

MIAMI COUNTY PROBATE COURT
(www.miamicountyohio.gov)

ESTATE - RELEASE FROM ADMINISTRATION CHECKLIST

- Forms must be typewritten or printed in ink
- Decedent died a resident of Miami County (RC 2113.01)
- There may be additional requirements based upon the specific circumstances in the case
- **There may be additional costs owing in this case**

PRECEDING COMMISSIONER APPOINTMENT

- Court costs paid at time of filing (Local Rule 58.1)
- Letter from Special Counsel to the Ohio Attorney General:** Every applicant who seeks a summary release, a release of estate from administration or the administration of any estate shall file with the Court a completed Medicaid Recovery Acknowledgement. This can be in the form of a letter obtained from the Special Counsel to the Ohio Attorney General.
(Local Rule 62.1)
 - In order to comply with this rule, you may mail a letter to attorney Stan Evans, Special Counsel to the Ohio Attorney General, with this request. You must include the decedent's social security number. The attorney will mail you a reply which you will file with the Court.
 - The address for the attorney is:
Stan Evans, Special Counsel to the Ohio Attorney General
Elsass, Wallace, Evans & Co., L.P.A.
PO Box 499
Sidney, OH 45365
- Copy of Death Certificate**
- Form SSN - Social Security Number**
- Form SOI - Statement of Intent**
- Form 1.0 - Surviving Spouse, Next of Kin, Children, Legatees and Devisees** (Local Rule 59.1, RC 2105.06, 2106.13, 2107.19)
 - Page 1: If there is no spouse and no children, parents shall be listed, even if deceased
 - Form AFF-3 - Affidavit Listing Three Attempts** (Local rule 59.1)
 - Necessary for any unknown persons or if any persons whose addresses are unknown
 - Page 1: Names shall match those as stated in Will (if name is different, include AKA / FKA)
 - Page 2: Names for beneficiaries named in Will shall match those as stated in Will (if names are different, include AKA / FKA)
 - Page 2: If Will references an age / age limit for a beneficiary, include for reference the beneficiary's date of birth or that the beneficiary is older / younger than the age limit
 - Page 2: must be dated

Form 2.0 - Application to Probate Will with Entry Admitting Will to Probate or Form APP WRO - Application to File Will for Record Only (Local Rule 59.1, RC 2107.11, 2107.18 & 2107.19)

City, Village or Township if unincorporated area (list city / village if decedent lived within the city / village limits; list township if decedent lived outside the city / village limits)

Post Office shall be listed (list city in which the decedent's mail was addressed)

Form 2.1 - Waiver of Notice of Probate of Will (RC 2107.19(A)(2))

Form 2.2 - Notice of Probate of Will (RC 2107.19(A))

Form 2.3 - Entry Admitting Will to Probate

Original Last Will and Testament (Local Rule 59.1)

Will should be signed by testator and witnessed by two persons (RC 2107.03)

If Will references a List or some other documents where specific items are to be given to someone, include that List or other document or provide an attorney statement addressing the List / other document

Form 2.4 - Certificate of Service of Notice of Probate of Will (RC 2107.19(A)(3), Local Rule 59.1)

To be filed within two months of fiduciary's appointment, or if no fiduciary has been appointed, not later than two months after the admission of the Will to Probate (SupR 59, RC 2107.19)

Surviving spouse, persons who would be entitled to inherit under RC Chapter 2105 if testator had died intestate, and all legatees and devisees named in Will either need to 1) receive Form 2.2 – Notice of Probate of Will AND / OR 2) sign Form 2.1 – Waiver of Notice of Probate of Will (SupR 59, CivR 73)

Applicable boxes to be checked

If Notice of Probate of Will was issued, copy of Notice and signed copies of green cards are to be filed

Form WRCW - Waiver of Right to Contest Will (if applicable)

Form 3.0 - Appointment of Appraiser (RC 2115.02, 2115.06, Local Rule 61.1, SupR 61.1)

Form APP PA - Application to Pay Appraiser (Local Rule 61.1)

Use if Appraiser's fee is greater than \$250

Form 5.0 - Application to Relieve Estate from Administration with Entry Setting Hearing and Ordering Notice (RC 2113.03)

City, Village or Township if unincorporated area (list city / village if decedent lived within the city / village limits; list township if decedent lived outside the city / village limits)

Post Office shall be listed (list city in which the decedent's mail was addressed)

Boxes checked for testate / intestate

Boxes checked for and for value of assets

Applicant(s) to sign Waiver on page 2

Form 5.1 - Assets and Liabilities of Estate to be Relieved from Administration (Local Rule 61.1)

Digital Assets (RC 2137.01 – 2137.18)

Real Estate: If using Miami County Auditor's evaluation, a copy of the evaluation must be attached (Local Rule 61.1)

If an asset has been appraised, it must be marked appraised

If motor vehicles are listed, must attach a copy of the market value found in any nationally recognized valuation guide under "average retail"

Funeral bill to be listed as a liability (indicate on form if paid outside of the estate)

Copy of the paid funeral bill / burial expenses or obligation to pay funeral / burial expenses or letter of body donation to for medical research

Attorney fees to be listed as a liability (indicate on form if paid outside the estate)

Fiduciary fees, to be listed as a liability (indicate on form if paid outside the estate)

If the estate is Insolvent a Full Administration must be filed

Form 45D - Confidential Disclosure of Personal Identifiers (SupR 45(D), Local Rule 45))

Form 5.2 - Waiver of Notice of Application to Relieve Estate from Administration (RC 2113.03)

Needed from applicant(s), if applicant(s) did not sign page 2 of Form 5.0 Application to Relieve Estate from Administration

Needed from everyone listed on page 1 and page 2 of Form 1.0 – Surviving Spouse, Next of Kin, Children, Legatees and Devisees or Form 5.3 - Notice of Application to Relieve Estate from Administration is needed from those who have not waived

Form 5.3 - Notice of Application to Relieve Estate from Administration (RC 2113.03)

Needed for everyone who has not signed Form 5.2 - Waiver of Notice of Application to Relieve Estate from Administration

Form 5.6 - Entry Relieving Estate from Administration (RC 2113.03)

Will not be approved until Will contest period has expired (or waiver of Will contest filed by applicant and everyone on Form 1.0 – Surviving Spouse, Next of Kin, Legatees and Devisees)

Will not be approved until expiration of time to file a claim

Claim(s): If claim(s) have not been paid in full will need to file a release / satisfaction of claim(s) before the entry is signed (RC 2117.06)

All applicable boxes / paragraphs to be checked and completed

Page 1: "That the following debts of decedent shall be paid to the extent of assets": Priority debts to be listed (Attorney Fees, Fiduciary Fees, Funeral Bill)

- Page 2: Name of commissioner to be completed
- Form CAF - Computation of Attorney Fees** must be computed and signed (Local Rule 71.1, 71.2)
 - Reimbursements for costs advanced (other) must be explained
- Form CFF - Computation of Fiduciary Fees** must be computed and signed, even if fees are waived (Local Rule 72.1)
 - Signature of ___Applicant / ___Fiduciary / ___Attorney required (SupR 57, CivR 11)
- Form 7.0(A) - Notice to Administrator of Medicaid Estate Recovery Program** (If decedent was fifty-five (55) years of age or older at the time of death and has been determined to have been a recipient of Medicaid assistance) (RC 2117.061, 5162.21, Local Rule 62.1)
 - This form is mailed directly to Medicaid Recovery and NOT filed with the Probate Court
- Form 7.0 - Certification of Notice to Administrator of Medicaid Estate Recovery Program** (If decedent was fifty-five (55) years of age or older at the time of death and has been determined to have been a recipient of Medicaid assistance) (RC 2117.061, 5162.21, Local Rule 62.1)
 - A copy of the green card is to be filed along with the Notice
- Form 12.0 - Application for Certificate of Transfer / Entry Issuing Certificate of Transfer** (RC 2113.61)
 - City, Village or Township if unincorporated area (list city / village if decedent lived within the city / village limits; list township if decedent lived outside the city / village limits)
 - Post Office shall be listed (list city in which the decedent's mail was addressed)
 - Page 1: File-stamp date to be used for date Will was admitted to probate, if applicable
 - One of three boxes must be checked regarding payment of debts
 - Page 1: Debts must be addressed
 - Applicable boxes to be checked
- Form 12.1 - Certificate of Transfer**
 - Page 1: List Certificate of Transfer Number
 - All applicable boxes / paragraphs must be completed
 - Provide legal description
 - Provide parcel number (must match parcel number on attachment to schedule of assets)

OTHER

- Form 45D - Confidential Disclosure of Personal Identifiers** (Local rule 45, SupR 45(D))
- Form MTCCH - Motion to Continue Citation Hearing** must use Court form (Local Rule 56)
- Form WRCW – Waiver of Right to Contest Will**

PROCEEDING COMMISSIONER'S APPOINTMENT

Form 5.9 - Report of Distribution with Judgment Entry

To be filed within 60 days of the date of the Entry Relieving Estate from Administration

Receipts / cancelled checks are needed for all distributions

____ Notes _____

