INSTRUCTIONS FOR ESTABLISHING A TRUST – NO GUARDIAN (MINOR)

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in a Trust established under 2125.03.

If you have a minor who is receiving funds and you have decided to create a trust for the benefit of the minor who is 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. **We 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 Information 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	
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation	
Application to Create Trust and to Approve the Trust form. (H.C. Form 154.02) - Complete form. **Note: This application is filed in this case unless there was a guardian appointed. If a guardian is appointed, the application will be filed in the guardianship case.**	
Entry Setting Hearing (H.C. Form 202.00) - Fill in the name of the minor only, the magistrate will fill in the hearing date & time and initial the entry.	
Entry Creating Trust and Approving Trust Form (H.C. 154.03) - Complete form. Bring to Court on the day of the hearing. - If the Trust is approved, the Judge will sign the trust as the grantor.	
Trust Beneficiaries (H.C. 54.0) - Complete form. - Be sure to specify *complete* addresses of all of those listed.	At the time of filing
Application for Appointment of a Trustee (H.C. 54.1) - Complete form. - **This application will be given a new case number if H.C Form 154.02 was filed in the guardianship case.**	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 minor 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
Next of Kin of Proposed Ward (15.0) - List all *next of kin* (those people who are closest blood relatives) of the	

minor. - Be sure to specify *complete* addresses of all those listed.	
Consent to Appointment of Trustee (Minor) (H.C. Form 54.21) Notice of Hearing on Appointment of Trustee - You must either obtain a consent from the parents, guardians or custodians of the minor beneficiaries of the trust or perfect certified mail notice on each individual.	Filed with the application or before appointment.
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. - **Bond must be executed by a surety company with their seal or 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.	Once signed by the applicant, the bond form needs to be left with the Court in order for the agent 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.
Entry Appointing Trustee; Letters of Authority (H.C. 54.4) - Complete form. - If the Judge approves the IRREVOCABLE TRUST AGREEMENT, he will sign the entry.	Preferably at the time of initial filing, if not, day of hearing.
Irrevocable Trust Agreement (H.C. 154.04) - This agreement is to be signed by the trustee and filed with the initial pleadings - Any deviations from this form shall be brought to the attention of the Court in advance of the hearing date.	
Deposit of funds into a Custodial Depository: Funds must be deposited with Fifth **Third Bank** (Downtown Branch 900 Main Street, Cincinnati OH, 45202) or **US Bank** (Downtown Branch 1116 Main Street, Cincinnati OH, 45202)	
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 for filing, or if not, the trustee or attorney are responsible to file.	Filed by the bank, normally within 30 days from filing of Entry Releasing Funds to Custodial Depository
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)	Every 2 years starting with

- From the date of appointment, the trustee is responsible for filing on account every 2 years. - Trustee must sign form.	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 minor 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 regular mail notice (H.C. 13.5) on each individual. See Local Rule 64.1(I) - If regular mail notice is used, present affidavit in proof of service (H.C. 200.10) and a copy of the notice that was sent to each individual to the cashier. - If minor is 16 or 17 years old, they must receive certified mail notice per Ohio Civil Rule 4.2 (a) and 73 (c). - 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 cashier.	
Entry Approving and Settling Account (H.C. 13.3) - Fill in name of the minor 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 trust on the form. From the magistrate's assistant you will go to the available magistrate to obtain a hearing date.	
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 assigned courtroom. If you had to obtain waivers or serve notices of the hearing you will give them to the Judge/Magistrate. The	

Judge/Magistrate will conduct the hearing. If the Judge/Magistrate approves the trust he/she will sign the Entry Creating Trust and Approving Trust Form (H.C. 115.55) to be filed under the guardianship 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. You will report to the Issue Desk and have the clerk certify a copy of the Entry Appointing Trustee; Letters of Authority signed by the Judge/Magistrate. 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 letters from the Issue Desk.	

Ralph Winkler
JUDGE, PROBATE COURT
HAMILTON COUNTY, OH

A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

Why can't I communicate directly with the judge or magistrate on my case?

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

How can I speak to the judge or magistrate on my case?

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

What if I need to tell the judge or magistrate something I don't want the other party to know about?

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.

2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.

3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.

4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.

5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.

6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

_____
Fiduciary/Applicant/Guardian

_____
Typed Printed Name

_____
Address

_____
City/State/Zip

_____
Telephone Number (include area code)

_____
Email

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

APPLICATION TO CREATE TRUST AND APPROVE TRUST FORM (MINOR)

Applicant has received funds for the benefit of the minor as a result of an ☐ inheritance, ☐ personal injury or ☐ other (specify): _____. Applicant states that it would be in the best interest of the minor to create a Trust for the minor pursuant to R.C. 2111.182.

Applicant prays for an order of the Court authorizing the creation of a Trust and approval of the trust form.

_____	_____
Attorney for Applicant	Applicant
_____	_____
Typed or Printed Name	Typed or Printed Name
_____	_____
Address	Address
_____	_____
_____	_____
Phone Number (include area code)	Phone Number (include area code)

Attorney Registration No. _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

ENTRY SETTING HEARING

The Application/Motion _____ filed by _____, by and through counsel, is hereby set for hearing on _____, _____ at _____ M. before Magistrate _____, Hamilton County Probate Court, Room _____, ____ Floor, 230 E. Ninth Street, Cincinnati, Ohio 45202. The Court orders that notice of the hearing be given, as provided by law and the rules of civil procedure, to those persons entitled to notice who have not waived notice.

_____
Ralph Winkler, Probate Judge

_____
Attorney

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

ENTRY CREATING TRUST AND APPROVING TRUST FORM (MINOR)

This cause came on to be heard upon an application to create a Trust.

The Court finds that _____ is the applicant and has received funds for the benefit of the minor and it would be in the best interest of the minor that the Court create a trust pursuant to R.C. 2111.182.

It is therefore ordered that a Trust be created for the benefit of the minor and trust is hereby approved as to form. The Trust shall be administered under Case No. _____.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

TRUST BENEFICIARIES

The following are beneficiaries of the trust:

Name	Residence Address	I = Income Beneficiary R= Remainder Beneficiary	Birthdate of Minor

[Check whichever of the following is applicable]

[ ] The Will contains a charitable trust or a bequest or devise to a charitable trust, subject to Revised Code Section 109.23 and 109.41.

[ ] The Will is not subject to Revised Code Sections 109.23 and 109.41, relating to charitable trusts.

_____ _____

Date Applicant (or give other title)

_____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

APPLICATION FOR THE APPOINTMENT OF A TRUSTEE

Now comes _____, a resident of Hamilton County, Ohio, and hereby makes application to be appointed Trustee of said Estate and agrees to perform the duties of said office according to **[Check one]:** ☐ the terms of said Will (and Codicil/s) under Item_____ ☐ the wrongful death trust; ☐ special needs trust; ☐ other (specify) _____, for the benefit of _____ _____.

Your applicant represents that said trust estate is estimated as follows:

Personal Property $_____
Real Property $_____
Annual Rents $_____
Other Annual Income $_____

Wherefore your applicant asks to be appointed Trustee and presents a bond as such Trustee in the sum of $_____ with the following surety:

_____

Applicant accepts the duties of Trustee imposed by law, and such additional duties as may be required by the Court. Applicant acknowledges that he/she may be removed as fiduciary for failure to perform such duties as required, and also acknowledges that he/she may be subject to criminal penalties for improper conversion of any property held has fiduciary.

_____	_____
Attorney for Applicant	Applicant
_____	_____
Typed or Printed Name	Typed or Printed Name
_____	_____
Address	Address
_____	_____
City, State, Zip Code	City, State, Zip Code
_____	_____
Phone No. (include area code)	Phone No. (include area code)
_____	
Attorney Registration No.	

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

NEXT OF KIN OF PROPOSED WARD
(R.C. 2111.04)

(NOTE: Specify age and birthdate of each minor under 16 on the line containing the minor's name. List the name and address of the minor's parent, guardian or custodian on the name and address lines following the minor's address.)

Service Waived		Relationship	Birthdate Of Minor
1. ☐	Name _____	_____	_____
	Address _____		Zip _____
2. ☐	Name _____	_____	_____
	Address _____		Zip _____
3. ☐	Name _____	_____	_____
	Address _____		Zip _____
4. ☐	Name _____	_____	_____
	Address _____		Zip _____
5. ☐	Name _____	_____	_____
	Address _____		Zip _____
6. ☐	Name _____	_____	_____
	Address _____		Zip _____
7. ☐	Name _____	_____	_____
	Address _____		Zip _____
8. ☐	Name _____	_____	_____
	Address _____		Zip _____
9. ☐	Name _____	_____	_____
	Address _____		Zip _____
10. ☐	Name _____	_____	_____
	Address _____		Zip _____

_____ Date

_____ Applicant

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF_____

FOR THE BENEFIT OF_____

CASE NO._____

CONSENT TO APPOINTMENT OF TRUSTEE (MINOR)

[Check one of the following]:

☐ The undersigned, being adult beneficiaries or guardians of minor beneficiaries of the trust, do hereby consent to the appointment of _____ as Trustee of the wrongful death trust.

☐ The undersigned, being guardian of said minor or incompetent, does hereby consent to the appointment of _____ as Trustee of the special needs trust.

☐ The undersigned, being a parent or guardian of the minor beneficiaries of the trust, does herby consent to the appointment of _____ as Trustee of the minor's trust.

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

TRUSTEE'S BOND

Amount of Bond $ _____

The undersigned principal, and sureties if any, are obligated to the State of Ohio in the above amount, for payment of which we bind ourselves and our successors, heirs, executors and administrators, jointly and severally.

The principal has accepted in writing the duties of trustee pursuant to:

( ) said decedent's Will (and Codicil(s))
( ) wrongful death settlement trust [R.C. 2125.03]
( ) special needs trust [R.C. 2111.50(B)(3)]
( ) minor trust [R.C. 2111.182]

Said duties include the following:

1. Make and return to the Court, on oath, as provided by and within the time required by law a true inventory of the real and personal property belonging to the Trust;
2. Administer and distribute according to law and the Trust all the real and personal property belonging to the Trust;
3. Render upon oath a just and true account of the administration at the time or times required by the Court or the law; AND in all matters, faithfully and honestly discharge the duties of said office, and comply with all conditions imposed by law.

This obligation is void if the principal performs such duties as required. This obligation remains in force if the principal fails to perform such duties, or performs them tardily, negligently, or improperly, or if the principal misuses or misappropriates estate assets or improperly converts them to his own use or the use of another.

[Check if personal sureties are involved] - ☐ The sureties certify that each of them owns real estate in this county, with a reasonable net value as stated below.

Date	Principal
Surety	Surety
By Attorney in Fact	By Attorney in Fact
Typed or Printed Name	Typed or Printed Name
Address	Address
Net value of real estate owned in this county $_____	Net value of real estate owned in this county $_____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF _____

CASE NO. _____

APPLICATION FOR RELEASE OF FUNDS TO CUSTODIAL DEPOSITORY IN LIEU OF BOND

Now comes the undersigned, Fiduciary of the Estate of the above-named ward, and applies to the Court for an order releasing to _____, as Custodial Depository, the following personal property in possession of or subject to the control of said guardian:

Property of ward in possession of fiduciary [State source (gift, inheritance, insurance proceeds, etc.), name and address of source, and amount]:

_____

_____

_____

Property of ward not in possession of fiduciary, but subject to fiduciary's control [State name and address of holder and amount]:

_____

_____

Wherefore, the fiduciary requests the Court to order the deposit of the above-named property directly to _____, as Custodial Depository, to be held by said institution in lieu of bond until further order of this Court. Pursuant to the provisions of O.R.C. §2109.13

_____
Fiduciary

PROBATE DIVISION OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF _____

CASE NO. _____

ENTRY ORDERING RELEASE OF ASSET DIRECTLY TO CUSTODIAL DEPOSITORY TO BE HELD IN LIEU OF BOND

This cause came upon the application of the fiduciary of the estate of the above-named ward to deposit personal property currently held by or in the control of the fiduciary in lieu of bond.

The Court finds the application well taken and orders the property currently in the possession or control of the fiduciary in the amount of _____, to be deposited into _____, whose address is _____ _____, in Account No. _____, for the benefit of _____

The Court further finds that the following asset(s) is in the possession of ___ _____, whose address is _____

Said party in possession is holding these assets because _____ (specify: 1 gift, from whom; 2. inheritance, from which estate; 3. insurance proceeds from whom; 4. other). It is hereby ordered that said party in possession forthwith deliver all funds and accumulated interest, if any, to the above described Custodial Depository. A Verification of Receipt and/or Deposit of Custodian shall be filed within 14 days. **NO FUNDS MAY BE TAKEN FROM THE CUSTODIAL DEPOSITORY ACCOUNT WITHOUT COURT ORDER.**

_____
Ralph Winkler, Probate Judge

cc: Custodial Depository

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF_____

CASE NO._____

VERIFICATION OF RECEIPT AND DEPOSIT

[For use in Custodial Account]

Pursuant to Court order, the sum of $ _____ was deposited with _____ on the _____ day of _____, _____, as evidenced by Savings / Certificate of Deposit Account Number _____.

Whereas, the fiduciary has presented the assets for such deposit together with a certified copy of the Entry of said order.

WHEREFORE, the undersigned hereby acknowledges the deposit and / or receipt of the assets and agrees to hold the same subject to the further orders of the Court.

By accepting said deposit for said ____ minor ____ incompetent ____ trust, said institution agrees that said deposit is to be held and no part thereof released until:

(a) Guardian of the ward's estate has obtained a Court Order.

(b) Trustee of the beneficiary has obtained a Court Order.

(c) Other Court Order.

_____
Financial Institution

By: _____
Authorized Officer

_____
Typed or Printed Name

_____
Phone Number

_____
Date

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

ENTRY APPOINTING TRUSTEE; LETTERS OF AUTHORITY

Name of Trustee: _____

Name(s) of Co-Trustee(s) [if any]: _____

On hearing in open court on the application for appointment of trustee, the Court finds that the applicant is a suitable and competent person to execute the trust, that applicant has filed a written acceptance of duties as Trustee, and that the Trustee's Bond has been **[Check one]:**

- ☐ filed and approved
- ☐ waived under the terms of the decedent's Will
- ☐ waived according to law.

The Court therefore appoints applicant as Trustee. This entry of appointment constitutes the trustee's letters of authority.

_____ _____
Date Ralph Winkler, Probate Judge

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the appointment and letters of authority of the named trustee, who is qualified and acting in such capacity.

_____
Ralph Winkler, Probate Judge/Clerk

[Seal] _____

_____
Date

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

IRREVOCABLE TRUST AGREEMENT (MINOR)

This Agreement, entered into this _____ day of _____, _____ by and between RALPH WINKLER, PROBATE JUDGE, COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO, as Grantor pursuant to the statutory authority of Ohio Revised Code Section 2111.182, and _____ as Trustee.

Section 1. Trust Property. The Grantor desires to create a trust authorized by Ohio Revised Code Section 2111.182 for the purpose of receiving the sum of _____. Said sum is the proceeds from an ☐ inheritance, ☐ personal injury or ☐ other (specify): _____. and payable to _____, a minor child.

Section 2. Disposition of Trust Property. The sole beneficiary of said trust, _____ (Date of birth_____) is to receive the principal and accumulated undistributed net income from the trust when he/she attains the age of twenty-five (25) years. The Trustee, may, if the beneficiary attends a college, technical school, or other accredited institution of higher education, use the trust estate to pay the tuition, fees room and board, and other expenses associated with the beneficiary attending such school only with the permission of the Court.

Additionally, the Trustee may also apply to the Court for permission to expend such amounts of the accumulated income and/or principal of the trust estate as the Trustee

deems necessary to provide for the beneficiary's health, education, comfort, maintenance and support, or to meet any emergency expense of the beneficiary. Funds may be expended for the foregoing items in the paragraph only upon the approval of the Probate Court.

Section 3. Trustee's Responsibility and Authority. The Trustee shall invest the trust funds as provided under Ohio Revised Code Section 2109.37, 2109.371 and 2109.372. Further, the Trustee shall have the authority to pay all income annually as is necessary to pay taxes on said income, college tuition and expenses, and to pay any other expenses incurred as a result of his/her duties under the Trust, including his/her fiduciary bond. The Trustee shall make accounts to the Court on a biennial basis, or at such other times as the Court may require. The Trustee shall incur no liability in handling the Trust estate, provided he/she exercises duties and responsibilities in a reasonable and prudent manner, and complies with the terms of this agreement. The Trustee accepts the Trust hereby created and agrees to carry out the provisions herein on her part to be done and performed, without compensation.

Section 4. Miscellaneous. The Trust being created shall be deemed to be an Ohio Trust, and shall be governed by the laws of the State of Ohio.

IN WITNESS WHEREOF, The parties hereto have executed this Agreement in duplicate as of the day and year first above written.

WITNESSES:

_____ _____
RALPH WINKLER, Probate Judge

_____

_____ _____
Trustee

_____ _____
Typed or Printed Name

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

TRUSTEE'S INVENTORY

[R.C. 2109.58]

Description of Real and Personal Property	Value
	$

[use additional pages, if necessary]

RECAPITULATION

Total Value of Personal Estate ..... $ _____

Total Value of Real Estate ..... $ _____

Yearly Rent of Real Estate ..... $ _____

OtherAnnual Income ..... $ _____

Total ..... $ _____

_____
Trustee

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

TRUSTEE'S ACCOUNT

[R.C. 2109.30]

The trustee offers an account of the trust and has attached an itemized statement of receipts and disbursements.

The trustee states that the account is true and correct, and asks that it be approved and settled.

[Check one of the following]

☐ This is the _____ (Number) partial account for the period from _____ to _____. A statement of the assets remaining in the trustee's hands is attached.

☐ This is a final and distributive account, and the trustee asks to be discharged upon its approval and settlement.

This account is recapitulated as follows:

RECEIPTS

Balance brought forward from inventory or previous account ..... $ _____

Income ..... $ _____

Other receipts ..... $ _____

Total receipts ..... $ _____

DISBURSEMENTS

Fiduciary fees (this accounting period) ..... $ _____

Attorney fees (this accounting period) ..... $ _____

Other administration costs and expenses ..... $ _____

Other disbursements ..... $ _____

Total disbursements ..... $ _____

BALANCE REMAINING IN FIDUCIARY'S HANDS ..... $ _____

_____ Date

_____ Trustee

CASE NO._____

BANK CERTIFICATE

N.B. Must be executed when funds are on deposit.

I HEREBY CERTIFY that the within names trustee, on the date named below, had on deposit in the _____ of _____, Ohio the sum of $_____ on _____ to the credit of the trust of

Nature of Deposit

_____

_____
Bank

Dated _____

By _____
Cashier

_____
Trustee

BANK CERTIFICATE

N.B. Must be executed when funds are on deposit

I HEREBY CERTIFY that the within named trustee, on the date named below, had on deposit in the _____ of _____, Ohio the sum of $_____ on _____ to the credit of the trust of

Nature of Deposit

_____

_____
Bank

Dated _____

By _____
Cashier

_____
Trustee

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

RECEIPTS AND DISBURSEMENTS

[Attach to trustee's account]

Following is an itemized statement of receipts and disbursements by the trustee in the administration of the trust.

Item	Voucher No.	Value or Amount	Value or Amount
		$	$

_____
Fiduciary

CASE NO. _____

Page _____ of _____ pages

Item	Voucher No.	Value or Amount	Value or Amount
		$	$

_____
Trustee

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF _____

FOR THE BENEFIT OF _____

CASE NO. _____

ASSETS REMAINING IN TRUSTEE'S HANDS

[Attach to partial account of trustee]

Page _____ of _____ pages

The trust assets remaining in the trustee' s hands are recapitulated as follows:

Tangible personal property ..... $ _____

Intangible personal property ..... $ _____

Total personal property ..... $ _____

Real Estate ..... $ _____

Total assets remaining in trustees's hands ..... $ _____

Following is an itemized statement of trust assets remaining in the trustee's hands.

Item	Value or Amount	Value or Amount
	$	$

CASE NO. _____

Page _____ of _____ pages

Item	Value or Amount	Value or Amount
	$	$

_____
Trustee

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF
ESTATE OF _____

CASE NO. _____

NOTICE OF HEARING ON ACCOUNT

To:

_____

_____

_____

You are hereby notified that a _____ account covering the period from _____ to _____ has been filed, and the hearing will be held on _____ at _____ o'clock ___ M. The Court is located at the William Howard Taft Center, 230 East Ninth Street, Ninth Floor, Cincinnati, Ohio 45202-2145.

You are required to examine the account, to inquire into the contents of the account, and into all matters that may come before the Court at the hearing on the account. **There is no requirement to appear for this hearing if you have no exceptions to the account.** Any exceptions to the account shall be filed in writing not less than five days prior to the hearing. Absent the filing of written exceptions, the account may be approved without further notice.

_____
Fiduciary/Attorney for Fiduciary

Attorney Registration No._____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

AFFIDAVIT IN PROOF OF SERVICE

(Civ. R. 73(F))

STATE OF OHIO, COUNTY OF HAMILTON, SS.

_____, being first duly sworn, says that on the

_____ day of _____, _____ s/he served a copy of the attached

_____ upon

_____ by:

☐ certified or express mail, or commercial carrier service: return receipt is attached.

☐ ordinary mail: returned envelope showing mail "refused" or "unclaimed" is attached.

☐ personal service.

☐ residence service.

☐ ordinary mail as permitted by local rule, court order or law

_____
Affiant

Sworn to before me and subscribed in my presence this ____ day of _____,

_____.

_____
Notary Public/Deputy Clerk

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF
ESTATE OF _____

CASE NO. _____

WAIVER OF NOTICE OF HEARING ON ACCOUNT

The undersigned, who are interested in the estate, waive notice of the hearing on the account.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF
ESTATE OF _____

CASE NO. _____

ENTRY SETTING HEARING ON ACCOUNT

The Court sets _____ at 9:00 o'clock A M. as the date and time for hearing on the current/final account in this matter. If notice is required, the Court orders that notice of the hearing on the account be given to all parties entitled to notice, who do not waive the same, at least fifteen (15) days prior to the date and time set for hearing.

_____ _____
Date Ralph Winkler, Probate Judge

_____
Attorney

Attorney Registration No. _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN RE: _____

CASE NO. _____

NOTICE OF RETRIEVING DOCUMENTATION FOR ACCOUNTS

Check the box indicating how the supporting documentation, copies and/or account forms left with the accounting department should be handled after the account is reviewed.

- ☐ Mail back documents in enclosed self-addressed stamped envelope. If no envelope – will be charged to mail back
- ☐ Place documents in the Attorney Mailbox (will pick up within 30 days).

  Mailbox No. _____
- ☐ Destroy documents (shred).

THESE ARE THE MOST COMMON REASONS FOR REJECTIONS SO PLEASE MAKE SURE THESE REQUIREMENTS HAVE BEEN COMPLETED
(If pertains to the type of Account being filed)

- ☐ Starting balance matches Inventory/most recent Partial/Current Account
- ☐ Original Signature on Account
- ☐ Total Receipts and Distributions balance
- ☐ Newly Discovered Asset (Form 106.11)
- ☐ Attorney Fees (Consents - Form 210.05 or Application and Entry with timesheets for fees over $2,000)
- ☐ Paid funeral bill

_____ _____

Signature Date

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

MATTER OF _____

CASE NO. _____

ENTRY APPROVING AND SETTLING ACCOUNT

[R.C. 2109.32]

Upon hearing the account filed _____, the Court finds that:

[Check whichever of the following are applicable]

☐ The _____ partial account has been lawfully administered;

☐ The events have occurred after which the Court may approve and settle a final account.

☐ The events have occurred after which the Court may approve and settle a supplemental final account.

The account is therefore approved and settled.

[Check whichever of the following are applicable]

The fiduciary shall be discharged without further order of the Court twelve months following the approval of the final and distributive account unless discharged by this entry.

☐ The fiduciary is discharged herewith.

☐ The surety bond is terminated herewith.

☐ This is a final account of a (deceased) (removed) (resigned) fiduciary. The estate shall remain open.

☐ This is a final account of the guardianship for the estate only. This matter shall continue as a person only guardianship.

☐ This is a final account of a beneficiary of a trust. The trust estate shall remain open for other beneficiaries of the trust.

Name of Fiduciary: _____

_____ _____
Date Ralph Winkler, Probate Judge