

# INSTRUCTIONS FOR SUMMARY RELEASE FROM ADMINISTRATION

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in the summary release from administration of an estate.

All forms should be typewritten or legibly printed.

A summary release from administration may be filed if:

- The value of the probate estate is \$5,000 or less and the applicant paid the funeral bill or is obligated to pay the funeral bill, or
- There is a surviving spouse, the assets do not exceed \$45,000, the spouse is entitled to 100% of the family allowance and the funeral bill has been prepaid or the surviving spouse is obligated to pay the funeral bill.

For any other situations, you will need to use other available forms or see a Magistrate.

The following are necessary at the initial filing of a summary release from administration:

- If the decedent created a will, the original will.
- Certified copy of death certificate, if available.
- Receipt of paid funeral bill or, if not available, the funeral bill. **The receipt or funeral bill should indicate who paid the bill or who is the person responsible for payment.**
- Title(s) of automobile(s), bank account numbers, and stock certificate numbers in the estate.
- **A fee of \$85.00 is required at the time of filing.** Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **This fee must be paid in cash, money order, certified check (made payable to PROBATE COURT), MasterCard, Discover, or American Express. No personal checks will be accepted.**

The forms may be obtained from the Issue Desk on the 9<sup>th</sup> floor of the Probate Court, 230 East 9<sup>th</sup> Street, Cincinnati, Ohio or by downloading the forms from the web site.

## Step 1: COMPLETE THE FOLLOWING FORMS

Application for Summary Release from Administration (5.10)

- Complete both sides of this form and have a magistrate or Notary Public notarize your acknowledgment.

List of Surviving Spouse, Next of Kin, Legatees & Devisees (1.0)

- On *Form 1.0*, list all *next of kin* (those people who are or would be entitled to inherit *if* there were no will) on the front. List those people named in the will, if there is one, on Page 2 of Form 1.0.
- Be sure to specify *complete* addresses of all listed.
- List all children of the decedent on the front of the form even if the entire estate will go to the surviving spouse.

Certification of Wills on Deposit (1.02)

- Complete the certification form (1.02), whether or not there was a will on deposit with the court.

Entry Granting Summary Release From Administration (5.11)

- Complete form.

Application for Certificate of Transfer (12.0)

- Complete form if there is real estate included in the form 5.10 (Application for Summary Release from Administration) and there is a surviving spouse but not a will.

Certificate of Transfer (12.1)

- List each beneficiary 's name, address and the fractional interest that beneficiary is receiving from the decedent's estate.
- Complete back of form.

**This form must be prepared in duplicate.**

**STEP 2: REVIEWING OF FORMS**

When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9<sup>th</sup> Floor of Probate Court for a magistrate to be assigned. At this time, the clerk will notarize the application. All forms are then taken to the assigned magistrate for review and approving of the Entry Granting Summary Release From Administration.

**STEP 3: FILING OF FORMS WITH CASHIER**

In most cases you will need at least 1 certified copy of the pleadings.

All forms must then be filed with the cashier who will assign a case number.

The cashier at this time will retain all the original papers and certify the copies for you. The charge will be at least \$1.40 per entry after the first one.

If there is real estate included on the 5.10 the cashier will give you back the certified copy of the Certificate of Transfer (12.1) to take to the Auditor's office on the 3<sup>rd</sup> floor of the Court Administration Building, 138 E. Court St., Cincinnati, Ohio to start the transfer of the real estate.

Note: If required, Tax Release forms can be obtained from the Hamilton County Auditor's Office, 138 E. Court, Room 501, Cincinnati, OH 45202 (513/946-4103). We do not have these forms in the Hamilton County Probate Court.

This packet does not include estate tax return forms. The estate return and Certificate (Form ET-22) can be obtained from the Hamilton County Probate Court if an estate tax return is necessary.





**PROBATE COURT OF HAMILTON COUNTY, OHIO  
JAMES CISSELL, JUDGE**

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

**CERTIFICATION OF WILLS ON DEPOSIT**

**Date of Death:** \_\_\_\_\_

THE UNDERSIGNED HAS PERSONALLY EXAMINED THE INDEX OF WILLS DEPOSITED PURSUANT TO R.C. 2107.08 AND CERTIFIES THAT ALL WILLS ON DEPOSIT, REGARDLESS OF THE DATE OF EXECUTION, HAVE BEEN ADMITTED TO PROBATE OR FILED FOR RECORD PURPOSES ONLY. [Supt. Rule 59(A)]

- \_\_\_\_\_
- Fiduciary for the Estate
  - Attorney for the Estate

**PROBATE COURT OF HAMILTON COUNTY, OHIO  
JAMES CISSELL, JUDGE**

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

**APPLICATION FOR SUMMARY RELEASE FROM ADMINISTRATION  
[R.C. 2113.031]**

Applicant states that decedent died on \_\_\_\_\_

Decedent's domicile was \_\_\_\_\_  
Street Address

\_\_\_\_\_  
City or Village, or Township if unincorporated area County

\_\_\_\_\_  
Post Office State Zip Code

**[Check one of the following]**

- The applicant is decedent's surviving spouse entitled to one hundred percent of the allowance for support and decedent's funeral and burial expenses have been prepaid or the surviving spouse has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets does not exceed the \$40,000 allowance for support under R.C. 2106.13(B) plus an amount not exceeding \$5,000.00 for decedent's funeral and burial expenses.
- The applicant, who is not the surviving spouse, has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets is the lesser of \$5,000.00 or the amount of decedent's funeral and burial expenses.

Attached hereto is a receipt, contract or other document that confirms the applicant's payment or obligation to pay decedent's funeral and burial expenses or if the applicant is the surviving spouse, the pre-payment receipt, if applicable.

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

Applicant states that there are no pending proceedings for the administration of decedent's estate or relief of decedent's estate from administration under R. C. 2113.03.

All known assets with date of death values of the estate are as follows:

- Motor Vehicles (include year, make, model, body type, manufacturer's vehicle identification number and Certificate of Title number):

\_\_\_\_\_ \$ \_\_\_\_\_

CASE NO. \_\_\_\_\_

Accounts maintained by a Financial Institution (include financial institution name and the account's complete identifying number):

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

Stocks and Bonds (include for each stock or bond its serial number, the name of its issuer, the name and address of its transfer agent, and the total number of shares of stocks or bonds):

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

Real estate described in accompanying Form 12.0 Application for Certificate of Transfer and Form 12.1 Certificate of Transfer and date of death value. [Attach verification of value.] \$ \_\_\_\_\_

Other assets and date of death values

\_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

**Total Assets \$ \_\_\_\_\_**

Applicant requests an order granting summary release.

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Phone Number (include area code)

\_\_\_\_\_  
Phone Number (include area code)

Attorney Registration No. \_\_\_\_\_

Signed and acknowledged by the applicant in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Deputy Clerk

**PROBATE COURT OF HAMILTON COUNTY, OHIO  
JAMES CISSELL, JUDGE**

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

**ENTRY GRANTING SUMMARY RELEASE FROM ADMINISTRATION  
[R.C. 2113.031]**

The Court finds that the application by \_\_\_\_\_, satisfies all requirements of R.C. 2113.031 and therefore summarily releases the estate from administration and directs:

- The delivery to the applicant of decedent's personal property set forth in the application with the title to that property.
  
- That Certificate(s) of Transfer, attached to the application, be issued.

A certified copy of this order together with a certified copy of the application for this order constitutes sufficient authority for a financial institution, corporation or other entity or person referred to in division (A) to (F) of Section 5731.39 of the Revised Code or for a clerk of a Court of Common Pleas to transfer title to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the need for a financial institution, corporation, or other entity or person to be provided a written consent of the tax commissioner prior to delivery, transfer, or payment to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the duty of all persons to file an Ohio Estate Tax Return exclusively for the assets listed in this application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
James Cissell, Probate Judge