby County at time of death (*RC 2113.01*)
- \_\_\_ Will must be signed by testator and witnessed by two persons (*RC 2107.03*)
- \_\_\_ **Bond** (*Local Rule 64.4; RC 2109*)
  - \_\_\_ a. Required
  - \_\_\_ b. Motion to Waive Bond/Order to Waive Bond needed, including consents of beneficiaries
  - \_\_\_ c. Not required by the Will or by law: one of four options/boxes on Form 4.0 must be checked
- \_\_\_ Non-resident fiduciary: requirements not met (*Local Rule 60.1*)
- \_\_\_ All beneficiaries named in Will must be listed on Page 2 of Form 1.0
- \_\_\_ Form 4.5 – Entry Appointing Fiduciary; Letters of Authority: all applicable boxes must be checked and paragraphs completed

### ANCILLARY ADMINISTRATION – R.C. 2129.04

- \_\_\_ **Form 4.1 – Supplemental Application for Ancillary Administration**
  - \_\_\_ Applicable boxes must be checked and paragraphs completed
  - \_\_\_ Authenticated copies (NOT certified) of Letters of Authority and/or Will must be filed
  - \_\_\_ If Will was probated in another state, **authenticated** (NOT “certified”) copy should be filed with Shelby County **for record only** (**Form 2.5 (website #) - Application/Entry to File Will for Record Only**) (R.C. 2129.05)

### PROCEEDING FIDUCIARY APPOINTMENT

- \_\_\_ **Surviving Spouse – Election** (*SupR 60; CivR 73; RC 2106.01-02*)
  - \_\_\_ **Form 8.0 - Citation to Surviving Spouse to Exercise Elective Rights & Form 8.3 - Summary of General Rights of Surviving Spouse:** Citation & Summary forms must be filed/issued within seven days of fiduciary’s appointment by certified mail; Fiduciary/Attorney to provide the Court with the forms for filing and Court will then issue
  - \_\_\_ **OR Form 8.6 - Waiver of Service to Surviving Spouse of the Citation to Elect**
  - \_\_\_ If surviving spouse elects to take AGAINST the Will (**Form 8.2**), Fiduciary/Applicant must provide Court with Entry Setting Hearing so election can be signed in presence of Court (*RC 2106.06*)
  
- \_\_\_ **Form 2.4 - Certificate of Service of Notice of Probate of Will**
  - \_\_\_ To be filed within two months of fiduciary’s appointment, or if no fiduciary has been appointed, not later than two months after the admission of the will to probate (*SupR 59, ORC 2107.19*)
  - \_\_\_ Surviving spouse, persons who would be entitled to inherit under R.C. Chapter 2105 if testator had died intestate, and all legatees and devisees named in will **either** need to 1) receive **Form 2.2 - Notice of Probate of Will AND/OR 2) sign Form 2.1 – Waiver of Notice of Probate of Will**
  - \_\_\_ All applicable boxes on Certificate should be checked
  - \_\_\_ If Notice of Probate of Will was issued, copy of Notice and signed certified mail card to be filed (*SupR 59; CivR 73*)

\_\_\_ **Form 6.0 - Inventory – RC 2115.02**

\_\_\_ Appraiser (*SupR 61; Local Rule 61.1; RC 2115.06*)

\_\_\_ To be court appointed by **Form 3.0 – Appointment of Appraiser**

\_\_\_ Appraiser must either sign Appraiser’s Certificate on **Form 6.0 – Inventory** OR a signed letter or appraisal from appraiser must be attached to Inventory

\_\_\_ **Form 6.1 - Schedule of Assets – RC 2115.02**

\_\_\_ **Real property, including mobile homes, modular homes and manufactured homes:**

\_\_\_ Can either be appraised OR \_\_\_ The market value of **real property, including mobile homes, modular homes and manufactured homes** as found in the Shelby County Auditor’s property records shall be accepted as the readily ascertainable value of the property and no further appraisal of such property shall be required... (*Local Rule 61.1(D)*)

\_\_\_ A copy of said evaluation shall be attached. (*Local Rule 61.1(D)*)

\_\_\_ **Motor vehicle, ATVs, motorcycles, personal watercraft, side cars, snowmobiles, trailers, utility vehicles, power boats, sailboats, personal watercraft, outboard motors, boat trailers, travel trailers/fifth wheels, motor homes, camping trailers, truck campers, and park models** (*Local Rule 61.1E*):

\_\_\_ Can either be appraised OR \_\_\_ The market value of any **motor vehicle, ATVs, motorcycles, personal watercraft, side cars, snowmobiles, trailers, utility vehicles, power boats, sailboats, personal watercraft, outboard motors, boat trailers, travel trailers/fifth wheels, motor homes, camping trailers, truck campers, and park models** as found in a current, nationally recognized used car guide, by determining the median value of the trade-in value and retail value may be adopted as the readily ascertainable value of the property and no further appraisal of such property shall be required... (*Local Rule 61.1(E)*)

\_\_\_ However, if the median value of the trade-in value and retail value are not available in the current, nationally recognized used car guide, then the Court will accept the retail value and it may be adopted as the readily ascertainable value of the property and no further appraisal of such property shall be required...

\_\_\_ A copy of the appropriate page(s) from said current nationally recognized used car guide shall be attached. (*Local Rule 61.1(E)*)

\_\_\_ **Form 6.5 (website #) Affidavit of Service of Notice of Hearing** – interested parties to either 1) receive **Form 6.3 – Notice of Hearing on Inventory (by regular U.S. Mail) and/or sign Form 6.2 - Waiver of Notice of Hearing on Inventory**; copies of Notices and/or original signed Waivers to be attached/filed. (*Local Rule 61.1J,K; RC 2115.16*)

\_\_\_ **Form 6.41 (website #) Orders on Filing Inventory – Waivers/Approval**

\_\_\_ **Form 9.0 - Application to Sell Personal Property -**

\_\_\_ Inventory must be filed (*SupR 63, RC 2109.45*)

\_\_\_ Report of Sale (public or private) due within 30 days; shall include proof of proper notice of public auction sale and if Clerk was employed for auction, sale bill signed by Clerk shall be filed with Report. (R.C. 2113.40-.42)

\_\_\_ **Form 9.3 (website #) – Application/Entry to Transfer Motor Vehicle OR Form 9.41 – Application/Entry to Transfer Watercraft/Motor/Trailer/Mobile Home/Recreational Vehicle**

\_\_\_ One of four options must be checked

\_\_\_ If transferred by purchase, Inventory must be filed (*SupR 63, RC 2109.45*)

\_\_\_ **Form 12.0 – Application for Certificate of Transfer**

\_\_\_ Inventory must be filed (*RC 2113.61*)

\_\_\_ One of three boxes should be checked regarding payment of debts

\_\_\_ Incorrect date listed for \_\_\_ date Will was admitted to probate and/or \_\_\_ date fiduciary was appointed

\_\_\_ **Form 12.1 – Certificate of Transfer**

\_\_\_ All applicable boxes/paragraphs must be completed

\_\_\_ **Form 245.XX (website #) - Application to Extend Time:** if request is to extend time to file Inventory or Account, application must be signed by Fiduciary (NOTE: This Application to Extend Time is NOT to be used to “extend the administration of the estate beyond six months”; to do that, please use either Form 13.8 or Form 13.10 instead (please see below) (*SupR 78A2*)

\_\_\_ **Form 13.8 – Application to Extend Administration OR Form 13.10 - Notice to Extend Admin.:** must be filed to extend administration of the estate beyond six month , otherwise, a Final Account (OR Certificate of Termination, if

applicable) is due within six months from the date of the appointment of the Fiduciary (NOTE: this form is required to be filed to permit the filing of a partial account instead of the six month final account) (*Sup R 78B1; Local Rule 64; RC 2109.301*)

\_\_\_ **Form 7.0 – Certification of Notice to Administrator of Medicaid Estate Recovery Program** (if applicable)

\_\_\_ **Form 13.0 – Fiduciary’s Account (PARTIAL) - RC 2109.30**

\_\_\_ **Form 13.1 – Receipts and Disbursements**

\_\_\_ Calculations on \_\_\_ Form 13.0 or \_\_\_ Form 13.1 are incorrect

\_\_\_ Attorney fees listed as disbursement on Account – to be approved by court order or by written consent of residual beneficiaries (*Local Rule 71.1*)

\_\_\_ Any disbursements listed on an account as reimbursement for costs and expenses advanced shall include the language “as defined and permitted by Local Rule of Court”. (*Local Rule 71.1(H) Counsel Fees – Decedents’ Estates*)

\_\_\_ Real property sold – copy of closing/settlement statement to be attached (*SupR 64*)

\_\_\_ Receipt signed by a POA – copy of POA to be attached (*SupR 64*)

\_\_\_ **Form 13.2 - Assets Remaining in Fiduciary’s Hands** – if any bank accounts listed, need copy of bank statement or a bank certificate to be attached (*Local Rule 64.5*)

\_\_\_ **Form 13.9 - Certificate of Service of Account to Heirs or Beneficiaries** – to be filed simultaneous with account (*RC 2109.32, Local Rule 64.1E*)

\_\_\_ **Form 113.46 (website #) - Status Report** (*SupR 78C, Local Rule 64.1 and 78.1C, RC 2109.30*)

\_\_\_ **Form 6.5 (website #) Affidavit of Service of Notice of Hearing** (*Local Rule 62.1, 64.1, RC 2109.33*)

\_\_\_ “Interested parties” defined by Court as:

\_\_\_ Intestate Estates: surviving spouse and all next of kin

\_\_\_ Testate Estates: surviving spouse and all beneficiaries

\_\_\_ Creditors in intestate or testate estates: those creditors who have properly and timely presented claims in compliance with Ohio R. C. 2117.06 but who at the time of the filing of the account have not had their claims satisfied

\_\_\_ Interested Parties:

\_\_\_ Receive **Form 13.5 - Notice of Hearing on Account** (by certified mail, return receipt requested) and/or sign **Form 13.7 - Waiver of Notice of Hearing on Account**

\_\_\_ **Creditors** (See Local Rule 64.1 & 62.1) (both intestate or testate estates) are to either receive **Form 13.5 Notice of Hearing on Account** by regular U.S. Mail **OR** sign **Form 13.7 - Waiver of Notice of Hearing on Account**

\_\_\_ Copies of Notices of Hearing on Account to be filed with Affidavit; for interested parties, other than creditors, the signed certified mail cards to be attached

\_\_\_ Original signed Waivers of Notice of Hearing on Account to be filed with Affidavit

\_\_\_ **Form 13.3 - Entry Approving & Settling Account** –any/all applicable boxes/fields must be checked/completed by Fiduciary/Attorney (*RC 2109.32*)

\_\_\_ **Form 13.0 Fiduciary’s Account (FINAL) – RC 2109.30**

\_\_\_ **Form 13.1 – Receipts and Disbursements**

\_\_\_ Calculations on \_\_\_ Form 13.0 or \_\_\_ Form 13.1 are incorrect

\_\_\_ Attorney fees listed as disbursement on Account – to be approved by court order or by written consent of residual beneficiaries (*Local Rule 71.1*)

\_\_\_ Any disbursements listed on an account as reimbursement for costs and expenses advanced shall include the language “as defined and permitted by Local Rule of Court”. (*Local Rule 71.1(H) Counsel Fees – Decedents’ Estates*)

\_\_\_ Real property sold – copy of closing/settlement statement to be attached (*SupR 64*)

\_\_\_ Receipt signed by a POA – copy of POA to be attached (*SupR64*)

\_\_\_ **Form 13.9 - Certificate of Service of Account to Heirs or Beneficiaries** – to be filed simultaneous with account (*RC 2109.32, Local Rule 64.1E*)

\_\_\_ **Form 6.5 (website #) Affidavit of Service of Notice of Hearing** (*Local Rule 64.1F, G; RC 2109.33*)

\_\_\_ “Interested parties” defined by Court as:

\_\_\_ Intestate Estates: surviving spouse and all next of kin

\_\_\_ Testate Estates: surviving spouse and all beneficiaries

\_\_\_ Creditors in intestate or testate estates: those creditors who have properly and timely presented claims in compliance with Ohio R. C. 2117.06 but who at the time of the filing of the account have not had their claims satisfied

\_\_\_ Interested Parties:

\_\_\_ Receive **Form 13.5 - Notice of Hearing on Account** (by certified mail, return receipt requested) and/or sign **Form 13.7 - Waiver of Notice of Hearing on Account**

\_\_\_ **Creditors** (both intestate or testate estates) are to either receive **Form 13.5 Notice of Hearing on Account** by regular U.S. Mail **OR** sign **Form 13.7 - Waiver of Notice of Hearing on Account**

\_\_\_ Copies of Notices of Hearing on Account to be filed with Affidavit; for interested parties, other than creditors, the signed certified mail cards to be attached

\_\_\_ Original signed Waivers of Notice of Hearing on Account to be filed with Affidavit

\_\_\_ **Claims:** need release/satisfaction of claim(s) filed before Court can/will close estate (*RC 2117.06*)

\_\_\_ Three months must have passed since decedent's D.O.D. and/or \_\_\_ surviving spouse must have either made an election or time to elect has passed (*RC 2109.32*)

\_\_\_ Costs must be paid (*SupR 64, Local Rules – Appendix "A"*)

\_\_\_ **Form 13.3 - Entry Approving & Settling Account** –any/all applicable boxes/fields must be checked/completed by Fiduciary/Attorney (*RC 2109.32*)

\_\_\_ **Form 78.0 – Application/Order for Attorney Fees – Local Rule 71.1**

\_\_\_ Computations exceed guidelines of *Local Rule 71.1*; need either 1) written consents from residual beneficiaries or 2) Entry Setting Hearing on extraordinary fees with notice to be sent to residual beneficiaries

\_\_\_ Postage, copy costs, long distance telephone call charges will not be approved by Court

\_\_\_ Delinquent filings – fees will not be approved until filings are made current (*Local Rule 64.2*)

\_\_\_ Attorney serving as both fiduciary and attorney –permitted to take full fiduciary fee but only one-half of total counsel fee (*Local Rule 71.1*)

\_\_\_ When counsel fees are calculated pursuant to Local Rule 71.1 (E) (4), if a Memorandum or Estate Tax Return have not been filed, counsel shall provide the Court with an “informal correspondence” which itemizes the property values that were used in the computation of the fee permitted by Rule 71.1(E)(4).

\_\_\_ **Form 14.0 - Application to Approve Settlement and Distribution of Wrongful Death & Survival Claims – RC 2125**

\_\_\_ **Form 14.1 – Waiver and Consent – Wrongful Death & Survival Claims**

\_\_\_ All applicable attachments as indicated on Application must be attached

\_\_\_ Need Court approval of contingent fee contract (*SupR 71*)

\_\_\_ Notice of hearing and copy of application to be served on anyone entitled to notice that has not waived notice; proof of service to be filed with Court prior to hearing on application (*SupR 70*)

\_\_\_ **Form 14.2 – Entry Approving Settlement and Distribution of Wrongful Death & Survival Claims (please submit proposed Entry to Court prior to hearing for Court's review)**

\_\_\_ **Form 14.3 - Report of Distribution of Wrongful Death and Survival Claims/Entry** (due for filing within 30 days of filing of Entry Approving Settlement) (*Local Rule 78.1D; RC 2125*)

\_\_\_ **Signature of \_\_\_ Applicant \_\_\_ Fiduciary \_\_\_ Attorney required on \_\_\_\_\_** (*SupR 57, CivR 11*)

\_\_\_ **Other:**