

WAYNE COUNTY PROBATE COURT

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ESTATE CHECKLIST –FULL ADMINISTRATION

Deposit: \$125.00

Preceding Fiduciary Appointment

Necessary Forms:

- Form 2.0 – Application to Probate Will/ Form 2.3 Entry Admitting Will to Probate (if there is a Will)
- Original Last Will and Testament (if there is a Will)
- Form 1.0 – Surviving Spouse, Next of Kin, Children, Legatees and Devisees
- Form 4.0 – Application for Authority to Administer Estate
- Form 4.3 – Waiver of Right to Administer (*if applicable*)
- Form 4.4 – Notice and Citation of Hearing on Appointment of Fiduciary (*if applicable*)
- Form 4.5 – Entry Appointing Fiduciary; Letters of Authority—*all applicable boxes must be checked and paragraphs completed*
- Form 4.0.1 – Fiduciary’s Acceptance
- Filing Fee

Form 4.2 – Fiduciary’s Bond in an amount that is double the probable value of personal property and annual real estate rental income pursuant to R.C. 2109.04

Or

No bond is required.

Decedent must have been a resident of Wayne County at time of death (*RC 2113.01*)

Or

Decedent is not a resident of Ohio but owns property in Wayne County and the decedent’s Will will not be admitted to probate in another state.

If there is a Will, does the surviving spouse receive all under the Will?

If not, is there a waiver signed by the surviving spouse to elect to take under or against the Will? Form 8.6 along with either Form 8.1 or Form 8.2

If no waiver,

Prepare Form 8.0 citation, within 7 days of fiduciary’s appointment

Prepare Form 8.3

Prepare Form 8.4

Within 2 Months of Appointment

Form 2.4 – Certificate of Service of Notice of Probate of Will – R.C. 2107.19(A)(4) (All applicable boxes marked)

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**

Surviving Spouse, persons entitled to inherit under statute of descent and distribution and all legatees and devisees named in will either:

_____ have received Form 2.2 Notice of Probate of Will via certified mail
or
_____ have sign Form 2.1 Waiver of Notice of Probate of Will

___ If Notice of Probate of Will was issued, copy of Notice and signed certified mail card to be filed with Court.

Ancillary Administration – R.C. 2129.04

___ Form 4.1 – Supplemental Application for Ancillary Administration
___ Applicable boxes must be checked and paragraphs completed
___ Authenticated copies (NOT certified) of Letters of Authority and/or Will must be filed
___ If Will was probated in another state, authenticated copy should be filed with Wayne County for record only

Inventory – Within 3 mths of Appointment (R.C. 2115.02)

___ **Form 6.0 – Inventory (ensure you use the appropriate version based on decedent’s date of death)**

___ Page 1 of Inventory – one of two boxes must be checked for filing of estate tax return (RC 2115.09)

___ Appraiser (*SupR 61; RC 2115.06*) – if applicable

___ Must be court appointed by Form 3.0 – Appointment of Appraiser

___ Must be disinterested

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

___ **Form 6.1 – Schedule of Assets**

___ Real property, including mobile homes, modular homes and manufactured homes:

___ Can either be appraised by an appraiser appointed by the Court

or ___

___ A printout showing the Auditor’s value should be attached.

___ Motor vehicle, ATVs, motorcycles, personal watercraft, side cars, snowmobiles, trailers, utility vehicles, power boats, sailboats, personal watercraft, outboard motors, boat trailers, travel trailers/fifth wheels, motor homes, camping trailers, truck campers, and park models

___ Can either be appraised by an appraiser appointed by the Court

or

___ A printout showing the NADA or blue book value should be attached

___ Service of citation to surviving spouse made or waived (see above)

___ Not less than 5 days prior notice of the taking of the Inventory must be served on the surviving spouse. (R.C. 2115.04). File waiver or proof of notice with Court.

___ Inventory must be served on all individuals listed on Form 1.0 (RC 2115.16)

___ File Form 6.3 with attached green certified mail cards prior to hearing

or

___ Form 6.2 (Waiver) for each individual listed on Form 1.0

Identification of New Assets after Inventory is Approved

___ If new assets are identified that were not listed on the inventory (ex: tax refund later received),

Form 6.0.1 must be filed.

Transfer of Assets

- ___ Form 9.0 – Application to Sell Personal Property – Inventory must be filed (*SupR 63, RC 2109.45*)
 - ___ If public sale, report of sale should be filed and should include proof of proper notice of public auction sale.
 - ___ If private sale, file a statement indicating that the private sale was made after diligent endeavor to obtain the best price for the property and that the private sale was at the highest price the executor, administrator, guardian, assignee, or trustee could obtain for the property.

- ___ *Form 9.0.1 – Application/Entry to Transfer Motor Vehicle, Watercraft, Trailer, Mobile Home (that is not considered a portion of the real estate), Recreational Vehicle, or Motorcycle*
- ___ Form 9.0.2 – Application/Authority to Transfer Motor Vehicle – if transferred by purchase – inventory must be filed (*SupR 63, RC 2109.45*)

- ___ Form 12.0 – Application for Certificate of Transfer to transfer real estate
 - ___ Inventory must be filed (*RC 2113.61*)
 - ___ All applicable boxes/blanks need to be checked/completed

- ___ Form 12.1 – Certificate of Transfer to transfer real estate
 - ___ All applicable boxes/paragraphs must be completed
 - ___ Parties are urged to have this document preapproved by Map Office to ensure it is accurate and to avoid unnecessary amendments.

Wrapping up the Estate – Final Account Due within 6 mths of Appointment as Fiduciary

- ___ Form 13.8 – Application to Extend Administration OR Form 13.10 Notice to Extend Administration: must be filed to extend administration of the estate beyond six months, otherwise, a Final Account, or Certificate of Termination, if applicable, is due within six months from the date of the appointment of the Fiduciary (NOTE: partial account cannot be filed until one of these forms have been filed) (*SupR 78B1; RC 2109.301*)

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

AND ONE OF THREE OPTIONS BELOW:

- ___ Form 13.0 – Final Fiduciary’s Account – RC 2109.30
 - ___ Form 13.1 – Receipts and Disbursements
 - ___ Attorney fee computation form – Fee should not be taken until this form is approved.
 - ___ Motion and Entry for attorney fees if fee outside guidelines of attorney fee computation form. Court suggests that the fiduciary and all residual beneficiaries sign and file ‘Local Form 13.1.3 – Consent to Attorney Fees.’
 - ___ If Attorney taking fiduciary fee, total administration fee may not exceed the fiduciary commission plus one-half of the guideline counsel fee. (*Local Rule*)
 - ___ Ensure any vehicles are transferred and any real property sold – copy of closing/settlement statement to be attached (*SupR 64*)

- _____ Ensure all claims are satisfied: need release/satisfaction of claims(s), or full payment of the claim needs to be shown in the final account, before court can/will close estate (*RC 2117.06*)
- _____ Ensure that three months must have passed since decedent's D.O.D.
- _____ Costs must be paid in full before account will be approved (*SupR 64*)
- _____ If date of death prior to January 1, 2013, final estate tax determination letter must be received unless no *estate tax return required*.
- _____ Form 13.2 – Assets Remaining in Fiduciary's Hands – if any bank accounts listed, need copy of bank statement, bank certificate, or other verification to be attached
- _____ Service of accounting on all heirs if decedent died intestate or on all beneficiaries if decedent died testate.
- _____ Form 13.9 – Certificate of Service of Account to Heirs or Beneficiaries – to be filed simultaneous with account showing service of account on all heirs to intestate estate or beneficiaries to testate estate (*RC 2109.32*)

OR

- _____ Form 13.0 – Partial Fiduciary's Account – RC 2109.30
 - _____ Form 13.1 – Receipts and Disbursements
 - _____ filed every year until estate closed
 - _____ partial accounts can be waived by written consent of all legatees, devisees, or heirs as long as none of them are under disability R.C. 2109.301(A)
 - _____ A status report should be filed for estates that remain open after 13 mths from appointment and annually thereafter. Sup.R. 78(C)
 - _____ Form 13.2 – Assets Remaining in Fiduciary's Hands – if any bank accounts listed, need copy of bank statement, bank certificate, or other verification to be attached
 - _____ Service of accounting on all heirs if decedent died intestate or on all beneficiaries if decedent died testate.
 - _____ Form 13.9 – Certificate of Service of Account to Heirs or Beneficiaries – to be filed simultaneous with account showing service of account on all heirs to intestate estate or beneficiaries to testate estate (*RC 2109.32*)

OR

- _____ A Certificate of Termination (Form 13.6) is allowed if fiduciary is sole legatee, devisee and heir.