INSTRUCTIONS FOR ESTABLISHING A WRONGFUL DEATH TRUST

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in a wrongful death trust.

If you have a wrongful death settlement and you have decided to create a trust for the benefit of the decedent's beneficiaries under the age of 25, the following information and forms are designed to offer procedural guidance and direction to accomplish this task.

This trust shall be administered as any other trust in the Probate Court. Bond shall be required of every non-corporate fiduciary unless bond is waived according to law.

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 the instruction sheet. **TWe accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

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

PROCEDURAL STEPS

Step 1: Complete the following forms	
Application to Create a [Wrongful Death] Trust and to Approve the Trust form. (H.C. Form 115.54) - Complete form. **Note: This application is filed in the decedent's estate.**	**Filed in the decedent's estate**
Entry Setting Hearing (H.C. Form 202.00) - Fill in the name of the decedent only, the magistrate will fill in the hearing date & time and initial the entry.	**Filed in the decedent's estate**
Entry Creating Trust and Approving Trust Form (H.C. 115.55) - Complete form. Bring to Court on the day of the hearing. - If the WRONGFUL DEATH TRUST is approved, the Judge will sign the trust as the grantor.	**Filed in the decedent's estate after the hearing**
Application for Appointment of a Trust (H.C. 54.1) - Complete form. - **This application will be given a new case number.**	Filed at the time the Application to Create Trust is filed. Set for hearing same day and time.
Entry Setting Hearing (H.C. Form 202.00) - Fill in the name of the decedent only, the magistrate will fill in the hearing date & time and initial the entry.	Given the same date and time as the Application to Create Trust
Trustee's Bond (H.C. 54.3) - When applying to be appointed trustee, the applicant is required to execute a bond. - Applicant must execute and date form.	Once signed by the applicant, the bond form needs to be left with the Court in order for the agent

- **Bond must be executed by a surety company in front of the court personnel.** - The bond shall be twice the value of the assets funding the trust, with a minimum bond requirement of $20,000.	of the surety company to execute the bond in the presence of the clerk. May be left with the Court anytime prior to the hearing.
Application for Release of Funds to Custodial Depository in Lieu of Bond (H.C.204.05) - Complete form. - Filed when there is not an attorney and applicant does not want to obtain one. - Filed to dispense with requirement of joint control with an attorney, posting of a bond and filing of fiduciary accounts.	Normally the day of the hearing
Entry Releasing Funds to Custodial Depository in Lieu of Bond (H.C. 204.06) - Complete form. - Make sure you have obtained an account number from the bank.	Normally the day of the hearing
Verification of Receipt and Deposit of Custodial Depository (H.C. 204.07) - A bank clerk completes form once the funds are in the account. - Normally the bank sends the form to the court.	Filed by the bank, normally within 30 days from filing of Entry Releasing Funds to Custodial Depository
Entry Appointing Trustee; Letters of Authority (H.C. 54.4) - Complete form. - If the Judge approves the WRONGFUL DEATH TRUST, he will sign the entry.	Preferably at the time of initial filing, if not, day of hearing.
Irrevocable Trust Agreement (H.C. 154.5) - This agreement is to be signed by the trustee and then delivered to the 10th floor Assignment Desk for presentation to the Judge. - Any deviations from this form shall be brought to the attention of the court in advance of the hearing date. - **A copy of the trust will be filed in the decedent's estate file. The original signed trust will be filed under the wrongful death trust.**	
THE NEXT GROUP OF FORMS IS NOT NEEDED AT THE INITIAL FILING.	
Trustee's Inventory (H.C. Form 54.5) - The trustee must file an inventory specifically listing the assets of the trust and the value of those assets.	3 months from date of appointment
Trustee's Account (H.C. Form 54.8) - From the date of appointment, the trustee is responsible for filing on account every 2 years. - On back of Trustee's Account (form 54.8), have an employee of each bank where trust funds are deposited complete a bank certificate. - Trustee must sign form.	Every 2 years starting with date of appointment
Receipts and Disbursements (H.C. Form 54.81) - Specifically list the assets of the trust that were listed on the Inventory (54.5) plus all income and disbursements made.	Filed with account

Assets Remaining in Trustee's Hands (H.C. Form 54.82) - Complete form if filing a current account. - Specifically describe those assets of the trust remaining in trustee's hands.	
Entry Setting Hearing on Account (H.C. 213.8) - Fill in the name of the ward and have attorney sign. - The account clerk will fill in hearing date & time and sign & date the form.	Filed with account.
Notice of Hearing on Account (H.C. 13.5) Waiver of Notice of Hearing (H.C. 13.7) - When filing a *current* account, all *income* beneficiaries are entitled to be notified of the hearing on the account. - When filing a *final* account, all *trust* residual beneficiaries are entitled to be notified of the hearing on the account. - You must either obtain a waiver from each individual (H.C. 13.7) or perfect certified mail notice (H.C. 13.5) on each individual. See Local Rule 64.1(D) - If certified mail notice is used, present certified mail return (green card) and a copy of the notice that was sent to each individual to the magistrate assigned to your case.	
Entry Approving and Settling Account (H.C. 13.3) - Fill in name of the ward and case number. - Magistrate will complete form on the day of the account hearing.	
STEP 2: ASSIGNING OF MAGISTRATE, REVIEWING OF FORMS, AND SETTING HEARING DATE.	
When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9th Floor of Probate Court where the clerk will write the initials of the magistrate who is handling the estate on the form. From the magistrate's assistant you will go to the assignment desk on the 10th floor to obtain a hearing on the Judge's docket.	
STEP 3: FILING OF FORMS WITH CASHIER	
All forms are taken to the cashier who will assign a case number. At this time, the cashier will require the payment of the filing fee. The cashier will stamp the case number on all the papers plus one set of copies, if provided, and clock in the original forms that can be docketed that day. After clocking in the forms, the cashier will place the forms in a file folder and give it to the Issue Desk.	

STEP 4: THE HEARING – WHAT TO EXPECT	
At the date and time of the hearing, you (and your attorney, if an attorney is obtained) should report to the 10th Floor of the Probate Court to Courtroom A. (The Judge will already have the file with the forms you initially filed). If you had to obtain waivers or serve notices of the hearing you will give them to the Judge. The Judge will conduct the hearing, and if he approves the trust he will sign the Entry Creating Trust and Approving Trust Form (H.C. 115.55) to be filed under the estate number, sign the Entry Appointing Trustee; Letters of Authority (H.C. 54.4) if the bond is signed, depository is set up (if not posting a bond) or the applicant is a bank, the Irrevocable Trust Agreement and if the settlement was also set on this day, he would sign that entry also. The bailiff will escort you to the Issue Desk and have the clerk certify a copy of the Entry Appointing Trustee;Letters of Authority signed by the Judge. If letters cannot be issued on the day of the hearing the file will be returned to the Issue Desk. Once the letters are ready to be issued, you must retrieve the file from the Issue Desk on the 9th floor and take it to the Assignment Desk on the 10th floor where the clerk will give the file to the Judge for his signature.	