INSTRUCTIONS FOR RELIEF FROM ADMINISTRATION

These instructions are intended as a <u>guideline only</u> and should not be relied upon as a comprehensive list of duties in the relief from administration of an estate.

A relief from administration may be filed if:

A. The assets are \$3,000 or less and the decedent died on or after January 1, 1967 and before December 3, 1971 or

The assets are \$5,000 or less and the decedent died on or after December 3, 1971 and before November 21, 1973 or

The assets are \$10,000 or less and decedent died on or after November 21, 1973 and before January 1, 1976 or

The assets are \$15,000 or less and decedent died on or after January 1, 1976 and before October 20, 1987 or

The assets are \$25,000 or less and decedent died on or after October 20, 1987 and before November 9, 1994, or

- B. There is no surviving spouse *or* the surviving spouse is not entitled to all assets *and* the assets are \$35,000 or less *and* decedent died on or after November 9, 1994, or
- C. The surviving spouse is entitled to all the assets, and
 - 1. The assets are \$50,000 or less *and* the decedent died on or after April 16, 1993 and before September 14, 1993, or
 - 2. The assets are \$85,000 or less *and* the decedent died on or after September 14, 1993 and before March 18, 1999, or
 - 3. The assets are \$100,000 or less *and* the decedent died on or after March 18, 1999.

For any other situation, see a Magistrate.

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

- If decedent created a will, the original will.
- Certified copy of the death certificate, if available.
- 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. The fee must be paid in cash, certified check (made payable to PROBATE COURT), MasterCard, Discover, or American Express.

No personal checks or money orders will be accepted.

If an Ohio Estate Tax Return is filed, an additional filing fee will be required at the time of filing the Tax Return.

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

Surviving Spouse, Next of Kin, Legatees & Devisees (1.0) [R.C. 2105.06]

- On *front* of form, list all *next of kin* (those people who are or would be entitled to inherit *if* there were no will), on *back* of form, list all others named in will (if decedent left a will)
- Be sure to specify *complete* addresses of all listed.
- 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.

Certification of Wills on Deposit (H.C. 1.02)

- Complete the certification form (1.02) whether or not a will is on deposit with the court.

Application to Probate Will (2.0) [R.C. 2107.11, 2107.18, 2107.19]

- Complete information.

Note: If no will, proceed directly to Step 2

Waiver of Notice of Probate of Will (2.1) [R.C. 2107.19(A)(2)]

Notice of Probate of Will (2.2) [R.C. 2107.19(A)(1)]

- All parties who are listed on the front and back of form 1.0 are entitled to be notified of the probate of the will. You must either obtain a waiver from each individual (2.1) or perfect certified mail notice (2.2) on each individual. Note: Notice of probate of the will should not be mailed until after the will is admitted to probate.
- 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.
- For dates of death on or after 4/8/2004, if notice is required to be given, the notice must be sent within 2 weeks of the date that the will was admitted to probate.

Entry Admitting Will to Probate (2.3) [R.C. 2107.18]

- Fill in the name of the decedent only, the Magistrate will sign and date the form.

Certificate of Service of Notice of Probate of Will (2.4) [R.C. 2107.19(A)(3)]

- This form is filed after all waivers and/or certified mail notices of probate of will have been obtained.
- For dates of death on or after 4/8/2004, the Certificate must be filed within 2 months of the date the will was admitted to probate or the attorney and applicant will be cited to appear in Court.

STEP 2: APPOINTING APPRAISER

Appointment of Appraiser and Entry (H.C. 3.0) [R.C. 2115.06]

- Complete the form if an appraiser is used to value real estate or tangible personal property.
- If the estate contains *real estate*, proof of an Auditor's Valuation (property tax bill, printed out report from Auditor's office, or property transfer card from Auditor's office) will be accepted in place of an appointment of appraiser if the spouse receives the entire estate.

Application to Relieve Estate From Administration (5.0) [R.C. 2113.03]

- Complete form.

List of Assets and Liabilities to be Relieved from Administration (5.1) [R.C. 2113.03]

- On *front* of form list all probate assets of the estate, on *back* of form list all debts owed by the estate, including the funeral bill and attorney fees.
- Bring title(s) of automobile(s), bank account numbers, and stock certificate numbers in the estate to present to the assigned Magistrate.

- Complete the Application to sale/transfer of motor vehicle (9.4) for each vehicle that needs to be transferred.

Entry Setting Hearing and Ordering Notice (5.01) [R.C. 2113.03]

- A hearing will be set if all waivers are not received or if the name(s) and/or addresses of the next of kin or beneficiaries are unknown.

Waiver of Notice of the Application (5.2)

Notice of Application to Relieve Estate From Administration (5.3)

- All parties who are listed on the front and back of Form 1.0 are entitled to be notified of the application to relieve the estate from administration.
- You must either obtain a waiver from each individual (5.2), perfect certified mail notice (5.3) on each individual, or complete notice by publication (if addresses are unknown).
- If certified mail notice is used, present certified mail return (green card), a copy of the notice that was sent to each individual, and an affidavit stating that certified mail was completed to the Magistrate assigned to your case.
- Certified mail should not be sent until the Application to Relieve Estate from Administration has been filed.
- The affidavit in proof of service may be obtained from the Issue Desk (H.C. 200.10)

Publication of Notice/Proof of Publication (5.4)

- Publication is required and a hearing is set if the name(s) and/or addresses are unknown of the next of kin, complete form.
- The hearing date is usually set a month after the filing date.

Entry Relieving Estate From Administration (5.6)

- Complete the form - fill in name of decedent, check boxes, explain, and attach any necessary forms.

Application for Certificate of Transfer (12.0)

- Complete form if there is real estate included in form 5.1.

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 3: ASSIGNING MAGISTRATE AND REVIEWING FORMS

When all forms have been completed, present them to the magistrates' assistant at the information desk on the 9th Floor of Probate Court and a magistrate will be assigned. All forms are then taken to a magistrate for review and setting of hearing date or approving of the Entry Relieving the Estate From Administration (if all your forms are in order and waivers have been obtained).

STEP 4: FILING OF PAPERS WITH CASHIER

All forms are then 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 retain all the original forms (except when a hearing date is set; then the cashier will stamp the case number on all forms and return the originals that were unable to be filed back to you to bring to Court the day of the hearing):

- If there is a will, the cashier will put the papers in a folder and give it to you to take to the Issue Desk where the clerk will stamp your receipt that the will was received and return it to you.
- If the magistrate ordered Publication (5.4) the cashier will stamp the case number on the form and place it in a box for Court Index to pick up.
- If no hearing is required, the magistrate may immediately approve the Entry Relieving the Estate From Administration. If that occurs, the cashier will clock in the original, make the amount of requested copies and certify the copies of the entry for you. Fees may apply for additional copies.
- If there was real estate included on the 5.1 and the magistrate approved the Entry Relieving the Estate from Administration, the cashier will return the certified copy of the Certificate of Transfer (12.1) to take to the Auditor's office on the 3rd Floor of the Court Administration Building, 138 E. Court St., Cincinnati, Ohio to start the transfer of the real estate.

STEP 5: DAY OF HEARING (IF ONE WAS SET)

At the date and time of the hearing, you should report to the 9th Floor of the Probate Court to the magistrate's assistant at the information desk. Ask where you should go for the hearing. The assigned magistrate will already have the file with the papers you initially filed. The magistrate will make sure the publication has been returned from the Cincinnati Court Index (if publication was ordered), waivers and/or notices have been filed and any thing else that was missing at the time of filing. The magistrate will sign the entry relieving the estate if proper. As in Step 3; the cashier will make the certified copies off the original entry. If there was real estate included on the 5.1 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 3rd Floor of the Court Administration Building, 138 E. Court St., Cincinnati, Ohio to start the transfer of the real estate.

STEP 6: FILING OF TAX RETURN AND/OR REPORT OF DISTRIBUTION

If the magistrate appoints a Commissioner on the back of the Entry Relieving the Estate from Administration (5.6), a Report of Distribution (5.9) is due within 60 days of the filing of the entry unless dispensed with by the magistrate. If needed, the magistrate may extend the time to file the report. Ask the magistrate to grant you additional time when the assets involve unclaimed funds from the State of Ohio. You will need to obtain an Application and Entry Extending Time (H.C. 245.XX) and see the magistrate to have it approved and a new date obtained for the filing of the report. If an Ohio Estate Tax Return is required to be filed; the blank returns may be picked up at the Issue Desk on the 9th Floor of the Probate Court or downloaded from the tax department's web site. The return should be filed in Probate Court in duplicate with original signatures along with an Ohio Estate Tax Form 22. You need to go directly to the cashier to pay the filing fee. The cashier will then walk the returns to the Issue Desk where the clerk will stamp the two originals and separate the Form 22; keeping Part 1 with one return for Probate Court and giving you Part 2 and the other return to be filed with the Auditor's office. The clerk will also "file stamp" the date of filing on any copies you have. You must then take the Auditor's copy to the Inheritance & Estate Tax Division of the County Auditor located in Room 501 on the 5th Floor of the County Administration Building, 138 East Court Street where you will pay the tax due (if any).



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 *exparte* 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.

IN THE	MATTER OF:
CASE	NO
	SELF-REPRESENTATION ACKNOWLEDGMENT
I ackn	owledge 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

ESTATE OF			, DECEASED
CASE NO			
	[R.C. 21 [Use with those ap information in this form	DUSE, CHILDREN, NETEES AND DEVISEE 105.06, 2106.13 and 2107.19] Oplications or filings requiring some or all of for notice or other purposes. Update as re-	the equired.]
		use, children, and the lineal descendant would be entitled to inherit under the sta	
Name	Residence Address	Relationship to Decedent	Birthdate of Minor
		Surviving Spouse	

[Check whichever of the following is applicable]

The surviving spouse is the natural or adoptive parent of all of the decedent's children.
The surviving spouse is the natural or adoptive parent of at least one, but not all, of the decedent's children.
The surviving spouse is not the natural or adoptive parent of any of the decedent's children.
There are minor children of the decedent who are not the children of the surviving spouse.
There are minor children of the decedent and no surviving spouse.

The following are the vested be	neficiaries named in the decedent's will.	
Name	Residence Address	Birthdate of Minor
Check whichever of the	following is applicable]	
and 109.41.	able trust or a bequest or devisee to a charitable trust, subj	ject to R.C. 109.23
_ /// Will is not subject to it	.o. 100.20 and 100.11 folding to onditiono trade.	
Date	Applicant (or give other	r title)

CASE NO.____

ESTATE OF	, DECEASED
CASE NO	
CERTIFICATION OF	WILLS ON DEPOSIT
Date of Death:	
THE UNDERSIGNED HAS PERSONALLY EXAPURSUANT TO R.C. 2107.08 AND CERT REGARDLESS OF THE DATE OF EXECUTION OR FILED FOR RECORD PURPOSES ONLY. [TIFIES THAT ALL WILLS ON DEPOSIT, ON, HAVE BEEN ADMITTED TO PROBATE
	☐ Fiduciary for the Estate ☐ Attorney for the Estate Attorney Reg No

ESTATE OF	, DECEASEI
CASE NO	
APPLICATION TO RELIEVE	E ESTATE FROM ADMINISTRATION
Applicant states that decedent died on	
Decedent's domicile was	Street Address
City or Village. or Township if unincorporated area	County
Post Office State	Zip Code
[Check one of the following] ☐ Decedent's will has been admitted to probate ☐ To applicant's knowledge, decedent did not	
 1987. ☐ The assets are \$25,000 or less and deceder 1994. ☐ The assets are \$35,000 or less and deceden 1994. ☐ The assets are \$50,000 or less and the surve died on or after April 16, 1993 and before Set 1993 and before Set 1993. ☐ The assets are \$85,000 or less and the surve died on or after September 14, 1993. ☐ The assets are \$100,000 or less; the surviving on or after March 18, 1999. Applicant asks that the estate be relieved from a limits. A statement of the assets and liabilities 	iving spouse is entitled to all of the assets and the decedent
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.	

CASE NO.	

WAIVER OF NOTICE

The undersigned surviving spouse, heirs at law, legatees, devisees, and other persons entitled to notice of the filing of the application to relieve decedent's estate from administration, waive such notice.				

EST	ATE OF		, DEC	EASED
CAS	SE NO			
	ENTRY SETTING HEARI	NG AND ORDER	RING NOTICE	Ē
	Court setse date and time for hearing the application			
[Che	ck one of the following]			
	All notice is dispensed with as unnecess	eary.		
	Notice by publication to interested partishall be given, as provided by law and the to notice, who have not waived notice.			
	Written notice is dispensed with as ur interested parties as provided by law an			jiven to
	Written notice shall be given to those particle and notice by publication shall be given to of Civil Procedure.			
Date		Ralph Winkler, I	Probate Judge	

ESTATE OF		, DECEASED
CASE NO		
ASSETS AND LIABILITIES OF ESTATE TO E	BE RELIEVED FROM	ADMINISTRATION
Following is a summary statement of the character and in the "Appraised" column opposite an item if it was valued by value of the item was determined by applicant. Use extra sheet	the appraiser. Leave blank i	
Automobiles distributed to surviving spouse by affidavit	Value	
First automobile selected by surviving spouse under R.C. 2106 Omit value when computing total assets Appraise Second automobile selected by surviving spouse under R.C. 22	ed value \$ 106.18	XXXX
Omit value when computing total assets ——————————————————————————————————	ed value \$	XXXX
Total value [not to exceed \$40, 000 00]	<u> </u>	XXXX
Character of asset Real Estate, described in accompanying Certificate of Transfer No.	Appraised	Value \$
Other assets		\$
Total Assets		\$

	CASE NO	
Following is a list of decedent's known debts. [U	se extra sheets if necessary]	
Name of Creditor	Nature of Debt	Amount
		\$
Total Debts		\$
	CERTIFICATION	
The undersigned appraiser agreed to ac exhibited truly, honestly, impartially, and to the besays that those assets whose values were not reacolumn opposite each such item, and that such verificated applicant determined the	pest of the appraiser's knowledge and adily ascertainable are indicated above alues are correct.	d ability. The appraiser further by a check in the "Appraised"
The undersigned applicant determined the were not appraised by the appraiser, and that sudecedent's debts is correct.		
Date		
Appraiser	Applicant	

ESTATE OF				
CASE NO.				
APPLICATION	N FOR SALE	TRAN	SFER OF MOTOR VEH	ICLE
The undersigned			ents that (s)he is in possession of the f	ollowing
Year Body Ty	/pe	_ Model	Make	
Mfrs. Serial No			Cert. of Title No.	
Applicant state	es that the following	person is e	entitled to such motor vehicle:	
	by virtue of the Wi	III;		
	by the statute of d	escent and	distribution;	
	by family allowand	e;		
	by purchase;			
	other			
Applicant requ	ests that the above	described r	motor vehicle be transferred to.	
Name			Address	
Necessary Consents (ex	xcept for sales):			
			Applicant	

ENTRY AUTHORIZING SALE/TRANSFER OF MOTOR VEHICLE

The Court finds that the application is well taken and that the above transferee is entitled to such motor vehicle. It is therefore ordered that said fiduciary transfer said motor vehicle as prayed for.

Ralph Winkler, Probate Judge	

ESTATE OF	, DECEASED
CASE NO	
	APPLICATION TO RELIEVE ADMINISTRATION
The undersigned surviving spouse, heirs at la to notice of the filing of the application to relie such notice.	aw, legatees, devisees, and other persons entitled eve decedent's estate from administration, waive

ESTATE OF	, DECEASED
CASE NO	
OTICE OF APPLICATION	ON TO RELIEVE ESTATE FROM ADMINISTRATION
To the following persons:	
Name	Address
saying that the assets in the estate	ed in this Court asking that decedent's estate be relieved from administration, e do not exceed the statutory limits. tion will be held M in this Court
	William Howard Taft Center, 230 East Ninth Street, Ninth Floor,
If you know of any reason the Court.	why the application should not be granted, you should appear and inform
	Ralph Winkler, Probate Judge/Deputy Clerk

ESTATE OF	, DECEASED
CASE NO	
PUBLICATION	ON OF NOTICE
[Use when only one	estate included in notice]
То:	
To:Newspaper of Gene	ral Circulation in the County
	k one of the following] - ☐ once - ☐ once per week for three consecutive weeks. When publication is on and return to the Court.
"TO ALL PERSONS INTERESTED IN THE	
DECEASED, LATE OF	Address
HAMILTON COUNTY PROBATE COURT, CASE	E NO
An application has been filed asking to reliev	ve the estate from administration, saying that the
assets do not exceed the statutory limits. A he	earing on the application will be held
, at	o'clockM. Persons knowing any reason
why the application should not be granted shou	ld appear and inform the Court. The Court is located
at the William Howard Taft Center, 230 East Nin	th Street, Ninth Floor, Cincinnati, Ohio 45202-2145."
	Ralph Winkler, Probate Judge/Deputy Clerk

CASE	NO.	

PROOF OF PUBLICATION

As directed by the Court, the att editions dated	ached notice was published in the named newspaper, in
The cost of publication is \$	
	Editor [or give other title]

[Attach copy of printed notice below]

ESTATE OF	, DECEASED
CASE NO	
ENTRY RELIEVING ESTATE FROM ADMINISTRAT [R.C. 2113.03]	TON
Upon hearing the application to relieve decedent's estate from administration, the Co	ourt finds that:
Decedent died [check one of the following]	h and domicile
Notice to the surviving spouse, heirs at law, legatees, devisees, and other persons was dispensed with by the Court as unnecessary.	duly effected or
The values of the several assets in the estate, given in the application do not exceed limits.	ed the statutory
The Court therefore relieves the estate from administration, and orders [Check and co of the following are applicable]:	mplete whichever
☐ That the following personal property be sold [describe]:	
☐ That the following debts of decedent shall be paid to the extent of assets:	
☐ That the statutory family allowance be paid to the ☐ surviving spouse - ☐ mind decedent-☐ apportioned between the surviving spouse and minor children of the decedent children of the surviving spouse. Attach Form 7.2 if necessary. ☐ That Certificate of Transfer No, attached to the application and describing	who are not the decedent's real
estate, issue and be preserved in the records of the Court and that authenticated copies of the delivered as required to the persons entitled to them;	ne certificate be
☐ That the financial institutions holding accounts in decedent's name as set forth beloupon proper tax release [check one of the following] ☐ to the commissioner - ☐ to	ow pay the same

	CASE NO. ☐ That the remainder of the estate be distributed in cash or in kind, as follows:		
☐ That the remainder of th			
Name of Distributee	Property	Value or Amount	
		\$	
The Court appoints			
necessary documents of conveyand vehicle, motorcycle, watercraft, or o	or distribute the personal property or pose, including without limitation those neother titled personal property sold or disport to the Court within sixty days of the	cessary to transfer title to any motor stributed in kind. The commissioner	

Date

Ralph Winkler, Probate Judge

ESTATE OF			, DECEASED
CASE NO			
	REPORT OF DI	STRIBUTION	
Now comes your d Report in said matter. Dist Court in the following mar	uly appointedtribution of the assets has been ner:	en made in accordance w	herein and submits the vith the previous order of this
DATE OF SALE	TO WHOM SOLD	DESCRIPTION	PROCEEDS OR VALUE
OR DISTRIBUTION	OR DISTRIBUTED		
			<u> </u>
		Commissioner	•
	HIDOMENT	ENTDV	
	JUDGMENT		
The within Report of Disti	ribution having been made a	ccording to law and the	former order of the Court, it
is ordered that the Repor	t of Distribution is hereby app	proved.	
		_	
		Ralph Winkler	r, Probate Judge