

CHECKLIST FOR ACCOUNT-GUARDIANSHIP

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

COURT COSTS ARE DUE AT THE TIME OF FILING THE ANNUAL ACCOUNT (SEE LAKE COUNTY LOCAL RULE 58):

Please call the Court for the total amount of court costs due before submitting an Account.
(Cash / Check/ Money Order Only)

An Account for both adult and minor guardianships must be filed on an annual basis unless otherwise ordered by the Court. See R.C. 2109.30 and Lake County Local Rule 64.1. See also Superintendence Rule 78 and Lake County Local Rule 64.3 for information regarding citations for late filings.

REQUIRED DOCUMENTS:

- ☐ Guardian's Account (Form 15.8)
 - For a First Account, begin with the assets identified on the Inventory. For all subsequent accounts, begin with the balance remaining at the end of the prior account.
- ☐ Computation of Guardian Fees (LCPC Form 15.15)
 - All fees must be requested in compliance with Lake County Local Rules 66.08(J), 73.1, and 73.2.
- ☐ Certificate of Service of Notice of Hearing on Account and Waiver of Notice of Hearing (Form 13.3A)
 - May accompany account when Waiver of Notice of Hearing is signed by all next of kin.
 - If signatures from all next of kin are not available, LCPC Form 13.3A along with a separate Notice of Hearing will be generated and mailed by the Court upon filing of the Account. LCPC Form 13.3A signed by the Fiduciary can then be returned to the Court.
 - An Account will not be approved until LCPC Form 13.3A is filed with the Court.

OTHER REQUIREMENTS:

- ☐ The Fiduciary must sign the account.
- ☐ All calculations/totals must be correct.
- ☐ Pursuant to Lake County Local Rule 66.12, all expenditures must have prior court approval through the filing of Applications for Authority to Expend Funds (Form 15.7).
- ☐ Pursuant to Lake County Local Rule 64.2, vouchers must be supplied for all expenditures appearing on the account. This includes copies of canceled checks or copies of bank statements that identify or reference the check number for the expenditure.
- ☐ If applicable, proof of bond payment must accompany the account.
- ☐ Court costs must be paid before an account will be approved.

DEATH OF WARD:

- ☐ A Final and Distributive Account upon the death of the Ward must show all assets being disbursed and contain a zero balance.
- ☐ If assets are distributed to an estate, a letter of receipt of those assets signed by the court-appointed estate Fiduciary must accompany the Final and Distributive Account.

MINOR REACHING THE AGE OF MAJORITY:

- ☐ Pursuant to Lake County Local Rule 64.4, a Final and Distributive Account is due no later than 30 days after the minor's 18th birthday.
- ☐ The Final and Distributive Account shall report the receipts and disbursements occurring during the final accounting period of the minor guardianship, and include the final amount to be distributed to the former minor ward. The former minor ward shall sign the Final and Distributive Account along with the guardian indicating the former minor ward's acknowledgment of the final amount to be distributed to them as a legal adult.
- ☐ The guardian shall prepare and file an Application to Release Funds to Guardian (Form 15.6) along with the Final and Distributive Account requesting the final amount remaining in the guardianship be released to the former minor ward.
- ☐ An Order to Release Funds shall not be issued until the Final and Distributive Account in the minor guardianship is filed.

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

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

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

GUARDIAN'S ACCOUNT _____ ACCOUNT

[R.C. 2109.30]

FROM _____ TO _____

20____

(Balance from previous account)	Voucher No. \$	\$	
	<small><i>if applicable</i></small>		

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RECAPITULATION

Total Receipts _____ \$ _____

Total Disbursements _____ \$ _____

Balance Remaining _____ \$ _____

ITEMIZED STATEMENT OF ALL FUNDS, ASSETS AND INVESTMENTS

ITEM	
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Attorney

Attorney Registration No. _____

Guardian

Typed or Printed Name

Address of Guardian

ENTRY SETTING HEARING

The Court sets _____ at _____ o'clock _____ .M.,

As the date and time for hearing the above account.

Date

Probate Magistrate

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

IN THE MATTER OF _____

CASE NO. _____

CERTIFICATE OF SERVICE OF NOTICE OF HEARING ON ACCOUNT

The undersigned hereby states that all persons required to receive notice as provided in Ohio R.C. 2109.33 have received or waived notice of Hearing on the Account filed.

Fiduciary or Attorney for Estate

**WAIVER OF NOTICE OF HEARING ON ACCOUNT
[R.C. 2109.33]**

The undersigned, being the surviving spouse, next of kin, legatees or devisees of decedent, hereby waive notice of hearing on Account. I further acknowledge that a copy of the Account has been provided.
[please sign and print below]

Prepared By:

Attorney's Name

Address

Phone No.

Attorney Registration No.

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

GUARDIANSHIP OF: _____

CASE NO.: _____

**COMPUTATION OF GUARDIAN FEES
(Loc. R. 73.1)**

GUARDIANSHIP ESTATES

Computation covers period starting (date) _____ and ending (date) _____.

I. Amounts received during this period, NOT including balances carried forward from one accounting period to another:

	Total Income:	FEE:
4% of amounts received, not exceeding \$100,000:	_____ x .04	_____
3% of amounts received in excess of \$100,000:	_____ x .03	_____

II. Expenditures made during this period, NOT including investment of funds:

	Total Expenditures:	FEE:
4% of all amounts paid out, not exceeding \$100,000:	_____ x .04	_____
3% of all amounts paid out in excess of \$100,000:	_____ x .03	_____

A final distribution of unexpended balances to a ward at the closing of a guardianship shall be considered an expenditure.

Guardian fees may be deferred one accounting period only.

TOTAL FEES allowable in computations I and II above: \$ _____

Guardian Signature

Date