

PROBATE COURT OF MORGAN COUNTY, OHIO

JOHN A. WELLS, JUDGE

FILED

JUN 28 2023

CLERK OF COURT

SUPREME COURT OF OHIO LOCAL COURT RULES OF PRACTICE OF  
THE PROBATE COURT OF MORGAN COUNTY, OHIO

(Effective June 1, 2023)

Adopted by Judgment Entry filed

May 9, 2023

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## **PREAMBLE**

The Probate Court of Morgan County, Ohio adopts The Local Court Rules of Practice pursuant to Superintendence Rule (Sup.R.) 5 to facilitate the expeditious management of proceedings and the efficient performance of the Court's functions. The Court adopted the local rules after notice and an opportunity for comment on them. The Court has filed a copy with the Clerk of the Supreme Court of Ohio. These rules of practice supersede prior rules of practice and have an effective date of May 1, 2023.

For ease of reference, and pursuant to Sup.R. 75, the numbering system used in these local rules and on the local forms follow that used by the Supreme Court of Ohio in the Rules of Superintendence, wherein, the Supreme Court has adopted rules having specific application to the administration of cases within the jurisdiction of Ohio's Probate Courts. Any exceptions to Sup.R. 53 to 79 are made pursuant to Sup.R. 76. All references to rules are to statewide rules governing the courts of Ohio adopted by the Supreme Court of Ohio, unless otherwise identified.

These Local Rules must be read in conjunction with the Superintendence Rules that they supplement.

These rules shall be known as Local Rules of Practice of the Probate Court of Morgan County, Ohio and referred to as "Loc.R. ". Local forms adopted in conjunction with these local rules are referred to as "Loc. F. ".

Pursuant to R.C. 1.01, references to the "R.C." are to the Ohio Revised Code.

**SUP.R. 6.01 APPEARANCE PRO HAC VICE**

LOC.R. 6.01 PRO HAC VICE (ADMISSION FOR A CASE)

An attorney not licensed to practice law in Ohio, but who is duly licensed to practice law in another state or the District of Columbia, may, upon application by a sponsoring attorney be admitted to the practice of law in Ohio, and at the discretion of the Probate Judge, be permitted to represent an identified party or parties in any litigation pending or to be filed in the Court after complying with all of the following conditions:

- (A) Filing a written oath substantially in compliance with Rule XII of the Supreme Court Rules for the Government of the Bar;
- (B) Certifying in writing familiarity with the Local Court Rules, Civil Rules, Rules of Evidence, Rules of Superintendence and the Code of Professional Conduct;
- (C) Submitting a certificate of good standing dated no earlier than 60 days prior to its filing with this Court, which establishes the out-of-state attorney's license to practice law in that jurisdiction;
- (D) Being sponsored in writing by an attorney licensed to practice law in Ohio who shall certify the out-of-state attorney's compliance with this rule and the Supreme Court Rules for the Government of the Bar;
- (E) Submitting an agreement executed by the sponsoring attorney, or another attorney licensed to practice law in Ohio, and the out-of-state attorney agreeing that they shall be co-counsel for the purposes for which the admission is sought; and
- (F) Submitting a proposed entry authorizing the approval of the application.

The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out-of-state attorney.



## SUP.R. 8 COURT APPOINTMENTS

### LOC.R. 8.1 COURT APPOINTMENTS

The Court does not maintain a pre-approved appointment list. An Appointment shall be made by taking into consideration the qualifications, skills and expertise required for the type, complexity and nature of the appointment, the ability of the appointee to meet those requirements and the availability to the appointee to perform the duties within the required time limits.

Court appointees, other than assigned counsel, will be paid reasonable compensation with consideration given to the factors outlined in applicable law, Professional Conduct Rule (Prof.Cond.R.) 1.5, Sup.R. 8, and these Local Rules. When compensation is being paid from the indigent guardianship fund, the compensation shall be determined pursuant to Loc.R. 73.2.

By accepting a Court appointment, an attorney is representing and affirming that the attorney is competent to provide the necessary services and committing that those services will be performed with reasonable diligence and promptness as required by Prof.Cond.R. 1.1 and 1.3.

Furthermore, an attorney accepting a Court appointment is representing to the Court that at all times during the appointment the attorney shall maintain professional liability insurance in the minimum limits set forth in Prof.Cond.R. 1.4(c) and upon request of the Court will provide to the Court satisfactory evidence of the existence of such coverage. No attorney shall be appointed, shall accept an appointment, or shall continue an appointment if the attorney is not registered as active and in good standing with the Supreme Court of Ohio.

The performance of any appointee may be reviewed by the Judge at any time or upon a complaint being filed by an interested party. The Judge shall review the facts and make a determination of whether the current appointment shall be in any way modified or terminated. If appropriate, the Court may determine that further appointments of the appointee should be limited or not made.

The appointment procedure shall be reviewed by the Court periodically.

**SUP.R. 9 SECURITY PLAN**

LOC.R. 9.1 SECURITY PLAN

The entire Security Plan previously submitted to the Supreme Court of Ohio, or as hereafter amended, is to be maintained as confidential and not as a matter of public record.

## SUP.R. 11 RECORDING OF PROCEEDINGS

### LOC.R. 11.1 RECORDING OF PROCEEDINGS

The Court may make an audio recording of the proceedings as the record of the Court unless a stenographic record is requested. Parties who desire to have a stenographic record of the proceedings must arrange for a court reporter and advise the Court at least seventy-two (72) hours prior to the scheduled hearing. The requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court.

With advance notice, the Court may allow the applicant to listen to a copy of an audio and/or electronic recording, unless the proceeding is otherwise closed to the public by applicable law or order. The Court's recording may not be removed from the Court, unless otherwise authorized by the Court.

Any interested person may request a transcription of an audio and/or electronic recording to be prepared by a Court approved stenographer reporter. The person making the request shall pay for the cost of the transcription. The Court will provide a digital recording to the reporter who shall prepare a transcription in accordance with Rule 9(B) of the Rules of Appellate Procedure and the reporter shall file a copy of the transcript with this Court.

The Court will maintain electronically recorded proceedings for three (3) years from the date of hearing. Any interested person desiring to preserve the record beyond that period must make arrangements to have the record transcribed as provided above and shall file the transcript in the case file.

## SUP.R. 16 MEDIATION

### LOC.R. 16.1     MEDIATION

All definitions found in the "Uniform Mediation Act" (R.C. 2710.01) are adopted by this Court for purposes of this Local Rule. All mediations shall comply with Sup.R. 16 and the mediator shall endeavor to follow the standards of practice and policy considerations identified in Sup.R. 16(D) when a referred case involves family issues.

Selection - At any time and in any action under the jurisdiction of this Court, a matter may be referred to mediation with a third-party mediator in any case in which there is a matter or issue that the Court or the parties believe may benefit from mediation services.

Domestic Violence - All parties, and their counsel, shall advise the Court and the mediation personnel of any domestic violence allegations known to exist between the persons involved in the mediation in the past, currently, or which develop during the mediation. Upon identification of a situation involving or suspected of involving domestic abuse, the Court or mediation personnel identifying it shall notify the involved counsel, or make other appropriate referrals. A mediation referral is not an alternative to a referral of domestic violence for investigation or prosecution. A mediation referral is not a means of determining whether to grant, modify or terminate a protection order or the means for determining sanctions for a violation of a protection order.

Referral Order – Referral for mediation shall be by a Joint Notice of Scheduled Mediation or Judgment Entry and the referring order shall recite a “not later than” date for all participants, or their counsel, to make scheduling contact with the identified mediator.

Participation – The Court may order the parties to participate in, or return to, scheduled mediation sessions. The mediation may be conducted in one or more sessions. If a party participant wishes, that party's attorney may participate. To the extent that the mediator believes that it may be helpful, a guardian ad litem representing one of the participants, or a non-party may be permitted to participate. A non-party participant as defined by R.C. 2710.01(D) is (a) bound by this rule and submits to the Court's jurisdiction to the extent necessary to enforce the rule, and (b) has the rights and duties attributable to a participant except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2). If geographic distance or physical disability prevents a participant from attending personally, the mediator may permit participation by electronic video streaming or telephonic means. Participants shall proceed with mediation in good faith with the goal of reaching a mediation agreement.

The participants will be required to execute a written “Agreement to Mediate” prior to participating in any mediation services. The recording of mediation proceedings is not permitted.

Sanctions - Mediation shall not be used for purposes of delay, discovery or harassment. Sanctions may be imposed upon a party ordered to participate in mediation who fails to attend without good cause. Sanctions may include, but are not limited to, the award of attorney fees to other participants, the assessments of costs, and findings in contempt.

Confidentiality – The confidentiality or admissibility of all mediation communications, discussions and statements are governed by the applicable law and the Rules of Evidence. Mediators will not be permitted to testify regarding the substance of the mediations or the cooperativeness of the participants.

Conflicts of Interest – The mediator shall immediately disclose to the participants any conflicts of interest that the mediator may identify. Upon the request of the mediator, or any participant in the mediation, the Court shall address the removal of the mediator due to a conflict of interest if not resolved by the participants and the mediator.

Termination - The mediation shall terminate when the mediator determines further efforts would be of no benefit to the parties. If the mediator determines that the mediation should terminate, the mediator shall notify all parties and the Court that the mediation is terminated.

Agreements - All mediation agreements are confidential and privileged pursuant to R.C. 2710.01 to 2710.10 (unless signed and therefore not privileged pursuant to R.C. 2710.05(A)(1)). Agreements reached through mediation shall be in writing with each agreeing party receiving a copy and a copy being retained in the mediator's file. No oral agreement to a mediation result is binding, unless made in open court or subsequently reduced to a signed writing. All mediation agreements shall be presented to the Court, with the consent of the parties and waiver of confidentiality and are subject to final approval by the Court.

In the event that the parties are not represented by counsel and an agreement is reached through mediation, the mediator shall file a sealed copy of the written agreement with the Court and the matter shall be set for further hearing, at which hearing the Court shall ask the parties to waive confidentiality as to the agreement and take the acknowledgements of the parties as to the terms of the agreement. In cases where it is necessary or expedient that the mediated agreement be put on the record immediately following the mediation, the Court shall go on the record with the parties and the mediator present and acknowledge the parties' waiver of confidentiality as to the agreement.

With the waiver, the mediator shall read the agreement into the record and the Court shall take the acknowledgements of the parties as to the agreement.

If the parties are represented by counsel then either (1) counsel shall submit an Agreed Judgment Entry incorporating the terms of the mediation agreement, or (2) the Court shall go on the record with the parties and the mediator present, acknowledge the parties' waiver of confidentiality as to the agreement, have the mediator read the agreement into the record, take the acknowledgement of the parties to the agreement as read into the record, and directing counsel to prepare an Agreed Entry reflecting the mediation agreement.

A third party mediator's fee or rate of compensation shall be determined by the Court when the matter is referred for mediation, and it may be based upon the complexity of the issues and other requirements of the case. Generally, the fee shall be apportioned in equal proportions between the party participants; however, the Court may allocate the mediation fee otherwise based upon the equities involved. An estimate of the third party mediator's fee shall be deposited prior to the commencement of the mediation and additional advance deposits may be ordered throughout the mediation.

**SUP.R. 26 COURT RECORDS MANAGEMENT AND RETENTION**

LOC.R. 26.1 COURT RECORDS MANAGEMENT AND RETENTION

The Court has a Schedule of Records Retention and Disposition, which will be followed in conjunction with the Rules of Superintendence for the Courts of Ohio.

**SUP.R. 45 COURT RECORDS – PUBLIC ACCESS**

LOC.R. 45.1     PERSONAL IDENTIFIERS

"Personal Identifiers," as defined by Sup.R. 44(H), Court Records - Definitions, must be omitted from all case documents that are filed with this Court. Pursuant to Sup.R. 45(D)(1) and (3), the filing party is solely responsible for assuring that the personal identifiers are omitted. When first omitted from a filing, the omitted personal identifiers must be filed on Standard Probate Form (SPF) 45(D), which shall not be a public record. Thereafter, subsequent reference to a particular identifier may be made by reciting the last four digits/letters of the identifier unless there are less than four characters constituting the identifier and then the filer shall create a unique identifier for that item.



**SUP.R. 51 STANDARD PROBATE FORMS**

LOC.R. 51.1 FORM AVAILABILITY

Local Forms for use in the Probate Court of Morgan County are available at the Probate Court office. The Standard Probate Forms also are available on the Supreme Court of Ohio website in generic form.

**SUP.R. 52 SPECIFICATIONS FOR PRINTING PROBATE FORMS**

LOC.R. 52.1      COMPUTERIZED FORMS

Each individually generated form must comply with the specifications and format mandated by the Rules of Superintendence. Each individually generated form must be created with the same blank lines and exact wording as on the printed Standard Probate Form it is replacing. The signature of the applicant or attorney constitutes a certification that the individually generated form on which the signature appears complies with the Superintendence Rules in every respect and that the only modifications or variations are those permitted by Sup.R. 51(C) and Sup.R. 52(M).

**SUP.R. 53 HOURS OF THE COURT**

**LOC.R. 53.1 HOURS OF THE COURT**

The Probate Court shall be open for the transaction of business from 8:30 a.m. to 4:00 p.m., Monday through Thursday, except holidays, and as may be otherwise established by the Court. All pleadings requiring a new case number or payment of court costs shall be filed by 3:30 p.m.

## SUP.R. 54 CONDUCT IN COURT

### LOC.R. 54.1 GENERAL DECORUM

The Morgan County Probate Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the court. Any conduct that interferes or tends to interfere with the proper administration of the court's business is prohibited.

No person shall enter or remain in any restricted area without permission of an appropriate court official. Restricted areas include the Judge's chambers, the bench area in courtrooms, conference rooms, the jury room, employee spaces, and any other area designated by signage or order of the court as restricted. Entry into such spaces may constitute criminal trespass and/or contempt of court. The court's officers, including its judicial officers, bailiffs, probation department, the Morgan County Sheriff, McConnelsville Police, as well as any other involved law enforcement officer, shall enforce the court's orders and rules and may direct persons present in court to behave in a manner which complies with this rule. The court may issue general, special, administrative, or standing orders to implement the provisions of this rule.

### LOC.R. 54.2 ATTIRE

All persons entering the court's facilities shall be appropriately dressed. The court may order those not appropriately dressed to leave the courthouse until they are appropriately dressed.

### LOC.R. 54.3 COURTROOM CONDUCT

Spectators and non-participants in court proceedings shall be seated in the designated areas and conduct themselves in a manner that is not disruptive to the proceedings. There shall be no eating or drinking in courtrooms, unless permitted by the court. There shall be no smoking, vaping, use of electronic cigarettes, or use of any form of tobacco in the court.

### LOC.R. 54.4 ELECTRONICS

No electronic recordings or transmitting devices, including but not limited to audio, videos, and/or still image, shall be made in any courtroom or during any court proceeding or mediation without advance permission of the court and pursuant to SUP.R. 12. No juror, witness, or litigant shall have their image taken while in the court's facility by any party or member of the public. Cellular telephones and other electronic devices shall be turned off or silenced during court proceedings. At the discretion of the Judge, electronic devices can be barred from a courtroom and temporarily impounded for return to the owner.

LOC.R. 54.5 SECURITY SCREENING

The Morgan County Sheriff, McConnellsville Police Department and/or court personnel may conduct security screening in the courthouse when deemed necessary. Dangerous items or contraband may be temporarily or permanently seized, and the person(s) involved may be barred and/or removed from the courtrooms or courthouse grounds.

**SUP.R. 55 EXAMINATION OF PROBATE RECORDS**

LOC.R. 55.1 EXAMINATION OF PROBATE RECORDS

Records shall not be removed from the Court, except when approved by the Judge. Violation of this rule may result in the issuance of a citation for contempt.

Records of adoption, mental illness, and developmental disability proceedings are confidential. Records of those proceedings and other records that are confidential by statute may be accessed only as authorized by the Judge of the Court or other applicable law.

A citation for contempt of court may be issued against anyone who divulges or receives information from confidential records without authorization of the Judge.

LOC.R. 55.2 PHOTOCOPIES

Copies of any public record may be obtained. The first twenty (20) pages requested will be provided at no cost. Every page requested in excess of twenty (20) pages shall be provided at the rate of five (\$0.05) cents per page, the sum of which shall be due upon receipt. The fee for certifying a copy of any public record is \$2.00 per page.

**SUP.R. 56 CONTINUANCES**

LOC.R. 56.1 MOTION

Motions for continuance shall be submitted in writing with the proper caption and case number. A proposed entry shall be filed with a motion for continuance, leaving the time and date blank for the Court to set a new date.

LOC.R. 56.2 PROCEDURE

Except on motion of the Court, no continuance shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.

## SUP.R. 57 FILINGS AND JUDGMENT ENTRIES

### LOC.R. 57.1 FACSIMILE FILINGS

The Court will not accept filings by facsimile transmission, electronic mail, and/or digital methods except as provided by special administrative order.

### LOC.R. 57.2 CURRENT STREET ADDRESS

When an address is required on a Court filing for an attorney or fiduciary, the address must include a current street address and, if applicable, may include any post office box numbers used as a mailing address. The address of a non-attorney fiduciary must be the fiduciary's legal residence. A fiduciary who is an attorney at law may use an office address. The Court must be notified in writing of a change in a required address within 30 days of the change of address. A Notice of Change of Address form (Loc. F. 75.0A) may be filed to report a change of address. Reasonable diligence shall be exercised to obtain the complete street addresses of the surviving spouse, children, next of kin, legatees and devisees, as applicable to the particular filing. Pursuant to R.C. 2109.03 any summons, citation or notice may be served upon a fiduciary by delivering a duplicate notice to the attorney designated by the fiduciary on pleadings filed in the case.

### LOC.R. 57.3 CASE NUMBER

All filings, including attachments, must have the case number on the upper portion of each page not bearing the case caption. Only the Court shall enter the case number on any original will when filed for record only or when filed for admission to probate. Only the Court shall enter the case number on the cover envelope for any will filed with the Court for safekeeping.

### LOC.R. 57.4 ORIGINAL SIGNATURES

All filings must contain original signatures. Non-attorneys may not sign on behalf of an attorney.

### LOC.R. 57.5 FIDUCIARY SIGNATURE

Every pleading, filing, or other document by law or rule requiring the fiduciary's signature shall have the original signature of the fiduciary. The attorney for the fiduciary may not sign for the fiduciary. When co-fiduciaries have been appointed, each fiduciary must sign the filing or the filing must explain the reason for the absence of a co-fiduciary's signature and the efforts made to obtain it.

#### LOC.R. 57.6 COURT FILINGS

All filings (other than original wills of different sizes) must be on 8-1/2" x 11" paper be single sided and the type size for the body of the document shall be not less than ten (10) point or greater than twelve (12) point font. The Court will not accept for filing incomplete pleadings or those with cross-outs. It is expected that filings made by counsel will be prepared in a professional manner with attention to appearance and presentation of a quality product. All filings must be clearly legible and if they are not clearly legible for any reason, including but not limited to poor handwriting, or poor photocopying they may be refused for filing, or if filed and later determined to be illegible, then stricken. Every filing must be in the English language, unless it is a foreign language exhibit with an attached English transcription or it is a Standard Form issued by the Supreme Court of Ohio. All pleadings, motions or other filings shall be typed or legibly printed, in black or blue ink, and correctly captioned. Double sided pleadings may be rejected. Except for exhibits or attachments to filings or on original wills, for any signature that is not clearly legible the typed name represented by the signature must be entered.

Any document filed with the Court that contains "white out" or obliteration must be initialed by the filing party beside the "white out" or obliteration. If the Court rejects a document that has been served by a party upon other parties, the party who tendered the rejected document shall provide to all parties who were served with a copy of the documents a written notification that the document was rejected and not filed in the case.

#### LOC.R. 57.7 "FILED" STAMPED COPIES

The Court will not return "filed" stamped copies by mail unless an exact copy of the original is submitted with the original and is accompanied by a self-addressed and adequately stamped return envelope. The Court shall prepare and mail copies of its orders and judgment entries as is required by applicable law.

#### LOC.R. 57.8 INSTRUCTIONS FOR SERVICE OF SUMMONS OR NOTICE

In any proceeding requiring the Court to issue summons or notice, the attorney or party requesting the service shall file a written instruction for service with the Court that is accompanied by sufficient copies of all filings to be served. The Request for Summons or Notice form (Loc. F. 57.8) may be used for this purpose.

Service of summons by the Court, unless waived, is required in an action: for pre-death declaration of the validity of a will (R.C. 2107.082), to contest a will (R.C. 2107.72), to requesting direction or instructions (R.C. 2107.46), for a declaratory judgment, the construction of a document, or a determination of a class (R.C. 2721.05



and 2721.12), to sell real estate (R.C. 2127.14), for a guardian to improve real estate (R.C. 2111.34), and to terminate or modify trusts (R.C. 5804.11 through 5804.16). This list is non-exclusive.

Service of Notice pursuant to Civ.R. 73(F) may be made with or without court intervention.

In any proceeding (other than a name change) in which service by publication is requested, the pre-publication affidavit required by Civ.R. 4.4(A)(1) and Civ.R. 73(E)(6) demonstrating reasonable diligence must be provided to the Court. The affidavit must specifically set forth the efforts that were taken to attempt to determine the address and identity of each party to be served by publication.

Constructive service by publication is authorized in those cases enumerated in R.C. 2703.14.

Publication for a name change must be made one time at least 30 days before the hearing on the application (R.C. 2717.01). The Court prepares the publication notice and arranges publication. The applicant is responsible for paying for the cost of publication at the time of filing the request.

Publication for a public sale in a real property sale proceeding is arranged by the fiduciary and must be advertised at least three (3) successive weeks prior to the scheduled sale (R.C. 2727.32).

Publication of service of process when authorized in a declaration of validity of will proceeding is for three (3) consecutive weeks and the publication is given by the Court (R.C. 2107.082).

In an adoption proceeding when service of notice is being made upon a non-consenting parent, where personal service cannot be obtained, then service of notice by publication must be given once a week for three consecutive weeks and it is given by the Court pursuant to the law (R.C. 3107.11 (C) and Civ.R. 73(E)(6)).

When service of summons is being made by publication, it shall be made by publication once a week for six (6) successive weeks unless a smaller number of weeks is provided by law and service shall be complete on the date of the last publication. The 28-day period for answer commences with the date of the last publication (Civ.R. 4.4(A)(1) and Civ.R. 12(A)(1)).

In every instance when publication is used or required, proof of the publication from the publisher must be filed with the Court in accordance with Civ.R. 4.4(A)(1).

#### LOC.R. 57.9 EXHIBITS

All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification. In a proceeding recorded by a Court stenographer, custody of exhibits admitted or proffered shall be

given to the stenographer, unless otherwise ordered by the Court. If the proceeding is electronically recorded, exhibits shall be filed in the Court case file, unless otherwise ordered by the Court.

Upon agreement of the parties or by order of the Court, a copy may be substituted for an original exhibit. Disposal of exhibits shall be pursuant to Sup.R. 26.

#### LOC.R. 57.10 ENTRY OF JUDGMENT

Any proposed Judgment Entry submitted to the Court, subject to Civ.R. 58(B) as modified by Civ.R. 73(I) shall contain language identifying the addresses of parties to whom the Civ.R. 58(B) notice shall be given. If the required language is not included, the Judgment Entry may be returned unsigned.

#### LOC.R. 57.11 LENGTH OF MEMORANDUM OR BRIEF

No Memorandum or Brief exceeding fifteen (15) pages in length, exclusive of supporting exhibits, shall be accepted for filing without prior leave of the Court.

#### LOC.R. 57.12 CERTIFICATE OF SERVICE

On any pleadings requiring a Certificate of Service, the Certificate shall identify the full name and address where service was perfected. Pursuant to Civ.R. 5(D), papers filed with the court and requiring notice or service shall not be considered by the Court unless a proof of service is endorsed thereon or until one is separately filed.

#### LOC.R. 57.13 DECEDENT'S NAMES

In every estate, the name of the decedent entered on the caption of the initial filing and on the Letters of Authority, Entry Relieving Estate or Entry Granting Summary Release shall be identical to that reflected on the death certificate and on the decedent's Last Will and Testament. If the name on the death certificate and the will are different, then the caption of the initial filing and the Letters of Authority, Entry Relieving Estate or Entry Granting Summary Release shall recite each of the names and use the applicable abbreviation for "also known as" (aka) or "formerly known as" (fka).

#### LOC.R. 57.14 COURT SERVICE OF FILINGS

When service is required to be made by the Court for pleadings other than (a) those for which service has been requested by properly filed instructions for service, or (b) those for which a specific method of service is designated within the filing or is designated by statute, then service shall be through delivery to the court mailbox of an attorney who in writing has previously authorized such method of alternate delivery and upon all other individuals or entities by ordinary U.S. Mail sent to the last address reflected in the case file for the individual or

entities being served unless the serving deputy clerk indicates that service has been made personally or by certified mail.

Unless otherwise indicated on the filing, the certification represents that the default method of service used was either: (a) to the court mailbox for attorneys having a designated court mailbox, or (b) by ordinary U.S. Mail for all other individuals or entities.

#### LOC.R. 57.15 DEATH CERTIFICATE

Upon the filing of any matter captioned in the name of a deceased individual, or the termination of a guardianship due to the death of the ward, the applicant shall exhibit to the court a certified copy of the decedent's death certificate, unless waived by the court for good cause shown. The decedent's social security number should be redacted from any photocopies of a decedent's death certificate presented to the court.

If a death certificate is not immediately available, an obituary or other document indicative of the decedent's death shall be acceptable to initiate the matter provided a death certificate is produced to the Court within thirty (30) days.

#### LOC.R. 57.16 CERTIFICATE OF TRANSFERS

Prior to submitting a proposed certificate of transfer to the Court for issuance, the fiduciary or the fiduciary's attorney shall secure from the Morgan County Engineer's Office a file stamp reflecting that the description of the real property is acceptable for deed transfer purposes. In the event that a new survey of the real property is necessary for deed transfer purposes, the cost of the survey shall be considered an administrative expense of the estate.

**SUP.R. 58 DEPOSIT FOR COURT COSTS**

LOC.R. 58.1 DEPOSITS

The business of the Court shall be conducted on a cash, check or money order basis. The Court does not accept debit cards or credit cards and reserves the option of refusing non-attorney personal checks. All deposits for court proceedings shall be in accordance with the Court’s Fee Schedule in effect on the date of filing of the pleading. At the conclusion of a case, if the remaining cost deposit balance for any depositor, is less than Ten Dollars (\$10.00) it shall be transferred to the Morgan County Indigent Guardianship Fund.

LOC.R. 58.2 MINIMUM DEPOSIT SCHEDULE

Certain filings in this Court only will be accepted when submitted with the following minimum deposit amounts:

(1) Application for Appointment of Fiduciary (Full, Release or Summary)	\$250.00
(2) Application for Appointment of Guardian (Minor or Incompetent)	\$250.00
(3) Petition for Adoption (Minor or Adult)	\$250.00
(4) Application for Change of Name	\$250.00
(5) Establishment of Testamentary Trust	\$250.00
(6) Complaint for Civil Action including land sales	\$250.00
(7) Minor’s Settlement	\$150.00
(8) Filing Foreign Will or Record	\$93.00 + \$1.00 per page
(9) Marriage License	\$44.00
(10) Filing Will of Record with no administration	\$28.00
(11) Authentication of a proceeding for filing in another jurisdiction	\$28.00

LOC.R. 58.3 PUBLICATION COSTS

The Morgan County Herald is designated as the newspaper of general circulation in which any notices as required by law or designated by the Judge are to be published. These publication charges may be charged as costs, and the Court may require an advance deposit of costs to cover anticipated costs of publication.

LOC.R. 58.4 WITNESS FEES

Before issuing a subpoena, the Court requires the deposit of the applicable witness fees. Witness fees may be requested by the end of the next business day following the conclusion of the hearing for which the subpoena was

issued. If the witness fee is not requested timely the witness has waived the fee. All unpaid witness fees will be refunded to the depositor. The party requesting the subpoena is responsible for the deposit of witness fees.

LOC.R. 58.5 INSUFFICIENCY OF COSTS DEPOSIT

In all decedents' estates, civil actions, and other matters requiring a deposit, the fiduciary or plaintiff shall be required to maintain a positive balance in the deposit account. If filings are presented to the court in cases with insufficient funds on deposit, the individual responsible for the filing shall pay the cost of the filing or tender an additional deposit before the filings will be accepted.

**SUP.R. 59 WILLS**

LOC.R. 59.1      CERTIFICATE OF SERVICE

The applicant for the admission of a will to probate, or another person listed in R.C. 2107.19, shall file a Certificate of Service of Notice of Probate of Will (SPF 2.4) not later than two (2) months after the appointment of the fiduciary or, if no fiduciary has been appointed, not later than two (2) months after the admission of the will to probate. The period for the contest of a will does not begin to run until the Certificate of Service of Notice of Probate of Will has been filed. A delayed filing may result in the Court extending other deadlines that are dependent upon the expiration of the period for the contest of a will. Proof of service shall consist of either waivers, original signed certified mail return receipt cards, or when applicable, postal certificates of mailing, as provided under Civ.R. 73(E)(3). Neither a minor nor a person under disability may sign a waiver of notice. Pursuant to SUP.R. 59(B) a waiver of notice may not be signed on behalf of a minor sixteen or seventeen years of age.

LOC.R. 59.2      WILL FOR DEPOSIT

Any will that is being deposited with the Court for safekeeping pursuant to R.C. 2107.08 shall be accompanied by a completed Will for Deposit form (Loc. F. 59.2A). The Court will provide the depositor with a Certificate of Deposit of Will (Loc. F. 59.2B) as a receipt for the deposit of the will.

**SUP.R. 60 APPLICATION FOR LETTERS OF AUTHORITY TO ADMINISTER**

LOC.R. 60.1 ACCEPTANCE

All executors and administrators shall personally sign and file the Fiduciary's Acceptance (Loc. F. 4.0A) prior to the issuance of the Letters of Authority. In the event there are multiple fiduciaries, each fiduciary shall sign an original Loc. F. 4.0A.

LOC.R. 60.2 NOTICE OF APPOINTMENT

Pursuant to Sup.R. 60 (B) the Administrator shall give notice of the appointment within seven (7) days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have been given notice of the hearing on the appointment or waived notice. Proof of the service of the notice shall be filed with the Court.

LOC.R. 60.3 IDENTIFICATION WITH PHOTOGRAPH REQUIRED

Applicants for authority to administer a decedent's estate, who are not represented by an attorney admitted to practice law in Ohio or who do not reside in Ohio, shall exhibit to the Court current photo identification and proof of the applicant's current residence and mailing address in a format satisfactory to the Court.

LOC.R. 60.4 TIMING OF EXECUTOR/ADMINISTRATOR COMPENSATION

Unless otherwise approved by the Court, compensation shall not be paid to the Executor or Administrator of an estate until the final account is prepared for filing and an Application for Executor/ Administrator Fee form (Loc. F. 72.1A) has been filed with the Court and approved by the Court.

LOC.R. 60.5 SPOUSAL CITATION AND SUMMARY OF RIGHTS

Where appropriate, the Waiver of Service to Surviving Spouse of the Citation to Elect (SPF 8.6) should be filed at the same time as the initial application for appointment of the fiduciary. Absent the filing of a waiver, the Court shall serve by certified mail the spousal citation and summary of rights required by R.C. 2106.02 within 7 days of the initial filing for appointment.

LOC.R. 60.6 APPOINTMENT OF NON-RESIDENT FIDUCIARIES

A non-resident of Ohio requesting appointment as a fiduciary of a decedent's estate must comply with R.C. 2109.21 and have an attorney of record who is permitted to practice law by the Supreme Court of Ohio. To assure the assets remain in the State of Ohio, during the administration of the estate or trust, the applicant must meet one or more of the following criteria as required by the Court:

(A) Place assets of an amount determined by the Court, in the custody of a depository account in Morgan County, Ohio, pursuant to R.C. 2109.13;

(B) Have a co-fiduciary who is a resident of Ohio; or

(C) Post a bond in compliance with R.C. 2109.04 or as ordered by the Court.

(D) If nominated in the decedent's will to serve without bond, obtain waivers of bond from all beneficiaries.

If the applicant elects to use the depository method set forth in (A), then the applicant shall prepare and use the Application of Non-Resident Fiduciary to Deposit Assets with a Custodian in Lieu of Bond form (Loc. F. 60.2A).



**SUP.R. 61 APPRAISERS**

LOC.R. 61.1 APPRAISERS' FEES

Appraisers' fees for residential real estate shall not exceed \$500.00.

Appraisers' fees shall be paid within one month after the filing of the inventory or sixty days after the completion of the appraisal, whichever occurs first, unless otherwise ordered by the court. The proceedings shall remain open until the fiduciary has accounted for the payment of the appraisal fee. Should payment not be made pursuant to this rule, the fiduciary shall be personally liable for the payment of the appraisers' fees.

LOC.R. 61.2 APPRAISER SELF-DEALING

No appraiser appointed by this court may directly or indirectly purchase the property the appraiser has appraised within twelve months after the appointment or twelve months after the closing of the matter.

LOC.R. 61.3 APPROVED APPRAISER LIST

The court shall maintain a list of individuals who previously have been approved by the court to conduct personal property and/or real estate appraisals. Proof of the qualifications of said appraiser will not be required when seeking appointment of said appraiser.

**SUP.R. 62 CLAIMS AGAINST ESTATE**

LOC.R. 62.1 FEE FOR FILING A CLAIM AGAINST ESTATE

The fee for filing a claim against an estate is \$10.00 for each claim and shall be due at the time of the filing.

LOC.R. 62.2 FILING A CLAIM IS THE PRACTICING OF LAW

The filing of a claim against an estate is the practicing of law. No person nor entity that is not licensed to practice law in the State of Ohio shall file a claim against an estate on behalf of any entity or another person. Any such claim shall be denied without prejudice.

LOC.R. 62.3 FILING COPY OF A REJECTION OF CLAIM

Pursuant to SUP.R. 62(A), when a claim has been filed with the Court pursuant to R.C. 2117.06, the fiduciary shall file a copy of any rejection of the claim with the Court.

LOC.R. 62.4 FILING A SCHEDULE OF ALL CLAIMS

Pursuant to SUP.R. 62(B), if the Court requires a hearing on claims or the fiduciary requests a hearing on claims or insolvency, the fiduciary shall file a schedule of all claims against the estate with the Court. The schedule of claims shall be filed with the fiduciary's application for hearing or within ten (10) days after the Court notifies the fiduciary of a court-initiated hearing.

LOC.R. 62.5 MEDICAID RECOVERY ACKNOWLEDGMENT

Every applicant who seeks a summary release, a release of estate from administration or the administration of any estate shall file with the Court, the Notice of Administrator of Medicaid Recovery Program (SPF 7.0) and file the Certification of Notice to Administrator of Medicaid Recovery Program (SPF 7.0(A)) or provide a letter from the Administrator of Medicaid or its legal counsel the status of any Medicaid claim against the estate.

**SUP.R. 63 APPLICATION TO SELL PERSONALTY**

LOC.R. 63.1 APPLICATION TO SELL PERSONALTY

Pursuant to SUP.R. 63, an application to sell personal property shall include an adequate description of the property. Except for good cause shown, an order of sale shall not be granted prior to the filing of the inventory.

## SUP.R. 64 ACCOUNTS

### LOC.R. 64.1 FIDUCIARY'S SIGNATURE

All accounts must be personally signed by each fiduciary and contain the full name, current residence address and telephone number of each fiduciary. Pursuant to LOC.R. 57.2 a fiduciary who is an attorney at law may use an office address.

### LOC.R. 64.2 CONTENTS OF PROBATE ACCOUNTINGS

In addition to accounting for the cash receipts and expenditures, fiduciaries are accounting for the assets, their gains, losses and distributions. All initial accounts must commence with the assets reflected on the Inventory and then reflect any losses or gains in those assets during the period of the accounting. Subsequent accounts must begin with the entire sum reflected on the prior account's assets remaining, until the balance remaining is zero dollars (\$0.00). The Court will not approve accounts that fail to account for all of the assets. When assets, including land, are sold as gains or losses from the carrying values, the closing/settlement statements, if any, (i.e. reduced to letter size) must be attached to the account and the resulting changes in value reflected in the receipts (gain) or disbursements (loss). The accountings shall show any changes in investments since the last previous account. (See R.C. 2109.301, .302 and .303).

### LOC.R. 64.3 EXTENSIONS FOR FILING AN ACCOUNT

No expenditure, sale, distribution, compensation or fee will be approved while the fiduciary is delinquent in filing an account. The Court may modify or deny compensation and fees pursuant to Sup.R. 78(A) when the filing timelines are not met. Additionally:

(A) Only one (1) extension of time may be granted without a hearing, unless good cause is otherwise shown.

(B) The attorney and, pursuant to Sup.R. 78(B)(2), the fiduciary, must sign any request for an extension of time and each request must recite any previous requests for an extension.

### LOC.R. 64.4 VOUCHERS

Copies of vouchers, receipts, cancelled checks, or other proofs of disbursements are to be displayed when filing accounts. The Court will accept as a voucher a statement from a financial institution specifying the payee, check amount, and date of payment.

Original vouchers may be required for any estate accounting identified for detailed compliance audit under Loc.R. 64.5.

#### LOC.R. 64.5 DETAILED ACCOUNT COMPLIANCE AUDITS

The Court has authority to inquire into, consider and determine all matters relative to an accounting. The fiduciary and the counsel for the fiduciary, if any, for each account identified for a detailed compliance audit will be notified of the date and location to meet with the Court's fiscal auditing staff. At that meeting, the fiduciary shall provide the supporting documents, receipts, statements, registers, and such other documents as may be requested by the Court's auditing staff that it deems relevant to determining the compliance of the accounting with applicable law. The filing of consents and waivers from beneficiaries to a particular accounting does not insulate the account from a detailed compliance audit.

At the conclusion of the audit, a report of the audit will be provided to the Court, the fiduciary, and the fiduciary's counsel, to assist in determining whether the account should be approved.

The Court's fiscal auditing staff will not conduct a forensic investigatory audit. The Court, however, may appoint a special master commissioner to investigate any matter presented by the accounting or revealed during the audit, and/or refer the matter to another appropriate agency.

#### LOC.R. 64.6 BOND

At any time the Court may order a fiduciary to file a bond, or order an additional bond. This most often occurs because of new matters, the filing of a will contest action, or increases in the valuations of the assets disclosed by the pleadings, in accordance with Loc.R. 75.4.

#### LOC.R. 64.7 EVIDENCE OF ASSETS

The Court requires that all intangible assets be exhibited at the time of filing of a partial account, or other arrangements satisfactory to the Court be made for the verification of their existence. In lieu thereof, a bank certificate, or other current original writing from a depository or brokerage firm reflecting the amount on deposit as of the accounting/inventory date, may be provided to the Court. For custodial depository accountings, the Annual Verification of Funds with Restricted Access (Loc. F. 22.3B) should be used.

#### LOC.R. 64.8 TIME FOR FILING

When determining the time for the filing of an account for an estate, a guardianship, a conservatorship, or a trust, the following shall apply:

(A) For decedents' estates, the filing of the final and distributive account is due within six (6) months after appointment of the fiduciary. This date may be extended to thirteen (13) months by filing a Partial Account and an Application and Entry To Extend Administration (SPF 13.8). All subsequent accounts must be filed on an annual basis unless the Court orders otherwise. If accounts are not filed in compliance with this rule the fiduciary and counsel shall be subject to citation.

(B) For guardianships, conservatorships and trusts, the first account is due not later than 13 months following the date of the appointment of the fiduciary. All subsequent accounts shall be filed on an annual basis, unless otherwise ordered by the Court.

LOC.R. 64.9 HEARING, CERTIFICATES AND SERVICE

The following apply to accountings:

(A) Every account shall be set for hearing. Pursuant to R.C. 2109.33, a copy of every account and notice of hearing shall be served by the fiduciary upon (1) In estates, every heir for intestate estates and all beneficiaries for testate estates; (2) In guardianships, all known next of kin of the ward; and (3) for a Testamentary Trust, all known beneficiaries in the trust.

(B) The Court, pursuant to Civ.R. 73(E)(7), directs that service of the Notice of Hearing On Account (SPF 13.5), in addition to the other methods provided in Civ.R. 73(E)(6), may be served by written notice mailed by certified mail. If the mailing is returned undeliverable by the U.S. Postal Service, then the service shall be deemed incomplete and the fiduciary shall complete service by ordinary mail with certificate of mailing.

(C) Prior to the hearing on the account, every fiduciary filing an account must also file:

(1) A Certificate of Service of Notice of Hearing on Account (SPF 13.9); and

(2) For each person required to be served, either:

(a) A Waiver of Notice of Hearing on Account (SPF 13.7) or

(b) A proof of service of Notice of Hearing in a manner approved for service in Loc.R.

64.9(B). If certified mail return receipts or U.S. Postal Certificates of Mailing are used as evidence, originals shall accompany the filing.

(D) The Court prefers that the certificates of service, waivers and proof of service be filed contemporaneously with the filing of the account.

(E) Pursuant to SUP.R. 64(E), a final or distributive account shall not be approved until all court costs have been paid.

**SUP.R. 65 LAND SALES**

LOC.R. 65.1 PROCEDURE

(A) The Ohio Civil Rules of Procedure, R.C. Chapter 2127, and Sup.R. 65 shall apply to all land sale actions. A land sale action is not required when the conditions for a sale by consent described in R.C. 2127.011 have been satisfied.

(B) Evidence of title having an effective date not more than thirty (30) days prior to the filing of the initial pleading requesting sale shall be filed in all land sale actions, in accordance with Sup.R. 65(A). An attorney's Certificate of Title, a commitment for an owner's policy of title insurance or a preliminary judicial report are sufficient evidence of title.

(C) The treasurer of the county in which the real estate is located shall be named as a party in all land sale actions.

(D) A guardian ad litem shall be appointed in a land sale for each of the following individuals, or upon order of the court:

- (1) A ward under guardianship when the guardian of the estate is a plaintiff to the land sale action; and
- (2) Any defendant who is a minor.

A single guardian ad litem may be appointed to represent multiple defendants if the interests of the defendants are similarly situated. A guardian ad litem in a land sale shall be responsible for reviewing the pleadings and filing an answer on behalf of the ward or minor. Compensation for all guardians ad litem in land sale actions shall be pursuant to Loc.R. 75.1.

(E) The plaintiff shall give notice of the time and place of sale by regular mail at least three (3) weeks prior to the date of public sale to all defendants at their last known address. Prior to the public sale, the plaintiff shall file a certificate stating that the required notice was given to the defendants and the sale was advertised pursuant to R.C. 2127.32.

(F) The proposed judgment entry confirming sale, ordering issuance of deed and ordering distribution shall show the gross amount of the proceeds and include a copy of the proposed closing statement itemizing all of the proposed disbursements. A copy of the entry shall be served by regular mail upon all parties who have not defaulted or approved the proposed entry and order.



(G) Counsel shall notify the court if the proposed distribution of the proceeds of the sale is not sufficient to pay the liens of the county treasurer. No sale shall be approved if the liens of the county treasurer are not satisfied from the proceeds of the sale without a specific acknowledgement from the buyer that the buyer understands that the treasurer's lien shall remain on the property after sale.

(H) If the plaintiff believes title insurance will enhance the marketability of the real property, then the plaintiff may include the premium for a final owner's policy of title insurance as a Seller's expense on the closing statement for the sale, unless otherwise agreed between Buyer and Plaintiff/Seller.

(I) Counsel for the plaintiff shall prepare and file a Proposed Order of Sale that includes the real property Description.

(J) All land sales not concluded within one year from the date of filing shall be set for status conference by the Court within thirty days following the expiration of the one year.

- (1) The fiduciary and attorney shall attend the status conference.
- (2) A written status report shall be submitted to the court by the plaintiff and/or the fiduciary at least seven days prior to the status conference. The status report shall address all pending issues and efforts being made to conclude the land sale.
- (3) The fiduciary shall show cause why the court should not order public sale of the real estate or dismiss the action, thereby allowing any lienholder to file a foreclosure action in the General Division.

#### LOC.R. 65.2 APPROVAL OF DESCRIPTION

In any real property sale action the attorney for the Plaintiff shall secure from the Morgan County Engineer's Office, and file a statement reflecting whether the description of the real property is, or is not, acceptable for deed transfer purposes simultaneously with the Complaint. In the event that a new survey of the real property is necessary in order to secure a legal description acceptable for deed transfer purposes, the complaint shall include a prayer for authority to commission a survey. If the Court finds the sale necessary, the cost of the survey shall be taxed as costs in the proceeding. Any new survey description must be approved by the Morgan County Engineer's Office as acceptable for deed transfer purposes prior to the issuance of an Order of Sale. A failure to comply with the foregoing provisions of this local rule may be grounds for dismissal of the real property sale proceeding, after notice and hearing.

LOC.R. 65.3 REPORT OF DISTRIBUTION

Within 15 days of closing the sale of the real property the Plaintiff shall file in the real property sale case a Report of Distribution with a copy of the signed settlement statement (HUD-1 or otherwise) attached, reduced to a size suitable for filing and a proposed entry approving the report of distribution.

LOC.R. 65.4 CONSENTS TO POWER TO SELL REAL ESTATE

When a fiduciary sells real estate using a unanimous Consent of Power to Sell Real Estate as is authorized by R.C. 2127.011, the fiduciary shall file with the Court a copy of the signed settlement statement (HUD-1, or otherwise) within 15 days of the closing of the sale.

LOC.R. 65.5 MILITARY SERVICE AFFIDAVIT

Parties must adhere to the provisions of the Serviceman's Civil Relief Act (50 USC App. 521) by addressing the active military service status of any person against whom a default judgment is requested.

## SUP.R. 66 GUARDIANSHIPS

### LOC.R. 66.01 DEFINITIONS

The terms defined in Sup.R. 66.01 have the same meaning when used in Loc.R. 66.

### LOC.R. 66.02 APPLICATION OF RULES

The Local Rules guardianship rules apply to all guardianships administered through this Court, unless otherwise indicated in the particular Local Rule, or unless expressly waived by Court Order.

### LOC.R. 66.03(A) EMERGENCY GUARDIANSHIPS

Pursuant to Sup.R. 66.03(A) this Court has adopted the following process for emergency guardianships. Every application for the appointment of an ex parte emergency guardianship shall be accompanied by: (a) a Statement of Expert Evaluation (Standard Probate Form 17.1) (as supplemented for emergency guardianships with SPF 17.1A); (b) a completed Next of Kin form (SPF 15.0); (c) a narrative statement signed by the applicant setting forth anecdotal information describing the imminent risk of significant injury to the person or property of the minor or incompetent that justifies an ex parte emergency appointment; and (d) compliance with Court's requirements with respect to background checks and credibility.

The applicant shall appear at the Court when filing the application for emergency guardianship. The applicant shall attend the 72-hour hearing to determine whether to extend the emergency guardianship for up to 30 additional days. The applicant is expected to file an application for appointment of guardian (SPF 16.0 or SPF 17.0, as is applicable) within seven days of the completion of a hearing extending the guardianship beyond the initial 72-hour appointment, if it is expected the need for continued guardianship will exist longer than the emergency guardianship.

### LOC.R. 66.03(B) GUARDIAN COMMENTS AND COMPLAINTS

Pursuant to Sup.R. 66.03(B) this Court has adopted the following process for submitting and considering comments or complaints regarding the performance of guardians appointed by this Court.

This local rule is applicable to all guardians appointed by the Court pursuant to R.C. 2111.02. Comments and complaints (hereinafter collectively referred to as "complaints") received regarding the performance of guardians and the resulting documents and correspondence are considered to be case documents and accessible to the public, unless otherwise excluded pursuant to SUP.R. 44(C)(2). The Court will note actions with respect to the

complaint in the case docket. The Court will communicate complaints about a guardian's performance to the guardian and/or the guardian's counsel expeditiously and pursuant to this local rule.

The Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide the address to which to hand-deliver, fax, e-mail, or mail the written complaint. The Court will not accept an anonymous complaint. When the Court receives the written complaint regarding a guardian's performance, it will date-stamp the complaint. Complaints received electronically on days the Court is closed shall be deemed to have been received on the next day the Court is open.

When a complaint is received at the Court by hand delivery or electronic means:

(A) Within five (5) workdays of receipt of the complaint the Court shall send a letter to the complainant acknowledging the receipt of the complaint and providing a copy of this rule.

(B) Within ten (10) workdays of the receipt of the complaint the Court shall perform an initial review of the complaint after a study of the guardianship case, and

(1) Send the complainant, a letter dismissing the complaint as unsubstantiated/unspecific/insufficient and send a copy of the complaint and response to the guardian or guardian's counsel; or

(2) Send a copy of the complaint to the guardian and/or guardian's attorney and request a response to the complaint within fifteen (15) court days from the date of mailing. The forwarding order shall advise the guardian and/or attorney that a failure to respond will result in a show cause hearing being set with the attendance of the guardian required. A copy of the forwarding order shall be provided to the complainant; or

(3) Notify the guardian and/or guardian's counsel and refer the matter to the Court Investigator for an investigation and a report within fifteen (15) court days from the date of referral; and/or

(4) When appropriate, refer the matter to the appropriate law enforcement agency pursuant to R.C. 2101.26 if the complaint alleges abuse, neglect, or exploitation of the ward. When the Court refers a complaint to law enforcement, the Court will take such emergency action as it determines necessary to protect the interests of the ward while being cognizant of the need to have minimal impact on investigation by the law enforcement.

(C) Upon the expiration of the period for the responsive reports from the guardian, or Court Investigator to be filed, or upon their earlier filing, the case file (including the written response(s) and the complaint) shall be submitted to the Probate Judge and within five (5) court days the Judge shall do one or more of the following:

(1) Find the complaint to have been resolved or unsubstantiated and advise the complainant, guardian and/or counsel accordingly by entry;

(2) Set a review conference or a show cause hearing with notice to the complainant, the ward, the guardian and/or guardian's counsel, and other interested parties; or

(3) Appoint a guardian ad litem to represent the best interests of the ward; or

(4) Appointment of a special master commissioner to investigate the issues and to report with findings and recommendations pursuant to R.C. 2101.06 with notice to all interested parties. When the commissioner's report is filed, the Probate Judge will set for hearing with notice to the ward, the ward's guardian ad litem, if any, the guardian and/or the guardian's counsel and the complainant.

Except when administratively dismissing a complaint, or acting in an emergency, the Court shall not act without a hearing. The Probate Judge shall issue findings and conclusions with respect to any hearing held on the complaint. The Court's journalization relating to the Judge's Decision will close the complaint. The Court's actions may include dismissal, directives for remedial action, establishing periodic review dates, allocating costs and fees, referral to law enforcement for investigation, sanctions, removal, and any other actions permitted by law.

When the ward is a veteran and the Court appointed the guardian under Revised Code Chapter 5905, notice of the complaint, reports, hearings and actions shall be given to the Administrator of Veterans Affairs of the United States pursuant to R.C. 5905.03.

The Court shall maintain a record regarding the nature and disposition of any complaints filed under this rule in Administrative Case File # 001.

LOC.R. 66.04 (RESERVED)

LOC.R. 66.05(A) GUARDIAN BACKGROUND CHECKS

An applicant for appointment as a guardian, including as an emergency guardian, must submit to a civil and criminal record check satisfactory to the Court. Additionally, an applicant for appointment shall complete and file a Guardian's Credibility form (Loc. F. 66.05A). An Ohio attorney applicant currently in good standing with the

Supreme Court of Ohio, at the discretion of the Court and upon application may be exempt from the civil and criminal record check.

#### LOC.R. 66.05(B) GUARDIAN WITH TEN OR MORE ADULT WARDS

To assist the Court in meeting its supervisory responsibilities under Sup.R. 66.05(B) and in satisfaction of the responsibilities arising under Sup.R. 66.08(H) by January 31st of each year, a guardian with ten or more wards through the probate courts of Ohio shall register with this Court on the local Multi-Guardian Annual Registration Form, or on a standard form adopted for that purpose by the Ohio Supreme Court. The registration shall include a listing of the guardian's wards, the case number and the appointing Court. The guardian in such cases shall advise the Court of any change in the guardian's name, address, telephone number and electronic mail address within ten days of the change occurring. See Loc. F. 66.05(B).

If the guardian will be seeking compensation from the guardianship or from the Court, the guardian shall accompany the annual registration with a fee schedule that differentiates guardianship services fees as established by local rule from legal fees or other direct services.

A guardian with 10 or more wards shall include with the Guardians Report form, a statement indicating whether the guardian is aware of any circumstances that may disqualify the guardian from continuing to serve as a guardian.

#### LOC.R. 66.06 GUARDIAN FUNDAMENTALS TRAINING REQUIREMENT

A Guardian holds a unique role with respect to the ward and the Guardian has an obligation to obtain an understanding of the fundamentals of that relationship. Formalized training is one means to gain that competency.

Every guardian for an adult who is not the ward's parent, child or spouse must meet the guardianship fundamentals training requirements under Sup.R. 66.06 by completing prior to appointment or within one year thereafter, a six-hour guardian fundamentals course provided by the Supreme Court of Ohio. Those failing to meet the requirement shall be subject to citation for being in contempt of court and subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and removal. The guardian is responsible for providing to the Court in a timely manner documentation that establishes compliance with the guardian fundamentals training requirement. See Loc. F. 66.06.

Notwithstanding the foregoing exemption, the Court may require an otherwise exempt guardian, or applicant for guardianship, to complete a designated guardianship fundamentals training course.

#### LOC.R. 66.07 GUARDIAN CONTINUING EDUCATION

After completing the guardian fundamentals course, every guardian of an adult who is not the ward's parent, child or spouse shall annually complete a three-hour guardian continuing education course provided by the Supreme Court of Ohio.

If a guardian fails to comply with the guardian continuing education requirement, the guardian shall not be eligible for further appointment until the requirement is met. The guardian also may be subject to sanctions and/or removal.

By December 31 of the first calendar year after completing the guardian fundamentals course, or its waiver by Court order, the guardian is responsible for providing to this Court documentation demonstrating compliance with this guardian continuing education requirement, including the title, date, location and provider of the education, or a certificate of completion containing such information. See Loc. F. 66.06.

The Court may order any guardian to complete a designated continuing education training course, even though exempted from guardianship fundamentals training under Loc.R. 66.06 and not otherwise mandated by this rule.

#### LOC.R. 66.08 GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE COURT

The person seeking to be appointed as the guardian is expected to have met with the proposed ward at least once prior to appearing before the Court for the hearing on the application, unless the Court has waived the pre-appointment meeting for good cause.

If the guardian becomes aware of allegations of abuse, neglect or exploitation of the ward, the guardian shall immediately report the same to the appropriate law enforcement authorities and the Court.

A guardian appointed by this Court shall inform the Court as to any change of address for either the guardian or the ward. See Loc. F. 66.08A. This notification must be made within ten (10) days of the address change. If the ward's residence is changed, the reason for the change should be indicated. Failure to notify the Court, under this rule, may result in the guardian being removed and/or the guardian's compensation being reduced or denied.

The guardian shall not move the ward from Morgan County, Ohio or into a more restrictive setting without prior Court approval, unless a delay in obtaining authorization for the change of residence or setting would affect the health and safety of the ward.

While a guardian is generally required to seek prior approval of this Court before filing a suit for the ward, prior approval shall not be required when the suit is being filed in this Court.

The guardian shall avoid conflicts of interest with the ward and endeavor to avoid the appearance of impropriety (perceived self-serving, self-dealing or perceived actions adverse to best interests decisions) when dealing with the ward's assets and needs. A potential conflict for the guardian may arise if the guardian's immediate family (parent, spouse, or child) is being employed or contracted by the guardian. The guardian shall disclose all conflicts to the Court in a clear and unequivocal manner. Doing so facilitates a determination whether the conflict can be mitigated or eliminated through the use of a guardian ad litem, a limitation of the powers of the guardian, or other actions.

The guardian shall obey all orders of this Court and shall perform all guardianship duties in accordance with the state and federal laws and rules and this Court's local rules, as all of them may be effective during the guardianship.

#### LOC.R. 66.09 GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE WARD

The guardian shall treat the ward with respect and dignity.

The guardian shall meet with the ward at least quarterly throughout the year, or more often if needed to promote the best interests of the ward.

Unless a guardian is related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage), the guardian shall not deliver the ward direct services, as defined in Sup.R. 66.01(B), without approval of this Court.

The guardian shall file with the court a list of all the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such papers, if known at the time of filing. See Loc. F. 66.09A.

#### LOC.R. 66.10 GUARDIANSHIPS OF MINORS

When proceedings for the appointment of a guardian of a minor are presented to this Court, the following shall apply:

(A) A certified copy of the minor's birth certificate must be displayed to the Court with the guardianship application. A copy will be made by the Court and the original will be returned to the submitter.

(B) The Court will not establish a guardianship solely for the purpose of school enrollment.



(C) The Court will not establish any guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.

(D) When the minor has not been in Ohio for 6 months, the Court will not accept for filing an Application for Guardianship unless it is alleged that the minor has been (1) abandoned (no contact) by the parents for more than 90 days, (2) has a medical emergency, or (3) the minor's "home state" has declined jurisdiction. (See Ohio's Uniform Child Custody Jurisdiction Enforcement Act – Chapter 3127).

#### LOC.R. 66.11 NEXT OF KIN FOR GUARDIANSHIP OF INCOMPETENT ADULTS

For purposes of completing the Next of Kin of Proposed Ward (SPF 15.0), the applicant, pursuant to R.C.2111.01(E), shall identify any person, whether or not an Ohio resident, who at that time would be entitled to inherit from the proposed ward under the Ohio laws of intestacy and all known children of the proposed ward.

#### LOC.R. 66.12 INVENTORY, FUND RELEASE, EXPENDITURES AND IDENTIFICATION OF LEGAL DOCUMENTS

Within three months of appointment, a guardian of the estate shall file an inventory and value of the ward's assets and income pursuant to R.C. 2111.14. If the assets include real estate, a legal description of the ward's real estate interest should accompany the Inventory. Funds in the name of the ward shall not be released to the guardian without the approval of an Application to Release Funds (SPF 15.6) or other specific court order. The expenditure of funds by a guardian shall not be approved until a Guardian's Inventory (SPF 15.5) has been filed and an Application to Expend Funds (SPF 15.7) has been approved.

Within three months of appointment the guardian shall file a list of all of the ward's known important legal papers, including but not limited to estate planning documents, advance directives and the location of such papers. If it becomes known to the guardian that such information has changed or the existence of other important legal papers becomes known, the guardian shall report that new information to the Court in writing within thirty days of discovery. See Loc. F. 66.09A.

#### LOC.R. 66.13 GUARDIAN'S REPORT

Annually, the guardian of the person of an adult incompetent shall file the Guardians Report (SPF 17.7). Unless otherwise ordered by the Court each Guardians Report for an incompetent shall be accompanied by a Statement of Expert Evaluation (SPF 17.1). If a physician or clinical psychologist states as an Additional Comment on a Statement of Expert Evaluation, that is their opinion that to a reasonable degree of medical or psychological

certainty that the ward's mental capacity will not improve, the Court, may dispense with the filing of subsequent Statements of Expert Evaluation with the Guardians Report.

Pursuant to Sup.R. 66.08(G) the guardian of the person for an adult who is not the ward's parent, child or spouse shall include with the annual Guardians Report an addendum stating the guardian's goals and plans for meeting the personal needs of the ward. The Court may request that the guardian of the estate of an adult incompetent submit a report identifying the guardian's goals and plans for financially meeting the ward's needs.

#### LOC.R. 66.14 POWERS OF ATTORNEY BY GUARDIAN PROHIBITED

The Court, through this Local Rule, exercises its discretion under R.C. 2111.50(A)(2)(c) and hereby prohibits a guardian appointed by the Court from executing a power of attorney or any other document which purports to appoint an agent to execute any of the duties or responsibilities imposed upon the guardian by law, rule, or order of the Court, unless otherwise approved by a specific order of the Court.

#### LOC.R. 66.15 TERMINATIONS

Except for the termination of a guardianship of a minor attaining the age of majority or upon the death of the Ward, a termination of a guardianship shall require notice to all persons designated in R.C. 2111.04 and to any other individuals who received actual notice of the original appointment of the guardian. It is the responsibility of the applicant for termination to perfect service pursuant to Civ.R. 73 when a termination is requested. A Certificate of Service with supporting documentation satisfactory to the Court must be filed prior to the consideration of the application. Within ninety (90) days of the death of the ward, the guardian shall file a copy of the ward's death certificate and the final guardian's account.

#### LOC.R. 66.16 INDIGENT WARDS

The applicant or the guardian must file with the Court an Affidavit of Indigency, (Loc. F. 66.16A) if the waiver of court costs is being requested or payment of compensation from the Indigent Guardianship Fund is being requested. False affidavits are punishable by findings of contempt, prosecution, or other sanctions.

#### LOC.R. 66.17 VETERANS' GUARDIANSHIPS

Veterans' Guardianships are governed by R.C. Chap. 5905 and to the extent that there are special rules established therein for veterans' guardianship, those rules shall apply. In every other respect, the general guardianship laws and rules shall apply.

LOC.R. 66.18    ADDITIONAL COST DEPOSIT

Pursuant to R.C. 2111.031 and in addition to the basic cost deposit, the Court may require an Applicant for a guardianship to make an advance cost deposit in an amount the Court determines necessary (a) to defray the anticipated costs of examinations of an alleged incompetent, and (b) to cover the fees and costs to be incurred to assist the Court in deciding whether a guardianship is necessary.

## SUP.R. 67 ESTATES OF MINORS

### LOC.R. 67.1     DISPENSE WITH GUARDIANSHIP

Applications to dispense with, or to terminate, the appointment of a guardian under R.C. 2111.05 or R.C. 2111.131 shall follow the notice provisions of R.C. 2111.04(A). The net amount of the settlement after payment of fees and expenses cannot exceed Twenty-Five Thousand Dollars (\$25,000).

### LOC.R. 67.2     BIRTH CERTIFICATE

A certified copy of the minor's birth certificate must be displayed to the Court upon the filing of the application to dispense with guardianship. A copy will be made for the Court's file and the original will be returned to the submitter.

### LOC.R. 67.3     RESPONSIBILITY FOR DEPOSIT OF FUNDS

Pursuant to Sup.R. 67(C), in the absence of a guardian for the estate of a minor, the attorney representing the applicant, or if there is no attorney for the applicant, then the attorney representing the payor in the matter is responsible to assure the direct and immediate deposit of the funds into a restricted access custodial depository account pursuant to R.C. 2109.13 and provide the financial institution with a copy of the Entry directing the deposit. The attorney shall obtain a Verification of Receipt and Deposit (SPF 22.3) from the financial institution and file that form with the Court within seven (7) days of the issuance of the Entry directing the deposit.

## SUP.R. 68 SETTLEMENT OF INJURY CLAIMS OF MINORS

### LOC.R. 68.1 BIRTH CERTIFICATE

A certified copy of the minor's birth certificate must be displayed to the Court upon the filing of the application to settle a minor's claim. A copy will be made for the Court's file and the original will be returned to the submitter.

### LOC.R. 68.2 SEPARATE CASE NUMBER

The settlement of minor's claim is a separate proceeding in the Court and shall not proceed under the case number assigned to an existing guardianship proceeding or to a separate proceeding to dispense with a guardianship. Note: If the net proceeds of the minor's settlement totals less than \$25,000, the Court will not require a separate "dispensing with guardianship" filing, provided that the proposed manner of handling the funds is fully described in the settlement application.

### LOC.R. 68.3 RESPONSIBILITY FOR DEPOSIT OF FUNDS

Where the restricted access custodial deposit of the proceeds of a minor's claim is ordered, Loc.R. 67.3 shall apply.

### LOC.R.68.4 STRUCTURED SETTLEMENTS

A structured settlement is defined as a monetary settlement of a claim wherein payments are made at a future date or on a periodic basis. If the parties involved in claims for injuries to minors or incompetents desire to enter into a structured settlement, the following rules apply to structured settlements that must be approved by this Court.

(A) An application for approval shall include a signed statement specifying the present value of the settlement, and the method of calculation of that value. The statements shall be from one of the 45 following independent professionals: an actuary, certified public accountant, certified financial planner, chartered life underwriter, chartered financial consultant, or an equivalent professional.

(B) If the settlement is to be funded by an annuity, the application shall include a signed statement by the annuity carrier or the broker procuring the policy stating that:

(1) The annuity carrier is licensed to write annuities in Ohio;

(2) The annuity carrier's ratings from at least one of the following organizations, meeting the

following criteria:

(a) A.M. Best Company: A++, A+, or A;

(b) Duff & Phelps Credit Rating Company (Claims Paying Ability Rating): AAA, AA+,  
or AA;

(c) Moody's Investors Service (Financial Strength): Aaa, Aa1, or Aa2;

(d) Standard & Poor's Corporation (Financial Strength): AAA, AA+, or AA;

(e) Weiss Research Inc.: A+ or A;

(C) In addition to the requirements of Paragraph (B) above, an annuity carrier must meet any other requirement the Court considers reasonably necessary to assure that the funding is sufficient to satisfy the periodic payment settlement;

(D) If the structured settlement is not funded by an annuity, the settlement proceeds must be secured to the satisfaction of the Court; and

(E) The application shall include a statement of the actual cost to the defendant of the settlement. The actual cost shall be used to determine an attorney's contingent fee.

**SUP.R. 69 SETTLEMENT OF CLAIM FOR ADULT WARD**

LOC.R. 69.1      SEPARATE CASE NUMBER

The application to settle a claim of an adult Ward shall be a separate proceeding in the Court and shall not proceed under the case number assigned to the guardianship.

LOC.R. 69.2      RESPONSIBILITY FOR DEPOSIT OF FUNDS

Where custodial deposit of the proceeds of the settlement of the claim of the adult ward is ordered, the operative provisions of Loc.R. 67.3 shall apply.

LOC.R. 69.3      STRUCTURED SETTLEMENTS FOR ADULT WARD

When a structured settlement is proposed for the net settlement proceeds from a claim of an adult ward, the provisions of Loc.R. 68.4 shall apply.

**SUP.R. 70 SETTLEMENT OF WRONGFUL DEATH AND SURVIVAL CLAIMS**

LOC.R. 70.1 SETTLEMENT OF CLAIMS

The application to settle a claim for wrongful death and the apportionment of the proceeds are two distinct matters for which the Court may require separate hearings. Interested parties to be notified are those set forth in R.C. 2125.02. Subject to the exceptions under R.C. 2105.19 and RC 2125.02, those persons rebuttably presumed to have suffered damages are the parents of the decedent, the surviving spouse and the children. Other next of kin who must prove their loss are the grandparents, grandchildren and siblings of the decedent. Subrogated providers and insurers for which the Applicant does not have settlement amounts already established in writing are interested parties and are entitled to notice. When applicable, the State of Ohio Medicaid Recovery Administrator may also be an interested party. Waivers and consents to the proposed distribution must be filed from all interested parties, or a hearing and service of notice upon them will be required.

Attorney fees for the completion of the probate proceedings in connection with the settlement of wrongful death claim shall be paid from the allowed contingent attorney fee unless there is no attorney involved in the representation of the injured parties. In that event, the recipients of the benefits, unless otherwise mutually agreed, shall proportionately pay the probate attorney fees and costs.



## SUP.R. 71 COUNSEL FEES

### LOC.R. 71.1 ATTORNEY FEES

All fees charged by an attorney representing a fiduciary in matters before this Court, including but not limited to work on decedents' estates, guardianships, conservatorships, and testamentary trusts, must be disclosed on the fiduciary's account or certificate of termination regardless of the source of payment. If the source of payment is other than the fiduciary, counsel must identify on the account the source of payment. For the purpose of this rule, "fiduciary" also includes commissioners and applicants for release from administration. If an account is not required, the payment must be disclosed to the Court on the Certificate of Termination.

The Court presumes that attorneys are familiar with Sup.R. 66.08, Sup.R. 71, Sup.R. 73 and Prof.Cond.R. 1.5 governing all fees and expenses of attorneys. The Court may set the attorney fees and expenses for hearing, regardless of the submission of consent(s) to fees.

### LOC.R. 71.2 ATTORNEY SERVING AS FIDUCIARY

In all matters where an attorney is serving as fiduciary of the estate, guardianship, or trust, and that attorney or another is the attorney of record, detailed records shall be maintained describing time and services as fiduciary and any time and services as attorney. These records shall, upon request, be submitted to the Court for review. Upon review of the records, the Court may set the fees for hearing, regardless of the submission of consent(s) to fees. Prof.Cond.R. 1.5 and applicable case law shall govern the reasonableness of all fees, notwithstanding statutory commissions, and allowances. Matters not requiring professional skills should not be billed at the attorney's standard legal billing rate. The Court assumes an attorney appointed as a fiduciary has been selected due to the attorney's special knowledge and abilities that are expected to result in savings of fees to the estate, guardianship, or trust.

### LOC.R. 71.3 EARLY PAYMENTS OF ATTORNEY FEES

Sup.R. 71(B) establishes the time for the payment of attorney fees in estates. Unless the Court approves an application for early payment, attorney fees for the administration of decedents' estates shall be neither paid by the fiduciary, nor accepted by counsel, in advance of preparation for filing of the final account or final closing documents. This applies regardless of the source of the payment. Any application for early payment shall set forth the justification for the request. An early payment application shall be set for hearing. Notice of the hearing must be given by the applicant to the estate beneficiaries, and to the creditors in the event of expected insolvency. The Court may waive said hearing if consents are filed with said application from all beneficiaries and creditors.

#### LOC.R. 71.4 NOTICE AND CONSENT FOR ATTORNEY FEES IN ESTATES

In estates, the Court shall consider an application for attorney fees upon the filing of a final account. The application shall be signed by both the attorney and the fiduciary. Local F. 71.1 may serve as a guide to determine the reasonableness of attorney fees charged to the estate for legal services of an ordinary nature. The schedules set forth in Local F. 71.1, are not to be considered minimum or maximum fees allowed to be charged. The Court, however, reserves the right to approve without hearing an application for fees that complies with the Local F. 71.1 guidelines.

Pursuant to Sup.R. 71(E), except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounting required by R.C. 2109.30.

If the attorney fee being requested is greater than the guidelines set forth in Local F. 71.1 a hearing will be conducted and all heirs (and creditors in the case of an insolvent estate) are to be served notice of the hearing.

#### LOC.R. 71.5 NOTICE AND CONSENT FOR ATTORNEY FEES IN GUARDIANSHIPS

In guardianships, the Court shall consider an initial application for attorney fees for the establishment of the guardianship: (a) in a guardianship of the person only upon the conclusion the issuance of the Letters of Guardianship, and (b) in a guardianship of the estate only, or of the person and estate, upon the filing of the inventory. Thereafter, the Court shall consider additional fees annually upon the filing of each account or at the conclusion of any special proceedings or matters. Notice of the application shall be given to the guardian of the estate, if any has been appointed. The guardian of the estate may waive notice of the hearing on the application and consent to the payment of fees.

After termination of the guardianship, the Court will consider attorney fees and guardian fees as liens on the ward's assets. If the Court approves the fees, the fees may be paid out of the guardianship assets and included in the final guardianship account. The Court may require that notice of the hearing on the fees be given to other interested persons including a ward, a former ward or the estate fiduciary of a deceased ward.

#### LOC.R. 71.6 NOTICE AND CONSENT FOR ATTORNEY FEES IN TRUSTS

In the administration of trusts, the Court shall consider applications for attorney fees for the establishment of the trust upon the filing of the inventory, and shall consider additional fees annually upon the filing of each account. All applications for attorney fees in trusts shall be accompanied by a detailed fee statement including the itemization and date of service performed, time expended and hourly rate. Notice of application shall be given to the

trustee. The trustee may waive notice of hearing on the application and consent to the payment of fees. The Court may require notice of the hearing on the payment of the fees be given to the trust beneficiaries who are affected by the payment of fees.

LOC.R. 71.7     CONTESTED FEES

The burden is upon the attorney to prove the reasonableness of the fee as governed by Prof.Cond.R 1.5. The Court may require a detailed fee statement that includes an itemization and date of service performed, time expended, identification of the individual(s) performing the services, the hourly rate charged, and such other information as the Court deems relevant to establish the reasonableness of the fee. If the attorney uses Local F. 71.1 to determine attorney compensation for a decedent's estate it remains incumbent upon the attorney to prove the reasonableness of his/her fee at the time of a contested hearing.

LOC.R. 71.8     CONTINGENT FEES

A fiduciary shall make a written application to the Court for authority to enter into a contingent fee contract. The application shall include the written fee agreement with counsel. Upon review, the Court will either give preliminary approval or deny the request. Preliminary approval shall be subject to final review at the conclusion of the matter that is the subject of the contingent fee contract.

In a minor's settlement case where the amount of the settlement does not require the appointment of a guardian, the attorney shall make the above application. Before settlement may be approved, a guardianship must be established or dispenses with under its own case number.

**SUP.R. 72 EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS**

LOC.R. 72.1 EXECUTOR'S AND ADMINISTRATOR'S FEES

Unless otherwise provided by law or order of this Court, executors and administrators of decedents estates may be paid a commission calculated pursuant to members of Ohio Revised Code Section 2113.35.

LOC.R. 72.2 TIMING OF EXECUTOR AND ADMINISTRATOR FEES

No fees shall be paid to the executor or administrator of an estate until (1) the final account is filed, (2) Local.F. 72.1A is filed setting forth the basis upon which the fee has been calculated, and (3) the Court has approved the fees by entry.

LOC.R. 72.3 REDUCTION OF COMMISSIONS

If the Court finds that an executor or administrator, in any respect, has not discharged faithfully the duties as executor or administrator, including delinquent filings, the Court may deny the executor or administrator any compensation whatsoever or may reduce the compensation as the Court deems proper.

## SUP.R. 73 GUARDIAN'S COMPENSATION

### LOC.R. 73.1 GUARDIAN'S COMPENSATION

(A) Unless otherwise provided by law or ordered by the Court, a guardian of the estate may charge for his/her ordinary services on an annual basis an amount computed upon five percent (5%) of the income or amount expended, whichever is greater.

(B) Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpected balances to a ward at the close of a guardianship be considered as an expenditure. Extraordinary fee applications shall be set for hearing unless the Court waives the hearing.

(C) Unless the Court waives the hearing, compensation for services as guardian of the person shall be set for hearing and notice shall be given to the guardian of the estate, if any has been appointed.

(D) Compensation for a corporate fiduciary exempt from bond pursuant to R.C. 1111.21 shall be compensated in accordance with its published fee schedule if the fee schedule is filed in this Court.

(E) After the death of the ward, the Court will consider final guardian's compensation as a lien on the ward's assets. If the Court approves the compensation, the compensation may be paid out of the guardianship assets and included in the final guardianship account. The Court may require that notice of the application be given to the fiduciary of the deceased ward or other interested persons.

(F) When a guardian is applying for compensation as guardian of the person, the guardian shall consider the factors set forth in Sup.R. 73 (B). The application for compensation should address each applicable factor (itemization of expenses, additional compensation, apportionment of the aggregate compensation between co-guardians, and denial or reduction).

### LOC.R. 73.2 INDIGENT GUARDIANSHIP FUND PAYMENTS

Applications for payment from the indigent guardianship fund must be accompanied by an itemization of services. Before payments will be approved from the county indigent guardianship fund, an Affidavit of Indigency (Loc. F. 66.16A) shall be filed in the case, as set forth in Loc.R. 66.16. The maximum hourly rate for compensation paid from the indigent guardianship fund is the hourly rate established for payments made to assigned counsel and guardians ad litem in the Juvenile Division of this Court, unless otherwise Ordered in a particular case. Time shall be reported in tenths of an hour (6 minute increments).

**SUP.R. 74 TRUSTEE'S COMPENSATION**

LOC.R. 74.1 TRUSTEE'S COMPENSATION

(A) Except where the instrument creating the trust makes provision for compensation, trustees subject to this Court's jurisdiction may, upon application and entry, be allowed compensation annually for ordinary services in connection with the administration of each separate trust. Loc. F. 74.1A (Calculation of Trustee Compensation) shall be filed in support of the application and using the following fee schedule:

(1) Income Fee. Four percent (4%) of the gross income received during the accounting period.

(2) Principal Fee. Two dollars (\$2.00) per thousand dollars of the fair market value, unless otherwise ordered.

(3) Principal Distribution Fee. Two dollars (\$2.00) per thousand dollars of fair market value of corpus distributed, unless otherwise ordered.

(4) As used in this rule, "income" shall mean the sum of income as defined in R.C. 1340.03, including pension benefits, and net gains from the sale of principal accrued during the trust administration. Assets held by the trustee at the date of appointment are deemed principal and not income.

(B) Compensation for a corporate fiduciary exempt from bond pursuant to R.C. 1111.21 shall be compensated in accordance with its published fee schedule. The trustee shall notify vested trust beneficiaries affected by the payment of fees of any changes in its corporate fee schedule.

(C) Additional compensation for extraordinary services or allowance for expenses may be granted on application and entry, which shall be set for hearing unless waived by the Court.

## SUP.R. 75 LOCAL RULES

### LOC.R. 75.1 GUARDIAN AD LITEM

The Court, in its discretion and pursuant to Civ.R. 17(B), may appoint a guardian ad litem for any minor or person under disability, including, but not limited to, cases in which a minor's claim is being settled and the minor is not represented by an attorney.

The Court shall select and appoint each guardian ad litem. In real property sale proceedings, a minimum fee of One Hundred and No/100 Dollars (\$100.00) shall be allowed for each appointed guardian ad litem; however, if the circumstances warrant upon application, the Court may approve the payment of additional compensation to the guardian ad litem. The guardian ad litem's fees for real property sale proceedings shall be assessed as costs and guardian ad litem fees in other proceedings may be assessed as costs, or as the Court may otherwise order, including against the parents of a minor. In all other proceedings, the fee allowed the guardian ad litem will be determined upon motion supported by a statement of services. The Court may require an additional cost deposit to cover anticipated fees of the guardian ad litem.

### LOC.R. 75.2 ADOPTIONS

When proceedings for adoption are filed with the Court, the following shall apply:

(A) All petitioners for adoption are required to be represented by an attorney, with the exception of step parent adoptions where all parents consent.

(B) An original and a copy of all filings shall be filed in every adoption case. Sufficient additional copies of the petition shall be submitted as required for service of notice, with an additional copy for the court assessor.

(C) In private placement adoptions, the proposed adopting parents shall file a pre-placement application not less than thirty (30) days prior to placement. This pre-placement application shall be in a form prescribed or approved by the Court.

(D) Once the pre-placement application has been approved by the Court, and the child is born, a hearing shall be held not less than seventy-two (72) hours after the birth or after the birth parent(s) have met with the adoption assessor, whichever occurs later, for the placement and consent by the birth parents. Prior to the placement hearing, the child's physician shall provide the Court with a statement as to the medical condition of the child being placed. If the placement is approved, the adoption petition must be filed before the Court will issue a Hospital Release for the release of the child to the petitioners or the attorney for the petitioners.

(E) In all adoption cases, Court cost deposit is required to be paid at the time of the initial filing. The Court should be consulted in advance for current deposit information.

(F) The criminal background checks pursuant to R.C. 2151.86 (E) shall be filed in all adoption cases.

(G) Petitioner's accounts shall be filed in all adoption cases, with the exception of step parent adoptions proceeding without an attorney as allowed by (A) of this section.

(H) Social and medical histories, financial statements and medical statements shall be filed in all adoption cases, with the exception of adult and foreign adoptions.

(I) In all adoptions, married petitioner(s) must be married for not less than one (1) year prior to the final approval of the adoption.

(J) In all placement hearings, the birth mother must be represented at the hearing by counsel. Attorney fees for the birth mother will be assessed as costs to the petitioner(s).

(K) In placement adoptions, the adoption assessor meeting with the birth parent(s) in the course of preparing a report for an adoption proceeding in this Court shall provide the birth parent(s) with a copy of the materials/brochure prepared pursuant to R.C. 3107.082 and 3107.083. The adoption assessor providing the birth parent(s) with a copy of this brochure shall file a certificate of compliance with R.C. 3107.082 in a format satisfactory to the Court prior to the first hearing that involves the birth parent(s) who received the brochure.

(L) The status of pending pre-placement applications and adoption proceedings shall be reviewed annually and the Court may order further action as necessary.

(M)The Court Assessor's Report shall be filed with the Court not later than ten (10) days prior to the adoption hearing. The report shall be made available to counsel for the petitioner(s) to read prior to the hearing, upon request to the deputy clerk, however copies may be obtained only after the hearing and only with the approval of the Judge.

#### LOC.R. 75.3 CUSTODIAL DEPOSITS IN LIEU OF BOND

This local rule is applicable to cases other than those involving the deposit of the proceeds for a minor pursuant to Loc.R. 67.3 and 68.3. When a fiduciary is permitted by the Court to deposit assets into a restricted access custodial account in lieu of bond, all custodial deposits of personal property, securities, and monies must comply with R.C. 2109.13. All institutions serving as a depository, if requested by the Court, must satisfy the Court of their authorization and certification by the State of Ohio. Fees of the fiduciary and counsel for the fiduciary shall



not be approved or paid until the Court is satisfied that the funds being deposited have been received by the custodial depository, are being held restrictively in accordance with applicable law, and an Initial Verification of Receipt and/or Deposit of Custodian (Loc. F. 22.3A) has been filed with the Court. Annually thereafter, the custodial depository must file a statement of activity relating to the custodial assets by completing and filing the Annual Verification of the Funds with Restricted Access (Loc. F. 22.3B).

#### LOC.R. 75.4 SURETY BONDS

When surety bonds are required in any proceeding before the Court, the following shall apply:

(A) Attorneys shall not act as sureties in any case, nor shall they be permitted to become sureties on the bond of any fiduciary.

(B) The Court will not accept any personal sureties.

(C) Bond required by law or Court Order shall be in an amount not less than double the probable value of the personal estate and all sources of income (including anticipated rents) during the next succeeding accounting period.

(D) The fiduciary shall pay all bond premiums within sixty (60) days of filing of the bond with the Court. If payments are not made pursuant to this rule, the fiduciary may be held personally liable for its payment and is subject to being removed.

(E) A copy of the voucher, other proofs or receipts for payment of the current bond premium shall be filed with each accounting in an estate where bond has been required.

(F) The adequacy of bonds will be reviewed by the Court upon the filing of the inventory and each account, or at any other time the Court determines to be prudent.

(G) Upon the filing of a will contest action, the Court will review the general estate file and determine whether it is appropriate to order the filing of a bond, or increased bond, regardless of the bond provisions set forth in the contested will.

(H) For good cause shown, the Court may authorize a reduction in bond.

#### LOC.R. 75.5 RELEASE AND SUMMARY RELEASE OF ESTATES FROM ADMINISTRATION

When an application is filed to release an estate from administration or for a summary release of an estate from administration, the following shall apply:

The Court shall select and appoint a Commissioner, when required, in an estate released from administration.

The Court may waive a noticed hearing in those instances where it appears no beneficiaries or creditors will be prejudiced.

Any applicant who is not represented by counsel shall exhibit to the Court photo identification and proof of a current address in a manner satisfactory to the Court and comply with Loc.R. 62.5 relating to the Medicaid Recovery Acknowledgment.

#### LOC.R. 75.6 WILLS IN SAFE DEPOSIT BOX

When a decedent has a safe deposit box, for which there is no authorized living signatory, and if there has not been a personal representative appointed for the decedent, then the Court, upon application, may appoint a suitable person as a commissioner for the sole purpose of entering the safe deposit box, to remove and deliver the decedent's will(s) and codicil(s) to the Court. Unless the commissioner waives compensation in writing at the time of the application, in addition to the Court's filing fees, a fee established by the Court shall be payable to the commissioner upon filing of the report and shall be collected as costs upon filing of the application. A case number shall be assigned to the application. The Application to Enter Safe Deposit Box form (Loc. F. 75.7A) and the Report on Entry of Safe Deposit Box form (75.7B) may be used for these purposes.

#### LOC.R. 75.7 MARRIAGE LICENSE APPLICANTS

Pursuant to R.C. 3101.05, any applicant for a marriage license who is a minor must provide proof of having received marriage counseling prior to applying for the license. The counselors shall be either clergy or a person licensed to provide counseling. Proof of counseling may be in the form of a letter from the counselor on the counselor's letterhead, addressed to this Court.

#### LOC.R. 75.8 OHIO ESTATE TAX RETURN (for persons dying prior to January 1, 2013)

For every estate (administered, released or summarily released) for a decedent dying prior to January 1, 2013, an Ohio Estate Tax Form 22 shall be filed. If a pre-2013 estate is reopened to administer additional real property, an additional Ohio Estate Tax Form 22 is required. If the only filings in a case are the estate tax returns, a copy of the death certificate is not required.

LOC.R. 75.9 WITHDRAWAL AND SUBSTITUTION OF COUNSEL

When counsel considers withdrawing from representation in a matter before this Court or a substitution of counsel is occurring, counsel shall comply with Prof.Cond.R. 1.16 and the following shall apply:

(A) An attorney desiring to withdraw from representation shall file a motion to withdraw stating the reasons for withdrawal. The motion shall contain the last known address and telephone number of the client. The motion shall be accompanied by (1) a written acknowledgment and consent to the withdrawal signed by the client, or (2) a proposed Judgment Entry setting the Motion for hearing. The Court shall not issue an entry approving the withdrawal until the attorney has recited in the Motion or filed a certification that all of the following conditions have been met:

(1) Notice has been given to the client advising the client of all known filing deadlines occurring within the next 90 days affecting the client's case;

(2) Notice has been given to all involved attorney's, unrepresented parties, and interested persons;  
and

(3) Notice has been given to any bonding agencies involved.

(B) The Court will not approve an Attorney's request to withdraw from a case within thirty (30) days preceding a trial or dispositive hearing, except for extraordinary circumstances.

(C) Substitution of counsel does not require approval of the Court; however, written notice of substitution shall be filed with the Court. The substituting counsel shall give written notice to all involved attorneys, unrepresented parties, and interested persons.

**SUP.R. 78 CASE MANAGEMENT IN DECEDENT'S ESTATES, AND TRUSTS**

LOC.R. 78.1 INVENTORY

When an inventory is filed with the Court, the following shall apply:

(A) If the inventory filed is in an estate the following shall apply:

(1) In lieu of the appraiser signing the estate inventory, the fiduciary may attach the original appraisal(s) containing the signature of the appraiser(s) to the inventory.

(2) Pursuant to R.C. 2115.06, the Court, upon application and for good cause shown, may dispense with the appraisal of any estate asset comprising a part of the estate inventory. Each application shall specifically state the reason(s) for the request. Notwithstanding the foregoing, pursuant to RC 2115.06, an application to dispense with appraisal is not necessary when the fiduciary elects to use the County Auditor's valuation for real estate, provided the fiduciary includes a notation on the Inventory that the auditor's valuation is being used and attaches to the Inventory a copy of the parcel's property tax card. The county auditor's valuation, when used for the Inventory, is not determinative of fair market value in related proceedings in which the Court must approve the price for a sale or purchase of the real estate parcel. This is permitted in a Release of Estate where the property is being transferred to a surviving spouse. Otherwise an appraisal is required from an individual listed on the approved appraisers list.

(B) When an inventory is filed in an estate, trust or a guardianship, the following shall apply:

(1) The inventory shall contain the address, legal description, and parcel number of any real estate of the decedent or ward.

(2) The inventory will prompt the Court to review the sufficiency of the existing bond pursuant to Loc.R. 75.4.

(3) Where Court approval is required for the transfer of other assets, the Court will not approve the distribution, sale, or expenditure of any other property of the estate or guardianship (other than motor vehicles when expressly approved for transfer pursuant to the preceding paragraph) prior to the filing of the inventory.

(4) Unless supported by an appraisal, valuations for motor vehicles shall be supported by current trade-in valuations obtained from Kelley Blue Book, Edmunds, or the NADA Guide.

(5) When multiple fiduciaries have been appointed, all fiduciaries must sign the inventory.

(C) Hearings shall be scheduled for the inventory filed in an estate. In every estate, a Notice of Hearing on Inventory shall be served on all of the decedent's intestate heirs and/or vested beneficiaries and a Certificate of Service of Inventory and Notice of Hearing (Loc. F. 78.2A) shall be filed. Service may be made in accordance with the methods of service authorized in Loc.R. 64.9(B) and if certified mail return receipts or U.S. Postal Certificates of Mailing are used as evidence, photocopies of the originals shall accompany the filing. The signed Waiver of Notice of Hearing on Inventory (SPF 6.2) may be used in lieu of service.

LOC.R. 78.2 ELECTRONIC RETURN RECEIPT

Electronic proof of service for certified or express mail provided to the Court through the U.S. Postal Service electronic return receipt program shall be deemed adequate evidence of service in accordance with the service requirements or Civ.R. 73 and Civ.R. 4.0 through 4.6.

LOC.R. 78.3 REQUESTS FOR JURY TRIAL

Rule 30 of the Local Rules of Practice of the Court of Common Pleas Court, of Morgan County, Ohio, General Division as the rule relates to juries, shall apply to proceedings in the Probate Court, except to the extent that the common pleas rule would be clearly inapplicable.

## LOCAL FORMS INDEX (Morgan County P.C. Forms)

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Form 22.3A	INITIAL VERIFICATION OF RECEIPT AND/OR DEPOSIT BY CUSTODIAN
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Form 59.2A	WILL FOR DEPOSIT
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Form 78.2A	CERTIFICATE OF SERVICE OF INVENTORY AND NOTICE OF HEARING
Form A	MINOR SETTLEMENT CHECKLIST
Form B	WRONGFUL DEATH CHECKLIST

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ESTATE OF \_\_\_\_\_, DECEASED  
CASE NO. \_\_\_\_\_

**FIDUCIARY'S ACCEPTANCE**  
**EXECUTOR/ADMINISTRATOR**  
[O.R.C. 2109.02 and Loc.R. 60.1]

I, the undersigned, hereby accept the duties which are required of me by law, and such additional duties as are ordered by the Court. As executor/administrator of the estate I will:

- 1) Inventory any safety deposit box of the decedent.
- 2) Make and file an inventory of the real and personal assets of the estate within 3 months after appointment, or such time as extended by the Court.
- 3) Deposit funds which come into my hands in a lawful depository located within this state.
- 4) Keep estate funds in separate estate accounts at all times during the administration of the estate.
- 5) Invest all funds in a lawful manner.
- 6) Pay and disclose in the estate account all valid debts unless otherwise determined by law.
- 7) Timely pay appraiser fee and bond premium, if any.
- 8) For estates where the decedent died after December 31, 2001, send Notice of Probate of Will (if applicable) within 2 weeks of my appointment, prepare and file the inventory within 3 months of my appointment, prepare and file final account within 6 months of my appointment or such other time as extended by the Court or by law.
- 9) For estates where the decedent died prior to January 1, 2002, prepare and file a partial or final account within 9 months following my appointment, or such time as extended by the Court. File additional accounts on at least an annual basis.
- 10) File all tax documents as required by law.
- 11) Obey all Orders of the Court.
- 12) If I change my address, I shall immediately notify the Probate Court.

\*WARNING: The Attorney shall not be paid prior to the preparation of the final account unless specifically authorized by this Court.

I acknowledge that I am subject to removal as such fiduciary if I fail to perform my fiduciary duties.

I also acknowledge that I am subject to possible civil and criminal penalties for improper conversion of the property which I hold as fiduciary.

\_\_\_\_\_  
DATE

Signed \_\_\_\_\_  
EXECUTOR/ADMINISTRATOR

Note: ORC 2109.02. Every fiduciary, before entering upon the execution of a trust, shall receive letters of appointment from a probate court having jurisdiction of the subject matter of the trust.

The duties of a fiduciary shall be those required by law, and such additional duties as the Court orders. Letters of appointment shall not issue until a fiduciary has executed a written acceptance of the duties, acknowledging that the fiduciary is subject to removal for failure to perform the duties, and further is subject to possible penalties for conversion of property held as a fiduciary. The written acceptance may be filed with the application for appointment.

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

IN THE MATTER OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**INITIAL VERIFICATION OF RECEIPT AND/OR DEPOSIT OF CUSTODIAN**  
[Loc.R. 67.3 and 75.3]

The Probate Court of Morgan County, Ohio on the day of \_\_\_\_\_, by Entry has ordered the Fiduciary to deposit with the custodial depository certain assets that have been now deposited in the following accounts:

NAME ON ACCOUNT	ACCOUNT NO. (Last four digits only)	DEPOSITED	TYPE OF ACCOUNT (C.D., Savings)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The fiduciary has presented a certified copy of the Entry with the assets.

Wherefore, the undersigned custodial depository acknowledges the deposit and/or receipt of the assets described above and agrees to hold the new accounts (and the earnings thereon) subject to further orders of the Court.

**By accepting the above assets, this institution agrees to hold the verified deposits (certificates of deposit or savings products, etc.) and not to release any funds from any portion of these funds unless ordered in accordance with a certified copy of an Entry issued by the Morgan County Probate Court. The custodian depository acknowledges that the account(s) do not have check writing or debit card privileges. The custodial depository agrees that it will file with the Court an Annual Verification of Funds with restricted access in accordance with Local Rules 67.3, 68.3 and 75.3 of the Probate Court.**

\_\_\_\_\_  
Custodial Depository

\_\_\_\_\_  
Authorized Officer

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Date

RETURN TO: Morgan County Probate Court  
19 E. Main Street  
McConnelsville, OH 43756



PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

IN THE MATTER OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**ANNUAL VERIFICATION OF FUNDS WITH RESTRICTED ACCESS**

[Loc.R. 64.7 and 75.3]

To: The Morgan County Probate Court

The undersigned financial institution certifies that on the "as of" date set forth below it had on deposit with it in a \_\_\_\_\_ (specify, i.e. checking, savings certificates, brokerage, or share) account to the credit of \_\_\_\_\_ (exact name in which account was titled) with the balance on deposits of \_\_\_\_\_ (date) being \$ \_\_\_\_\_, including credited earnings. (Acc't # XXXX-).

It is reaffirmed and represented to the court by this financial institution that **no part of these funds (or the earnings thereon) shall be released** without a specific Order of the Court, except that if the funds are being held for a minor, the funds may be released to the minor upon the minor reaching the age of majority (18).

\_\_\_\_\_  
Information as of this Date

\_\_\_\_\_  
Name of Financial Institution

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Signature of Financial Representative

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

Return Completed Form To: Morgan County Probate Court  
19 E. Main Street  
McConnelsville, Ohio 43725

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

-vs-

\_\_\_\_\_  
Defendant(s), et al

**REQUEST FOR ISSUANCE OF SUMMONS AND SERVICE**

(Civil Rules 4 through 4.6)

Please issue Summons and serve the Complaint to the following parties:

**ALL DEFENDANTS** at the addresses listed on the Complaint by  **United States Certified Mail**; by  **United States Express Mail**; Except as otherwise indicated below  and if the certified or express mail is returned UNCLAIMED or REFUSED, I request you then serve the defendant by ordinary mail with certificate of mailing pursuant to Civ. R. 4.6. (The Court may require an additional costs deposit to cover the costs of the express mail service.)

By commercial carrier service (specify carrier \_\_\_\_\_) the following defendants at the address listed on the Complaint  and if the service by commercial carrier is returned REFUSED, I request you then serve the defendant by ordinary mail with certificate of mailing pursuant to Civ.R. 4.6:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Court may require additional costs deposit to cover the costs of the commercial carrier service.

Service is not required on the following parties because Waivers have been filed, or will be filed for the following parties:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By Personal Service or  Residential Service by  Sheriff of \_\_\_\_\_ County, Ohio or by  Special Process Server \_\_\_\_\_ on the following parties at the address listed on the Complaint:

_____	_____
_____	_____
_____	_____

If service by Process Server is requested, the Motion and proposed Entry appointing the server must be provided to the Court. The requesting party is responsible for arranging for the process server to pick up the documents for service and for payment of the fees and mileage of the special process server.

By Publication on the following parties:

_____	_____
_____	_____
_____	_____

Civil Rule 4.4 requires that if any address is unknown then publication be made once each week for six consecutive weeks. Before service by publication can be made, the party or counsel shall file an Affidavit pursuant to Civ. R. 4.4(A)(1). The Court may require an additional cost deposit be made by the requestor to cover the publication costs.

\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Type or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Sup. Ct. Registration Number

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

TESTATOR: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**WILL FOR DEPOSIT**  
(O.R.C. 2107.07, 2107.08 and Loc.R. 59.2)

I present a document purporting to the Last Will and Testament of \_\_\_\_\_  
\_\_\_\_\_, a resident of Morgan County, Ohio, and request the Court accept it for deposit  
for safekeeping. I represent to the Court that I am either the testator of the document, the guardian of the  
testator/maker of the document, or I am presenting it to the Court for deposit at the request of the testator or  
guardian. The name and current address and telephone number of the testator, named fiduciary, attorney preparing  
the will, if any known to the undersigned are identified below:

Testator: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Drafter: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Fiduciary: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Depositor: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Date: \_\_\_\_\_

Testator: \_\_\_\_\_  
(if applicable)

Depositor: \_\_\_\_\_  
(if other than testator)

Note: When the will is presented for a person under guardianship, a copy of this form shall be filed in the Court's  
guardianship file. If applicable, the guardianship case # is .

**WITHDRAWAL REQUEST AND RECEIPT**

I, \_\_\_\_\_, the undersigned testator, request the withdrawal of my original Last Will and Testament dated \_\_\_\_\_ previously deposited with the Court for safekeeping and I acknowledge receipt of it on this date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Testator

Evidence of Identity: \_\_\_\_\_

Issuing Agency: \_\_\_\_\_

Issued Date: \_\_\_\_\_

Number: \_\_\_\_\_

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

TESTATOR: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**CERTIFICATE FOR DEPOSIT OF WILL**  
(O.R.C. 2107.07, 2107.08 and Loc.R. 59.2)

I hereby certify that on \_\_\_\_\_, a written instrument dated \_\_\_\_\_  
purporting to be the Last Will and Testament of \_\_\_\_\_ (the "testator"), a resident  
of Morgan County, Ohio, was deposited pursuant to O.R.C. 2107.07 for safekeeping in the office of the Probate  
Court of Morgan County.

The Will shall, during the lifetime of testator be delivered only to the testator or to some person authorized  
by the testator by an order in writing duly proved by the oath of a subscribing witness, to receive same; and on the  
death of Testator to be handled pursuant to O.R.C. 2107.08.

JOHN A. WELLS, JUDGE

Date: \_\_\_\_\_

By \_\_\_\_\_  
Deputy Clerk

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ESTATE OF \_\_\_\_\_, DECEASED  
CASE NO. \_\_\_\_\_

**APPLICATION OF NON-RESIDENT FIDUCIARY TO DEPOSIT  
ASSETS WITH A CUSTODIAN IN LIEU OF BOND**  
(O.R.C. 2109.13 and Loc.R. 60.2)

The undersigned Fiduciary, being a non-resident of Ohio, requests the Court authorize the deposit of the following estate assets with a custodial depository in lieu of bond, or with reduced bond, pursuant to ORC Section 2109.13. The custodial depository will be \_\_\_\_\_, located at \_\_\_\_\_, Ohio. It is acknowledged that the Fiduciary will not have access to the deposited assets without a specific order from this Court. The assets to be deposited have a value of \$ \_\_\_\_\_ and they are described as: .

\_\_\_\_\_  
Attorney for Fiduciary  
Sup. Ct. Reg. No. \_\_\_\_\_

\_\_\_\_\_  
Fiduciary

**JUDGMENT ENTRY**

Upon Application by the Fiduciary to deposit estate assets in a custodial depository in lieu of bond, or with reduced bond, it is **ORDERED**:

1. The Application is approved and within seven (7) days of this Entry the Fiduciary shall deliver to the custodial depositor identified above-described assets with an initial value of \$ \_\_\_\_\_ to be held in a restricted access custodial account pursuant to Ohio R.C. 2109.03 in the name of the decedent's estate.
2. A certified copy of this Entry shall be delivered by the Fiduciary to the custodial depository and the depository shall acknowledge receipt of a copy of the Entry.
3. No portion of the deposited funds, or any earnings thereon, shall be released by the custodial depository except upon a specific order from this Court.
4. Within seven (7) days after the deposit of the assets, the Fiduciary shall file with the Court an Initial Verification of Receipt and/or Deposit of Custodian (Loc. F. 22.3A) to evidence that the deposit has been made and is being held subject to the terms of this Entry.
5. A violation of this Entry by the Fiduciary may result in sanctions, including findings of contempt, as a requirement for new or increased surety bond.

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ESTATE OF \_\_\_\_\_, DECEASED  
CASE NO. \_\_\_\_\_

**APPLICATION FOR EXECUTOR OR ADMINISTRATOR FEE**

(O.R.C. 2113.35 and Loc.R. 72.1)

Completion and filing of this form is required before the fiduciary compensation is paid. Payment shall not be made before the final account is prepared for filing unless prior approval of the Court has been obtained. The account will not be approved until this form is completed and filed.

1. a. <b>Personal estate</b>	<i>appraised value</i>			\$ _____
b. <b>Personal estate</b>	<i>income</i>			\$ _____
c. <b>Real estate sold</b>	<i>gross proceeds</i>			\$ _____
<b>TOTAL (to be used for completing 1. d-f inclusive)</b>				\$ _____
d. \$ _____	(not to exceed <b>\$100,000.00</b> )	x 4%	=	\$ _____ fee
e. \$ _____	(next <b>\$300,000.00</b> , or portion)	x 3%	=	\$ _____ fee
f. \$ _____	(all over <b>\$400,000.00</b> )	x 2%	=	\$ _____ fee
2. <b>Real Estate not sold</b>	\$ _____	x 1%	=	\$ _____ fee
(Fair market value)				
3. <b>Non-probate property that would have been includible</b>				
for computing the Ohio estate tax, but for repeal				
(Except joint and survivorship property)				
	\$ _____	x 1%	=	\$ _____ fee
<b>TOTAL FEE PERMITTED</b> (sum of 1d, 1e, 1f, 2 and 3 above)				\$ _____
<b>TOTAL FEE REQUESTED</b>				\$ _____

The fiduciary, having been fully advised of his/her right to the fee permitted by O.R.C. 2113.35 hereby waives the payment of the fee.

\_\_\_\_\_  
Fiduciary

\_\_\_\_\_  
Attorney



PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**NOTICE TO GUARDIAN-SUBMISSION OF  
COMMENTS OR COMPLAINTS**

[Sup.R. 66.03 (B)(2)]

You are hereby notified that this Court has received the attached comments/complaints regarding your performance as Guardian of the Person/Estate of the above-named Ward. The Court would like a response from you addressing the comments or complaints. The Court will consider these comments or complaints and your response, notify you of their disposition, and inform you if a hearing is necessary.

[Attach copy of comments or complaints]

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

By: \_\_\_\_\_  
Deputy Clerk

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**NOTICE TO GUARDIAN AND MAKER OF COMMENTS OR COMPLAINTS-  
DISPOSITION OF COMMENTS OR COMPLAINTS**

[Sup.R. 66.03 (B)(5)]

You are hereby notified that this Court has received comments or complaints regarding the Guardian's performance in this case. The Court has considered the comments or complaints and your response and will maintain them in the Court's records. The Court has determined that:

a hearing is not necessary and no further action will be taken at this time.

a hearing is necessary and is scheduled for \_\_\_\_\_ at \_\_\_\_\_.m. at the Morgan County

Probate Court, located at 19 E. Main Street, McConnellsville, Ohio.

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**GUARDIAN'S CREDIBILITY APPLICATION**

[Loc.R.66.05(A)]

Name of Applicant to be appointed Guardian: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Applicant's Current Address: \_\_\_\_\_

\_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

Previous Address: \_\_\_\_\_

\_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

Applicant's Spouse's Name \_\_\_\_\_ When married \_\_\_\_\_

Spouse's Address \_\_\_\_\_

Applicant's Employer \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

Previous Employer \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_ Checking \_\_\_\_\_ Savings \_\_\_\_\_

Name of Applicant's Bank \_\_\_\_\_

- a. Has the Applicant ever filed Bankruptcy (Chapter 7 or 13?) Yes and when \_\_\_\_\_ No \_\_\_\_\_
- b. Has the Applicant ever been Garnished? Yes and when \_\_\_\_\_ No \_\_\_\_\_
- c. Has the Applicant ever filed Receivership? Yes \_\_\_\_\_ No \_\_\_\_\_
- d. Has the Applicant every been convicted of, or plead guilty to, a Felony? Yes \_\_\_\_\_ No \_\_\_\_\_

Add details of A through D \_\_\_\_\_  
\_\_\_\_\_

Has the Applicant had experience investing Marketable Securities? Yes \_\_\_\_\_ No \_\_\_\_\_

Describe the details of any "Yes" response: \_\_\_\_\_  
\_\_\_\_\_

All of these statements are made in support of my application for appointment as guardian and are true.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

**GUARDIAN WITH TEN OR MORE WARDS  
NOTIFICATION OF CHANGE IN PERSONAL INFORMATION**

[Sup.R. 66.05 (B)(1)]

I, the undersigned, currently serve as the Guardian to ten or more wards. I am contacting the Court to report a change in my personal information.

The wards I currently serve are the following:

Ward's Name	Case No.	Ward's Name	Case No.
1.		8.	
2.		9.	
3.		10.	
4.		11.	
5.		12.	
6.		13.	
7.		14.	

[Attach additional pages if necessary]

The updated and current information is the following:

\_\_\_\_\_  
Guardian's Printed Name

\_\_\_\_\_  
Guardian's Signature

\_\_\_\_\_  
Street

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
E-mail

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**NOTIFICATION OF COMPLIANCE WITH  
GUARDIAN EDUCATION REQUIREMENTS**

[Sup.R. 66.06, Sup.R. 66.07]

The undersigned, currently serves as the Guardian of the above-named ward, and hereby reports to the Court that I have successfully completed:

- the guardian fundamentals course pursuant to Sup.R. 66.06; or
- the continuing education course pursuant to Sup.R. 66.07

Title of Course: \_\_\_\_\_

Date Attended: \_\_\_\_\_

Location of Course: \_\_\_\_\_

Education Provided by: \_\_\_\_\_

[Attach certificate of completion if applicable]

\_\_\_\_\_  
Guardian's Printed Name

\_\_\_\_\_  
Guardian's Signature

\_\_\_\_\_  
Street

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City, State, Zip Code

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**NOTICE OF/APPLICATION FOR CHANGE OF ADDRESS**  
[Sup.R. 66.08(E)]

Guardian's New Address: \_\_\_\_\_

Guardian's Old Address: \_\_\_\_\_

Ward's New Address: \_\_\_\_\_

Ward's Old Address: \_\_\_\_\_

New Telephone Number: \_\_\_\_\_

Reason: \_\_\_\_\_

[Attach additional pages if necessary]

\_\_\_\_\_  
Guardian's Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Phone Number

**ENTRY ON APPLICATION TO CHANGE ADDRESS OF THE WARD**

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this cause came to be heard on the application of the guardian of the above-named ward. Based on the information/testimony presented, the Court hereby finds that it is in the best interest of the ward that the application is APPROVED/DENIED. Therefore, the Court ORDERS that the Application to Change the Address of the Ward is APPROVED/DENIED and the ward SHALL/SHALL NOT be moved from the current residence.

IT IS SO ORDERED.

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**APPLICATION TO COMMENCE LEGAL PROCEEDINGS FOR WARD**  
[Sup.R. 66.08(F)]

Applicant, Guardian of the above-named ward, requests the Court's permission to commence legal proceedings on the ward's behalf. The reasons for commencing legal proceedings on the ward's behalf are:

\_\_\_\_\_

[Attach additional pages if necessary]

\_\_\_\_\_  
Attorney for Guardian

\_\_\_\_\_  
Guardian's Printed Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
Guardian's Signature

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Street

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Attorney Registration No.

\_\_\_\_\_  
Phone Number

**ENTRY ON APPLICATION TO COMMENC LEGAL PROCEEDING FOR WARD**

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this cause came to be heard on the application of the guardian of the above-named ward. Based on the information/testimony presented, the Court hereby finds that it is in the best interest of the ward that the application is APPROVED/DENIED. Therefore, the Court finds that the application is APPROVED/DENIED and the guardian MAY/MAY NOT proceed on the ward's behalf.

The Court further ORDERS: \_\_\_\_\_

IT IS ORDERED.

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**NOTIFICATION OF WARD'S IMPORTANT LEGAL PAPERS**  
[Sup.R. 66.08(L)]

The undersigned currently serves as the Guardian of the above-named ward. I hereby report to the Court the existence and location of the ward's important legal documents.

The Ward is known to have	Location:
<input type="checkbox"/> Will(s)	_____
<input type="checkbox"/> Other Estate Planning Documents	_____
<input type="checkbox"/> Advance Directives	_____
<input type="checkbox"/> Powers of Attorney	_____
<input type="checkbox"/> Contract for Prearranged Funeral	_____
<input type="checkbox"/> Other	_____

The above checked documents are further described as: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
[Attach additional pages if necessary.]

\_\_\_\_\_  
Guardian's Printed Name

\_\_\_\_\_  
Guardian's Signature

\_\_\_\_\_  
Street

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City, State, Zip Code



PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**APPLICATION TO CLOSE GUARDIANSHIP OF THE ESTATE**

[Sup.R. 66.08(I)]

Applicant, Guardian of the Estate for the above-named ward, hereby requests that the Court close the Guardianship of the Estate of the ward. The Principal income of the ward is from governmental entities, a payee for that income has been identified, and no other significant assets or income exist.

\_\_\_\_\_  
Attorney for Guardian

\_\_\_\_\_  
Guardian's Printed Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
Guardian's Signature

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Street

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Attorney Registration No.

\_\_\_\_\_  
Phone Number

**ENTRY ON APPLICATION TO CLOSE GUARDIANSHIP OF THE ESTATE**

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this cause came to be heard on the application of the guardian of the above-named ward. The Court ORDERS that the Guardian of the Estate shall pay the remaining funds to \_\_\_\_\_ to be used for the sole benefit of the ward and shall file a Final Account within 30 days of this Entry. The Guardian of the Estate shall be released upon approval of the Final Account, at which time the Guardianship of the Estate shall be closed, and the bond, if any shall be released.

The Court further ORDERS: \_\_\_\_\_

IT IS ORDERED.

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

GUARDIANSHIP OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**AFFIDAVIT OF INDIGENCY**  
(Loc.R. 66.16)

State of Ohio  
County of \_\_\_\_\_SS

The Affiant being duly cautioned and sworn, states that the proposed ward is reasonably believed to be indigent and without the financial means to pay the court costs associated with a guardianship.

The Affiant represents that the following statements are true:

1. The proposed Ward's income is the following: \_\_\_\_\_  
\_\_\_\_\_

2. The proposed wards assets consist of the following:  
A. Real Estate: Address \_\_\_\_\_  
B. Bank Accounts/Cash \_\_\_\_\_  
\_\_\_\_\_  
C. Investments: \_\_\_\_\_

3. Neither the proposed ward nor anyone acting for the proposed ward, within the 5 years preceding the affidavit, has transferred, conveyed, or gifted by trust or otherwise ANY INCOME, ASSETS OR OTHER PROPERTY to any person or entity for less than full consideration, value, or payment.

Affiant: \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_  
Typed/Printed

SWORN TO and SIGNED in my presence on the date indicated above by the Affiant who affirmed that the foregoing statements are true, based upon the Affiant's personal knowledge, information or belief.

\_\_\_\_\_  
Notary Public/Deputy Clerk

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ESTATE OF: \_\_\_\_\_, DECEASED  
CASE NO. \_\_\_\_\_

**MOTION FOR APPROVAL OF ATTORNEY FEES IN AN ESTATE**

TOTAL PROBATE ASSETS (PER INVENTORY)		\$ _____
5% between 0-\$150,000	_____	
Plus 3% between \$150,001-\$500,000	_____	
Plus 2% above \$500,001	_____	
	1. LEGAL FEE TOTAL	\$ _____
Reimbursements & expenses (postage, court costs, copies...) (Attach itemized records)		
	2. EXPENSE TOTAL	\$ _____
TOTAL ATTORNEY FEE (SUM OF 1 & 2)		\$ _____
ATTORNEY FEE TAKEN ON PRIOR ACCOUNT	(-)	\$ _____
BALANCE OF ATTORNEY FEES PERMITTED		\$ _____
ATTORNEY FEES REQUESTED ON FINAL ACCOUNT		\$ _____

\_\_\_\_\_  
FIDUCIARY'S SIGNATURE

\_\_\_\_\_  
ATTORNEY'S SIGNATURE

**ENTRY APPROVING ATTORNEY FEE**

Upon motion and pursuant to Sup.R. 71 and Loc.R. 71.4 the Court approves an attorney fee of  
\$ \_\_\_\_\_ as requested by the attorney and approved by the fiduciary in this matter.

\_\_\_\_\_  
JUDGE JOHN A. WELLS

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

TRUST OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**CALCULATION OF TRUSTEE COMPENSATION**  
(Loc.R. 74.1)

1. Gross Annual Income		\$ _____
	times (x)	_____ .04
Fee on Income		\$ _____
2. Principal		\$ _____
	times (x)	_____ .002
Fee on Principal		\$ _____
3. Principal Distribution		\$ _____
	times (x)	_____ .002
Fee on Principal Distribution		\$ _____

RECAPITULATION

Item 1. Fees \$ \_\_\_\_\_  
Item 2. Fees \$ \_\_\_\_\_  
Item 3. Fees \$ \_\_\_\_\_  
Extraordinary Fees \$ \_\_\_\_\_  
(from Application)

Total Fees Requested \$ \_\_\_\_\_

\_\_\_\_\_  
ATTORNEY'S SIGNATURE

\_\_\_\_\_  
TRUSTEE'S SIGNATURE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

IN THE MATTER OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**NOTICE OF CHANGE OF ADDRESS**

(Loc.R. 57.2 and Loc.R. 66.8)

I am notifying the Court that effective (Date) \_\_\_\_\_ the address or  
addresses for (Name) \_\_\_\_\_, Executor, Administrator, Heir, Beneficiary, Ward,  
Trustee, Attorney, Plaintiff, Defendant, Petitioner or Applicant (choose one or more and circle), has/have changed.

Physical and/or Residence Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Home Phone/Cell Phone

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed/Printed Name of Filer

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ADOPTION OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**APPLICATION FOR APPOINTMENT OF ADOPTION ASSESSOR**

The Petitioner(s) requests the Court to appoint \_\_\_\_\_ as an Adoption Assessor to inquire into the conditions and antecedents of the person to be placed for adoption and of the Petitioner for the purpose of ascertaining whether the adoption is in the best interests of the minor and whether the Petitioner's home is suitable for the minor. The Petitioner agrees to pay the Assessor reasonable compensation of \_\_\_\_\_ plus mileage for this service as part of the deposit to this Court.

\_\_\_\_\_  
Petitioner 1

\_\_\_\_\_  
Petitioner 2

**ENTRY APPOINTING ADOPTION ASSESSOR**

The Court hereby approves and appoints \_\_\_\_\_ as the Adoption Assessor and orders this assessor to conduct a homestudy in the above-named matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ADOPTION OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**CUSTODY AFFIDAVIT**  
[ORC 3127.23]

I, \_\_\_\_\_, being duly sworn, deposes and states the following:

1. Beginning with the Child's present address, state where the child lived within the last FIVE years and with whom the child lived during that period.

From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ With \_\_\_\_\_

At \_\_\_\_\_

From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ With \_\_\_\_\_

At \_\_\_\_\_

From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ With \_\_\_\_\_

At \_\_\_\_\_

From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ With \_\_\_\_\_

At \_\_\_\_\_

From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ With \_\_\_\_\_

At \_\_\_\_\_

From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ With \_\_\_\_\_

At \_\_\_\_\_

From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ With \_\_\_\_\_

At \_\_\_\_\_

*If more space is needed for additional places of residence you may attach a separate page.*

Case No. \_\_\_\_\_

2. Said affiant (circle one) HAS/HAS NOT participated as a party, witness, or in any other capacity in any other litigation concerning the custody or visitation of the child in this or any other state. *Please list the case number, the type of case, and the name and address of the Court.* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Said affiant (circle one) DOES/DOES NOT HAVE information of any other cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case. *Please list the case number, the type of case, and the name and address of the Court.* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Said affiant (circle one) DOES/DOES NOT KNOW of any person who is not a party to this case who has physical custody or claims to have custody or visitation rights with respect to the child. *Please list the name and address of any said individual.* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Said affiant or any member of your household (circle one) HAS/HAS NOT been convicted of any criminal offense, including guilty pleas, involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

<u>Name</u>	<u>Case Number</u>	<u>Court/State/County</u>	<u>Crime Convicted Of</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



Case No. \_\_\_\_\_

**OATH**  
(Do Not Sign Until Notary is Present)

I, (print name) \_\_\_\_\_, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury. I further understand that I have a continuing duty to inform the Court of any custody proceeding concerning the child in this or any other state of which I obtain information during this proceeding.

\_\_\_\_\_  
Affiant 1

\_\_\_\_\_  
Affiant 2

Sworn before me and signed in my presence this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

IN THE MATTER OF THE ADOPTION OF: \_\_\_\_\_  
(Name after adoption)

CASE NO. \_\_\_\_\_

**AFFIDAVIT AND REQUEST FOR SERVICE BY PUBLICATION**

I, \_\_\_\_\_, being first duly cautioned and sworn according to law, says that he/she is the Petitioner herein and state the following:

1. A Petition for Adoption was filed in this court on \_\_\_\_\_.
2. The last known address of \_\_\_\_\_, the \_\_\_\_\_  
(person to be notified) (relationship)  
of the minor(s) to be adopted is \_\_\_\_\_.
3. The following attempts have been made in trying to locate \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. The usual place of residence of said \_\_\_\_\_, is unknown and cannot with reasonable diligence be ascertained.

Therefore, this is a case which warrants service by publication pursuant to Ohio Civil Rule 73 (E)(6), and the petitioner(s) requests that notice be made by publication upon said \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner(s)

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ESTATE OF: \_\_\_\_\_, DECEASED  
CASE NO. \_\_\_\_\_

**APPLICATION FOR ENTRY OF SAFE DEPOSIT BOX**  
(Loc.R. 75.6)

Now comes the undersigned Applicant who requests the appointment of \_\_\_\_\_  
whose address is \_\_\_\_\_ as the Court Appointed Commissioner to enter the  
decendent's safe deposit box located at \_\_\_\_\_, a financial institution. The Commissioner  
should be authorized to remove and deposit with this Court any instruments found in the safe deposit box that  
purport to be a will or codicil to a will of the decedent.

A certified copy of the decedent's death certificate has been exhibited to the Court with the Court retaining  
for the file a photocopy. The Applicant represents to the Court that the Applicant is unaware of any proceedings  
having been commenced to administer, or release, the decedent's estate, except \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Attorney Sup. Ct. Reg. No. \_\_\_\_\_

**ENTRY**

Upon Application and for good cause shown the court appoints \_\_\_\_\_  
as the Court Appointed Commissioner to open the decedent's safe deposit box described above in the presence of an  
employee of the named financial institution. The Commissioner is ORDERED to remove, report to the Court and  
deposit with the Court any instruments located in the safe deposit box that purport to be the decedent's will or  
codicil. The Report of Entry Into Safe Deposit box shall be signed by the witnessing employee and the  
Commissioner. NO OTHER ITEMS MAY BE REMOVED FROM THE SAFE DEPOSIT BOX UNDER THE  
AUTHORITY OF THIS ENTRY. THE COMMISSIONER IS ORDERED TO FILE A REPORT WITH THE  
COURT WITHIN 30 DAYS.

\_\_\_\_\_  
JOHN A. WELLS, JUDGE

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ESTATE OF: \_\_\_\_\_, DECEASED  
CASE NO. \_\_\_\_\_

**REPORT ON ENTRY OF SAFE DEPOSIT BOX**

(Loc.R. 75.6)

In the presence of the financial institution's official signing below and pursuant to the prior Entry of this Court, on \_\_\_\_\_, \_\_\_\_\_ the Court Appointed Commissioner opened the decedent's safe deposit box identified in the Entry and makes the following report to the Court:

\_\_\_\_\_ All instruments purporting to be the will(s) and codicil(s) of the decedent have been removed and are deposited with the filing in the Court. The instrument(s) removed is/are dated: \_\_\_\_\_.

\_\_\_\_\_ There were no instruments found in the safe deposit box purporting to be a will or codicil of the decedent.

\_\_\_\_\_ Additional comments (if any) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
COURT APPOINTED COMMISSIONER

**Bank Witness to Opening and Removal**

\_\_\_\_\_  
Financial Institution

By \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Note: A signed copy should be retained by  
the financial institution

**TO BE RETURNED TO THE MORGAN COUNTY PROBATE COURT  
MORGAN COUNTY COURTHOUSE, MCCONNELSVILLE, OHIO 43756**

PROBATE COURT OF MORGAN COUNTY, OHIO  
JOHN A. WELLS, JUDGE

ESTATE OF: \_\_\_\_\_, DECEASED  
CASE NO. \_\_\_\_\_

**CERTIFICATE OF SERVICE ON INVENTORY  
AND NOTICE OF HEARING**  
(O.R.C. 2115.15, 2115.16 and Loc.R. 78.1)

This is to certify that a true and accurate copy of Inventory and a Notice of Hearing on Account were served upon all heirs, beneficiaries of the estate, interested person, and other persons designated by the Court, except:

The following beneficiary, heir, interested person or other person designated by the court who has signed a *Waiver of Notice of Hearing and Consent to Account* (SPF 13.7a) or a *Waiver of Notice of Hearing* (SPF 6.2) filed herewith, or previously filed with the Court;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following beneficiary whose address is unknown \_\_\_\_\_

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For those persons served, proof of service is attached. Pursuant to Loc. R. 78.1, for certified mail service, originals of the signed U.S. Postal Service Domestic Return Receipt cards are attached. For ordinary mail service, photocopies of U.S. Postal Service Certificates of Mailing are attached.

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Fiduciary

Attorney Registration No. \_\_\_\_\_

