

**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**

ESTATE OF _____, DECEASED

CASE NO. _____

**APPLICATION FOR ADMISSION TO PROBATE LOST,
SPOLIATED, OR DESTROYED WILL**
[R.C. 2107.26 and 2107.27]

Applicant states that decedent died on _____

Decedent's domicile was _____
Street Address

City or Village, or Township if incorporated Area _____ County _____

Post Office _____ State _____ Zip Code _____

Applicant further states that on or about _____,
signed his/her Last Will and Testament, which Will was duly attested and subscribed by
_____ and _____ in the presence of
_____. Applicant further states that the Will was in existence and
unrevoked at the time of the death of the testator, and either before or after the testator's death the
Will has become lost, spoliated, or destroyed and cannot be found, although a strict search has been
made for the Will, and that any facts known to the applicant as to how the Will became lost, spoliated,
or destroyed are as follows:

(ATTACH ADDITIONAL SHEETS IF NECESSARY)

A copy of the lost, spoliated, or destroyed Will is attached (if available).

The applicant asks that the Will be established and admitted to probate pursuant to the provisions of
sections 2107.24, 2107.26, 2107.27 and 2107.28 of the Revised Code.

Attorney for Applicant

Typed or Printed Name

Address

City, State, Zip Code

Phone Number (include area code)

Attorney Registration No.

Applicant

Typed or Printed Name

Address

City, State, Zip Code

Phone Number (include area code)

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ESTATE OF _____, DECEASED

CASE NO. _____

**NOTICE OF HEARING ON APPLICATION FOR ADMISSION
TO PROBATE LOST, SPOLIATED, OR DESTROYED WILL**
[R.C. 2107.26 and 2107.27]

To: _____

You are hereby notified that an Application has been filed in the Probate Court of Hamilton County, Ohio asking the Court to establish and admit to Probate the Lost, Spoliated, or Destroyed Will of the above name decedent who died on _____.

This notice is given to you as the surviving spouse of the testator, or a person who would be entitled to inherit from the testator under Chapter 2105.06 of the Revised Code if the testator had died intestate, a legatee or devisee that is named in the Will, or in the most recent Will prior to the lost, spoliated, or destroyed Will that is known to the applicant, or in the most recent Will prior to the document that is treated as a Will if the most recent Will is known to the applicant (See R.C. 2107.27).

The hearing on the application will be held on the _____ day of _____, _____ at _____ o'clock ____ M. in Room _____.

The Court is located at 230 E. Ninth St. 10th Floor, Cincinnati, Ohio 45202.

If you know of any reason why the above application should not be granted, you should appear at the hearing and inform the Court.

Date

Applicant for the Admission of this Will to Probate

Typed or Printed Name

Address

City, State, Zip Code

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ESTATE OF _____, DECEASED

CASE NO. _____

**ENTRY ADMITTING LOST, SPOLIATED, OR
DESTROYED WILL TO PROBATE**

This day this cause came to be heard on the application of _____
to establish and to admit to probate the Last Will and Testament of
_____, and the same was submitted to the Court.

Whereupon, the Court finds that:

1. _____, deceased, at the time of his/her death
was domiciled in this County;
2. All persons who are entitled by law to notice of this proceeding have been duly
notified thereof in accordance with the law and the former order of this Court;
3. The decedent did on or about _____, duly execute his Last Will
and Testament in the mode provided by law;
4. The same was unrevoked at the death of _____;
5. It became lost or spoliated ☐ subsequent to the death of the testator,
☐ before the death of the testator but without his/her having knowledge of such
loss;
6. The Court finds that the contents of the Will are as set forth in Exhibit 1
attached hereto;

IT IS THEREFORE ORDERED THAT:

A. The Last Will and Testament of _____ as
set forth in Exhibit 1 is hereby established.

B. Said Last Will and Testament of _____ is
admitted to probate and ordered recorded.

Date

Ralph Winkler, Probate Judge



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.