

# INSTRUCTIONS FOR SUMMARY RELEASE FROM ADMINISTRATION

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

All forms should be typewritten or legibly printed.

A summary release from administration may be filed if:

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

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

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

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

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

Step 1: COMPLETE THE FOLLOWING FORMS
Application for Summary Release from Administration (5.10) <ul style="list-style-type: none"><li>- Complete both sides of this form and have a magistrate, or Notary Public, notarize your acknowledgment.</li></ul>
List of Surviving Spouse, Next of Kin, Legatees & Devisees (1.0) <ul style="list-style-type: none"><li>- On <i>Form 1.0</i>, list all <i>next of kin</i> (those people who are or would be entitled to inherit <i>if</i> there were no will) on the front. List those people named in the will, if there is one, on Page 2 of Form 1.0.</li><li>- Be sure to specify <i>complete</i> addresses of all listed.</li><li>- List all children of the decedent on the <u>front</u> of the form even if the entire estate will go to the surviving spouse.</li></ul>
Certification of Wills on Deposit (1.02) <ul style="list-style-type: none"><li>- Complete the certification form (1.02), whether or not there was a will on deposit with the court.</li></ul>
Entry Granting Summary Release From Administration (5.11) <ul style="list-style-type: none"><li>- Complete form.</li></ul>

Application for Certificate of Transfer (12.0)

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

Certificate of Transfer (12.1)

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

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

**STEP 2: REVIEWING OF FORMS**

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

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

In most cases you will need at least 1 certified copy of the pleadings. All forms must then be filed with the cashier who will assign a case number. The cashier at this time will retain all the original papers and certify the copies for you. There is a charge per entry after the first one. If there is real estate included on the 5.10 the cashier will give you back the certified copy of the Certificate of Transfer (12.1) to take to the Auditor's office on the 3<sup>rd</sup> floor of the Court Administration Building, 138 E. Court St., Cincinnati, Ohio to start the transfer of the real estate.

**Note:** If required, Tax Release forms can be obtained from:

Hamilton County Auditor's Office

138 E. Court, Room 501

Cincinnati, OH 45202

(513) 946-4103

(We do not have these forms in the Hamilton County Probate Court).

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