

# SHELBY COUNTY PROBATE COURT

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## ESTATE CHECKLIST - NEW FULL ADMINISTRATION (revised 10/05/2010)

### PRECEDING FIDUCIARY APPOINTMENT

- \_\_\_ **Form 2.0** – Application to Probate Will / \_\_\_ Entry Admitting Will to Probate
- \_\_\_ **Form 1.0** – Surviving spouse, Next of Kin, Children, Legatees and Devises
- \_\_\_ **Form 4.0** – Application for Authority to Administer Estate
- \_\_\_ **Form 4.01 (website #)** - Entry Setting Hearing on Application for Authority to Administer Estate
- \_\_\_ **Form 4.5** – Entry Appointing Fiduciary; Letters of Authority
- \_\_\_ **Form 4.8 (website #)** - Fiduciary’s Acceptance
- \_\_\_ **Form 4.2** - Fiduciary’s Bond (if applicable)
- \_\_\_ **Form 4.3** - Waiver of Right to Administer (if applicable)
- \_\_\_ **Form 4.4** - Notice and Citation of Hearing on Appointment of Fiduciary (if applicable)
- \_\_\_ **Original Last Will and Testament**
- \_\_\_ Security deposit for costs (Local Rule 58.1)
  
- \_\_\_ Decedent must have been a resident of Shelby County at time of death (*RC 2113.01*)
- \_\_\_ Will must be signed by testator and witnessed by two persons (*RC 2107.03*)
- \_\_\_ **Bond** (*Local Rule 64.4; RC 2109*)
  - \_\_\_ a. Required
  - \_\_\_ b. Motion to Waive Bond/Order to Waive Bond needed, including consents of beneficiaries
  - \_\_\_ c. Not required by the Will or by law: one of four options/boxes on Form 4.0 must be checked
- \_\_\_ Non-resident fiduciary: requirements not met (*Local Rule 60.1*)
- \_\_\_ All beneficiaries named in Will must be listed on Page 2 of Form 1.0
- \_\_\_ Form 4.5 – Entry Appointing Fiduciary; Letters of Authority: all applicable boxes must be checked and paragraphs completed

### ANCILLARY ADMINISTRATION – R.C. 2129.04

- \_\_\_ **Form 4.1 – Supplemental Application for Ancillary Administration**
  - \_\_\_ Applicant must be a resident of Ohio
  - \_\_\_ Applicable boxes must be checked and paragraphs completed
  - \_\_\_ Authenticated copies (NOT certified) of Letters of Authority and/or Will must be filed
  - \_\_\_ If Will was probated in another state, authenticated copy should be filed with Shelby County FOR RECORD ONLY, not for probate (**Form 2.5 (website #) - Application/Entry to File Will for Record Only**)

### PROCEEDING FIDUCIARY APPOINTMENT

- \_\_\_ **Surviving Spouse – Election** (*SupR 60; CivR 73; RC 2106.01-02*)
  - \_\_\_ **Form 8.0 - Citation to Surviving Spouse to Exercise Elective Rights & Form 8.3 - Summary of General Rights of Surviving Spouse:** Citation & Summary forms must be filed/issued within seven days of fiduciary’s appointment by certified mail; Fiduciary/Attorney to provide the Court with the forms for filing and Court will then issue
  - OR** \_\_\_ **Form 8.6 - Waiver of Service to Surviving Spouse of the Citation to Elect**
  - \_\_\_ If surviving spouse elects to take AGAINST the Will (**Form 8.2**), Fiduciary/Applicant must provide Court with Entry Setting Hearing so election can be signed in presence of Court (*RC 2106.06*)
  
- \_\_\_ **Form 2.4 - Certificate of Service of Notice of Probate of Will**
  - \_\_\_ To be filed within two months of fiduciary’s appointment (*SupR 59; RC 2107.19*)
  - \_\_\_ All next of kin and beneficiaries either need to 1) receive **Form 2.2 - Notice of Probate of Will** AND/OR 2) sign **Form 2.1 – Waiver of Notice of Probate of Will**
  - \_\_\_ All applicable boxes on Certificate should be checked
  - \_\_\_ If Notice of Probate of Will was issued, copy of Notice and signed certified mail card to be filed (*SupR 59; CivR 73*)

\_\_\_ **Form 6.0 - Inventory – RC 2115.02**

\_\_\_ Page 1 of Inventory - one of two boxes must be checked for filing of estate tax return (RC 2115.09)

\_\_\_ Appraiser (SupR 61; Local Rule 61.1; RC 2115.06)

\_\_\_ To be court appointed by **Form 3.0 – Appointment of Appraiser**

\_\_\_ Appraiser must either sign Appraiser’s Certificate on **Form 6.0 – Inventory** OR a signed letter or appraisal from appraiser must be attached to Inventory

\_\_\_ **Form 6.1 - Schedule of Assets – RC 2115.02**

\_\_\_ **Motor vehicles** (Local Rule 61.1E)

\_\_\_ Should either be appraised OR copy of NADA/Kelley Blue Book values (trade-in & retail) to be attached

\_\_\_ Median value of trade-in value and retail value, as listed in used car guide, may be used as readily ascertainable value

\_\_\_ **Real property** – if not appraised, need copy of Auditor’s valuation attached (Local Rule 61.1D)

\_\_\_ **Form 6.5 (website #) Affidavit of Service of Notice of Hearing** – interested parties to either 1) receive **Form 6.3 – Notice of Hearing on Inventory** or sign **Form 6.2 - Waiver of Notice of Hearing on Inventory**; copies of Notices and/or original signed Waivers to be attached/filed. (Local Rule 61.1J; RC 2115.16)

\_\_\_ **Form 6.41 (website #) Orders on Filing Inventory – Waivers/Approval**

\_\_\_ **Form 9.0 - Application to Sell Personal Property** - inventory must be filed (SupR 63, RC 2109.45)

\_\_\_ **Form 9.3 (website #) – Application/Entry to Transfer Motor Vehicle** – if transferred by purchase – inventory must be filed (SupR 63, RC 2109.45)

\_\_\_ **Form 9.41 – Application/Entry to Transfer Watercraft/Motor/Trailer/Mobile Home/Recreational Vehicle** – if transferred by purchase – inventory must be filed (SupR 63, RC 2109.45)

\_\_\_ **Form 12.0 – Application for Certificate of Transfer**

\_\_\_ Inventory must be filed (RC 2113.61)

\_\_\_ One of three boxes should be checked regarding payment of debts

\_\_\_ Incorrect date listed for \_\_\_ date Will was admitted to probate and/or \_\_\_ date fiduciary was appointed

\_\_\_ **Form 245.XX (website #) - Application to Extend Time:** if request is to extend time to file Inventory or Account, application must be signed by Fiduciary (SupR 78A2)

\_\_\_ **Form 7.0 – Notice to Administrator of Estate Recovery Program** (if decedent was fifty-five (55) years of age or older at the time of death and has been determined to have been a recipient of medical assistance)

\_\_\_ **Form 13.8 – Application to Extend Administration OR Form 13.10 - Notice to Extend Admin.:** must be filed to permit filing of partial account instead of six month final account/certificate of termination (Sup R 78B1; Local Rule 64; RC 2109.301)

\_\_\_ **Form 13.0 – Fiduciary’s Account (PARTIAL) - RC 2109.30**

\_\_\_ **Form 213.80 (website #) - Entry Setting Hearing on Account**

\_\_\_ **Form 13.1 – Receipts and Disbursements**

\_\_\_ Calculations on \_\_\_ Form 13.0 or \_\_\_ Form 13.1 are incorrect

\_\_\_ Attorney fees listed as disbursement on Account – to be approved by court order or by written consent of residual beneficiaries (Local Rule 71.1)

\_\_\_ Real property sold – copy of closing/settlement statement to be attached (SupR 64)

\_\_\_ Receipt signed by a POA – copy of POA to be attached (SupR 64)

\_\_\_ **Form 13.2 - Assets Remaining in Fiduciary’s Hands** – if any bank accounts listed, need copy of bank statement or a bank certificate to be attached (Local Rule 64.5)

\_\_\_ **Form 13.9 - Certificate of Service of Account to Heirs or Beneficiaries** – to be filed simultaneous with account (RC 2109.32)

\_\_\_ **Form 113.46 (website #) - Status Report** (SupR 78C, Local Rule 64.1 and 78.1C, RC 2109.30)

- \_\_\_ **Form 6.5 (website #) Affidavit of Service of Notice of Hearing** – interested parties to either 1) receive **Form 13.5 - Notice of Hearing on Account** or sign **Form 13.7 - Waiver of Notice of Hearing on Account**; copies of Notices and/or original signed Waivers to be attached/filed (*Local Rule 64.1, RC 2109.33*)
- \_\_\_ **Form 13.3 - Entry Approving & Settling Account** – clerk only fills in date the account was filed; any/all applicable boxes must be checked by Fiduciary/Attorney (*RC 2109.32*)

\_\_\_ **Form 13.0 Fiduciary’s Account (FINAL) – RC 2109.30**

- \_\_\_ **Form 213.80 (website #) - Entry Setting Hearing on Account**
- \_\_\_ **Form 13.1 – Receipts and Disbursements**
- \_\_\_ Calculations on \_\_\_Form 13.0 or \_\_\_Form 13.1 are incorrect
- \_\_\_ Attorney fees listed as disbursement on Account – to be approved by court order or by written consent of residual beneficiaries (*Local Rule 71.1*)
- \_\_\_ Real property sold – copy of closing/settlement statement to be attached (*SupR 64*)
- \_\_\_ Receipt signed by a POA – copy of POA to be attached (*SupR64*)
- \_\_\_ **Form 13.9 - Certificate of Service of Account to Heirs or Beneficiaries** – to be filed simultaneous with account (*RC 2109.32*)
- \_\_\_ **Form 6.5 (website #) Affidavit of Service of Notice of Hearing** – interested parties to either 1) receive **Form 13.5 - Notice of Hearing on Account** or sign **Form 13.7 - Waiver of Notice of Hearing on Account**; copies of Notices and/or original signed Waivers to be attached/filed (*Local Rule 64.1, RC 2109.33*)
- \_\_\_ **Claims:** need release/satisfaction of claim(s) filed before Court can/will close estate (*RC 2117.06*)
- \_\_\_ \_\_\_Three months must have passed since decedent’s D.O.D. and/or \_\_\_ surviving spouse must have either made an election or time to elect has passed (*RC 2109.32*)
- \_\_\_ Costs must be paid (*SupR 64*)
- \_\_\_ **Form 13.3 - Entry Approving & Settling Account** – clerk only fills in date the account was filed; any/all applicable boxes must be checked by Fiduciary/Attorney (*RC 2109.32*)

\_\_\_ **Form 78.0 – Application/Order for Attorney Fees – Local Rule 71.1**

- \_\_\_ Computations exceed guidelines of *Local Rule 71.1*; need either 1) written consents from residual beneficiaries or 2) Entry Setting Hearing on extraordinary fees with notice to be sent to residual beneficiaries
- \_\_\_ Postage, copy costs, long distance telephone call charges will not be approved by Court
- \_\_\_ Delinquent filings – fees will not be approved until filings are made current (*Local Rule 64.2*)
- \_\_\_ Attorney serving as both fiduciary and attorney –permitted to take full fiduciary fee but only one-half of total counsel fee (*Local Rule 71.1*)

\_\_\_ **Form 14.0 - Application to Approve Settlement and Distribution of Wrongful Death & Survival Claims – RC 2125**

- \_\_\_ **Form 14.01 (website #) – Entry Setting Hearing and Ordering Notice**
- \_\_\_ **Form 14.1 – Waiver and Consent – Wrongful Death & Survival Claims**
- \_\_\_ All applicable attachments as indicated on Application must be attached when filed
- \_\_\_ Need Court approval of contingent fee contract (*SupR 71*)
- \_\_\_ Notice of hearing and copy of application to be served on anyone entitled to notice that has not waived notice; proof of service to be filed with Court prior to hearing on application (*SupR 70*)
- \_\_\_ **Form 14.2 – Entry Approving Settlement and Distribution of Wrongful Death & Survival Claims**
- \_\_\_ **Form 14.3 - Report of Distribution of Wrongful Death and Survival Claims** (due for filing within 30 days of filing of Entry Approving Settlement) (*Local Rule 78.1D; RC 2125*)
- \_\_\_ **Form 14.4 (website #) – Entry Approving Report of Distribution**

\_\_\_ **Signature of \_\_\_Applicant \_\_\_Fiduciary \_\_\_Attorney required** on \_\_\_\_\_ (*SupR 57, CivR 11*)

\_\_\_ **Other:**