

## **Checklist - Insolvency Proceeding**

(Note: The Court reserves the right to modify any of these procedures on a case-by-case basis)

**MANDATORY DEPOSIT DUE AT TIME OF FILING: \$30.00**

### **REQUIREMENTS**

When the assets of a decedent's estate are less than the known debts, an insolvency proceeding must be filed to properly administer the decedent's estate. An insolvency may be commenced in a full administration estate no sooner than six (6) months following the date of death of the decedent, and after the Inventory and Appraisal has been filed and approved in this Court.

*Note: All paperwork should be typed, single sided, and please do not staple originals.  
All documents being filed must have original signature.*

### **INITIAL FILING**

- Representation of Insolvency (Form 24.0)
- Judgment Entry Setting Hearing and Ordering Notice (Form 24.1)
- Schedule of Claims (Form 24.4)
- Continuation of Schedule of Claims (Form 24.5) If applicable
- Proposed Judgment Entry of Insolvency (Form 24.6)

### **OTHER FILING**

- Verification of Service Notice of Hearing on Representation of Insolvency and Schedule of Claims (Form 24.3)  
*This must be filed prior to, or at the insolvency hearing.*

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Lake County Court of Common  
Pleas  
Division of Probate  
*Judge Mark J. Bartolotta*



Lake County Courthouse, West Annex  
25 North Park Place,  
Painesville, Ohio 44077  
**Mailing Address:** P.O Box 490  
Painesville, Ohio 44077  
#440-350-2626  
[www.lakecountyohio.gov/probatelco](http://www.lakecountyohio.gov/probatelco)

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

**ESTATE OF \_\_\_\_\_, DECEASED**

**CASE NO. \_\_\_\_\_**

**CONTACT INFORMATION FORM**

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Attorney for Applicant(s) \_\_\_\_\_

Attorney's Street Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Attorney's Telephone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Attorney's Email Address \_\_\_\_\_

Attorney's Registration Number \_\_\_\_\_

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Applicant's Name \_\_\_\_\_

Applicant's Street Address \_\_\_\_\_

City State and Zip Code \_\_\_\_\_

Applicant's Telephone Number \_\_\_\_\_

Applicant's Email Address \_\_\_\_\_

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

**ESTATE OF:** \_\_\_\_\_, **DECEASED**

**CASE NO.** \_\_\_\_\_

**REPRESENTATION OF INSOLVENCY**  
[R.C. 2117.15]

The fiduciary states that the decedent died on \_\_\_\_\_.

- The fiduciary states that:
- there is a surviving spouse and no minor children of the decedent who are not the children of the surviving spouse, and an "Application for Family Allowance" (Standard Probate Form 7.1) has been filed, or
  - there is a surviving spouse and minor children of the decedent who are not the children of the surviving spouse and an "Application for Apportionment of Family Allowance" (Standard Probate Form 7.2) has been filed, or
  - there is no surviving spouse and more than one minor child of the decedent and an "Application for Apportionment of Family Allowance" (Standard Probate Form 7.2) has been filed.
  - an election has been made to take the mansion house, other real property and/or tangible personal property as part of the allowance for support. It is unnecessary to liquidate these assets.

The fiduciary states that the Inventory and Schedule of Assets have been filed and approved.

The fiduciary states that the time for filing claims has expired, and that claims against the estate, either presented or secured, are in the sum of \$ \_\_\_\_\_, and there are no known contingent claims.

The fiduciary states that the Schedule of Claims is attached, and that all claims have been listed by priority pursuant to R.C. 2117.25.

- The fiduciary states that the assets of the estate to the extent necessary have been liquidated.

The estate consists of:

- a mansion house \$ \_\_\_\_\_.
- other real property \$ \_\_\_\_\_.
- tangible personal property \$ \_\_\_\_\_.
- intangible personal property \$ \_\_\_\_\_.

**CASE NO.** \_\_\_\_\_

The fiduciary states that the claims against the estate exceed the assets of the estate and that the estate appears to be insolvent.

The fiduciary applies to this Court to set this matter for further hearing and instructions as to the priority of and the payment of claims.

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number (Include Area Code)

\_\_\_\_\_  
Phone Number (Include Area Code)

\_\_\_\_\_  
Attorney Registration Number

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

**ESTATE OF:** \_\_\_\_\_, **DECEASED**

**CASE NO.** \_\_\_\_\_

**JUDGMENT ENTRY SETTING HEARING AND ORDERING NOTICE**

[R.C. 2117.17]

The fiduciary has filed a Representation of Insolvency and Schedule of Claims. It appears probable that there will not be sufficient assets to pay in full all of the valid claims of the estate.

The Representation of Insolvency and the Schedule of Claims shall be heard before the Lake County Probate Court, located at 25 North Park Place, Painesville, Ohio 44077 on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ o'clock \_\_M.

Unless waived, the fiduciary shall give written notice, no less than 10 days prior to the hearing, by personal service or certified mail to all creditors, claimants, to the surviving spouse, to the custodians of minor children who are not the children of the surviving spouse, and other persons having an interest in the estate as devisees, legatees, heirs and distributees.

The fiduciary shall file verification of service of notice with the Court, no later than the date of the hearing.

**IT IS SO ORDERED.**

\_\_\_\_\_  
**JUDGE MARK J. BARTOLOTTA**

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

**ESTATE OF:** \_\_\_\_\_, **DECEASED**

**CASE NO.** \_\_\_\_\_

**NOTICE OF HEARING ON REPRESENTATION OF INSOLVENCY AND  
SCHEDULE OF CLAIMS**  
[R.C. 2117.17]

**TO THE FOLLOWING CREDITOR, CLAIMANT OR INTERESTED PERSON:**

\_\_\_\_\_  
Typed or Printed Name of Creditor, Claimant or Interested Person

\_\_\_\_\_  
Address

You are hereby notified that the fiduciary of this estate has filed a Representation of Insolvency and a Schedule of Claims in the Probate Court of Lake County, Ohio. A copy of the Representation of Insolvency and the Schedule of Claims is attached to this Notice of Hearing.

The Representation of Insolvency and the Schedule of Claims shall be heard before the Lake County Probate Court, located at 25 North Park Place, Painesville, Ohio 44077 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M.

The actions of the fiduciary in allowing and classifying claims will be confirmed at the hearing unless cause to the contrary is shown. Exceptions, if any, to the allowance or classification of any specific claim, must be in writing and filed with the Court prior to the hearing.

\_\_\_\_\_  
Fiduciary/Attorney for Fiduciary

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number (include area code)

Attorney Registration No. \_\_\_\_\_

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

**ESTATE OF:** \_\_\_\_\_, **DECEASED**

**CASE NO.** \_\_\_\_\_

**VERIFICATION OF SERVICE NOTICE OF HEARING ON REPRESENTATION OF  
INSOLVENCY AND SCHEDULE OF CLAIMS**  
[R.C. 2117.17]

The undersigned does hereby verify that, unless waived, written notice was given, no less than 10 days prior to the hearing, by personal service or certified mail to all creditors, claimants, to the surviving spouse, to the custodians of minor children who are not the children of the surviving spouse, and other persons having an interest in the estate as devisees, legatees, heirs and distributees.

Attached hereto are the proofs of service and/or waivers of notice.

\_\_\_\_\_  
Fiduciary/Attorney for Fiduciary

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number (include area code)

Attorney Registration No. \_\_\_\_\_

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

**ESTATE OF:** \_\_\_\_\_, **DECEASED**

**CASE NO.** \_\_\_\_\_

**INSOLVENCY SCHEDULE OF CLAIMS**  
[R.C. 2117.15, 2117.17, 2117.25]

The fiduciary states that this Schedule of Claims lists all claims which are presented or secured. The claims are listed by classes and in the order of priority of payment pursuant to Section 2117.25 of the Ohio Revised Code.

\_\_\_\_\_  
Fiduciary

Page \_\_\_\_ of \_\_\_\_ Pages

[Note: Include a subtotal following each payment class and a grand total for all payment classes.]

Name and Address of Claimant	Payment Class	Amount Claimed	Estimated Payment	Claim Rejected: Y/N
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
13. _____				
14. _____				
15. _____				

**Comments (Refer to Claim Number)** \_\_\_\_\_  
\_\_\_\_\_



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

ESTATE OF: \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

**CONTINUATION INSOLVENCY SCHEDULE OF CLAIMS**

[R.C. 2117.15, 2117.17, 2117.25]

Page \_\_\_\_ of \_\_\_\_ Pages

[Note: Include a subtotal following each payment class and a grand total for all payment classes.]

Name and Address of Claimant	Payment Class	Amount Claimed	Estimated Payment	Claim Rejected: Y/N
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
13. _____				
14. _____				
15. _____				
16. _____				
17. _____				
18. _____				

Comments (Refer to Claim Number) \_\_\_\_\_

\_\_\_\_\_  
Fiduciary

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

**ESTATE OF:** \_\_\_\_\_, **DECEASED**

**CASE NO.** \_\_\_\_\_

**JUDGMENT ENTRY OF INSOLVENCY**

[R.C. 2117.15, 2117.17, 2117.25]

This matter was heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on the Representation of Insolvency and Insolvency Schedule of Claims.

The Court finds that notice was properly given to all creditors, claimants and other interested persons.

The Court finds:

- that there were no exceptions filed as to the allowance or classification of any specific claim, or
- that any exceptions filed were addressed and resolved by the Court.

The Court finds:

- that the fiduciary acted properly in classifying, allowing or rejecting claims on the Insolvency Schedule of Claims.
- that the Insolvency Schedule of Claims is amended as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Court finds that the claims against the estate exceed the assets of the estate, and that the estate is insolvent.

- It is Ordered that the fiduciary shall pay the claims in the order and in the amount as proposed.
- It is Ordered that the fiduciary shall pay the claims in the order and in the amount as proposed, except as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASE NO. \_\_\_\_\_

- It is Ordered:  that all claims in Class \_\_\_\_\_ are to be paid in full,  that all claims in Class \_\_\_\_\_ are to be paid pro rata at \_\_\_\_\_ % per attached computation, and  that all claims below Class \_\_\_\_\_ are disallowed in that there are no funds available.
- It is Ordered that the fiduciary shall file a Final and Distributive Account within thirty (30) days of this Order.
- It is Ordered that the fiduciary shall file a Certificate of Termination within thirty (30) days of this Order.

\_\_\_\_\_  
MARK J. BARTOLOTTA, PROBATE JUDGE