

Initial Probate Filings

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Standard Probate Forms

- Rules of Superintendence – available through the Supreme Court of Ohio
- Most SPFs are available through SCO
- Many counties have forms online with their county & judge's name already completed
- Some counties have forms specific to their own practices
- www.summitohioprobate.com/siteforms

A Form for Every Step...

- Initial Filings (SPF 1.0-4.5; 8.0-8.6)
 - Open the Estate
 - Appoint the Fiduciary
 - Admit the will to probate
 - Inform the surviving spouse of their rights
 - Notify interested parties of opportunity to challenge the will

A Form for Every Step...

- Inventory (SPF 6.0-6.3)
 - List all probate assets
 - Provide value of probate assets
 - By Appraisal
 - By “readily ascertainable value”
 - Notify interested parties of the assets
 - Notify interested parties of opportunity to challenge (“exception”) the list of probate assets and/or their value

A Form for Every Step...

- Sell/Distribute Property (SPF 9.0-12.1)
 - Sell personal property (when will doesn't already give this power) to a third party
 - Sell real estate (when will doesn't already give this power) to a third party
 - Distribute personal or real property in-kind to a beneficiary
 - Certificate of Transfer SPF 12.1

A Form for Every Step...

- Accounting (SPF 13.0-13.9)
 - Show all transactions in & out of the Estate
 - Notify interested parties of the Estate's transactions & opportunity to object
 - Notify beneficiaries of the distributions
 - Notify court of payments, receipts, and distributions
 - Calculate attorney & fiduciary fees

Ask your client to bring in...

1. Certified death certificate(s)
2. List of all children (living or deceased), including complete address and telephone number.
3. If no children a list of all next of kin, including complete address and telephone number.
4. Most recent statement for all bank or brokerage accounts (checking, savings, certificates of deposit, investment, brokerage), including branch address and phone number and/or financial advisor's contact information
5. Original policies and/or contracts for life insurance policies, IRA's, annuities, 401 (k), and any other retirement type accounts.
6. Original stock certificates.
7. Original US savings bonds.
8. Original or memorandum of title for cars, trucks, boats, trailers, or mobile homes.
9. Copy of deed to home and any other real estate owned by the decedent.
10. Copy of any gift tax returns that have been filed.
11. Copy of personal income tax return for prior year.
12. Debts and expenses, including but not limited to, funeral service, funeral flowers, funeral food, grave opening and closing, expenses of last illness, outstanding mortgages, car loans, personal loans, and balances on credit cards.
13. **Paid funeral bill**
14. Original Last Will and Testament of decedent and copy of surviving spouse's Last Will and Testament.
15. Original Trust (if applicable)

(Thanks to Lori, my paralegal!)

Information Needed Initial Filings

- Decedent's name
 - Full legal name including middle name
 - Maiden name
 - Any variations (Jr. or Sr., nicknames)
- Decedent's domicile & date of death
- Applicant's contact information
 - Executor/trix nominated in Will or person applying to be Admin

Information Needed Initial Filings

- All persons who would take by intestacy, their contact information, and DOB/age
- All persons named in decedent's last will and testament, their contact information, and DOB/age
- Surviving spouse's contact information
- General list of decedent's probate property

PROBATE COURT OF SUMMIT COUNTY, OHIO
 ELINORE MARSH STORMER, JUDGE
 ESTATE OF _____ DECEASED
 CASE NO. _____

**SURVIVING SPOUSE, CHILDREN, NEXT OF KIN,
 LEGATEES AND DEVISEES**
 [R.C. 2105.06, 2106.13 and 2107.19]

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

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

| Name | Residence Address | Relationship to Decedent Surviving Spouse | Birthdate of Minor |
|------|----------------------|--|-----------------------|
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- [Check whichever of the following is applicable]
- The surviving spouse is the natural or adoptive parent of all of the decedent's children.
 - The surviving spouse is the natural or adoptive parent of at least one, but not all, of the decedent's children.
 - The surviving spouse is not the natural or adoptive parent of any of the decedent's children.
 - There are minor children of the decedent who are not the children of the surviving spouse.
 - There are minor children of the decedent and no surviving spouse.

SPF 1.0 – Side 1

- Most important SPF
- Name all persons (living or dead) who would take by intestacy
- Example:
 - Spouse n/a - divorced
 - Child 1 – predeceased, survived by GC1, GC2 – including GC address & DOB
 - Child 2 – Adult
 - Child 3 – D.O.B. 2/1/2006
- Include addresses
- Don't forget the boxes at the bottom!

Sample SPF 1.0 Side 1

ESTATE OF JOSEPH G. WOODARSKI AKA JOE G. WOODARSKI AKA DECEASED
JOSEPH WOODARSKI AKA JOE WOODARSKI

Case No. 2017 ES 00793

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

[R.C. 2105.06, 2106.13 and 2107.19]
[Use with those applications or filings requiring some or all of the information in this form, for notice or other purposes. Update as required.]

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

| Name | Residence Address | Relationship to Decedent | Birthdate of Minor |
|--------------------------------|---|--------------------------|--------------------|
| Divorced | | | |
| | | Surviving Spouse | |
| Joseph G. Woodarski, Jr. | 1333 County Road 4797 Springtown, TX 76082 | Son | Adult |
| <i>AW</i> Jessica Wellman | 171 W. Hiram Street Barberton, OH 44203 | Daughter | Adult |
| Stephen Woodarski | Predeceased | Son | |
| Children of Stephen Woodarski: | | | |
| Joseph C. Woodarski | 724 Plymouth Drive Fort Worth, TX 76140 | Grandson | Minor <u>5 yrs</u> |
| Rhyann Woodarski | 1105 Curtis Drive Weatherford, TX 76086 | Granddaughter | Minor <u>3 yrs</u> |

PROBATE COURT
COUNTY OF SUMMIT, OH
FILED

SEP 11 2017

[Check whichever of the following is applicable]

JUDGE ELLINORE MARSH STORMER

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

FORM 1.0 - SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES

Page 1 of 2

Putnam Springs Software

12/01/2012

- Note the “a.k.a.” names
- Court stamps the case #
- “Predeceased” means did not survive the decedent
- Grandchild listed when decedent’s child has predeceased
- This estate has no surviving spouse
- Relationship listed is the relationship to *the deceased*
- Do not list exact DOB on the publicly recorded docs

SPF 1.0 – Side 2

- Name, address, and age for all persons named in the will
- This *could* be the same as the people listed on side 1, but it is not necessarily
- Note: this is the persons who are “vested” in the decedent’s will
 - “\$5,000 to my friend Fran, if Fran survives me” and Fran has predeceased – Fran is not vested.

CASE NO.

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

| Name | Residence Address | Birthdate of Minor |
|------|-------------------|--------------------|
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[Check whichever of the following is applicable]

The will contains a charitable trust or a bequest or devise to a charitable trust, subject to R.C. 109.23 to 109.41.

The will is not subject to R.C. 109.23 to 109.41 relating to charitable trusts.

Date

Signature of Applicant (or give other title)

Applicant Printed Name (or give other title)

Date

Signature of Applicant (or give other title)

Applicant Printed Name (or give other title)

FORM 1.0 - SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES
(Page 2 of 2) Rev. 1/00/2015

Sample SPF 1.0 – with will

ESTATE OF JACK BAIR AKA JACK E. BAIR AKA JACK EDWARD BAIR DECEASED

Case No. 2018 ES 01031

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

[R.C. 2105.06, 2106.13 and 2107.19]
[Use with those applications or filings requiring some or all of the information in this form, for notice or other purposes. Update as required.]

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

| Name | Residence Address | Relationship to Decedent | Birthdate of Minor |
|----------------------------------|---------------------------------------|--------------------------|--------------------|
| Divorced and Not Remarried | | Surviving Spouse | |
| No Children or Their Descendants | | | |
| Both Parents Predeceased | | | |
| Richard Bair | 189 Hollywood Ave. Akron, OH 44313 | Brother | Adult |

PROBATE COURT
COUNTY OF SUMMIT, OH
FILED

OCT 31 2018

JUDGE ELINORE MARSH STORMER

[Check whichever of the following is applicable]

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

FORM 1.0 - SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES

Page 1 of 2

Furman Springs Software

12/01/2002

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

| Name | Residence Address | Birthdate of Minor |
|----------------------------|--|--------------------|
| • Jan Martin | 3940 Maurice Dr. Newberry Park, CA 91320 | Adult |
| • Jennie Lee Bair Willis | 102 Hyannis Ct. Jacksonville, NC 28550 | Adult |
| • Christine Graor | 1105 Canyon View Rd. # 301 Sagamore Hills, OH 44067 | Adult |
| • Karen Bair | 101 Meadows Dr. St. Simons Island, GA 31522 | Adult |
| • Kathryn Marie Urbank | 1128 Trentwood Akron, OH 44313 | Adult |
| • Joseph James Ganzler | 2452 Calle Jade San Clemente, CA 92673 | Adult |
| • Lou Carouse | 10404 Highland Dr. Brecksville, OH 44141 | Adult |
| • Dominick Herbert DeLeone | 660 S. Vine Street Escondido, CA 92025 | Adult |
| • Kitten Krazy, Inc. | 910 Lake Road Medina, OH 44256 | |

[Check whichever of the following is applicable]

- The will contains a charitable trust or a bequest or devise to a charitable trust, subject to R.C. 109.23 and 109.41.
- The will is not subject to R.C. 109.23 and 109.41 relating to charitable trusts.

10/26/2018
Date

Christine Graor
Applicant (or give other title)
Christine Graor

FORM 1.0 - SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES

Page 2 of 2

Furman Springs Software

12/01/2002

SPF 2.0

- Only if you have a will
- Use decedent's full name & relevant “also known as” names on the top line
 - Keep consistent on all filings
- Who gets notice of the Will? R.C. 2107.19(A)
 - Surviving spouse
 - All persons named in will
 - All persons who would take by intestacy
- Can waive notice: sign bottom of SPF 2.0 or separate waiver SPF 2.1

PROBATE COURT OF SUMMIT COUNTY, OHIO

ESTATE OF _____, DECEASED
CASE NO. _____

APPLICATION TO PROBATE WILL
(R.C. 2107.11, 2107.18, and 2107.19)

Applicant states that decedent died on _____.

Decedent's domicile was: _____
Street Address
City, or Village, or Township if unincorporated area _____ County
Post Office _____ State _____ Zip Code _____

A document purporting to be decedent's last will is attached and offered for probate, and applicant waives notice of probate of this will.

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

| | |
|---|---|
| Attorney for Applicant _____ Typed or Printed Name _____ Address _____ City _____ State _____ Zip _____ Phone Number (include Area Code) _____ Attorney Registration No. _____ | Applicant _____ Typed or Printed Name _____ Address _____ City _____ State _____ Zip _____ Phone Number (include Area Code) _____ |
|---|---|

WAIVER OF NOTICE OF PROBATE OF WILL

The undersigned, being persons entitled to notice of the probate of this will, waive such notice. After a certificate is filed evidencing these waivers and any notices given, any action to contest the validity of this will must be filed no more than three months after the filing of the certificate for estates of decedents who die on or after January 1, 2002 and no more than four months after the filing of the certificate for estates of decedents who die before January 1, 2002.

| | |
|-------------------------|-------------------------|
| _____ _____ _____ | _____ _____ _____ |
|-------------------------|-------------------------|

Form 2.0

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

ESTATE OF _____ DECEASED

CASE NO. _____

APPLICATION FOR AUTHORITY TO ADMINISTER ESTATE
[R.C. 2109.02 and 2109.07]

[For Executors and all Administrators; attach supplemental application for ancillary administration, if applicable]

Applicant says that decedent died on _____

Decedent's domicile was _____

_____ Street Address

_____ City, or Village, or Township (if unincorporated area) _____ County

_____ Post Office _____ State _____ Zip Code

Applicant asks to be appointed _____ of decedent's estate.

[Check whichever of the following is applicable]

- To applicant's knowledge, decedent did not leave a Will.
- Decedent's Will has been admitted to probate in this Court.
- A supplemental application for ancillary administration is attached.

Attached is a list of the surviving spouse, children, next of kin, and legatees and devisees known to applicant, which list includes those persons entitled to administer the estate.

The estimate value of the estate is:

| | |
|--------------------------------------|----------|
| Personal Property _____ | \$ _____ |
| Annual real property rentals _____ | \$ _____ |
| Subtotal, personal and rentals _____ | \$ _____ |
| Real Property _____ | \$ _____ |
| Total estimated estate _____ | \$ _____ |
| Applicant owes the estate _____ | \$ _____ |
| The estate owes applicant _____ | \$ _____ |

[Check whichever of the following is applicable]

- Applicant says that decedent's Will requests that no bond be required, and therefore asks the Court to dispense with bond.
- Applicant is a trust company duly qualified in Ohio, and bond is dispensed with by law.
- Applicant is decedent's surviving spouse, and is entitled to the entire net proceeds of the estate, or is the next of kin entitled to the entire net proceeds of the estate and there is no will, therefore bond is dispensed with by law.
- Applicant offers the attached bond in the amount of \$ _____
- Decedent was fifty-five (55) years of age or older at the time of death and was a recipient of medical assistance under Chapter 5111 of the Revised Code. Form 7.0 - Notice of Administrator of Estate Recovery Program has been or will be filed.

SPF 4.0

- Applying for authority to administer the estate
- Applicant asks to be appointed:
 - Administrator / trix – if there is no will
 - Executor / trix – if there is a will, and the applicant is named in it as fiduciary
 - Administrator, WWA – “with will annexed” – there is a will, but the applicant is not named in it as fiduciary
 - Administrator, DBN – “de bonis non administratis” – a second administrator to handle remaining assets

The estimate value of the estate is:

| | | |
|--------------------------------------|----|--|
| Personal Property | \$ | |
| Annual real property rentals | \$ | |
| Subtotal, personal and rentals | \$ | |
| Real Property | \$ | |
| Total estimated estate | \$ | |
| Applicant owes the estate | \$ | |
| The estate owes applicant | \$ | |

[Check whichever of the following is applicable]

- Applicant says that decedent's Will requests that no bond be required, and therefore asks the Court to dispense with bond.
- Applicant is a trust company duly qualified in Ohio, and bond is dispensed with by law.
- Applicant is decedent's surviving spouse, and is entitled to the entire net proceeds of the estate, or is the next of kin entitled to the entire net proceeds of the estate and there is no will, therefore bond is dispensed with by law.
- Applicant offers the attached bond in the amount of \$ _____.
- Decedent was fifty-five (55) years of age or older at the time of death and was a recipient of medical assistance under Chapter 5111 of the Revised Code. Form 7.0 - Notice of Administrator of Estate Recovery Program has been or will be filed.

SPF 4.0

- Estimate of property
- True values are provided on Inventory
- Money owed to applicant?
- Don't forget the check boxes!
- Bond – SPF 4.2
- Medicaid - if decedent over 55, must complete SPF 7.0 to file with Court and form SPF 7.0(A) to file with Medicaid Estate Recovery

Applicant accepts the duties of the fiduciary in the estate, imposed by law, and such additional duties as may be required by the Court. Applicant acknowledges being subject to removal as fiduciary for failure to perform such duties as required, and also acknowledges being subject to criminal penalties for improper conversion of any property held as fiduciary.

Attorney for Applicant's Signature _____
Attorney for Applicant's Typed or Printed Name _____
Address _____
City _____ State _____ Zip _____
Telephone Number (include area code) _____
Attorney Registration No. _____

Applicant's Signature _____
Applicant's Typed or Printed Name _____
Address _____
City _____ State _____ Zip _____
Telephone Number (include area code) _____

WAIVER OF RIGHT TO ADMINISTER [R.C. 2113.06]

The undersigned, being persons entitled to administer decedent's estate, and whose priority of right to do so is equal or superior to that of applicant, hereby waive appointment to administer the estate.

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____ at _____ o'clock M. as the date and time for hearing the application for authority to administer decedent's estate. The Court orders notice to take or renounce administration to be given those persons entitled to administer decedent's estate, whose priority of right to do so is equal or superior to that of applicant, and who have not waived appointment to administer the estate.

IT IS SO ORDERED.

JUDGE ELINORE MARSH STORMER

Date _____

SPF 4.0 Other Applicants?

- Persons with a right to administer equal or greater than the applicant must waive right to administer or must be served notice
- Right of priority R.C. 2113.06
 - Spouse, if OH resident
 - "next of kin," if OH resident
- E.g., Decedent left no spouse & 3 children, two of the children must waive or be served notice – even if the children are minors! (R.C. 2113.07)

Can't get signed waivers? Serve Notice!

ESTATE OF _____, DECEASED

CASE NO. _____

NOTICE OF HEARING ON APPOINTMENT OF FIDUCIARY

TO THE FOLLOWING PERSONS:

| | |
|---------------|------------------|
| _____ Name | _____ Address |
| _____ Name | _____ Address |
| _____ Name | _____ Address |
| _____ Name | _____ Address |
| _____ Name | _____ Address |
| _____ Name | _____ Address |

_____ has filed an application in this Court, asking to be appointed to administer decedent's estate.

The hearing on the Application will be held _____, at 9:00 A.M., at the Summit County Probate Court, 209 S. High Street, Akron, Ohio.

You are one of the persons entitled to administer decedent's estate, and if you wish to be considered for appointment, to do so you must apply to this Court. If you do not apply, it will be considered that you renounce your right to administer the estate. The Court may appoint any suitable and competent person to administer the estate, giving due weight to his/her relative priority of right to do so. Even if you decline appointment yourself, if you know of any reason why the above applicant is not suitable or competent, you should appear and inform the Court.

Elnore Marsh Stormer
Probate Judge and Ex-Officio Clerk

Deputy Clerk

NOTICE OF PROBATE OF WILL

(R.C. 2107.19(A))

To: _____

You are hereby notified that the decedent died on _____, _____, that the decedent's will was admitted to probate by this Court located at 209 South High Street, Akron, Ohio 44308, on _____, _____. This notice is given to all persons who would be entitled to inherit from the decedent had the decedent died intestate and to all legatees and devisees named in this will who do not waive notice. You are receiving this notice as:

(Check all of the following that apply)

- The Surviving Spouse.
- A person who would be entitled to inherit from the decedent had the decedent died intestate.
- A legatee or devisee named in the will.

After a certificate is filed evidencing any notices given, any action to contest the validity of this will must be filed no more than three months after the filing of the certificate for estates of decedents who die on or after January 1, 2002 and no more than four months after the filing of the certificate for estates of decedents who die before January 1, 2002.

Date

- Fiduciary
- Applicant for the admission of this will to probate
- Applicant for a release from administration
- Other interested person
- Attorney for any of the above

Typed or Printed Name

Address

Phone Number (include Area Code)

Attorney Registration No.

Summit County ES.1

- County-specific form
- Per R.C. 2115.02: “Any asset, the value of which is readily ascertainable, is not required to be appraised but shall be included in the inventory.”
- How to ascertain?
 - County Real Estate Tax Appraisal
 - Bank Statement
 - Kelley Blue Book / NADA
 - Listed stocks
 - “IOU” or Promissory Note

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

ESTATE OF _____ DECEASED
CASE NO. _____

APPLICATION TO DISPENSE WITH APPRAISAL
[R.C. 2115.02]

Pursuant to R.C. 2115.02, the known assets of the within estate are such that an appraisal may be dispensed with:

(Check appropriate boxes)

- Bank Accounts - Certificates of Deposit
- Listed Stocks
- Automobile
- Note and/or Mortgage
- Real Estate sold on Land Contract
- Personal Property, the value of which is readily ascertainable
- Other (state nature of asset) _____

IT IS THE ORDER OF THIS COURT that the fiduciary may file an inventory without an appraisal within the statutory time frame.

IT IS SO ORDERED.

JUDGE ELINORE MARSH STORMER

APPROVED: _____
Attorney/Applicant Signature

Attorney/Applicant Type or Print Name

FORM ES.1 - APPLICATION TO DISPENSE WITH APPRAISEMENT
Rev. 01/22/2018