

CHECKLIST – RELEASE OF ESTATE FROM ADMINISTRATION

(Disclaimer: This checklist is intended as a guideline only and is subject to modification by the Court at any time)

DEPOSIT: (CASH / CHECK / MONEY ORDER ONLY)

\$134.00 With Will (Includes one certified Judgment Entry)
+\$2.00 for each additional certified copy.

\$104.00 Without Will (Includes one certified Judgment Entry)
+\$2.00 for each additional certified copy.

REQUIREMENTS:

This proceeding may only be used in one of the following situations:

1. There is a surviving spouse entitled to the entire estate (under the Will, or by law if no Will); and the assets don't exceed \$100,000.00
OR
2. There is no surviving spouse and the assets do not exceed \$35,000.00

** Proof of assets along w/proof of values MUST be provided to the court.

For more detail on these requirements, see Ohio Revised Code 2113.03.

**Note: All paperwork should be typed, single sided, and please do not staple originals.
All documents being filed must have original signature.**

INITIAL FILING:

- Photocopy of the death certificate – with the social security number redacted (must state Lake County resident).
- Application To Relieve Estate from Administration (Form 5.0)
- Surviving Spouse, Children, Next of Kin, Legatees and Devises (Form 1.0)
 - o If there is a Surviving Spouse, mark the box that applies at the bottom of this form.
- Assets and Liabilities of Estate to be Relieved from Administration (Form 5.1)
 - o Proof of assets.
 - o If there are no cash assets listed to pay the listed debts, there must be evidence provided that all debts are secured to be paid.
- Entry Relieving Estate from Administration (Form 5.6)
 - o Include the make, model, year and Vehicle Identification Number (VIN) on any type of motor vehicles, including mobile homes.
- Copy of funeral bill showing paid or executed written contract for payment of funeral and burial expenses and Waiver of Notice (Form 5.2) from funeral home.
 - o If the body was donated, evidence of the donation must be provided.
- Waiver of Notice of Application to Relieve Estate from Administration (Form 5.2) *If applicable*
Admitting the Will:
 - o **Original** Last Will and Testament Filed on the case
 - Application to Probate Will (Form 2.0),
 - Waiver of Notice of Probate of Will (Form 2.1)
 - Certificate of Waiver of Notice (Form 2.4)

If Real Estate is being transferred pursuant to the Release of Administration:

- o Certificate of Transfer (Form 12.1)
 - Tax value from the County Auditor AND Deed with Legal Description
- o For dates of death prior to January 1, 2013, a form ET 22 is required + \$5.00
OR
- o If filing an Appraisal, Appointment of Appraiser Form 3.0 with Appraisers Credentials (See Local Rule 61) +\$5.00
(The Court may appoint an appraiser if the applicant does not provide their own)

If Assets are being transferred pursuant to the Release of Administration:

- o Consent To Transfer Form (LCPC Form 5.13)
 - Vehicle, Watercraft, Trailer, Mobile Home, Recreational Vehicle

LATER FILING:

Report of Distribution (Form 5.9)

This is due 30 days from the date the final distribution is made, yet no longer than 90 days from the filing date of the Entry

Court of Common Pleas
Division of Probate
Judge Mark J. Bartolotta



Lake County Courthouse, West Annex
25 North Park Place
Painesville, Ohio 44077
Mailing Address: P.O Box 490
Painesville, Ohio 44077
Cathy Kleps #440-350-2627 .
catherine.kleps@lakecountyohio.gov
www.lakecountyohio.gov/probatelco

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

ESTATE OF _____, DECEASED
CASE NO. _____

APPLICATION TO RELIEVE ESTATE FROM ADMINISTRATION
[R.C. 2113.03]

Applicant states that the 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 in this Court.
- To applicant's knowledge, decedent did not leave a will.

[Check one of the following]

- The assets are \$15,000 or less and decedent died on or after January 1, 1976.
- The assets are \$25,000 or less and decedent died on or after October 20, 1987.
- The assets are \$35,000 or less and decedent died on or after November 9, 1994
- The assets are \$50,000 or less, the surviving spouse is entitled to all of the assets and the decedent died on or after April 16, 1993.
- The assets are \$85,000 or less, the surviving spouse is entitled to all of the assets and the decedent died on or after September 14, 1993.
- The assets are \$100,000 or less, the surviving spouse is entitled to all of the assets and the decedent died on or after March 18, 1999.

Applicant asks that the estate be relieved from administration because the assets do not exceed the statutory limits. A statement of the assets and liabilities of the estate is listed on the attached Form 5.1.

The decedent's surviving spouse, next of kin, legatees and devisees known to applicant are listed on the attached Form 1.0.

Attorney for Applicant

Applicant's Signature

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip

City State Zip

Telephone Number (include area code)

Telephone Number (include area code)

Attorney Registration 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.

_____	_____
_____	_____
_____	_____
_____	_____

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____, at _____ o'clock ____ M., as the date and time for hearing the application to relieve decedent's estate from administration.

[Check one of the following]

- All notice is dispensed with as unnecessary.
- Notice by publication to interested parties is dispensed with as unnecessary. Written notice shall be given, as provided by law and the Rules of Civil Procedure, to those persons entitled to notice, who have not waived notice.
- Written notice is dispensed with as unnecessary. Notice by publication shall be given to interested parties as provided by law and the Rules of Civil Procedure.
- Written notice shall be given to those persons entitled to notice, who have not waived notice, and notice by publication shall be given to interested parties, as provided by law and the Rules of Civil Procedure.

Date

Judge Mark J. Bartolotta, Probate Judge

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

ESTATE OF _____, DECEASED
CASE NO. _____

**ASSETS AND LIABILITIES OF ESTATE TO BE RELIEVED
FROM ADMINISTRATION**

Following is a summary statement of the character and value of the assets in the decedent's estate. **[Insert a check in the "Appraised" column opposite an item if it was valued by the appraiser. Leave blank if the readily ascertainable value of the item was determined by applicant. Use extra sheets if necessary.]**

Automobiles distributed to surviving spouse by affidavit	Value
First automobile selected by surviving spouse under R.C. 2106.18 [Omit value when computing total assets] Appraised Value	\$ _____
Second automobile selected by surviving spouse under R.C. 2106.18 [Omit value when computing total assets] Appraised Value	\$ _____
Total value [not to exceed \$40,000.00]	\$ _____

Character of Asset	Appraised	Value
Real Estate, described in accompanying Certificate of Transfer No. _____	<input type="checkbox"/>	\$ _____

Other Assets	Appraised	Value
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	\$ _____
Total Assets		\$ _____

Following is a list of decedent's known debts. **[Use extra sheets if necessary]**

Name of Creditor	Nature of Debt	Amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
Total Debts		\$ _____

CERTIFICATION

The undersigned appraiser agreed to act as appraiser of decedent's estate, and to appraise the property exhibited truly, honestly, impartially, and to the best of the appraiser's knowledge and ability. The appraiser further says that those assets whose values were not readily ascertainable are indicated above by a check in the "Appraised" column opposite each such item, and that such values are correct.

The undersigned applicant determined the value of those assets whose values were readily ascertainable and were not appraised by the appraiser, and that such values are correct, and to applicant's knowledge the above list of decedent's debts is correct.

Date

Appraiser

Applicant

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

ESTATE OF _____, DECEASED

CASE NO. _____

**ENTRY RELIEVING ESTATE FROM ADMINISTRATION
[R.C. 2113.03]**

Upon hearing the application to relieve decedent's estate from administration, the Court finds that:

Decedent died **[check one of the following]**: Testate Intestate. The date of death and domicile are as stated in the application, and the Court has jurisdiction over the estate;

Notice to the surviving spouse, heirs at law, legatees, devisees, and other persons was duly effected or dispensed with by the Court as unnecessary;

The values of the several assets in the estate, given in the application do not exceed the statutory limits.

The Court therefore relieves the estate from administration, and orders **[check and complete whichever of the following are applicable]**:

That the following personal property be sold [describe]:

That the following debts of the decedent shall be paid to the extent of the assets:

That the statutory family allowance be paid to the surviving spouse - minor children of the decedent apportioned between the surviving spouse and minor children of the decedent who are not the children of the surviving spouse. Attach Form 7.2A if necessary.

That Certificate of Transfer No. _____, attached to the application and describing decedent's real estate, issue and be preserved in the records of the Court and that authenticated copies of the certificate be delivered as required to the persons entitled to them;

That the financial institutions holding accounts in decedent's name as set forth below pay the same upon proper tax release **[check one of the following]** to the commissioner - to

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

ESTATE OF _____, DECEASED

CASE NO. _____

**SURVIVING SPOUSE, CHILDREN, NEXT OF
KIN, LEGATEES AND DEVISEES**

[R.C. 2105.06, 2106.13 and 2107.19]

**[Use with those applications or filings requiring some or all of the
information in this form, for notice or other purposes. Update as required.]**

The following are decedent's known surviving spouse, children, and the lineal descendants of deceased children. If none, the following are decedent's next of kin who are or would be entitled to inherit under the statutes of descent and distribution.

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 decedent's children.
- The surviving spouse is the natural or adoptive parent of at least one, but not all, of decedent's children.
- The surviving spouse is not the natural or adoptive parent of any of 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.

CASE NO. _____

The following are the vested beneficiaries named in the decedent's will:

Name	Residence Address	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 R.C. 109.23 to 109.41.
- The will is not subject to R.C. 109.23 to 109.41 relating to charitable trusts.

Date

Applicant/Attorney (or give other title)

Instructions For Service

CASE NAME _____ CASE NO _____

GUARDIANSHIP _____ ESTATE _____ CIVIL _____

TYPE OF HEARING: Appointment of Fiduciary _____

Please issue notice of hearing on the following persons:

<u>NAME</u>	<u>ADDRESS</u>
_____	_____
_____	_____
_____	_____
_____	_____

TYPE OF SERVICE REQUESTED:

Sheriff	Certified Mail
Publication	Regular Mail

Please serve _____ by the Court Investigator.



Attorney

Date and time of hearing : _____

Street Address

Attorney notified: _____

City State Zip Code

Completed: _____

Phone Number (include area code)

Date: _____

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

ESTATE OF _____, DECEASED

CASE NO. _____

CONSENT TO TRANSFER OF

- Watercraft** **Mobile Home**
- Boat Motor** **Recreational Vehicle**
- Trailer** **Automobile / Truck**

The undersigned applicant/commissioner of this estate represents that the personal property described below is an asset of the estate and is in the his/her possession:

Year _____ Manufacturer _____ Length _____ Model _____
VIN/Mfrs. Serial No. _____ Certificate of Title No. _____ H.P. _____

The applicant states that the person or persons named below are entitled to this asset

By the statute of descent and distribution By Virtue of the Will By family allowance By purchase

The Applicant/Commissioner requests authority to transfer the asset to:

Transferee Name

Address

Date

Applicant/ Commissioner:

The undersigned beneficiaries or heirs whose interests may be affected by said transfer, hereby consent to said transfer.
[print and sign below]

