

CHECKLIST – RELEASE OF ESTATE FROM ADMINISTRATION

(Disclaimer: This checklist is intended as a guideline only and is subject to modification by the Court at any time)

DEPOSIT: (CASH / CHECK / MONEY ORDER ONLY)

\$140.00 With Will (Includes one certified Judgment Entry)
+\$2.00 for each additional certified copy.

\$110.00 Without Will (Includes one certified Judgment Entry)
+\$2.00 for each additional certified copy.

REQUIREMENTS:

This proceeding may only be used in one of the following situations:

1. There is a surviving spouse entitled to the entire estate (under the Will, or by law if no Will); and the assets don't exceed \$100,000.00
OR
2. There is no surviving spouse and the assets do not exceed \$35,000.00

** Proof of assets along w/proof of values MUST be provided to the court.

For more detail on these requirements, see Ohio Revised Code 2113.03.

Note: All paperwork should be typed, single sided, and please do not staple originals.

All documents being filed must have original signature.

INITIAL FILING:

- ☐ Photocopy of the death certificate – with the social security number redacted (must state Lake County resident).
- ☐ Application To Relieve Estate from Administration (Form 5.0)
- ☐ Surviving Spouse, Children, Next of Kin, Legatees and Devises (Form 1.0)
 - o If there is a Surviving Spouse, mark the box that applies at the bottom of this form.
- ☐ Assets and Liabilities of Estate to be Relieved from Administration (Form 5.1)
 - o Proof of assets.
 - o If there are no cash assets listed to pay the listed debts, there must be evidence provided that all debts are secured to be paid.
- ☐ Entry Relieving Estate from Administration (Form 5.6)
 - o Include the make, model, year and Vehicle Identification Number (VIN) on any type of motor vehicles, including mobile homes.
- ☐ Copy of funeral bill showing paid or executed written contract for payment of funeral and burial expenses and Waiver of Notice (Form 5.2) from funeral home.
 - o If the body was donated, evidence of the donation must be provided.
- ☐ Waiver of Notice of Application to Relieve Estate from Administration (Form 5.2) *If applicable*
Admitting the Will:
 - o **Original** Last Will and Testament Filed on the case
 - Application to Probate Will (Form 2.0),
 - Waiver of Notice of Probate of Will (Form 2.1)
 - Certificate of Waiver of Notice (Form 2.4)

If Real Estate is being transferred pursuant to the Release of Administration:

- o Certificate of Transfer (Form 12.1)
 - Tax value from the County Auditor AND Deed with Legal Description
- o For dates of death prior to January 1, 2013, a form ET 22 is required + \$5.00
OR
- o If filing an Appraisal, Appointment of Appraiser Form 3.0 with Appraisers Credentials (See Local Rule 61) +\$5.00
(The Court may appoint an appraiser if the applicant does not provide their own)

If Assets are being transferred pursuant to the Release of Administration:

- o Consent To Transfer Form (LCPC Form 5.13)
 - Vehicle, Watercraft, Trailer, Mobile Home, Recreational Vehicle

LATER FILING:

Report of Distribution (Form 5.9)

This is due 30 days from the date the final distribution is made, yet no longer than 90 days from the filing date of the Entry

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
#440-350-2627
www.lakecountyohio.gov/probatelco

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

ESTATE OF _____, DECEASED
CASE NO. _____

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

Applicant states that the 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

Applicant's Signature

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip

City State Zip

Telephone Number (include area code)

Telephone Number (include area code)

Attorney Registration No. _____

CASE NO. _____

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

Judge Mark J. Bartolotta, Probate Judge

Applicant/Attorney (or give other title)

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

ESTATE OF _____, DECEASED

CASE NO. _____

**ASSETS AND LIABILITIES OF ESTATE TO BE RELIEVED
FROM ADMINISTRATION**

Following is a summary statement of the character and value of the assets in the decedent's estate. [Insert a check in the "Appraised" column opposite an item if it was valued by the appraiser. Leave blank if the readily ascertainable value of the item was determined by applicant. Use extra sheets if necessary.]

| Automobiles distributed to surviving spouse by affidavit | | Value | |
|---|-----------------|-------|--|
| First automobile selected by surviving spouse under R.C. 2106.18 | | | |
| [Omit value when computing total assets] | Appraised Value | \$ | |
| Second automobile selected by surviving spouse under R.C. 2106.18 | | | |
| [Omit value when computing total assets] | Appraised Value | \$ | |
| Total value [not to exceed \$40,000.00] | | \$ | |

| Character of Asset | Appraised | Value |
|--|--------------------------|--------------|
| Real Estate, described in accompanying | | |
| Certificate of Transfer No. | <input type="checkbox"/> | \$ |

Other Assets

| | | |
|--------------|--------------------------|----|
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| | <input type="checkbox"/> | \$ |
| Total Assets | | \$ |

CASE NO. _____

Following is a list of decedent's known debts. **[Use extra sheets if necessary]**

| 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, honestly, 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 _____

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

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.

| | |
|-------|-------|
| _____ | _____ |
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| _____ | _____ |

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

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 the decedent shall be paid to the extent of the 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

CASE NO. _____

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

| Name of Distributee | Property | Value or Amount |
|---------------------|----------|-----------------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

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

Mark J. Bartolotta, Probate Judge

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

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

City State Zip Code

City State Zip Code

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. [print and sign on the lines below]

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. _____

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

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. [sign and print on the lines below]

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
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| _____ | _____ |
| _____ | _____ |

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

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. _____

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

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

City State Zip Code

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. _____

Instructions For Service

CASE NAME _____ CASE NO _____

GUARDIANSHIP _____ ESTATE _____ CIVIL _____

TYPE OF HEARING: Appointment of Fiduciary _____

Please issue notice of hearing on the following persons:

NAME

ADDRESS

| | |
|--|--|
| | |
| | |
| | |
| | |
| | |

TYPE OF SERVICE REQUESTED:

Sheriff

Certified Mail

Publication

Regular Mail

Please serve _____ by the Court Investigator.

Attorney

Date and time of hearing :

Street Address

Attorney notified: _____

City State Zip Code

Completed: _____

Phone Number (include area code)

Date: _____

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

ESTATE OF _____, DECEASED

CASE NO. _____

CONSENT TO TRANSFER OF

- | | |
|--|--|
| <input type="checkbox"/> Watercraft | <input type="checkbox"/> Mobile Home |
| <input type="checkbox"/> Boat Motor | <input type="checkbox"/> Recreational Vehicle |
| <input type="checkbox"/> Trailer | <input type="checkbox"/> Automobile / Truck |

The undersigned applicant/commissioner of this estate represents that the personal property described below is an asset of the estate and is in the his/her possession:

Year _____ Manufacturer _____ Length _____ Model _____

VIN/Mfrs. Serial No. _____ Certificate of Title No. _____ H.P. _____

The applicant states that the person or persons named below are entitled to this asset

By the statute of descent and distribution By Virtue of the Will By family allowance By purchase

The Applicant/Commissioner requests authority to transfer the asset to:

Transferee Name

Address

Date

Applicant/ Commissioner:

The undersigned beneficiaries or heirs whose interests may be affected by said transfer, hereby consent to said transfer.
[print and sign below]
