

RELEASE OF ASSETS WITH WILL

Call Cathy Kleps at 440-350-2627 with any questions. Please be advised that we are not attorneys and cannot answer any legal questions.

ALL forms must be typed or printed legibly.

These forms are available on our website.

PROCEDURE:

An application to Relieve Estate from Administration and other forms must be filed together. We also require the original Will (the Will stays with the Court), a copy of the death certificate and a copy of the paid funeral bill. We need proof of assets along with values. If there is a Title such as a car that needs to be released, we require a copy of the Title OR registration AND a copy of the value (Kelly Blue Book or NADA). Waivers on the Will are required from all next of kin AND all parties inheriting through the Will unless an Instructions for Service form is filed.

If funeral bill was not paid in full, we require a copy of the funeral bill and Waiver of Notice of Application to Relieve Estate from Administration signed by the funeral director of the funeral home. Waivers on the Release are required from the surviving spouse as long as he/she is the natural parent of all of the decedent's children otherwise Waivers on Release are required from the surviving spouse AND the decedent's adult children unless an Instructions for Service form is filed.

Current Auditor's value must be used for real estate and a copy of the value needs to be presented to the court.

Please contact the Court if a Transfer of Real Estate is needed as there are additional documents and fees associated with the Transfer.

COSTS...

Release with Will & 1 entry	\$134.00
Certificate of Transfer	\$ 7.00
each additional entry	\$ 2.00
OH Estate Tax	\$ 30.00
Form 22B	\$ 5.00
each certified mail	\$ 6.11
Amended OH Estate Tax	\$ 30.00
Amended Form 22B	\$ 5.00

PROBATE COURT OF LAKE COUNTY, OHIO
MARK J. BARTOLOTTA, JUDGE

ESTATE OF _____, **DECEASED**
CASE NO. _____

APPLICATION TO RELIEVE ESTATE FROM ADMINISTRATION
[R.C. 2113.03]

The 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

[Check one of the following]

- ☐ Decedent's will has been admitted to probate in this Court.
- ☐ To applicant's knowledge, decedent did not leave a will.

[Check one of the following]

- ☐ The assets are \$15,000 or less and decedent died on or after January 1, 1976.
- ☐ The assets are \$25,000 or less and decedent died on or after October 20, 1987.
- ☐ The assets are \$35,000 or less and decedent died on or after November 9, 1994.
- ☐ The assets are \$50,000 or less; the surviving spouse is entitled to all of the assets and the decedent died on or after April 16, 1993.
- ☐ The assets are \$85,000 or less; the surviving spouse is entitled to all of the assets and the decedent died on or after September 14, 1993.
- ☐ The assets are \$100,000 or less, the surviving spouse is entitled to all of the assets and the decedent died on or after March 18, 1999.

Applicant asks that the estate be relieved from administration because the assets do not exceed the statutory limits. A statement of the assets and liabilities of the estate is listed on the attached Form 5.1.

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

Attorney for Applicant

Typed or Printed Name

Street Address

City State Zip Code

Phone Number (include area code)

Attorney Registration No. _____

Applicant's Signature

Applicant's Typed or Printed Name

Street Address

City State Zip Code

Phone Number (include area code)

WAIVER OF NOTICE

The undersigned surviving spouse, heirs at law, legatees, devisees, and other persons entitled to notice of the filing of the application to relieve decedent's estate from administration, waive such notice.

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____, at _____ o'clock ____ M., as the date and time for hearing the application to relieve decedent's estate from administration.

[Check one of the following]

- ☐ All notice is dispensed with as unnecessary.
- ☐ Notice by publication to interested parties is dispensed with as unnecessary. Written notice shall be given, as provided by law and the Rules of Civil Procedure, to those persons entitled to notice, who have not waived notice.
- ☐ Written notice is dispensed with as unnecessary. Notice by publication shall be given to interested parties as provided by law and the Rules of Civil Procedure.
- ☐ Written notice shall be given to those persons entitled to notice, who have not waived notice, and notice by publication shall be given to interested parties, as provided by law and the Rules of Civil Procedure.

Date

Probate Judge

ESTATE OF _____, DECEASED

CASE NO. _____

**SURVIVING SPOUSE, CHILDREN, NEXT OF KIN,
LEGATEES AND DEVISEES**
(R.C. 2105.06, 2106.13, 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 descendant's 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.

[illegible]

(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.

Case No. _____

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

[illegible]

(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 _____

Applicant (or give other title)

Name of Creditor	Nature of Debt	Amount
		\$
Total Debts		\$

CERTIFICATION

The undersigned appraiser agreed to act as appraiser of decedent's estate, and to appraise the property exhibited truly, impartially, and to the best of the appraiser's knowledge and ability. The appraiser further says that those assets whose values were not readily ascertainable are indicated above by a check in the "Appraised" column opposite each such item, and that such values are correct.

The undersigned applicant determined the value of those assets whose values were readily ascertainable and were not appraised by the appraiser, and that such values are correct, and to applicant's knowledge the above list of decedent's debts is correct.

Date _____

Appraiser

Applicant

**MARK J. BARTOLOTTA, JUDGE
PROBATE COURT OF LAKE COUNTY, OHIO**

ESTATE OF _____, DECEASED
CASE NO. _____

**WAIVER OF NOTICE OF APPLICATION TO RELIEVE ESTATE FROM
ADMINISTRATION**

The undersigned surviving spouse, heirs at law, legatees, devisees, and other persons entitled to notice of the filing of the application to relieve decedent's estate from administration, waive such notice.

[illegible]

MARK J. BARTOLOTTA, JUDGE
PROBATE COURT OF LAKE COUNTY, OHIO

ESTATE OF _____, DECEASED
CASE NO. _____

APPLICATION TO PROBATE WILL

[R.C. 2107.11, 2107.12, and 2107.19]

The 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

Applicant

Typed or Printed Name

Typed or Printed Name

Street Address

Street Address

Phone Number (include area code)

Phone Number (include area code)

Attorney Registration No.

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.

ESTATE OF _____

CASE NO. _____

ENTRY ADMITTING WILL TO PROBATE

The Court finds that the purported will of decedent, either on its face or from testimony of the witnesses, complies with applicable law. It is therefore admitted to probate and ordered recorded. The Court further orders that notice of the probate be given to all parties entitled to notice.

Date

Probate Judge

CERTIFICATE OF WAIVER OF NOTICE

The undersigned states that all persons entitled to notice:

[Check applicable boxes]

- ☐ Have waived notice of the application for probate of this will or of a contest as to jurisdiction.
- ☐ Have waived notice of this will's admission to probate. The waivers are filed herein.
- ☐ Have not been notified because their names or places of residence are unknown and cannot with reasonable diligence be ascertained.

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

Attorney Registration No. _____

**MARK J. BARTOLOTTA, JUDGE
PROBATE COURT OF LAKE COUNTY, OHIO**

**ESTATE OF _____, DECEASED
CASE NO. _____**

**WAIVER OF NOTICE OF PROBATE OF WILL
[R.C. 2107.19(A)(2)]**

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

MARK J. BARTOLOTTA, JUDGE
PROBATE COURT OF LAKE COUNTY, OHIO

ESTATE OF _____, DECEASED
CASE NO. _____

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 the Lake County Courthouse, 25 North Park Place Painesville Ohio, 44077 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.

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

Typed or Printed Name

Address

Phone Number (include area code)

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

Attorney Registration No. _____

**MARK J. BARTOLOTTA, JUDGE
PROBATE COURT OF LAKE COUNTY, OHIO**

ESTATE OF _____, DECEASED
CASE NO. _____

**CERTIFICATE OF SERVICE OF NOTICE OF PROBATE OF WILL
[R.C. 2107.19(A)(3)]**

The undersigned states that all persons entitled to notice:

[Check all applicable boxes]

- ☐ Have waived notice of the admission of this will to probate. The waivers are filed herein.
- ☐ Have received notice of the admission of this will to probate.
- ☐ Have been notified of the hearing on the probate of this will or a contest as to jurisdiction.
- ☐ Evidence of notification is filed herein.
- ☐ Have not been notified because their names or places of residence are unknown and cannot with reasonable diligence be ascertained.

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

Attorney Registration No. _____

Instructions For Service

CASE NAME _____

CASE NO _____

GUARDIANSHIP _____ ESTATE _____ CIVIL _____

TYPE OF HEARING: Appointment of Fiduciary _____
 Other _____

Please issue notice of hearing on the following persons:

<u>NAME</u>	<u>ADDRESS</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

TYPE OF SERVICE REQUESTED:

Sheriff _____

Certified Mail _____

Publication _____

Regular Mail _____

Please serve _____ by the Court Investigator.

ATTORNEY'S NAME, ADDRESS AND PHONE:

Date and time of hearing _____

Attorney notified: _____

MARK J. BARTOLOTTA, JUDGE
PROBATE COURT OF LAKE COUNTY, OHIO

ESTATE OF _____, **DECEASED**

CASE NO. _____

ENTRY RELIEVING ESTATE FROM ADMINISTRATION

[R.C. 2113.03]

Upon hearing the application to relieve decedent's estate from administration, the Court finds that:

Decedent died [check one of the following] – ☐ testate – ☐ intestate. The date of death and domicile are as stated in the application, and the Court has jurisdiction over the estate;

Notice to the surviving spouse, heirs at law, legatees, devisees, and other persons was duly effected or dispensed with by the Court as unnecessary;

The values of the several assets in the estate, given in the application do not exceed the statutory limits.

The Court therefore relieves the estate from administration, and orders [check and complete whichever of the following are applicable]:

☐ That the following personal property be sold [describe]:

☐ That the following debts of decedent shall be paid to the extent of assets:

☐ That the statutory family allowance be paid to the ☐ surviving spouse - ☐ minor children of the decedent - ☐ apportioned between the surviving spouse and minor children of the decedent who are not the children of the surviving spouse. Attach form 7.2A if necessary.

☐ That Certificate of Transfer No. _____, attached to the application and describing decedent's real estate, issue and be preserved in the records of the Court and that authenticated copies of the certificate be delivered as required to the persons entitled to them;

☐ That the financial institutions holding accounts in decedent's name as set forth below pay the same upon proper tax release [check one of the following] - ☐ to the commissioner - ☐ to

Prepared by
Attorney's Name _____
Address _____
Phone No. _____

That the remainder of the estate be distributed in cash or in kind, as follows:

[illegible]

The Court appoints _____ commissioner, to receive and sell or distribute the personal property or proceeds thereof, and to execute all necessary documents of conveyance, including without limitation those necessary to transfer title to any motor vehicle, motorcycle, watercraft, or other titled personal property sold or distributed in kind. The commissioner shall complete the duties and report to the Court within 30 days of the date of this entry.

Date _____

Probate Judge

ESTATE OF _____, DECEASED

NO. _____

CASE NO. _____

The legal description of decedent's interest in the real property subject to this certificate is: **[use extra sheets, if necessary]**.

Prior Instrument Reference:

Parcel No:

This instrument was prepared by _____

ISSUANCE

This Certificate of Transfer is issued this _____ day of _____, 20_____.

Probate Judge

AUTHENTICATION

I certify that this document is a true copy of the original Certificate of Transfer No. _____ issued on _____ and kept by me as custodian of the official records of this Court.

Date

Probate Judge

By _____
Deputy Clerk