

WAYNE COUNTY PROBATE COURT

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ESTATE- RELEASE FROM ADMINISTRATION CHECKLIST

Deposit: \$150.00

PRECEDING COMMISSIONER APPOINTMENT

- \$150.00 Security Deposit for Costs
- Form 1.0 Surviving spouse, Next of Kin, Children, Legatees, and Devisees
- Form 2.0 Application to Probate Will
- Original Last Will and Testament
- Form 5.0 Application to Relieve Estate from Administration
 - Boxes checked for testate/intestate and for value of assets (*RC 2113.03*)
- Form 5.1 Assets and Liabilities of Estate to be Relieved from Administration
 - Real property, including mobile homes, modular homes and manufactured homes:
 - Can either be appraised OR the market value of real property, including mobile homes, modular homes and manufactured homes as found in the Wayne County Auditor's property (*Local Rule 61.1D*)
 - A copy of said appraisal or auditor's card shall be attached (*Local Rule 61.1D*)
 - 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 OR value can be taken from the N.A.D.A. Official Used Car Guide under the category of "Avg Retail" or "Clean Trade-In," or in the current Kelly Blue Book under the category of "Private Party." (*Local Rule 61.1E*)
 - If the vehicle is not found in either the current N.A.D.A. Official Used Car Guide or in the current Kelly Blue Book, or in the event that the vehicle is in such a condition that it will be considered a "salvage" vehicle, a stipulated value agreed to by all beneficiaries should be provided to the Court in writing.
 - A copy of the appropriate page(s) from the N.A.D.A. Official Used Car Guide or the current Kelly Blue Book shall be attached.
- Form 3.0 Appraiser (*SupR 61; R.C. 2115.06*) – if applicable
 - Must be court appointed by Form 3.0 – Appointment of Appraiser
 - Appraiser must either sign Appraiser's Certificate on Form 5.1 – Assets and Liabilities to be Relieved OR a signed letter or appraisal from appraiser must be attached to the Assets and Liabilities to be Relieved.
- Form 5.2 Waiver of Notice of Application to Relieve Estate from Administration (if applicable) (*RC 2113.03*)
- Form 5.6 Entry Relieving Estate from Administration
 - All applicable boxes/paragraphs to be checked and completed
 - A copy of the funeral bill shall be attached to the application (*Local Rule 75.1*)
 - Decedent died a resident of Wayne County (*RC 2113.01*)

- ___ Form 2.4 Certificate of Service of Notice to Probate of Will
 - ___ 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*)
 - ___ All next of kin and beneficiaries either need to
 - 1) receive Form 2.2 – Notice of Probate of Will
 - or
 - 2) sign Form 2.1 - Waiver of Notice of Probate of Will
 - ___ All applicable boxes on Certificate should be checked
 - ___ If Notice of Probate of Will was issued, copy of Notice and signed certified mail card to be filed (*SupR 59; CivR 73*)
- ___ 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 medical assistance)

___ Check that the applicant meets the criteria set forth in the application for release from administration

If surviving spouse is applicant:

- ___ the value of the assets does not exceed the statutory limits outlined on page 1 of the application
- ___ the surviving spouse is entitled to all assets by the terms of the will or the surviving spouse is entitled to receive all assets for allowance of support under R.C. 2106.13(B) and/or for inheritance under R.C. 2105.06

If non-spouse is applicant:

- ___ the value of assets does not exceed \$35,000 for deaths on or after 11/9/94.

If a vehicle is being transferred:

- ___ Form 9.0.2 – Authority to Transfer Motor Vehicle

If real estate is being transferred:

- ___ Form 12.0 – Application for Certificate of Transfer to transfer real estate
 - All blanks/boxes should be completed/marked as applicable.
- ___ Form 12.1 – Certificate of Transfer to transfer real estate
 - ___ All applicable boxes/paragraphs must be completed
 - ___ Submitted form should be preapproved by Map Office.

Following commissioner appointment:

- ___ Form 5.9 Report of Distribution/Judg. Entry to be filed within 60 days of entry
- ___ All costs must be paid before Court will approve Report of Distribution