

PROBATE COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF _____, DECEASED
CASE NO. _____

RELEASE FROM ADMINISTRATION INFORMATION

Please review the packet of documents you have received from the clerk. The clerk is not an attorney and cannot answer questions about the transfer of your property. The packet includes forms that are commonly used to handle most small estates. The estate with which you are involved may not need all of these forms. If you have questions as to what forms are to be used, whether there are other ways to handle the transfer of assets or whether a full administration is required, you should consult with your attorney.

It is also your responsibility to determine the extent and amount of the assets of the estate including real estate and personal property. The size of the estate is not the only factor in determining whether the estate may be relieved from administration. Certain complications, such as the need to sell real estate, may require a full administration. If you have any questions concerning how to transfer assets, you should consult with your attorney.

The papers you file must be typed or written in ink and must be legible. Illegible documents will be refused for filing. The names and addresses of the decedent's next of kin, the beneficiaries and the creditors must be complete. Complete descriptions of all assets must be provided. If the decedent had a will, the original will must be presented when you file your papers. If you have any questions as to the completion of the paperwork, you should consult with your attorney.

PROBATE COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

ATTENTION RELEASE FROM ADMINISTRATION APPLICANTS

WHEN FILING THE APPLICATION FOR RELEASE FROM ADMINISTRATION THE APPLICANT WILL NEED THE FOLLOWING.

1. A completed packet of forms.
2. The original Will (if the decedent had a Will).
3. The death certificate.
4. A detailed funeral bill and proof of payment, if any.
5. In cases of over \$35,000, the surviving spouse shall provide a certified copy of the marriage abstract if the decedent did not have a Will.
6. Verification of all assets to be released (examples: deed, bank statements, auto title, last pay check, etc.)
7. The court cost for filing an Application for Release is \$93.00 if no publication is required, or \$103.00 if publication is required. Payment must be made in cash at the time the application is filed.

NOTICE: FAILURE TO APPEAR AT THE SCHEDULED HEARING WILL RESULT IN THE APPLICATION BEING DISMISSED. COSTS CAN NOT BE REFUNDED.

SIGN ALL REQUIRED DOCUMENTS.

PROBATE COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION TO DISPENSE WITH PUBLICATION OF NOTICE

The undersigned hereby makes application to the Court to dispense with publication of notice of the Application to Relieve the Estate from Administration. Applicant states that all debts of the decedent have been or will be paid, and creditors of the estate will not be prejudiced.

Attorney for Applicant

Applicant

Typed or Printed Name

Typed or Printed Name

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone Number (include area code)

Telephone Number (include are code)

Attorney Registration Number

JUDGMENT ENTRY

Based upon the representations in the above application, the Court finds that publication of notice of the Application to Relieve the Estate from Administration is unnecessary and can be dispensed with.

So ordered.

PROBATE COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION TO RELIEVE ESTATE FROM ADMINISTRATION

[R.C. 2113.03]

Applicant states that decedent died on _____

Decedent's domicile was _____
Street Address

City, Village, or Township if unincorporated area County

Post Office State Zip Code

[Check one of the following]

- Decedent's will has been admitted to probate in this Court.
- Decedent's will has been filed for record only in this Court.
- To applicant's knowledge, decedent did not leave a will.

[Check one of the following]

- The assets are \$15,000 or less and decedent died on or after January 1, 1976.
- The assets are \$25,000 or less and decedent died on or after October 20, 1987.
- The assets are \$35,000 or less and decedent died on or after November 9, 1994.
- The assets are \$50,000 or less; the surviving spouse is entitled to all of the assets and the decedent died on or after April 16, 1993.
- The assets are \$85,000 or less and the surviving spouse is entitled to all of the assets and the decedent died on or after September 14, 1993.
- The assets are \$100,000 or less; the surviving spouse is entitled to all of the assets and the decedent died on or after March 18, 1999.

Applicant asks that the estate be relieved from administration because the assets do not exceed the statutory limits. A statement of the assets and liabilities of the estate is listed on the attached Form 5.1.

The decedent's surviving spouse, next of kin, legatees, and devisees known to applicant, are listed on the attached Form 1.0.

 Attorney for Applicant

 Applicant

 Typed or Printed Name

 Typed or Printed Name

 Address

 Address

 City, State, Zip Code

 City, State, Zip Code

 Telephone Number (include area code)

 Telephone Number (include are code)

 Attorney Registration Number

CASE NO. _____

WAIVER OF NOTICE

The undersigned surviving spouse, heirs at law, legatees, devisees, and other persons entitled to notice of the filing of the application to relieve decedent's estate from administration, waive such notice.

_____	_____
_____	_____
_____	_____
_____	_____

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____, at _____ o'clock _____ M., as the date and time for hearing the application to relieve decedent's estate from administration.

[Check one of the following]

- All notice is dispensed with as unnecessary.
- Notice by publication to interested parties is dispensed with as unnecessary. Written notice shall be given, as provided by law and the Rules of Civil Procedure, to those persons entitled to notice, who have not waived notice.
- Written notice is dispensed with as unnecessary. Notice by publication shall be given to interested parties as provided by law and the Rules of Civil Procedure.
- Written notice shall be given to those persons entitled to notice, who have not waived notice, and notice by publication shall be given to interested parties, as provided by law and the Rules of Civil Procedure.

Date

**PROBATE COURT OF FRANKLIN COUNTY, OHIO
JUDGE ERIC BROWN**

IN THE MATTER OF: _____

CASE NO. _____

CONFIDENTIAL PERSONAL IDENTIFIERS

Pursuant to SupR 45(D)(2), when personal identifiers are omitted from a case document submitted to the court for filing, the party who submitted the case document shall complete this form.

	FILING DATE	TYPE OF FILING OR FORM NO.	NAME OF INSTITUTION AND/OR TYPE OF ITEM OR ACCOUNT	PERSONAL IDENTIFIER (ACCOUNT NO.)	BALANCE
	<i>SAMPLE 01/10/2008</i>	<i>6.1</i>	<i>U.S. Bank Checking Account</i>	<i>6337</i>	<i>\$22,935.27</i>
1					
2					
3					
4					
5					
6					
7					
8					

_____ Date

_____ Attorney/Filing Party Signature. Please print below

_____ Supreme Court Attorney Registration No.

PROBATE COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

NO ADMINISTRATION STATEMENT OF KNOWLEDGE

All of the following items must be initialed by the applicant and the Attorney of record prior to filing the Application to Release the Estate from Administration:

- [] [] 1. Do not expect legal advice from Court personnel. Court personnel may not assist in completing forms. If you need assistance you will need to contact an attorney.
- [] [] 2. Applicant must appear at the hearing unless prior to the hearing the Judge/Referee has waived appearance. **NOTE:** Court prefers a family member as Applicant.
- [] [] 3. Written notice of the hearing must be given to all heirs/next of kin regardless of their residence. Waivers may be filed. **NOTE:** To admit a Will to Probate, Applicant must obtain separate waivers or give separate notice.
- [] [] 4. If the Estate is **INSOLVENT**, **all creditors** are required to be notified by the Applicant and/or the Attorney of the Estate, by **certified mail** prior to the hearing. All green cards should be brought to the hearing so that the hearing officer can use them to prove notice was sent.
- [] [] 5. When a **commissioner** has been appointed, it is expected at the first hearing to have the Applicant testify as to the facts and for the commissioner to file **Findings** only and **not** a Report of Distribution! Debts **should not** be paid prior to the first hearing. At the hearing, the recommended distribution will be approved. The commissioner may pay debts and make distributions and report to the second hearing with the receipts and with the report of the distribution.
- [] [] 6. **Ohio Estate Tax Forms:** As of July 1, 1983, these documents must be prepared in **duplicate**. They must be filed in estates where the gross assets exceed \$25,000.00 **NOTE:** Ohio Estate Tax Forms are required in any case where there is Real Estate involved.
- [] [] 7. **Certificates of Transfer:** This document must be filed in duplicate, It must include the legal description, street address parcel number, and percentage of the interest owned by the decedent.
- [] [] 8. **Check in prior to hearing:** It is expected by the attorney and/or applicant, that all paperwork be completed **prior** to check in. The Court employees cannot take their time to help anyone complete documents during the check in procedure. All attorneys are expected to have the documents prepared and checked for completeness of all contents, i.e., the heirs and next of kin should be checked prior to filing the application to make sure that no one is omitted on these documents.

Attorney

Applicant

Attorney Registration Number

PROBATE COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

NOTICE TO ADMINISTRATOR OF ESTATE RECOVERY PROGRAM

[R.C. 2117.061]

The undersigned gives notice to the Administrator of the Estate Recovery Program that the decedent was fifty-five (55) years of age or older at the time of death and has been determined to have been a recipient of medical assistance under Chapter 5111 of the Revised Code.

- Executor
- Administrator
- Commissioner
- Person who filed pursuant to 2113.03 of the Revised Code for release from administration

CERTIFICATE OF SERVICE

This is to certify a true copy of the above notice was served by certified U.S. mail, postage prepaid to the Administrator of the Estate Recovery Program, on _____.

Address:

Medicaid Estate Recovery Unit
150 E. Gay Street, 21st Floor
Columbus, Ohio 43215-3130

Signature of Person Responsible for the Estate

Typed or Printed Name

Address

City, State, Zip

Telephone Number [include area code]

PROBATE COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF _____ , DECEASED

CASE NO. _____

ENTRY RELIEVING ESTATE FROM ADMINISTRATION

[R.C. 2113.03]

Upon hearing the application to relieve decedent's estate from administration, the Court finds that:

Decedent died **[check one of the following]**: testate - intestate. The date of death and domicile are as stated in the application, and the Court has jurisdiction over the estate;

Notice to the surviving spouse, next of kin, legatees and devisees, and other interested parties was duly effected or dispensed with by the Court as unnecessary;

The values of the several assets in the estate, given in the application, appear reasonable. Such assets do not exceed the statutory limits and decedent's creditors will not be prejudiced by relieving the estate from administration.

The Court therefore relieves the estate from administration, and orders **[check and complete whichever of the following are applicable]**:

That the following personal property be sold **[describe]**:

That the financial institutions holding accounts in decedent's name, identified in the application, pay the same upon proper tax release **[check one of the following]**:

to the appointed commissioner - to _____ ;

That the following debts of decedent shall be paid to the extent of assets:

That the statutory family allowance be paid to the **[check one or more of the following]**:

surviving spouse - minor children of the decedent - apportioned between the surviving spouse and minor children of the decedent who are not the children of the surviving spouse. Attach Form 7.2 if necessary.

That certificate of transfer No. _____ , attached to the application and describing decedent's real estate, issue and be preserved in the records of the Court with the application and this entry, and that authenticated copies of the certificate be delivered as required to the persons entitled to them;

