RALPH WINKLER

Judge, Probate Court
Hamilton County, Ohio

PROBATE DIVISION
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

LOCAL RULES

William Howard Taft Center
230 E. 9th Street
Cincinnati, Ohio 45202
(513) 946-3580
www.probatect.org

Effective February 1, 2015

PROBATE DIVISION
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

Effective January 1, 2013
(As Ameded on December 1, 2014
And June 1, 2015
And May 1, 2017)

Conduct and operations in the Court of Common Pleas, Hamilton County, Ohio, Probate Division are governed by the Ohio Revised Code, the Rules of Superintendence of the Supreme Court of Ohio and by these Local Rules. All persons before this Court should familiarize themselves with all applicable law. The numbering of these Local Rules corresponds with the numbering of the Rules of Superintendence. References to "this Court" or "the Court" are to the Court of Common Pleas, Hamilton County, Ohio, Probate Division.

TABLE OF CONTENTS

	Title	Page
Rule 8.1	Court Appointments	5
Rule 11.1	Record of Proceedings	5
Rule 51.1	Standard Probate Forms	5
Rule 52.1	Specifications For Printing Probate Forms (Computer-Generated Forms)	6
Rule 53.1	Hours of the Court	6
Rule 54.1	Court Security Plan	6
Rule 55.1	Probate Files	6
Rule 57.1	Motions and Entries	6
Rule 57.2	Motions to Restrict Public Access to Information Contained Within Court Records	7
Rule 57.3	Motions to Obtain Access to Information Contained Within Court Records That Has Been Granted Restricted Public Access	8
Rule 57.4	Filings by Mail	9
Rule 57.5	Electronic Transmission Filings	10
Rule 57.6	Internet Electronic Filings	12
Rule 58.1	Court Costs	16
Rule 58.2	Witness Fees	17
Rule 59.1	Wills	17
Rule 60.1	Application for Authority to Administer Estate and Notice of Appointment	18
Rule 61.1	Appraisals	18
Rule 61.2	Inventory and Appraisal	19
Rule 62.1	Claims and Bond Premiums	20
Rule 64.1	Fiduciary Accounts	20
Rule 64.2	Show Cause Hearings	23
Rule 65.1	Land Sale Proceedings	23
Rule 66.1	Guardianships	23
Rule 66.2	Emergency Guardianships	24
Rule 66.3	Guardianship-Veterans Affairs	24
Rule 66.4	Guardian Comments and Complaints	25
Rule 67.1	Estates of Minors Not Exceeding Twenty-Five Thousand Dollars	25
Rule 68.1	Settlement of Claims For Injuries to Minors	25
Rule 68.2	Structured Settlements	26
Rule 68.3	Sale of Structured Settlement Payments	27
Rule 70.1	Settlement of Claims For Wrongful Death	27
Rule 71.1	Attorney Fees in Decedent's Estates	28
Rule 71.2	Contingent Fees	30
Rule 72.1	Executor's and Administrator's Commissions	31
Rule 73.1	Guardian's Compensation	31
Rule 74.1	Trustee Compensation	32
Rule 74.2	Attorney Fees for Trust Administration	34
Rule 75.1	Local Rules (Special Provisions)	34
	A. Civil Commitment of the Mentally Ill	34
	B. Location and Control of Assets	34
	C. Adoptions	35
	D. Exhibits	35
	E. Marriage Licenses	36
	F. Omission/Redaction of Personal Identifiers	36
	G. Interpreters for Hearings	36
	H. Miscellaneous	36

Rule 78.1 Case Management In Decedent's Estates, Guardianships and Trusts 37
Rule 78.2 Case Management and Pre-Trial Procedure For Civil Actions 38

Appendix of Fee Worksheets.....39

Rule 8.1 Court Appointments

Persons appointed by the Court to serve as fiduciaries and attorneys shall be selected from lists maintained by the Court.

Appointments will be made from such lists taking into consideration the qualifications, skills, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case.

Court appointees will be paid a reasonable fee with consideration given to the factors contained in Prof. Cond. Rule 1.5, the Ohio Revised Code, and the Local Rules of Court relating to fees and the then existing rates applicable for each case type.

The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.

This rule shall not apply to appointments made for guardian ad litems, guardians, conservators, mediators, investigators, special master commissioners, psychologists, physicians, arbitrators, interpreters, or other experts in a case following independent formal or informal recommendations to the court or judicial officer by the litigants.

Rule 11.1 Record of Proceedings

A. The Court records all hearings electronically. A transcript of the audio-electronic recording may be requested on Form 200.30. An audio copy of the audio-electronic recording may be requested on Form 200.31. In addition, any party, at that party's own expense, may provide a court reporter.

B. A transcription of the record shall be made at the expense of the person requesting such transcription unless otherwise ordered by the Court. The transcription shall be made by an agent of the Court. The agent shall charge the customary fee charged by a private reporter for services in Hamilton County for such transcription or as otherwise provided for by Hamilton County Common Pleas Local Rule. Transcripts will be released upon payment of the transcription fee. Failure to timely pay the fee may result in sanctions being issued by the Court against the person who ordered the transcript.

C. The original CD or other recording device of the audio-electronic recording shall be maintained by the Court for a period of 1 year from journalization of the final entry or judgment in the case. However, if a written request for transcription has been made, the original CD or other recording device shall become part of the record of proceedings.

Rule 51.1 Standard Probate Forms

The applicable Standard Probate Forms provided by this Court shall be used for all filings in this Court, except that computer-generated forms may be used subject to the limitations in Rule 52.1. The current version of all Standard Probate Forms are available on this Court's website http://www.probatect.org.

Rule 52.1 Specifications For Printing Probate Forms (Computer-Generated Forms)

This Court may accept computer-generated forms created by third party providers, forms as adopted by this Court, or forms prepared by lawyers or others, provided the following conditions are met:

A. Such forms shall comply with the provisions of Rule 51 and Rule 52 of the Rules of Superintendence for the Probate Division of the Court of Common Pleas.

B. Such forms shall be in the same format as those provided by this Court.

C. The individual presenting forms to this Court shall be responsible to ensure that such forms are in full compliance with the Rules of Superintendence and the Local Rules of this Court. All printed material shall be in the same words, sequence and location on the page as the standard probate form. In the event of multiple page forms or two-sided forms, the printed material shall be on the same side or same page as the standard probate form. Any interlineated information shall be in typeface or written legibly in ink.

D. The Court may reject forms that deviate from the format of the Standard Probate Forms provided by this Court. Such forms may be rejected prior to filing or stricken from the record upon discovery.

Rule 53.1 Hours of the Court

This Court and its offices at 230 E. 9th Street, Cincinnati, Ohio, shall be open for the transaction of business from 8:00 A.M. to 4:00 P.M. daily, except Saturday, Sunday and legal holidays.

Rule 54.1 Court Security Plan

This Court has developed and implemented a court security plan to help maintain the safety of those using the Court's facilities.

Rule 55.1 Probate Files

The official Probate Court file should accompany all Accounts or Certificates of Termination when such filings are presented to the Court. No Probate Court file shall be removed from the Court.

Rule 57.1 Motions and Entries

A. All motions shall be accompanied by a memorandum in support of the motion. The memorandum shall include a brief statement of the grounds for the motion, with citations to authorities relied upon, and proof of service in accordance with Civil Rule 5. To ensure compliance with Civ.R. 56(C), depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence and written stipulations of fact to support or oppose a motion for summary judgment shall be: (1) filed separately with the Clerk, or (2) if attached to the motion or memorandum, the caption shall so state, *i.e.* "*** Including Affidavit of _____."

B. Except for good cause, all motions shall be set for oral argument and shall be accompanied by an entry setting the motion for hearing. The moving party shall consult with opposing counsel or the opposing party if pro se, to set a hearing date that is mutually agreeable. In the absence of an agreed hearing date, the Court shall set a date for the hearing. If the Court sets a hearing, the moving party or counsel shall serve a copy of the Entry Setting Hearing upon those persons entitled to notice who have not waived

notice as provided by law and the rules of civil procedure. An affidavit in proof of service of the Entry Setting Hearing shall also be filed.

C. All entries and orders presented to the Court for approval should include the date of the hearing, the names of those present, and the specific motion or application heard by the Court on that date. The caption shall state the subject matter of the Court's decision with reasonable specificity. The use of the terms "entry" or "order" without more specificity may cause such proposed entry to be rejected.

D. All filings, entries and orders which bear an endorsement of counsel per telephone or electronic authorization shall state the date of said authorization and shall also contain a certificate of service by the attorney who obtained authorization that a copy of the filing, entry or order has been delivered to the consenting counsel.

E. All pleadings, motions, applications and other filings presented to the Court shall be correctly captioned and shall either be in typeface or written legibly in ink. All pleadings filed by an attorney shall be typed. Applicants appearing pro se are encouraged to type all filings. Any information interlineated on pleadings, motions, applications and other filings shall be in typeface or written legibly in ink. The Court reserves the right to reject or strike any pleadings in which the text or the signatures are illegible.

F. Application for leave to withdraw as counsel shall be made by written motion filed with the Court, with copies served upon the fiduciary and all other attorneys or parties of record in accordance with Civil Rule 73. If such Application is granted and the fiduciary does not appear at such hearing, the withdrawing attorney shall notify such fiduciary or other party in accordance with Civil Rule 73. Proof of compliance with Civil Rule 73 shall be filed with the Court.

Rule 57.2 Motions to Restrict Public Access to Information Contained Within Court Records

A. A request to restrict public access to information contained within a court record shall be made by written motion. If the motion is filed simultaneously with the information that is the subject of the motion, then the subject information shall be restricted from public access pending the Court's ruling on the motion. If the motion is filed after the filing of the information that is the subject of the motion, then the subject information shall remain open to the public pending the Court's ruling on the motion.

B. Any party to a judicial action or proceeding or other person who is the subject of information in a case document may, by written motion to the Court, request that the Court restrict public access to the information or, if necessary, the entire document. Additionally, the Court may restrict public access to the information in the case document or, if necessary, the entire document upon its own order. The Court shall give notice of the motion or order to all parties in the case. The Court may schedule a hearing on the motion. If a hearing is scheduled, the filing party shall complete a "Written Request for Service on Motion to Seal or Unseal Records" (HC Form 200.47) that lists the names and addresses of all persons who are to receive service of the motion. Notice shall be served via certified mail.

C. The Court shall restrict public access to information in a case document or, if necessary, the entire document, if it finds by clear and convincing evidence that the presumption of allowing public access is outweighed by a higher interest after considering each of the following:
    (a) Whether public policy is served by restricting public access;
    (b) Whether any state, federal, or common law exempts the document or information from public access;

(c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

D. When restricting public access to a case document or information in a case document pursuant to this division, the Court shall use the least restrictive means available, including but not limited to the following:

(a) Redacting the information rather than limiting public access to the entire document;
(b) Restricting remote access to either the document or the information while maintaining its direct access;
(c) Restricting public access to either the document or the information for a specific period of time;
(d) Using a generic title or description for the document or the information in a case management system or register of actions;
(e) Using initials or other identifier for the parties' proper names.

E. If the Court orders the redaction of information in a case document pursuant to this division, a redacted version of the document shall be filed in the case file along with a copy of the Court's order. If the Court orders that the entire case document be restricted from public access, a copy of the Court's order shall be filed in the case file. A journal entry shall reflect the Court's order. Case documents ordered restricted from public access or information in documents ordered redacted shall not be available for public access and shall be maintained separately in the case file.

F. For purposes of public access to Court records, the Court manages its paper file the same as its electronic file. Generally, the Court will not restrict access to one such file-type without restricting access to the other.

Rule 57.3 Motions to Obtain Access to Information Contained Within Court Records That Has Been Granted Restricted Public Access

A. Any person, by written motion to the Court, may request access to a case document or information in a case document that has been granted restricted public access pursuant to division 57.2 of these rules. The Court shall give notice of the motion to all parties in the case and, where possible, to the non-party person who requested that public access be restricted. The Court may schedule a hearing on the motion. If a hearing is scheduled, the filing party shall complete a "Written Request for Service on Motion to Seal or Unseal Records" (HC Form 200.47) that lists the names and addresses of all persons who are to receive service of the motion. Notice shall be served via certified mail.

B. The Court may permit public access to a case document or information in a case document if it finds by clear and convincing evidence that the presumption of allowing public access is no longer outweighed by a higher interest. When making this determination, the Court shall consider whether the original reason for the restriction of public access to the case document or information in the case document pursuant to division 57.2 of these rules no longer exists or is no longer applicable and whether any new circumstances, as set forth in that division, have arisen which would require the restriction of public access.

C. The information that has been granted restricted public access that is the subject of the motion will remain under seal pending the Court's ruling on the motion.

D. If the motion is granted, the Court shall release only the specific information that warrants release and shall keep the remainder under restricted public access.

Rule 57.4 Filings by Mail

Pleadings, motions, applications and other filings as set forth below may be filed with the Court by U.S. Mail or other delivery services subject to the conditions set forth by the Local Rules or by the Court.

Any filing commencing a proceeding for which the Court must collect an initial case deposit against costs and all estate tax returns must be filed in person. Any pleading referenced below will be accepted for filing through the U.S. Mail or other delivery services. However, a filing that requires the payment of a fee will only be accepted if the correct filing fee is enclosed or has been paid. If there is a deficiency in the proposed pleadings, motions, applications, filings or payment of costs, such items will be returned to the sender without being filed.

The Court will accept by U.S. Mail or other delivery services only the following pleadings, motions, applications and other filings set forth as follows:

A. *Decedent's Estates.* Subject to the conditions as set forth in this Local Rule, the Court will accept the following filings through the U.S. Mail or other delivery services for a decedent's estate:
   1. Inventories, Amended Inventories, entries setting such matters for hearing and proposed entries approving the same
   2. Certificates of Service of Notice of Probate of Wills
   3. Waivers of Notice of Hearing
   4. Affidavits of Service with Proofs of Service attached
   5. Attorney Fee Applications, consents and Waivers of Notice of Hearing
   6. Appointments of Appraisers
   7. Applications to Transfer Motor Vehicles
   8. Applications for Certificates of Transfer, entries approving such Applications, and the proposed Certificates of Transfer
   9. Claims against the Estate
   10. Exceptions to Inventories and Accounts
   11. Consents to sell Real Estate
   12. Fiduciary Bonds on HC Form 4.2
   13. Motions and entries setting such Motions for hearing
   14. Suggestions of Death
   15. Affidavits and Entries Finding that a Person is One and the Same
   16. Notification of Change of Address
   17. Initial Application to Extend Time of Administration (H.C. Form 13.81)
   18. Certificates of Fee Agreement (H.C. Form 210.09)
   19. Estate Tax Form 22 where no Ohio estate tax return is required.

B. *Guardianships.* Subject to the conditions as set forth in this Local Rule, the Court will accept the following filings through the U.S. Mail or other delivery services for a guardianship:
   1. Inventories and Amended Inventories
   2. Applications to Release Funds
   3. Guardian's Reports
   4. Expert Evaluations
   5. Attorney Fee Applications
   6. Guardian Fee Applications
   7. Guardian Bonds on SPF 15.3
   8. Notifications of Change of Address
   9. Motions and entries setting such Motions for hearing
   10. Applications to Extend Time (H.C. Form 245XX)

C. *Trusts.* Subject to the conditions as set forth in this Local Rule, the Court will accept the following filings through the U.S. Mail or other delivery services for a Trust:
   1. Inventories
   2. Lists of Beneficiaries
   3. Attorney Fee Applications
   4. Trustee Fee Applications
   5. Trustee Bonds on HC Form 24.4
   6. Notifications of Change of Address
   7. Motions and entries setting such Motions for hearing
   8. Requests for Notification

D. *Adoptions.* Because adoption proceedings are sealed by statute, subject to the conditions as set forth in this Local Rule, the Court will accept the following filings relating to adoptions through the U.S. Mail or other delivery services provided that the pleadings are sealed in an envelope, that is prominently labeled "ADOPTION – FILE UNDER SEAL":
   1. Home Studies
   2. Pre-Finalization Reports
   3. Proofs of Service of Notice
   4. Petitioners Final Account
   5. Petitions for Identifying Information
   6. Social and Medical History Updates
   7. Motions, Responsive Pleadings and Entries Setting Hearings

E. *Sale of Structured Settlement Payments*. Subject to the conditions as set forth in this Local Rule, the Court will accept the following filings through the U.S. Mail or other delivery services for a Sale of Structured Settlement Payments:
   1. Financial Statements required to be filed pursuant to Local Rule 68.3(B).

If a file-stamped copy of the pleadings, motions, applications and other filings is desired to be returned to the sender, a copy of such pleadings and a self-addressed, postage pre-paid envelope must be enclosed or clear written instructions must be given to place such file-stamped copies in the sender's mailbox at the Court.

Any pleading, motion, application or other filing which is to be set for hearing must be accompanied by the appropriate entry setting the matter for hearing. The Court will set such matters for hearing at its sole discretion. A proposed entry for the Court's consideration must accompany any pleading, motion, application or other filing that requires an entry.

Rule 57.5 Electronic Transmission Filings

Facsimile Filings. In conformity with Civil Rule 5(E), pleadings, motions, applications and other filings may be filed with the Court by facsimile transmission subject to the following conditions:

1. *Definitions*. The following terms in the Rule shall be as follows:
   (a) *Facsimile transmission* – means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
   (b) *Facsimile machine* – means a machine that can send and receive a facsimile transmission either as a stand-alone device or as a part of a computer system.

(c) *Fax or faxes* – an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
(d) *Source document* – means the document transmitted to the court by facsimile machine.
(e) *Original document* – means the facsimile copy of the source document received by the Court and maintained as the original document in the Court's file.

2. *Application of Rules and Orders*. This Local Rule has been instituted solely for the convenience of those filing documents with the Court. The Court does not assume any new or additional responsibilities, obligations or liabilities by virtue of this Local Rule, except as expressly provided in this Rule. The sender assumes all responsibilities, obligations and liabilities for using this method of filing. This Local Rule pertains only to the method of filing and does not override, alter, amend, revoke or otherwise change any Local Rule or Civil Rule respecting the requirements of any filings such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel.

3. *Filings Not Accepted.* The following documents may **NOT** be filed by facsimile transmission:
(a) Any filing commencing a proceeding for which the Court must collect an initial case deposit against costs or a specific filing fee and/or for which the Court is required to effectuate service of summons; or
(b) Estate tax returns; or
(c) Any entry not requiring the Court's signature but for which a party is obligated to pay costs to the Court. Notices of dismissal, stipulated entries of dismissal and other filings not requiring a Judge's signature and not requiring payment of costs to the Court may be filed by facsimile subject to the other provisions of this Local Rule; or
(d) Pleadings, motions, applications or other filings in matters involving an adoption;
(e) Applications for Certificates of Transfer.

4. *Filings Accepted.* Except as provided in Local Rule 57.5(3), all pleadings, motions, applications or other filings permitted to be filed with the Court by mail pursuant to Local Rule 57.4 may be filed with the Court electronically. See Local Rule 57.5(11) as to maintenance of original documents that were filed with the Court electronically.

5. *Facsimile Cover Page*. All filings by facsimile shall be accompanied by a cover page that states all of the following information: 1) date of transmission; 2) name, telephone number, and facsimile number of the person transmitting the document; 3) case number and caption of the case in which the document is to be filed; 4) title of the document to be filed; and 5) number of pages being transmitted. HC Form 200.95.

6. *Facsimile Machine*. The telephone numbers of the facsimile machine available for receiving fax filings for the Court are **513-946-3515** and **513-946-3516**. These lines are available twenty-four (24) hours per day seven (7) days per week for fax filings ONLY. Transmissions sent to any other location are not covered by nor permitted under this Local Rule. Copies of filings otherwise properly filed with the Clerk of Courts, however, such as courtesy copies for the Court, may be sent by facsimile directly to the Court, but any such transmittals shall not be considered as having been filed thereby.

7. *Document Restrictions*. A "fax transmission" as referred to in this Local Rule, may contain more than one document but may not apply to more than one case number per transmission. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall be considered as being part of a single filing for purposes of this rule. If exhibits are impossible or burdensome to send by facsimile transmission, the original

exhibits may be separately filed if done so within seventy-two hours of the related facsimile transmission. If the exhibits are filed separately, then an insert page describing the exhibit being filed separately must be included in the facsimile transmission. Regardless of the number of documents being sent, facsimile transmissions may not be in excess of twenty pages each excluding the Facsimile Cover Page.

8. *Fees*. There are no specific costs related to facsimile transmissions except to the extent that the filings are taxed as cost to any case. It is the sender's responsibility to ensure that there is sufficient deposit posted with the Court with which to satisfy the cost relating to the filing.

9. *Filing Acceptance or Rejection.* The Court is authorized to reject any facsimile transmission filing if the sender fails to provide the Facsimile Cover Page required under Section Five (5) of this Rule or if the transmission contains a filing not acceptable under Section Three (3) of this Rule.

10. *Date and Time*. Subject to the other provisions of this Local Rule, all documents filed by fax shall be considered filed with the Court as of the date and time that the fax transmission has been received by the Court. For purposes of this provision and for entering such filings into the electronic Case Docket system, a facsimile filing shall be deemed to have been received by the Court as of the date and time printed on each page of the incoming fax transmission as printed out by the Court's facsimile equipment. There shall be no other date and time stamp required for the filing of a fax document with the Court. The risks of transmitting a document by fax to the Court shall be borne entirely by the sender. Anyone using facsimile filing is urged to verify receipt of such filings by the Court through whatever technological means are available, including the Court's website.

11. *Original Filing*. A document filed by fax shall be accepted as the original filing if the person sending the fax complies with all of the requirements set forth in this Local Rule. The person making a fax filing need not file any source document with the Court. However, until the case is closed and all opportunities for post-judgment relief are exhausted the filer must maintain in their records and have available for production on request by the Court the source document of any document filed by fax, with original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing.

12. *Signatures*. Facsimile filings shall contain a signature followed by the printed name of the person signing the source document.

Rule 57.6 Internet Electronic Filings

Internet Electronic Filings. In conformity with Civil Rule 5(E), designated pleadings, motions, applications and other filings may be filed with the Hamilton County Probate Court ("Court") electronically via the Court's official website (http://www.probatect.org) subject to the following conditions:

1. *Definitions*. The following terms in this Rule shall be as follows:
   (a) *Electronic Filing ("e-filing" or "efiling")* – The process of transmitting a digitized source document electronically via the Internet to the Probate Court for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.
   (b) *Electronic Mail (email or e-mail)* – Messages sent by a user and received by another through an electronic service system utilizing the public Internet.

(c) *Source Document* – The document created and maintained by the filer which is then electronically transmitted to the Court.
(d) *Original Document* – means the transmitted copy of the source document received by the Court that becomes part of the court record.
(e) *Date and Time of Filing* – means the date and time the Probate Court has received the entire transmission of the filing, other than entries requiring approval by the Court. (See Filing Acceptance below.) The date and time of receipt will be indicated on the sender's computer screen after the document has been uploaded to the Court.
(f) *Electronic Signature* **–** An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and that is executed or adopted by a party with the intent to sign the electronic record or signatures by an attorney or party indicated by the typewritten name of that person preceded by "s/".
(g) *Vexatious Litigators* – Individuals who have been declared vexatious litigators pursuant to R.C. §2323.52.
(h) *Personal Identifiers* – Shall have the same meaning as provided in Sup. R.44(H).
(i) *PDF* – Portable Document Format (PDF).

2. *Application of Rules and Orders*. This Local Rule has been instituted solely for the convenience of those filing documents with the Court. The Court does not assume any new or additional obligations or liabilities by virtue of this Local Rule except as expressly provided in this Rule. The user assumes all responsibilities, obligations and liabilities for using this method of filing. This Local Rule does not override, alter, amend, revoke or otherwise change any Local Rule, Civil Rule or other applicable rules respecting the requirements of any filings.

3. *Vexatious Litigators*. Individuals who have been declared vexatious litigators, as defined above, will not be permitted to file documents electronically. The e-filing system will not provide an individual who has been declared a vexatious litigator with a user id and password to access the system. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the Judge to file in that case. The Court will accept the filings from the vexatious litigators in paper format, as needed.

4. *Filings Not Accepted* – The following documents may NOT be filed electronically through the Internet:
(a) Any filing commencing a proceeding for which the Court must collect an initial case deposit against costs or a specific fee and/or for which the Court is required to effectuate service of summons (Nevertheless, this prohibition may be removed by the Court in the future).; or
(b) Estate tax returns; or
(c) Pleadings, motions, applications or other filings in an adoption case; or
(d) Applications for Certificates of Transfer.
(e) Filings admitting wills to probate where the original will must be filed with the Court.
(f) Fiduciary accounts where bank statements, vouchers or other back up is required to be presented to the Court's accounts department.

5. *Filings Accepted.* All other pleadings or other filings not included in paragraph 4 above may be electronically filed through the Internet subject to the following provisions:
   (a) Any document filed electronically that requires a filing fee may be rejected by the Probate Court unless the filer has complied with this rule concerning the payment of filing fees.
   (b) Any document and/or court action that requires payment of a filing fee will be made by using a valid credit card through the Court's E-Filing System.
   (c) Any entry that must be signed by the Judge is obligated to settle final court costs will be provisionally accepted for electronic filing. Upon payment of the final court costs, said entry will be forwarded to the Judge for review and signature.
   (d) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
   (e) All documents containing notarizations shall be electronically filed only as a hand-signed scanned PDF document. The notary seal shall be visible.

   Note: Despite the foregoing, the Court will NOT accept certain filings through the Court's e-filing system. Users must consult the e-filing section of the Court's website to ascertain which case types and filings are permitted to be e-filed at that particular time.

6. *Account Assignment*. The user shall be required to fill out the on-line Registration, with a valid email address, and electronically accept the User Agreement, and deposit the required funds. Upon receipt of the required information, the Probate Court shall set up an electronic filer user account and assign a user-id and initial password to be used for electronically filing documents. The user shall be notified of the new account information via email.

7. *Hours of Operation*. Electronic filings may be submitted at any time. The electronically filed document will be considered filed as of the date and time that the Court receives the entire transmission. All electronically filed documents shall receive a confirmation date and time acknowledgement. Time at the Court (Eastern Standard or Daylight) governs, rather than the time zone from which the filing is made.

8. *Document Format*. Documents submitted must conform to the following:
   (a) All electronically filed documents, pleadings and papers shall be filed with the Court in Portable Document Format (PDF).
   (b) Submissions shall be limited to twenty megabytes (20MB) in size per document. Larger sized documents shall be broken down into separate PDF files.

9. *Personal and Private Information in Electronically Filed Court Documents*.
   (a) Document Content. All documents e-filed with the Court shall omit personal identifiers as defined in Sup. R. 44(H). The responsibility for redacting personal identifiers rests solely upon the user. The Court will not review each document for compliance with this rule. When the personal information is omitted from a case filing it shall only be submitted or filed separately on a form provided by the Court, upon order of the Court.
   (b) Sealed Cases and/or Sealed Documents. In accordance with Rule 45 of the Rules of Superintendence for the Courts of Ohio and Local Rule 75.1(F), a document may be filed under seal or a filing may be made on a sealed case. E-filings on sealed cases must be

clearly marked on the document below the title indicating that the case is sealed. A document to be sealed may be e-filed if there is a court Order on the case docket that allows the document to be sealed. The Order and its date must be noted on the e-filing under the document title (e.g., "Document filed under seal pursuant to Court Order of mm/dd/yyyy").

10. *Fees*. Normal filing fees, case deposits, final court costs and any convenience fees will be collected via a valid user credit card at the time the filing is processed by the Court. Any document filed electronically that requires a fee may be rejected by the Court unless the filer complied with the mechanism established by the Court for the payment or waiver of filing fees.

11. *Filing Acceptance by Court*. Every new filing will receive a confirmation number at its inception. Upon successful transmission, a confirmation page will be displayed with the corresponding confirmation number and all pertinent filing information. Upon successful processing of the filing by the Court, an electronic mail message containing but not limited to the confirmation number and case number assigned, if any, will be sent to the filer. Filers will be notified via electronic mail if the filing is rejected for any reason.

12. *Electronic Filed Stamp*. Upon successful completion of acceptance processing by the Court, a document filed electronically will be electronically filed stamped. This stamp will include the date and time that the Court received the entire transmission as well as the confirmation number of the filing, except for entries. Once the document is electronically file stamped and entered on the docket, it is considered a permanent part of the case record. A document electronically filed that is not successfully processed by the Court will not receive an electronically filed stamp, but the filer will receive a rejection e-mail. (See Filing Acceptance above.)

13. *Service of E-filed Documents*. Service is not automatically perfected by using the e-filing system. The user must make service on all parties as provided in the Civil Rules of Procedure and/or Local Rules of the Court.
    (a) Civil complaints and summonses will be served by the Court in accordance with Civil R. 4 through 4.6(b).
    (b) The filer must serve all other e-filed documents in the manner provided in applicable civil or local rules. Each e-filed document transmitted to the Court that is required to be served must be accompanied by a completed certificate of service which shall state the date and manner of service and be signed as provided in this rule.

14. *Disposition and Maintenance of Source Documents*. A document electronically filed shall be accepted as the original filing, consistent with Ohio Revised Code, Civ. R. 5(E) and the Local Rules of this Court, if the person filing electronically complies with all of the requirements set forth in this Local Rule. The person filing electronically shall not file any original copy with the Probate Court but must maintain the source document in his or her records, and have available for production on request by the Court, or other counsel, the signed source document that was electronically filed. The filer must maintain this source document until the final disposition of the case, including final disposition of all appeals.

15. *Public Method of Access to Electronically Filed Public Documents*. Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper. Public access to electronically filed public documents will be available via the Internet web site of the Probate Court as soon as the Court has processed the document. If Internet web site access is unavailable, the document will be available at Court, either by computer terminal or in paper form upon request. However, if a document or case record is sealed, deemed confidential, expunged, or otherwise exempt under law from public access, it is unavailable for public disclosure.

16. *User or Technical Errors*. The Court is not responsible for any filing that is made untimely as the result of a technical failure of the Court's system, or of the user's computer hardware or software, or internet service provider (ISP).

Rule 58.1 Court Costs

A. Deposits ordinarily shall be required upon the initial filing of any action or proceeding. The deposit may be applied as filings occur and additional deposits may be required. The Court shall maintain and make available a current list of costs.

B. The Court accepts only the following methods of payment of court costs:
   1. Cash
   2. Money Order
   3. American Express©, Discover©, Visa©, or MasterCard©
   4. Checks, as follows:
      a. Law Firm Checks from attorneys authorized to practice law in Ohio or who are admitted pro hac vice
      b. Fiduciary Checking Account Checks for decedent's estates, guardianships, and testamentary trusts
      c. Certified Checks
      d. Cashier's Checks

C. Case Deposits
   1. Deposits shall be required upon the initial filing of any action or proceeding. The deposit may be applied as filings occur and additional deposits may be required. The Court shall maintain and make available a current list of costs.

   2. All pre-paid but unearned costs $100.00 or less upon final disposition of the case shall automatically be refunded to the fiduciary as part of the fiduciary fee or applicant in non-estate case types. In the case of multiple fiduciaries, the case balance shall be divided equally between the fiduciaries. Prior to making the final distributions and filing the final account, the attorney should check the case balance. If the case balance is over $100.00, those funds shall be distributed as any other estate asset.

D. Counsel of record for the party charged with paying court costs shall be responsible for paying the same. This rule does not prohibit counsel from seeking reimbursement from their clients for such costs. In pro se proceedings, the fiduciary/applicant/party shall be responsible for paying all court costs. If counsel or a law firm is delinquent in paying court costs in a case, the Court reserves the right to require that the attorney or law firm use cash only to pay the court costs in other cases which are filed by the same counsel or law firm until the delinquent costs are paid in full.

E. In cases where a filing incurs the payment of a filing fee, payment of the fee is due when the filing is presented. The Court will not hold the filing until payment of the fee is tendered at a later time. The filing will be returned unfiled to the filing party. Any entry which may have been signed in connection with the filing will be retained by the Court and destroyed.

This rule does not apply if:

1. There are sufficient funds in the case deposit to pay the filing fee and the filing party is the party who paid the initial case deposit.

2. The filing is a final entry which disposes of a civil case type. In these instances, the Court will accept the entry for filing and contact the appropriate party (ies) to pay the costs as set forth in the entry.

3. The Court determines, in its discretion, that the filing should be filed in the absence of the payment of the filing fee.

Rule 58.2 Witness Fees

Upon the filing of a praecipe for subpoena of witnesses, the party shall deposit, for each witness, an amount sufficient to pay the witness fee as prescribed by R.C. §2335.06 to pay the witness fee.

Rule 59.1 Wills

A. Before an application is filed to admit a will to probate, to appoint an estate fiduciary, or to relieve an estate from administration, the applicant or the applicant's attorney shall examine the index of wills to determine if the decedent has deposited a prior will with the Court for safekeeping. Prior wills so deposited shall be filed in the estate proceedings for record purposes only.

B. Upon presentation of a will, a magistrate shall make the initial determination as to whether the purported will shall be admitted to probate.

C. If a will presented to probate contains alterations, interlineations or extraneous markings, the admission of the will may be set for hearing pursuant to RC §2107.26.

D. All persons listed on Form 1.0 whose addresses are known shall be given Notice of Probate of Will by certified mail unless such notice is waived. Notice by publication shall be required if the identity and/or address of any next of kin and/or beneficiary is unknown, unless the Court otherwise orders.

E. Certificates of Service of Notice of Will (Form 2.4) shall not be filed without first being approved. Such approval may be obtained from any magistrate or from the magistrate's assistant.

F. Where the will names a living trust as a beneficiary, a copy of the trust shall be displayed to one of the magistrates, but the trust agreement need not be filed with the Court. Except for good cause shown, this requirement must be met before the inventory or entry relieving the estate from administration is filed with the Court.

Rule 60.1 Application for Authority to Administer Estate and Notice of Appointment

A. Any person filing an Application for Authority to Administer Estate shall give notice to the decedent's surviving spouse and to all next of kin unless such notice is waived. This requirement shall not apply to applicants who are named in the decedent's will.

1. The notice shall contain the date, time and place of the hearing, and it shall be served in accordance with Civil Rule 73 at least seven (7) days prior to the date set for hearing.

2. For good cause shown, the Court may permit notice to be served by ordinary mail. Evidence of such notice shall be documented by the filing of an "Affidavit of Service."

3. All Applications shall be set for hearing before the assigned magistrate unless all waivers of notice have been obtained.

4. Where the Application is for the appointment of a Special Administrator pursuant to RC §2113.15, the Court in its discretion may waive or modify the notice requirements. Furthermore, the Court in its discretion may set or waive a bond, it may limit the Special Administrator's powers, and it may require the filing of expedited status report(s).

B. Before filing an Application for Authority to Administer Estate, the attorney or the proposed fiduciary shall determine if there is a will of the decedent on deposit with the Court by checking the index of wills. Prior wills so deposited shall be filed in the estate proceedings for record purposes only.

C. Upon the filing of an Application for Authority to Administer Estate, the applicant shall display a copy of the decedent's death certificate or other evidence of death acceptable to the Court. This requirement may be waived by the Court for good cause shown.

D. Any applicant who is not represented by an attorney may be required to display photographic identification.

E. Whenever an applicant resides outside Hamilton County, all estate assets shall remain in Hamilton County. This restriction shall not apply to an applicant who resides in an Ohio County contiguous to Hamilton County.

F. Whenever an applicant resides outside of the state of Ohio, all estate assets shall be subject to Local Rule 75.1 B.

G. All Executors/Administrators and their attorneys are required to inform the Court, in writing, within 30 days of a change of their address and/or telephone number.

Rule 61.1 Appraisals

A. Where the probate estate includes assets which are of a special or unusual character, the fiduciary may appoint one or more qualified persons to appraise those assets.

1. All probate assets shall be included in the Inventory, but assets whose value are readily ascertainable need not be appraised.

2. With regard to real estate, the fiduciary may use the property's fair market value as determined by the County Auditor for real estate tax purposes in lieu of a formal appraisal. The County Auditor's value shall be documented by written evidence which shall be attached to the Inventory.

3. With regard to household goods and other tangible personal property, no formal appraisal shall be required unless the estimated value exceeds $5,000.00. Where the fiduciary chooses to dispose of tangible personal property by public auction, the gross proceeds from the auction may be used in lieu of a formal appraisal.

4. With regard to motor vehicles, the fiduciary may use values obtained from any nationally recognized valuation guide.

B. Notwithstanding the foregoing, the Court may order a formal appraisal of any asset for good cause shown. Such an order may be issued upon the Court's own motion or at the request of any interested party.

C. Appraisals shall be made by licensed real estate brokers, licensed real estate appraisers, licensed auctioneers, credentialed personal property appraisers, or such other persons who by experience and training are qualified to make such appraisals. Furthermore, such appraisals shall be in writing and shall include the appraiser's original signature.

D. The following persons shall be disqualified from being such an appraiser:

1. A person related by blood or marriage to the decedent;
2. A beneficiary of the estate;
3. A person related by blood, marriage or employment to the attorney of the estate; and
4. A person related by blood, marriage or employment to the fiduciary of the estate.

E. No appraiser or broker shall be permitted to purchase or acquire, directly or indirectly, any of the property he or she appraises, except at public auction.

F. The fiduciary or applicant shall certify on each appointment of appraiser (H.C. Form 3.0) that the appraiser is a qualified and suitable person in accordance with this rule.

Rule 61.2 Inventory and Appraisal

A. Prior to filing an Inventory, counsel shall examine record title to the decedent's real estate for the sole purpose of confirming the decedent's ownership interest.

B. Upon filing an Inventory, the executor or administrator shall serve notice of the hearing upon the decedent's next of kin and all beneficiaries of the estate listed on Form 1.0 and their attorneys of record, unless such notice is waived. Notice may be served by ordinary mail or by personally delivering a copy of the notice to the person entitled to receive it. Evidence of notice shall be documented by the filing of an "Affidavit of Service" which sets forth the manner of service.

C. In addition to notice, the executor or administrator shall send a copy of the Inventory and Appraisal to the decedent's next of kin and all beneficiaries of the estate listed on Form 1.0 and their attorneys of record. This requirement may be modified or waived by the Court for good cause shown.

D. Where the name or address of an interested party is unknown, and where a prior notice by publication for that person or class of persons has not already been made in the estate proceedings, the fiduciary shall publish notice of the hearing once each week for three consecutive weeks.

E. Upon discovering one or more new probate assets, the fiduciary or his attorney shall file a Report of Newly Discovered Assets. Unless otherwise ordered by the Court, Reports of Newly Discovered Assets shall not be set for hearing, and notice to interested parties shall not be required. Real estate and tangible personal property that are included in a Report of Newly Discovered Assets shall be valued pursuant to Local Rule 61.1.

F. Upon discovering that the Inventory contains any other error which can not be corrected by filing a Report of Newly Discovered Assets, the fiduciary shall file an Amended Inventory. At the discretion of the assigned magistrate, the Amended Inventory may be approved upon filing, or may be set for hearing. If set for hearing, notice shall be given to all interested parties unless waived.

G. Consents to Power to Sell Real Estate shall not be filed prior to the filing of an Inventory.

Rule 62.1 Claims and Bond Premiums

A. No estate, guardianship, or trust shall be closed until all claims filed with the Court have been resolved. If a claim has been rejected, a copy of the rejection and the proof of service shall be filed with the Court.

B. Bond premiums shall be regarded as administrative expenses, and they shall be paid when due. No application need be made for authority to pay bond premiums.

C. When an estate appears to be insolvent, the fiduciary shall file Representation of Insolvency utilizing forms SPF 24.0 through 24.6.

D. Whenever a decedent was 55 years of age or older at the time of death and had been the recipient of Medicaid, H.C. Form 7.0 shall be filed with the Court and a copy of H.C. Form 7.0. shall be sent by certified mail to the Administrator of the Estate Recovery Program.

E. If the executor or administrator of an estate has received written notice that one of the beneficiaries has a child support arrearage, no distributions shall be made to or through Child Support Enforcement Agency (CSEA) without a hearing before the Probate Court.

Rule 64.1 Fiduciary Accounts

A. Every account presented to the Court shall be examined by an Account Review Officer and shall include:

1. An itemized statement of all receipts of the fiduciary.
2. An itemized statement of all disbursements and distributions made by the fiduciary referenced by number or letter and date.
3. An itemized statement of all funds, assets, and investments on hand at the end of the accounting period.
4. Where real estate has been sold, a copy of the closing statement.
5. The signature of the fiduciary. All fiduciaries must sign the account where multiple fiduciaries have been appointed, unless otherwise ordered by the Court.

B. A partial account shall have an accounting period which ends not more than six (6) months prior to the time it is presented and approved by the Court, and it shall specify the number of the account using ordinal numbers (e.g., Third Partial Account).

C. When presenting an account for audit, the fiduciary shall provide copies of all bank statements for the entire accounting period. In addition, the fiduciary shall provide documentation showing the net proceeds from any sales of personal property.

D. With regard to disbursements and distributions made during the accounting period, all fiduciaries shall provide vouchers or other proofs. Acceptable vouchers or proofs shall include but not be limited to the following:

1. Signed receipts.
2. Invoices that have been marked paid by the creditor.
3. Cancelled checks.
4. Check substitutes issued by financial institutions.
5. Account statements that list the date, name of payee, and amount transferred.

E. With regard to assets remaining in the hands of the fiduciary at the end of the accounting period, all fiduciaries shall provide the following supporting documentation:

1. For stocks and bonds, original certificates where they exist.
2. Brokerage statements where investments are held by a broker.
3. Dividend reinvestment statements where dividends are being reinvested.
4. Statement of the transfer agent where securities are in book entry form.
5. Other satisfactory evidence of the existence of the assets on hand.

F. Subsections C, D, and E of this Rule shall not apply to corporate fiduciaries who are subject to RC §1111.28.

G. With regard to accounts filed by executors and administrators pursuant to RC §2109.301:

1. At the time of filing, a copy of the account shall be provided to each heir of an intestate estate and each beneficiary of a testate estate. However, copies need not be provided where the address of an heir or beneficiary is unknown or where the beneficiary of a specific bequest has received his or her distribution.

2. In the case of a Final Account, the executor or administrator shall give notice of the hearing to the following persons whose addresses are known:
   a. In an intestate estate, to all heirs.
   b. In a testate estate, to the residuary beneficiaries.
   c. To counsel of record representing the above.
   d. When a will creates a charitable trust, to the Ohio Attorney General, Charitable Trusts Division.

3. When presenting a Partial Account, Waiver of Partial Account or Affidavit and Entry in Lieu of Partial Account, the executor or administrator shall also file the following:
   a. Application to Extend Administration; and
   b. Certificate of Service of Account to Heirs and Beneficiaries.

4. Status Reports shall not be required unless ordered by the Court.

5. Where an heir or beneficiary is a minor, a guardianship must be established either in Hamilton County or elsewhere before any distribution is made unless:
   a. The decedent's will specifically provides otherwise; or
   b. The value of the distribution is $10,000.00 or less in which case the distribution may be made to a custodian under a Uniform Transfers to Minors Act.

H. With regard to accounts filed by guardians and conservators pursuant to RC §2109.302:

1. Partial Accounts shall be rendered at least annually.

2. A guardian shall not be required to give notice of hearings for Partial Accounts except in the case of Veteran's Guardianships where notice shall be given to the Veteran's Administration.

3. Unless waived, a guardian shall give notice of the hearing on the Final Account to the following persons whose addresses are known:
   a. In the case of an incompetent, to the Ward's next-of-kin, or in the discretion of the magistrate to the fiduciary of the Ward's estate.
   b. In the case of a minor, to the Ward if the Ward has reached the age of majority. Otherwise to the Ward's next-of-kin.
   c. In all cases, to counsel of record for any represented party.

4. Check substitutes or credit card statements may not be sufficient to evidence payment of debts. Receipts showing specific expenditures may be requested.

I. With regard to accounts filed by trustees and other fiduciaries pursuant to RC §2109.303:

1. Partial Accounts shall be rendered at least biennially.

2. When presenting an Account, the trustee shall file a current list of the names and addresses of all persons interested in the trust. (H.C. Form 24.0)

3. Unless waived, the trustee shall serve notice of the hearing on an Account to the following persons whose addresses are known:
   a. All income beneficiaries.
   b. Counsel of record for any represented party.
   c. The Ohio Attorney General, Charitable Trusts Division for charitable trusts.

4. Check substitutes or credit card statements may not be sufficient to evidence payment of debts. Receipts showing specific expenditures may be requested.

J. Service of notice of hearings for all accounts may be made by ordinary mail or by personally delivering a copy of the notice to the person entitled to receive it. Evidence of notice shall be documented by the filing of an "Affidavit of Service" which sets forth the manner of service.

K. If an account is not timely filed and no arrangement has been made for an extension of the due date, a Citation to Appear shall be issued compelling the attendance of both the attorney and the fiduciary. Failure to appear at the Citation Hearing may result in the Court issuing a body attachment and writ of arrest for the attorney and/or fiduciary.

L. Special Administrators shall file an account within 30 days from the date of appointment.

Rule 64.2 Show Cause Hearings

A fiduciary and attorney who have been cited for a show cause hearing shall personally appear. Counsel shall not appear in lieu of a cited fiduciary unless the Court grants leave for the attorney to appear in that capacity.

Rule 65.1 Land Sale Proceedings

A. In land sales proceedings, the Court shall appoint one suitable and disinterested person as appraiser. Compensation for such appraiser shall be determined by the Court.

B. Prior to closing, counsel shall furnish to the Court a Letter of Protection from the title company for the buyer insuring that all sales proceeds will be properly distributed in accordance with the closing statement.

C. Counsel for the estate or guardian shall follow all of the requirements outlined in the land sales proceedings guideline found on the Court's website.

D. All land sales that have not been concluded within nine (9) months from the date of filing shall be set for a status conference. The attorney of record shall appear and describe the efforts being made to complete the case, and the fiduciary shall be present or available by telephone. A written status report shall be filed at least seven days prior to such status conference.

E. Attorney fees for real estate sold by judicial proceedings shall be collected and paid into the court as costs from the net sales proceeds. The guideline fee for attorney compensation shall be set by the Court as follows:

1. The first $10,000.00 of the purchase price at the rate of 6%, and;
2. All above $10,000.00 at the rate of 2%

In the event the real estate is not sold by judicial proceedings, the above guideline shall not apply and the attorney may include time spent on the sales case in an application for attorney fees filed pursuant to LR 71.1 or 66.1. The Court will consider whether the work benefitted the estate in determining such fee application.

Rule 66.1 Guardianships

A. An application to expend funds shall not be granted if an inventory has not been filed or if an account is overdue. The guardian of a minor ward's estate must demonstrate that the ward's parent(s) are unable to fulfill their responsibility to support the ward before the Court will consider allowing an expenditure from the ward's estate for the purpose of that ward's support, maintenance, medical care or education.

B. Attorney fee applications in a guardianship may be filed as follows:

1. In cases establishing guardianship of an estate or of person and estate, fees shall be considered at the time of filing of the inventory and subsequently at the time of the filing of each required annual account.

2. For indigent guardianship proceedings, fees shall be considered at the time of the appointment of guardian, or dismissal of the application, subject to the court's rules regarding payment of fees from the indigent guardianship fund. Guardian Fee Application from the indigent fund must set forth the amount of any compensation the guardian received from third parties during the period covered by the Application. Guardian Fee Application from the indigent fund must utilize the Application set forth on the Court's website.

3. In all matters where the application for payment of guardian and/or attorney fees is in excess of $2,000, but less than $20,000, the application shall be presented to the assigned magistrate and shall also be reviewed by a second magistrate. All applications for fees in excess of $20,000 shall be set for hearing before the Judge.

C. Funds shall not be released to a guardian except upon an order of the Court.

D. All applications for release of funds shall specify the exact amount to be released, the financial institution holding the fund, its address, and the person in whose name the fund is held.

E. None of a ward's assets may be accessed through an automated teller machine, debit card, or the ward's credit cards. Electronic payment of routine and recurring expenses is permitted upon receiving approval of an Application for Authority to Expend Funds.

F. All guardians and their attorneys are required to inform the Court, in writing, within 30 days of a change of address and/or change of telephone number for either the ward or the guardian.

G. Unless waived by the Court, all minors who are the subject of a hearing on the appointment of a guardian for their person(s) shall attend the hearing on said application.

H. The Judgment Entry Appointing Guardian for Incompetent Person (SPF 17.5) shall indicate whether the provisions of SupR 66.01 through 66.09 shall apply to the individual who is appointed guardian if that person is related to the ward by consanguinity or affinity.

Rule 66.2 Emergency Guardianships

A. For all applications for the appointment of an emergency guardian, evidence shall be presented and a physician shall personally appear unless otherwise ordered by the court and testify why it is reasonably certain that immediate action is required to prevent significant injury to the person and/or estate of the minor or alleged incompetent. If the physician is not testifying, a statement of expert evaluation must be submitted with the application for appointment.

B. The applicant shall exercise due diligence in giving notice of hearing upon the proposed ward in all emergency guardianships.

Rule 66.3 Guardianship-Veterans Affairs

A. For all guardianship proceedings wherein the proposed ward is receiving income from the Department of Veterans Affairs, the VA shall be a necessary party, entitled to notice, of all pleadings filed therein, including, but not limited to, the initial application for appointment and the annual accountings.

B. The Court shall supply the guardian or the attorney for the guardian, at no cost, certified copies of any of the pleading filed in the proceedings, for submission to the Department of Veterans Affairs.

C. All Applications for guardian's compensation or attorney's fees shall be set for hearing, and notice shall be given to the Department of Veterans Affairs, unless a Waiver or Consent is obtained.

Rule 66.4 Guardian Comments and Complaints

A. Comments or complaints regarding the performance of guardians appointed by this Court may be submitted in writing via ordinary mail or fax. The fax filing rules set forth herein apply to fax filings. Anonymous comments or complaints will not be accepted for filing.

B. The court will provide a copy of the comment or complaint to the guardian who is the subject of the comment or complaint and to the guardian's attorney, if any.

C. The comment or complaint will be filed in the guardianship case and will be reviewed and considered by the assigned magistrate for appropriate action. The Court may, in its discretion, set a hearing on the matter. Notice of the hearing shall be served to both the guardian and person who filed the comment or complaint.

D. The magistrate will issue a written decision or order regarding the comment or complaint. The decision or order shall be filed in the guardianship case and a copy shall be served upon the guardian and person who filed the comments or complaint.

Rule 67.1 Estates of Minors Not Exceeding Twenty-Five Thousand Dollars

A. An application relating to funds of a minor shall be captioned in the name of the minor.

B. Unless otherwise ordered by the Court, funds of a minor shall be deposited in the sole name of the minor, with principal and interested compounded, until the minor attains the age of majority.

C. When the funds due to the minor originate from a bequest under a will, an inheritance, or a distribution from a trust, the funds may be transferred into an Ohio Transfers to Minor Act (OTMA) account. No Verification of Receipt of Deposit is required when funds are being transferred into an OTMA account.

D. Except for funds referred to in Rule 67.1(C) the attorney for the minor, or in case the applicant is not represented, the attorney for the payor, shall be responsible to immediately deposit said funds and thereafter file a completed Verification of Receipt of Deposit (Form 22.3) within seven (7) days of the issuance of the entry.

Rule 68.1 Settlement of Claims For Injuries to Minors

A. An application for settlement of a minor's claim that exceeds twenty-five thousand dollars ($25,000) shall be brought by the guardian of the estate. If the gross amount of the claim for injuries does not exceed twenty-five thousand dollars ($25,000), the application shall be brought by the parent(s) of the child or the person having custody of the child. Attorney fees for completing probate work in having a minor settlement approved shall be paid from the contingent fee, unless the fee is paid for by a third party.

B. The application for settlement shall be set for hearing before the assigned magistrate. The applicant as well as the minor shall personally appear at the hearing unless otherwise waived by the Court.

C. An application for approval of settlement of claim for injuries to a minor shall be accompanied by a current statement of the examining physician with respect to the injuries sustained, the extent of the recovery, and the physician's prognosis. Said statement shall be dated within ninety (90) days of the filing of the application for approval. If the gross amount of the settlement for injuries does not exceed twenty-five thousand dollars ($25,000) then the requirement of a physician's statement is waived.

D. A copy of the proposed release of claims shall be attached to the application for approval of settlement of claims for injuries to a minor.

E. If the net amount of the claim for injuries does not exceed one thousand dollars ($1,000), then the Court has the discretion to order the delivery of the funds to the minor's parents or custodian.

Rule 68.2 Structured Settlements

If the parties involved in claims desire to enter into a structured settlement, defined as a settlement wherein payments are made on a periodic basis, the following rules shall also apply:

A. The application shall include an affidavit from an independent certified public accountant or other competent professional, specifying the present value of the settlement and the method by which that value was calculated.

B. If the settlement is to be funded by an annuity, the annuity shall be provided by an annuity carrier who meets or exceeds the following criteria:

1. The annuity carrier must be licensed to write annuities in Ohio and, if affiliated with the liability carrier or the person or entity paying the settlement, must be separately capitalized, licensed and regulated and must have a separate financial rating.

2. The annuity carrier must have a minimum of $100,000,000.00 of capital and surplus, exclusive of any mandatory security valuation reserve.

3. The annuity carrier must have one of the following four ratings from the following rating organizations:
   a. A.M. Best Company: A++, A+, or A.
   b. Moody's Investors Service (Financial Strength): Aaa, Aal, or Aa2.
   c. Standard & Poor's Corporation (Claims Paying/Solvency): AAA or AA.
   d. Fitch Ratings: AAA, AA+, or AA.

4. In addition to the requirement of subsection (3) immediately above, an annuity insurer must meet any other requirement the Court considers reasonably necessary to assure that funding to satisfy periodic-payment settlements will be provided and maintained.

5. A qualified insurer issuing an annuity contract pursuant to a qualified funding plan under these rules may not enter into an assumption reinsurance agreement for the annuity contract without the prior approval of the Court, the owner of the annuity contract and the claimant having the beneficial interest in the annuity contract. The Court will not approve assumption reinsurance unless the re-insurer is also qualified under these rules.

6. The annuity insurance carrier and the broker procuring the policy shall each furnish the Court with an affidavit certifying that the carrier meets the criteria set forth in subsection (3) above as of the date of the settlement and that the qualification is not likely to change in the immediate future. The broker's affidavit shall state that the determination was made with due diligence based on rating information which was available or should have been available to an insurance broker in the structured settlement trade.

7. If the parties desire to place the annuity with a licensed insurer in Ohio that does not meet the above criteria, the Court may consider approving the same, but only if the annuity obligation is bonded by an independent insurance or bonding company, licensed in Ohio, in the full amount of the annuity obligation.

C. The application shall include a statement of the actual cost to the defendant of the settlement. The actual cost shall be used to fix and determine attorney's contingent fees.

Rule 68.3 Sale of Structured Settlement Payments

A. All applications for approval of sale of structured settlement payments shall be filed and set for hearing before the Judge.

B. The application should include a statement of the income, living expenses, and other financial obligations of the person desiring to sell the structured settlement payments as well as a detailed statement as to how the sale proceeds will be applied and/or utilized by the applicant. If this statement is not filed with the application, it must be filed no later than 10 days before the hearing. If it is not filed by that time, the hearing shall be reset.

Rule 70.1 Settlement of Claims For Wrongful Death

A. All applications to settle claims for wrongful death shall be set for hearing unless otherwise ordered by the Court. All interested parties to the distribution of the net proceeds of the settlement shall be listed by name, residence, and relationship to the decedent on the proposed entry approving settlement or distributing wrongful death proceeds.

B. The term "interested parties" who are subject to notice are those set forth in R.C. §2125.02.

C. A guardian ad litem may be appointed to represent the interests of any minor or incompetent persons who are potentially "interested parties. "

D. When the Court is called upon to endorse an agreed entry of distribution or to adjust the shares of distribution, notice to or consents from those "interested parties" designated above shall be required.

E. The applicant is required to appear at the hearing regarding an application to approve a wrongful death settlement or proposed distribution. An applicant shall have 30 days following approval in which to file the report of distribution unless otherwise ordered by the Court.

F. A magistrate shall approve the report of distribution of the wrongful death proceeds only after appropriate vouchers are presented.

G. Attorney fees for completing probate work in having a wrongful death settlement approved shall be paid from the contingent fee.

Rule 71.1 Attorney Fees in Decedent's Estates

A. Attorney fees are governed by the Rules of Professional Conduct and the Rules of Superintendence adopted by the Supreme Court of Ohio. The Court has the ultimate responsibility and authority to review attorney fees in decedent's estates as required by such rules.

B. Counsel shall enter into a dated written fee agreement with the fiduciary prior to or upon the filing of the Inventory with the Court. The fee agreement shall contain an estimate of the total fee for the administration of the decedent's probate estate. A copy of the fee agreement shall be provided to any residuary beneficiary of the probate estate upon request. If the attorney for the estate is also the fiduciary or if the fiduciary is an attorney associated with the attorney for the estate, a copy of the fee agreement shall be provided to all residual beneficiaries of the probate estate upon its execution. Counsel shall file with the Court a Certificate of Fee Agreement on HC Form 210.09 prior to or upon the filing of the Inventory with the Court.

C. Attorney Fees for the administration of a decedent's probate estate ordinarily shall be paid at the time the fiduciary's final account or certificate of termination is prepared for filing with the Court, and such fees shall not be paid prior to two weeks before the filing of the fiduciary's final account or certificate of termination.

D. The Court may, upon application and for good cause shown, approve an Application for Partial Payment of Attorney Fees without a hearing prior to the time the fiduciary's final account is filed with the Court. The grounds for approving partial payment of attorney fees may include, for example, that the payment of attorney fees provides an income tax benefit to the estate, that the estate is involved in protracted litigation, or that the administration of the estate is extended beyond twelve months from the date the fiduciary is appointed because of circumstances beyond the fiduciary's and the attorney's control. In all such cases, the application must state the total amount of the attorney fees and any anticipated extraordinary fees estimated to be requested for the complete administration of the decedent's probate estate. Ordinarily, partial attorney fee requests should not exceed 50% of the total amount of the attorney fees estimated to be requested for the complete administration of the decedent's probate estate.

E. When multiple attorneys have been retained by the fiduciary or fiduciaries for the probate estate, or when it is anticipated that attorney fees will be paid to more than one attorney or law firm, all fee requests shall be considered by the Court simultaneously.

F. A written fee application shall not be required and the fiduciary may pay such fees to counsel if counsel's fee is within the guideline set forth in paragraph J below, the amount is under $20,000, and the fiduciary, all residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have consented in writing to the payment of the attorney fees on HC Form 201.05 and filed with the Court. If counsel's fee exceeds $20,000 and the other terms outlined above have been met, the magistrate assigned to the case shall be provided with the attorney's time records and the magistrate shall review and approve counsel's fee prior to payment. Notwithstanding the foregoing, the Court may require an application for attorney fees be filed with the Court for review and approval.

G. If counsel requests a fee that is within the guideline set forth in paragraph J below but all of the residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have not consented in writing to the payment of such fee, a written application signed by the fiduciary or attorney and supported by the attorney's time records shall be filed with the Court. It is within the discretion of the magistrate assigned to the case whether such application will be formally set for hearing. If a hearing is set, notice of the hearing shall be given to all residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees on HC Form 210.07. A Waiver of Notice of Hearing and Consent to Payment of Attorney Fees on HC Form 210.05 may be filed.

H. If counsel requests a fee that is not within the guideline set forth in paragraph J below, a written application signed by the fiduciary or attorney and supported by the attorney's time records for all services, including time for services both within and outside of the guideline, shall be filed with the Court. If all of the residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have consented in writing to the payment of such fee, the magistrate assigned to the case has the discretion to approve the application. If all of the residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have not consented in writing to the payment of such fee, the application shall be set for a hearing before the Judge. Notice of the hearing shall be sent to all residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees on HC Form 210.07. A Waiver of Notice of Hearing and Consent to Payment of Attorney Fees on HC Form 210.06 may be filed.

I. No application for fees or consents from the residuary beneficiaries of the probate estate or all other parties affected by the payment of said fees are required where counsel's fee is $2,000 or less.

J. Attorney fees for the administration of a decedent's probate estate as set forth below may serve as a guide in determining fees to be charged to the probate estate for legal services of an ordinary nature rendered as attorney for the fiduciary in the administration of a decedent's probate estate. The Court does not have, nor is there recognized, any minimum or maximum fees that will automatically be approved by the Court. Misrepresentation of this guideline may result in sanctions, including the disapproval of or partial or total disgorging of attorney fees. Attorney fees calculated under this guideline shall be rebuttably presumed to be reasonable.

1. On all property subject to administration (Inventory value in addition to ordinary income) and for which the fiduciary is charged as follows:
   a. For the first $50,000 at a rate of 5.5%;
   b. All above $50,000 and not exceeding $100,000 at the rate of 4.5%;
   c. All above $100,000 and not exceeding $400,000 at the rate of 3.5%;
   d. All above $400,000 at the rate of 2.0%.

2. For real estate sold by judicial proceedings, the attorney fees shall be calculated in accordance with Local Rule 65.1 and may be in addition to the amount calculated

under paragraph J(1) above, if approved by the magistrate assigned to the case.

3. All other property includable on a federal or an Ohio estate tax return or that passes outside of probate as a result of the decedent's death, at the rate of 1% of all such property, except for joint and survivorship property that passes to a surviving spouse which shall be compensated at the rate of ½ of 1%.

A copy of the recapitulation page from the estate tax return, if applicable, shall be filed with the Court under seal. In cases where no estate tax return is filed, a list of the non-probate assets and their values shall be filed with the Court under seal.

K. If a hearing is held on an attorney fee application, a party in interest may not later object to the payment of that fee upon the filing of the Final Account. If a hearing is not held, a party in interest may object to the payment of that fee upon the filing of the Final Account.

L. Where the fiduciary is also the attorney for the estate, or if the attorney for the estate is associated with the fiduciary's law firm, reasonable attorney fees shall be rebuttably presumed to be one-half of the guideline amount as set forth in paragraph J above. This paragraph shall not apply if the fiduciary fee is waived.

M. Attorney fees for services rendered in an estate relieved from administration shall be disclosed as a liability of the estate.

N. Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by ORC Section 2109.30, *et seq*.

O. In cases involving both probate and non-probate assets, an attorney must follow the procedures set forth in this rule to approve the amount of fees charged for work done handling the administration of the probate assets. If the attorney desires to waive fees for such work, a written waiver of such fees shall be filed with the Court and as such, shall not be collected from any other source.

P. Unless otherwise authorized by the Court, attorney fees should not be awarded for that portion of any time spent traveling to and from the Court that would not have been incurred but for the fact that the attorney has an office located outside Hamilton County or counties contiguous thereto.

Rule 71.2 Contingent Fees

If the contingent fee agreement does not exceed 33 1/3% of the recovery, or 40% if an appeal is taken, no application for approval of the agreement need be filed and ratification of the contingent fee agreement may be done at the time of settlement. Should a proposed fee agreement exceed these amounts, prior to entering into any such contingent fee agreement, a fiduciary shall file an application with the Court for authority to enter into such fee agreement. A copy of the proposed fee agreement shall be attached to the application. All contingent fees are subject to review and approval by the Court at the time of settlement, notwithstanding the fact that the court previously approved a fiduciary's application for authority to enter into a contingent fee agreement.

Rule 72.1 Executor's and Administrator's Commissions

A. Unless otherwise authorized by the Court, extraordinary fiduciary commissions should not be awarded for travel expenses that would not have been incurred but for the fact that the fiduciary resides outside of Hamilton County or counties contiguous thereto.

The Court will consider reasonable extraordinary fiduciary commissions upon the filing of an application supported by a list of the extraordinary services provided by the fiduciary. The list should include all hours spent doing all work (ordinary and extraordinary) and the dates the work was performed.

B. In cases where extraordinary executor or administrator's fees are requested involving multiple fiduciaries and separate fee applications will be filed by more than one fiduciary, all fee requests shall be considered by the Court simultaneously.

C. Unless otherwise authorized by the Court, the payment of a fiduciary commission shall not be made before two weeks of the filing of the final account or certificate of termination in the estate.

Rule 73.1 Guardian's Compensation

A. Compensation for services as guardian of person and estate shall be allowed not more frequently than annually, upon application and entry, and shall be supported by calculations and documentation. The following methods for considering the reasonableness of guardian's compensation apply:

1. Guardian guideline fee:
   a. 3% of the total income; and 3% of the total expenditures where total expenditures are less than $200,000, and 2% of the total expenditures that are equal to or greater than $200,000.
   b. An annual fee of $2.00 per $1,000 of the fair market value of the principal.
   c. Compensation computed on income will not be allowed on balances carried forward from one accounting period to another; nor will an investment of funds of the final distribution of unexpended balances to a ward at the close of a guardianship be considered as expenditures.
   d. In calculating the guardian guideline fee, only the actual value of estate assets shall be reflected. Compensation is allowed for "expenditures" only to the extent that outlays have depleted assets against which compensation is to be calculated. If the guardian wishes to get credit for expenditures made at closing, then in calculating principal, the guardian must deduct the amount of those expenditures from the sale price of the assets. The same rule applies with respect to payment of tax liens or mortgages made prior to closing.

2. Hourly rate:
   With respect to non-indigent guardianships, an hourly rate of $20.00 is generally appropriate for guardians. With respect to indigent guardianships, an hourly rate of $10.00 is generally appropriate for guardians. Under certain circumstances, a higher hourly rate may be specifically approved by the Court.

3. Minimum for guardian of estate:
   A guardian of an estate shall be permitted a minimum fee of $500.

B. For purposes of computing a guardian's compensation as herein provided, for the first accounting period, the fair market value of the principal shall be based on the value contained in the inventory. For each subsequent accounting period, the fair market value of the principal shall be based on the value of the assets remaining as stated on Form 15.8. The annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from the principal of the estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuation.

C. Additional compensation, reimbursement for expenses incurred by a guardian, as well as, for compensation of a guardian of the person only may be fixed by the Court upon application. No application for extraordinary guardian's compensation shall be considered unless supported by complete time records during the period covered by the fee application. The Court may require that any application for compensation be set for hearing and that notice of the hearing be given to interested parties as ordered by the Court.

D. All applications for guardian compensation shall contain a good faith estimate of the number of hours expended by the guardian during the period covered by the fee application.

E. The compensation of co-guardians, including when separate parties are appointed as guardian of person and guardian of the estate shall not exceed the compensation that would be allowed to one guardian. In the event that the co-guardians cannot agree on the division of the compensation, the Court shall determine an equitable allocation of any guardian compensation awarded.

F. In cases where multiple guardians are involved and separate fee applications will be filed, all fee requests shall be considered by the Court simultaneously.

G. Compensation for services as guardian of an indigent ward may be paid from the Indigent Guardianship Fund in accordance with the Court's then standing procedural order. In no case shall guardian's compensation be paid from the Indigent Guardianship Fund where the guardian is related by blood or marriage to the ward or where the guardian or his/her employer receives compensation from third parties for guardian services.

H. Except for good cause shown, neither compensation for a guardian, nor fees to the attorney representing such guardian, will be allowed while such guardian is delinquent in filing an inventory, account, or Guardian's Report. The Court may deny or reduce compensation if there is such a delinquency or failure to faithfully discharge the duties of fiduciary.

I. Unless otherwise authorized by the Court, extraordinary guardian fees should not be awarded for travel that would not have been incurred but for the fact the guardian resides outside Hamilton County or counties contiguous thereto.

Rule 74.1 Trustee Compensation

A. Where the instrument creating the trust makes **no** provision for compensation, the annual compensation charged by a Trustee appointed by this Court for ordinary services performed in connection with the administration of each separate trust estate shall not exceed the following:

1. An amount to be computed on the fair market value of the principal of the trust property in accordance with the following schedule.

    a. $14.00 per $1,000.00 on the first $1,000,000.00.
    b. $11.00 per $1,000.00 on the next $2,000,000.00.
    c. $9.00 per $1,000.00 on the next $2,000,000.00
    d. $7.00 per $1,000.00 on the balance.

2. The Trustee may charge a minimum compensation of $2,500.00.

3. Such compensation shall be charged one-half to income and one-half to principal, unless otherwise provided in the instrument creating the trust or applicable law.

4. Without prior court approval, the Trustee shall not be paid compensation during the accounting period that exceeds the amount calculated under the above guideline. An application for additional Trustee compensation must be filed pursuant to paragraph D. no later than the time the Trustee's Account is filed with the Court. The Trustee's Account will not be approved until the Court issues its Order on the application for additional Trustee compensation. Any adjustment to the compensation of the Trustee that is ordered shall be reflected on the next Trustee's Account that is filed with the Court.

B. For purposes of computing the Trustee compensation as herein provided, the fair market value of the principal shall be determined by reference to the H.C. Form 24.82 (Assets Remaining in the Trustee's Hands) for the applicable accounting period unless otherwise ordered by the Court.

C. At the option of a corporate Trustee, compensation valuations may be made and paid on a monthly or quarterly basis.

D. Where the instrument creating the trust makes no provision for compensation, compensation in excess of the amount calculated pursuant to paragraph A(1) above for extraordinary services may be allowed upon application. No application for extraordinary Trustee compensation shall be considered unless supported by complete time records during the period covered by the compensation application unless otherwise allowed by the Court for good cause shown. The Court may require that the application be set for hearing and notice thereof be given to all the beneficiaries as defined in the Ohio Trust Code Section 5801.01(C), as may be amended, in accordance with Civil Rule 73(E). The notice shall contain a statement of amount of the compensation sought and a completed Worksheet B. (Appendix of Compensation Worksheets—Worksheet B) The Trustee may obtain consent for compensation from all the beneficiaries as defined in the Ohio Trust Code Section 5801.01(C), as may be amended, and file form H.C. 210.04 (Consent to Payment of Trustee Compensation).

E. The compensation of co-Trustees in the aggregate shall not exceed the compensation that would have been payable if only one Trustee had been acting, except where the instrument under which the co-Trustees are acting provides otherwise.

F. In cases where multiple Trustees are involved and separate compensation applications will be filed by more than one Trustee, all compensation requests shall be considered by the Court simultaneously.

G. A separate schedule of the computation of Trustee's compensation shall be shown in the Trustee's Account as a condition of its approval. (Appendix of Compensation Worksheets—Worksheet B).

H. Except for good cause shown, neither compensation of a Trustee nor attorney fees for representing the Trustee will be allowed while the Trustee is delinquent in filing an account required by RC 2109.303.

I. Every corporate Trustee shall provide the Court with a copy of its compensation schedule by the 1st day of January each year. Corporate Trustee shall also immediately provide the court with a copy of any revisions made during the year.

J. In all instances, the Court retains the right to review the reasonableness of Trustee compensation.

K. Unless otherwise authorized by the Court, extraordinary Trustee compensation should not be awarded for travel that would not have been incurred but for the fact the Trustee resides outside Hamilton County or counties contiguous thereto.

Rule 74.2 Attorney Fees for Trust Administration

A. An application for the allowance of attorney fees for trust administration shall have attached thereto an itemized statement of the services performed, the date services were performed, the time spent in rendering the services and the rate charged per hour.

B. In all matters where the application for payment of attorney fees is in excess of $2,000, but less than $20,000, the application shall be presented to the assigned magistrate and shall also be reviewed by a second magistrate. All applications for fees in excess of $20,000 shall be set for hearing before the Judge.

C. When multiple attorneys have been retained by the trustee or trustees, or when it is anticipated that attorney fees will be paid to more than one attorney or law firm, all fee requests shall be considered by the Court simultaneously.

Rule 75.1 Local Rules (Special Provisions)

A. CIVIL COMMITMENT OF THE MENTALLY ILL

1. When an affidavit of mental illness has been accepted and an order of detention issued, the Court may appoint an attorney to represent the respondent. The Court may also appoint a psychiatrist to act as an independent physician who may testify as to the respondent's psychiatric condition if called upon to do so.

2. While the patient/respondent is being held pursuant to the order of detention, a "voluntary" commitment shall not be accepted, unless the record or entry has been signed and approved by the patient/respondent's court-appointed counsel and counsel for the Mental Health Board.

B. LOCATION AND CONTROL OF ASSETS

1. Decedents' Estates.

   a. Whenever a fiduciary resides outside Hamilton County, all decedent's assets shall remain in Hamilton County. For good cause shown, the Court may dispense with this requirement.
   b. Upon motion of any interested person, or sua sponte, the Court may order that all intangible property be held in joint control and possession of the fiduciary and counsel for the estate or such other suitable person or entity as the Court may approve.

2. Guardianships.

   All intangible personal property belonging to the ward shall remain in the joint control of the fiduciary and counsel for the estate or such other suitable person as the Court may approve. For good cause shown, the Court may dispense with this requirement.

C. ADOPTIONS

1. The attorney for the petitioner shall be responsible for all required notices in adoption proceedings.
2. Petitioner or Petitioner's counsel shall request a search of the Putative Father's Registry and shall file the response to that request. The Court reserves the right to order additional notice to the putative father as deemed necessary.
3. Except in step-parent adoptions, there must be a lawful placement before the filing of the Petition for Adoption.
4. In step-parent adoptions where the Domestic Relations Court, Juvenile Court or the Child Support Enforcement Agency has a pending case for child support, petitioner(s) or counsel shall notify such court or agency of the child's adoption to allow the support order to be terminated or reduced to a lump-sum judgment.
5. The petitioner is responsible for obtaining a new birth certificate after the adoption is finalized.
6. Surrogacy actions shall be presented to the Court as declaratory judgment actions. The plaintiff shall be the intended parent(s). The necessary party defendants shall be the surrogate and the surrogate's husband. The complaint must be accompanied by an affidavit from the physician rendering the retrieval of genetic material and implantation of the embryo. Counsel shall present a proposed entry approving gestational surrogacy when the complaint is filed. A copy of the surrogacy contract shall be attached as an exhibit to the complaint. After birth, counsel shall present a proposed entry registering the child's birth with a certificate of registration.
7. The Court shall provide a list of qualified assessors. Petitioner's counsel shall inform the Court of the assessor so selected.
8. All contested adoptions shall be set for a scheduling conference.
9. For all adoptions finalized out of state on children born in Ohio, where the consent hearing is performed by this court, the petitioners shall file ODHS Forms 1693 and 1616 (Release of Identifying Information and Social Medical History Forms). Petitioners shall provide the Court with the date of finalization of the adoption in the foreign court, the name of the foreign court and the name of the adoptee after the adoption.

D. EXHIBITS

Attachments to a pleading will remain with the pleading. Exhibits shall be exchanged between the parties at least three court days in advance of the hearing with copies delivered to the judge or magistrate at least three court days in advance of the hearing, as well. Exhibits used by a party will be retained separately by either the Court or a court reporter. Any party introducing exhibits, whether admitted into evidence or not, must complete a List of Exhibits (H.C. Form 230.03) in duplicate. After the time for an appeal has expired and all costs have been paid, a party may petition the Court for the return of an original exhibit. Alternatively, the Court may destroy such exhibits pursuant to Sup.R. 26(F).

E. MARRIAGE LICENSES

1. All applicants for a marriage license must review the Certified Abstract of Marriage for accuracy before they sign the abstract. In the event errors are discovered on the abstract and/or marriage certificate after issuance, an Application to Correct Marriage Certificate and/or Certified Abstract of Marriage must be filed with the court. The application may be filed by the applicant(s) or some other party in interest and must be accompanied by supporting affidavits. The Court may set the application for hearing or consider it without hearing. If the court finds the application to be well taken, the court will issue its judgment entry correcting the marriage certificate and/or certified abstract of marriage.
2. In the event an officiant fails to timely return a certificate of marriage to the court, one or both of the applicants for the marriage license must file an Application to Issue Certificate of Marriage which shall be set for hearing. If both applicants for the marriage license do not join in the Application to Issue a Certificate of Marriage, the second applicant must be notified of the hearing or an explanation must be given satisfactory to the court why that individual cannot be notified. The applicant(s) bear the burden of proving to the court, by a preponderance of the evidence, that the wedding was timely solemnized by a duly authorized person pursuant to Ohio law. The court will journalize an entry finding that the subject marriage has been duly solemnized if it is satisfied that applicant(s) have met their burden of proof.

F. OMISSION/REDACTION OF PERSONAL IDENTIFIERS

1. The following rule shall apply, except with respect to documents that the Court, pursuant to law, maintains under seal.

2. When submitting a case document to the Court or filing a case document with the Clerk of Court, a party to a judicial action or proceeding shall omit personal identifiers, as that term is defined in Sup. R. 44, from the document. The last four digits of social security numbers and the last three digits of financial account numbers may be included.

3. Redacted or omitted personal identifiers shall be provided to the Court or Clerk only as required by law, or upon request by the Court, or to a party by motion. Redacted or omitted personal identifiers shall be filed on a separate form under seal. HC Form 270 shall be used for this purpose.

4. The responsibility for omitting personal identifiers from a case document submitted to the Court or filed with the Clerk of Court shall rest solely with the party. The Court or Clerk is not required to review the case document to confirm that the party has omitted personal identifiers.

G. INTERPRETERS FOR HEARINGS

Any Court party or witness requiring an interpreter/translator for a hearing must complete HC Form 200.34 and file it with the Court at least three court days prior to the date of the hearing. The Court will arrange for an interpreter to be present at the hearing.

H. MISCELLANEOUS

1. Attorneys shall not act as sureties in any cause, nor shall they be permitted to become surety on the bond of any fiduciary.
2. No certified copies of Entries or Letters of Authority will be issued unless all required filings have been made or upon approval by the Court.

3. Trial Court Jury Use and Management Standards for the Probate Court shall be the same as those rules and regulations used by the Hamilton County Jury Commissioner, as set forth in the Hamilton County Common Pleas Court Local Rules.
4. In any type of case where either attorney fees and/or fiduciary fees are requested, including where multiple attorneys and/or fiduciaries are involved, all fee applications for a particular time frame shall be considered by the Court simultaneously.
5. In any type of case where either attorney fees or fiduciary fees are requested, the following rules shall apply:
   a. When assets are initially included on an inventory and are subsequently removed for the reason that they are not estate assets, the guideline fee calculation should not include such assets.
   b. Where it is subsequently determined through sale, tax appeal or otherwise that the initial valuation of real estate does not represent fair market value, the subsequent, accurate fair market valuation is to be used in calculating the guideline fee.
   c. Even where not otherwise required by these Local Rules, the Court recommends that counsel enter into a written fee agreement in all probate matters. Furthermore, the Court recommends that counsel maintain detailed time records. Failure to do either may negatively impact approval of counsel's attorney fee request.

6. Notice of objections to a magistrate's decision/magistrate's order, along with notice of the hearing date, may be made by ordinary mail.

7. Motions to abandon real property and notice of hearing shall be served by the movant upon all beneficiaries and next of kin, all lienholders who have an interest in the property and the appropriate building department where the property is located. A copy of the legal description must be attached to the motion. If the motion is granted, the entry adopting shall be recorded by counsel for the movant with copies of the entry served upon the lienholders and the building authority for the jurisdiction.

8. All fiduciaries and their attorneys are required to inform the Court, in writing, within 30 days of a change of their address and/or telephone number.

9. In cases where a conservator of the person only is appointed, the conservator shall file a report every two years after being appointed advising the Court of the ward's status and the need to continue the conservatorship. Failure to file the report shall be grounds to dismiss the conservatorship case.

Rule 78.1 Case Management In Decedent's Estates, Guardianships and Trusts

A. A Certificate of Service of Notice of Probate of Will, Form 2.4, shall be filed no later than two months after the appointment of the fiduciary, unless the Court grants an extension of that time.

B. The guardian of an estate shall file an account at least once each year. The guardian of an incompetent adult shall file a Guardian's Report, Form 17.7, with the Court no later than two years after the date of the issuance of the Guardian's Letters of Appointment and biennially thereafter.

C. If an estate is not fully administered within two years, the assigned magistrate will determine whether court intervention is necessary. If the Court schedules a status conference, the parties may participate telephonically with prior approval of the Court.

D. The trustee of a testamentary trust shall file an account with the Court no later than two years after the date of the issuance of the Trustee's Letters of Authority and biennially thereafter. A list of the current beneficiaries of the trust shall be filed with the account.

E. The fiduciary shall sign all applications, including a continuance to extend the time for filing an inventory, account, or Guardian's Report.

F. Upon citation to the attorney of record for a fiduciary who is delinquent in filing an inventory, account, or Guardian's Report, the Court may bar the attorney from opening any new cases in any new proceeding until all delinquent pleadings are filed.

G. Upon filing exceptions to the inventory or an account, the exceptor shall set said exceptions for a scheduling conference. The Court may dispense with the scheduling conference and proceed directly to trial for good cause shown.

Rule 78.2 Case Management and Pre-Trial Procedure For Civil Actions

A. After service has been perfected on all parties, the Court shall set a scheduling conference for the case.

B. A scheduling conference shall be conducted in all civil cases, except land sale proceedings, and parties may participate by telephone with prior approval of the Court.

C. Notice of the scheduling conference shall be given to all counsel of record and pro se litigants by mail, facsimile, e-mail and/or by telephone by the Court not less than fourteen (l4) days prior to the conference. Any application for continuance of the conference shall be in writing and filed with the Court in a timely manner.

D. The following decisions shall be made at the scheduling conference and all counsel attending must have full authority to enter into a binding pretrial order.

1. A discovery schedule shall be agreed upon by all parties and/or set by the Court for the completion of discovery.
2. A date for exchange for expert witnesses shall be determined.
3. A date for filing of all motions and pretrial statements which date shall not be later than seven (7) days before the formal pretrial.
4. The date for the formal pretrial shall be set by the Court and shall be held approximately one week prior to the trial.
5. A trial date will be set.

E. The following decisions shall be made at the formal pretrial and all counsel attending must have full authority to enter into a binding final pretrial order:

1. Briefs on any legal issues shall be submitted.
2. Proposed jury instructions shall be submitted.
3. Proposed jury interrogatories shall be submitted.
4. Clients shall be present or available by telephone.
5. No motions shall be heard after the formal pretrial without leave of Court and without good cause being shown in writing.

F. The trial date shall not be changed nor shall the trial be continued without order of the Court and after the showing of good cause in writing.

Appendix of Fee Worksheets

WKST	RULE		PAGE
A	(73.1)	Guardian Compensation Form	40
B	(74.1)	Trustee Compensation Form	41

WORKSHEET A

GUARDIAN COMPENSATION FORM
(RULE 73.1)

INCOME FEE:

INCOME X .03 = _____

EXPENDITURE FEE:

EXPENDITURES TOTALING LESS THAN $200,000.00 X .03 = _____

AND

EXPENDITURES EQUALING $200,000.00 OR MORE X .02 = _____

PRINCIPAL FEE:

FAIR MARKET VALUE OF PRINCIPAL X .002 = _____

MINIMUM FEE: $500.00 PER YEAR

WORKSHEET B

COURT'S GUIDELINE TRUSTEES COMPENSATION FORM (RULE 74.1)

PRINCIPAL ~~FEE~~ COMPENSATION:

YEAR ONE

FAIR MARKET VALUE OF PRINCIPAL X **RATE**

First $1,000,000 X .014 = _____

Next $2,000,000 X .011 = _____

Next $2,000,000 X .009 = _____

Balance X .007 = _____

Total Compensation for Year One = _____

PRINCIPAL FEE:

YEAR TWO

FAIR MARKET VALUE OF PRINCIPAL X **RATE**

First $1,000,000 X .014 = _____

Next $2,000,000 X .011 = _____

Next $2,000,000 X .009 = _____

Balance X .007 = _____

Total Compensation for Year Two = _____

Total Compensation for Years One and Two = _____

MINIMUM FEE: $2,500.00 PER YEAR