

SECTION 2113.61 (D)
With a Will

This section allows for the transfer of real estate without the commencement of an original administration, or for such transfer after an administration has been completed (however, for some reason the real estate was not transferred).

FILING FEE:

Date of death prior to January 1, 2013	\$67.00
Date of death on or after January 1, 2013	\$62.00

FORMS NEEDED:

Application to Probate the Will (2.0)

ORIGINAL Will

Death certificate

Surviving Spouse, next of Kin, Legatees and Devisees (1.0)

Waiver(s) of Notice of Probate of Will (2.1)

Certificate of Service (2.4)

Ohio Estate Tax (If date of death is prior to January 1, 2013)

Copy of Auditor's valuation

Application for Certificate of Transfer (12.0)

Certificate of Transfer (12.1)

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. _____

**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
		Surviving Spouse	

[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

[illegible]

☐ 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.

Applicant (or give other title)

**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. _____

**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. _____



Department of
Taxation
Estate Tax Division
1-(800) 977-7711
tax.ohio.gov

ET 22
Rev. 7/03

Date Estate Tax Return and/or
this Form Filed in Probate Court

**Certificate of Estate Tax Payment and
Real Property Disclosure
for Dates of Death on or after November 8, 1990
(Section 5731.21 O.R.C.)**

This form should not be sent to the Estate Tax Division in Columbus.

Estate of: Decedent's last name, first name and middle initial		
County of residence	Case number	Date of death

Part I – Please complete either Section A or B, whichever is applicable.

A. This section is to be completed by the estate representative where an Ohio estate tax return is required to be filed.

Date of death (please check one):

- ☐ On or after Jan. 1, 2002 – more than \$338,333
- ☐ On or after Jan. 1, 2001 through Dec. 31, 2001 – more than \$200,000
- ☐ On or after June 30, 1983 through Dec. 31, 2000 – more than \$25,000.

1. The estate tax return due for this estate was filed in probate court on the date stamped hereon.
2. All estate taxes shown due, if any, on the return have been paid in full. (This step will take effect upon verification by the county auditor on page 3, Part II of this form.)
3. All real property listed in the inventory for the decedent's estate is included in the estate tax return as well as the following real property not listed in the inventory and attached to this certificate.
4. The real property attached to this certificate shall be free of any lien for estate taxes under Ohio Revised Code (R.C.) sections 5731.02 and 5731.19(A). This certificate does not take effect until verification of payment of tax is received from the county auditor's office. This certificate does not reflect the tax commissioner's final determination of estate tax under R.C. section 5731.26.

B. This section is to be completed by the estate representative where no Ohio estate tax return is required to be filed.

Date of death (please check one):

- ☐ On or after Jan. 1, 2002 – under \$338,333
- ☐ On or after Jan. 1, 2001 through Dec. 31, 2001 – under \$200,000
- ☐ On or after June 30, 1983 through Dec. 31, 2000 – under \$25,000.

1. No estate tax return is required to be filed because the gross estate, which includes all real property, falls below the filing requirements set forth in R.C. section 5731.21(A)(3).
2. All real property listed in the attached inventory for the decedent's estate, as well as the following real property not listed in the inventory and attached to this certificate, shall be free of any lien for estate taxes under R.C. sections 5731.02 and 5731.19(A).

Declaration

The information contained on this certificate, to the best of my knowledge, is true and complete.

Name of estate representative

Address of estate representative

Signature of estate representative

Date

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

ESTATE OF _____ **DECEASED**

CASE NO. _____

APPLICATION FOR CERTIFICATE OF TRANSFER
[R.C. 2113.61]

Applicant states that decedent died on _____.

Decedent's domicile at death was _____
Street Address

City or Village, or Township if unincorporated area County

Post Office State Zip Code

Decedent died owning the real property described in the accompanying Certificate of Transfer No. _____, which also lists those persons to whom the real property passed. Applicant asks the Court to issue a Certificate of Transfer so that new ownership interests may be recorded.

[Check the applicable boxes]

- ☐ Decedent died intestate.
- ☐ Decedent died testate on _____; will be admitted to probate on _____.
- ☐ Decedent's known debts have been paid or secured to be paid.
- ☐ Sufficient other assets are in hand to pay decedent's known debts.
- ☐ Estate is insolvent and the transfer shall apply toward the allowance for support.
- ☐ Applicant was appointed by this Court on _____ and is the qualified and acting executor or administrator of decedent's estate.
- ☐ Executor or administrator of decedent's estate failed to file this application before being discharged.
- ☐ Applicant is the executor or administrator appointed in another state. There is and has been no ancillary administration in Ohio. The real property to be transferred is located in this county.
- ☐ The transfer is subject to a written contract for the sale and conveyance of the real property, entered into but uncompleted by decedent before death. A copy of the contract is attached.
- ☐ There has been no administration and none is contemplated [R.C. 2113.61(D)].
- ☐ The transfer is pursuant to decedent's Will.
- ☐ The transfer is pursuant to the statutes of descent and distribution.
- ☐ The transfer is pursuant to summary release from administration [R.C. 2113.031(D)(3)].
- ☐ The real property to be transferred is subject to a charge in favor of the surviving spouse in the amount of \$ _____ as computed pursuant to R.C. 2106.11 on attached Exhibit A, and as shown on the accompanying Certificate of Transfer, in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

- ☐ Spousal elections have been exercised.
- ☐ Disclaimers or assignments have been filed.
- ☐ The transfer is of decedent's entire interest in the mansion house to the surviving spouse, who hereby elects to take such interest as part or all of the intestate share and/or allowance for support. **[If this paragraph is checked, the following must be completed, and both the surviving spouse and applicant must sign this form].**

The value of the total intestate share to which decedent's surviving spouse is entitled is \$ _____

The value of the allowance for support to which decedent's surviving spouse is entitled is \$ _____

The value of decedent's entire interest in the mansion house is:

Interest in mansion house \$ _____

Interest in household goods in house..... \$ _____

Interest in lots or farm land adjacent to house
and used in conjunction with it, which are
described in Certificate of Transfer and which
spouse hereby elects to include \$ _____

Less: Decedent's share of liens
on any and all of above \$ _____

Total \$ _____ \$ _____

Surviving Spouse

Applicant

Title or status

ENTRY ISSUING CERTIFICATE OF TRANSFER

The Court finding that the above application contains the information required by statute orders that Certificate of Transfer No. _____ be filed with this Entry and a copy of the Certificate of Transfer be issued for recording.

- ☐ **[Check if applicable]** The Court further finds that the transfer is subject to a charge pursuant to R. C. 2106.11.

Date

Probate Judge

ESTATE OF _____, DECEASED

NO. _____

Decedent died on _____ owning the real property described in this certificate. The persons to whom such real property passed by devise, descent or election are as follows:

[illegible]

[Complete if applicable] The real property described in this certificate is subject to a charge of \$_____ in favor of decedent's surviving spouse, _____ in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

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