

James Cissell

JUDGE, PROBATE COURT
HAMILTON COUNTY, OH



Estate Administration

Last Will & Testament

**Informational guide
about
Estate Administration**

ESTATE ADMINISTRATION

When a person dies leaving property in his or her name, certain steps must be taken to transfer the decedent's assets. There are two types of assets: probate assets and non-probate assets. Probate assets include bank accounts, stock, real estate, automobiles and personal items titled solely in the deceased person's name. Probate assets must be transferred through a Probate Court proceeding. Non-probate assets include assets that transfer automatically upon death, such as jointly held bank accounts with rights of survivorship, life insurance policies with a designated beneficiary, real estate that

is jointly held with rights of survivorship or transfer upon death deed.

Probate assets can pass to beneficiaries in one of two ways. A deceased may leave probate assets through a properly executed will (testate succession). If there is no will, the Ohio statute of descent and distribution provides who

is to receive the property of a deceased person. (intestate succession).

There are three different administrative processes that may be used to transfer probate assets through the Probate Court.

1. Full Estate Administration
2. Relief from Administration
3. Summary Release from Administration

FULL ESTATE ADMINISTRATION

A Full Estate Administration is the most complicated of the three administrative processes. It is also the only one of the three procedures without a limit on the amount of probate assets that can be transferred. It is the only option available for large estates. The aid of an attorney with knowledge of probate court procedures is often very helpful for this type of case.

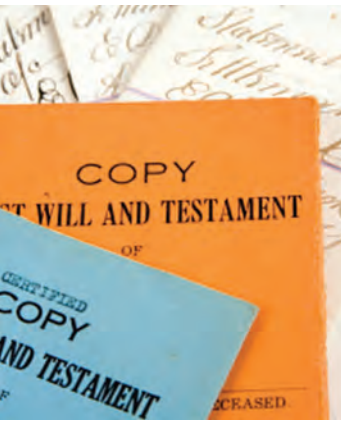
A Full Estate Administration requires:

1. Filing paperwork to open the estate. This will include a list of next of kin of the deceased and beneficiaries under the will (if applicable). The original will must be presented to the Court with an application to admit the will to probate.
2. Appointment of an administrator (no will or no fiduciary is appointed in the will) or an executor (fiduciary appointed in a will). An administrator and executor are fiduciaries appointed by and accountable to the Probate Court. Executors and administrators have authority to collect and disburse probate assets, pay claims and file tax returns.
3. The executor or administrator must collect all probate assets and file an inventory of the probate assets which must be set for a hearing and approved by the Court.
4. If necessary, the executor or administrator files an estate tax return, pays any applicable estate taxes, deals with claims and pays debts of the estate prior to making final distribution of the remaining probate assets.
5. The Executor or Administrator must distribute the net probate assets to the heirs and beneficiaries of the deceased.
6. A final account must be filed which verifies the disbursement of the assets.

RELIEF FROM ADMINISTRATION

Relief From Administration does not require the filing of an inventory or a final account; however it is not available in all cases because there is a limit upon the amount of probate assets that can be transferred using this procedure. The asset limit for an applicant who is not the surviving spouse is \$35,000 if the date of death is after November 9, 1994. The asset limit is \$100,000 if the applicant is the surviving spouse who is entitled to all probate assets and the date of death is after March 18, 1999. A Relief from Administration requires:

1. Notice to the next of kin and beneficiaries of the will (if applicable).
2. Filing an Application to Relieve Estate from Administration with notice to or waivers from the next of kin and/or beneficiaries.
3. Filing a list of probate assets and any debts owed



by the estate.

4. Appointment of a Commissioner who will be responsible for paying debts and distributing assets according to the Entry Relieving the Estate from Administration.
5. Filing a Report of Distribution after all distributions are made. Receipts are required to verify all distributions.

SUMMARY RELIEF FROM ADMINISTRATION

Summary Release from Administration is the least complicated form of administration because no notice is required to be given to next of kin, beneficiaries or creditors. However, there is a limit on the amount of probate assets that can be transferred. This is \$5,000 for a nonspouse applicant and \$45,000 for a surviving spouse applicant. Additionally, the applicant must also be able to show that he or she was responsible for paying the deceased's funeral bill. Filing for Summary Release from Administration requires:

1. Filing an application listing a request for the transfer of probate assets with a value less than \$5,000/\$45,000. For a nonspouse applicant the amount of the funeral bill must be more than or equal to the value of the asset being transferred.
2. Presentation of the funeral bill listing the applicant as the person responsible for paying the bill.

What to bring with you to Probate Court: When filing any type of probate procedure the following items should be brought to the Probate Court:

- * Death Certificate, obituary or other proof of death
- * Original will (if applicable)
- * Copy of trust (if applicable)
- * Filing fee
- * Names and addresses of all next of kin and those individuals or entities named in the will.
- * Funeral bill
- * Titles for automobiles, boats, motor homes and motorcycles
- * Bank account numbers and stock certificate numbers

RIGHTS OF SURVIVING SPOUSES

Ohio Law provides surviving spouses certain

rights in probate court proceedings.

These include:

- * Right to elect to take against the will.
 - * Right to elect to receive mansion house (primary marital residence) as part of the spouse's share of an intestate estate.
 - * Right to remain in the mansion house rent free for up to one year.
 - * Right to family allowance
 - * Right to purchase the mansion house and household goods at appraised value
 - * The right to two automobiles not to exceed forty thousand dollars in total value.
 - * The right to one watercraft and one outboard motor.
 - * The right to reimbursement for funeral and burial expenses, if paid by the surviving spouse to the extent that the rights of creditors of the estate will not be prejudiced.
 - * The right to file an action to set aside an ante-nuptial or post-nuptial agreement.
-



Judge James Cissell

As Probate Court Judge, my goal is to serve the public in the most efficient and courteous manner possible. I am providing this brochure to help with any possible questions or concerns you may have while working with the Probate Court. I hope you find this information helpful.



HOURS & LOCATIONS

Main Office

William Howard Taft Center
230 East Ninth Street, 9th Floor
Cincinnati, OH 45202

Phone: 513-946-3580

Fax: 513-946-3581

Monday- Friday 8 AM- 4 PM

BE SURE TO VISIT OUR WEBSITE

www.probatect.org

The screenshot shows the Hamilton County Probate Court website. The header includes the court name and a portrait of James Cissell, Judge. A navigation menu on the left lists various services. The main content area features a table of services and a 'Practice Tip' section.

Adoption	Birth Certificates	Birth Registrations
Child Custody	Child Support	Conservatorship
Emancipation	Letters of Minor Travel	Restoration of Paternity
Guardianship	Public Administrations	Succession
Letters Will	Wills	Wills Contests
Trusts	Wills	

Practice Tip

- **ACTUAL** Ohio law firm case involving a child support matter by the Supreme Court effective March 1, 2011.
- **Case** filed in court in **ACTUAL** regarding a child support matter involving a child support matter.
- **Case** filed in court in **ACTUAL** regarding a child support matter.
- **Case** filed in court in **ACTUAL** regarding a child support matter.
- **Case** filed in court in **ACTUAL** regarding a child support matter.
- **Case** filed in court in **ACTUAL** regarding a child support matter.
- **Case** filed in court in **ACTUAL** regarding a child support matter.
- **Case** filed in court in **ACTUAL** regarding a child support matter.
- **Case** filed in court in **ACTUAL** regarding a child support matter.

The information in this pamphlet is provided as a service of the court and does not constitute legal advice which can only be given to you by an attorney. Many probate and family law matters involve complex and valuable legal rights. You should always speak with an attorney before filing any papers.



Hamilton County Probate Court
James Cissell, Judge

Copyright © 2011 Hamilton County Probate Court
All Rights Reserved