

CHECKLIST- INITIAL FILING OF FULL ADMINISTRATION OF ESTATE TESTATE (WITH WILL)

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

DEPOSIT \$200.00 (Additional court costs will depend on what is filed in the case and those fees will be due at the time of additional filings.)
(Cash / Check / Money Orders Only)

REQUIREMENTS

The decedent must have been a resident of Lake County, Ohio at the time of death, or owned real estate in Lake County.
See R.C. 2109.02 and 2109.07 for additional Requirements.

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
- ☐ The **original** Last Will and Testament of decedent
- ☐ Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
 - o If there is Surviving Spouse, mark the box that applies at the bottom of this form.
- ☐ Application to Probate Will (Form 2.0)
- ☐ Entry Admitting Will to Probate (Form 2.3)
- ☐ Waiver of Notice of Probate of Will (Form 2.1)
 - o If anyone on front and back of form 1.0 waive notice, then these can be filed with the initial filing.
- ☐ Certificate of Service of Notice of Probate of Will (Form 2.4) *If applicable*
 - o This can be filed with the initial filing if everyone on the front and back of the form 1.0 waives notice. If they are to be served notice, then you must wait until you have proof of service before filing this.
- ☐ Application for Authority to Administer Estate (Form 4.0)
 - o If Applicant is a non-resident, a letter must be filed stating Executor will keep all assets in Ohio.
- ☐ Appointment of Appraiser (See R.C. 2109.02 and 2109.07) *If applicable*
 - o If asking the Court to approve an Appraiser, Applicant must file the Application for Appointment of Appraiser (Form 3.0)
 - If this form is filed, the Applicant must include the Appraisers credentials, and Name, Address, and Phone Number.
 - o If using the Auditor Valuation, you do not need to file Form 3.0.
- ☐ Waiver of Right to Administer (Form 4.3) *If applicable*
 - o If an Executor named in the Will cannot act as Executor, persons with equal relation to decedent must sign waivers:
 - Must be an Ohio resident to serve as Administrator. No waivers needed from anyone out of state.
 - If the surviving spouse is the Applicant, then we do not need waivers from anyone.
 - o If there is not a surviving spouse, or surviving spouse is not the Applicant, and there is more than one person on the front page of Form 1.0, then everyone other than the Applicant needs to waive.
- ☐ Instructions for Service, *If applicable*
 - o If an individual with an equal right to serve as Administrator does not waive right to administer, then they must receive notice of the Application. (Ohio Residents only)
- ☐ Fiduciary's Bond (Form 4.2) *If applicable*
 - o If sole beneficiary under the will or real estate only, no bond is required.
 - o If all beneficiaries consent, a motion to waive bond may be filed (LCPC Form 4.1).
 - o If bond is needed, bond amount must be twice the amount of personal property and any annual rental income.

If there is a Surviving Spouse, complete one of the following regarding surviving spouse's elective rights:

If spouse waives notice of service of citation to elect:

- o Waiver of Service to Surviving Spouse of the Citation to Elect (Form 8.6)
File with Application

OR

If spouse does not waive notice, the following forms will be served via certified mail by court (Cost: \$25.00):

- o Citation to Surviving Spouse to Exercise Elective Rights (Form 8.0)
- o Summary of General Rights of Surviving Spouse (Form 8.3)
- o Certificate of Service and Notice of Citation to Surviving Spouse to Exercise Elective Rights (Form 8.4)



[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.

Date _____ Applicant/Attorney (or give other title) _____

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]

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

**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:

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

TYPE OF SERVICE REQUESTED:

Sheriff <input type="checkbox"/>	Certified Mail <input type="checkbox"/>
Publication <input type="checkbox"/>	Regular Mail <input type="checkbox"/>

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. _____

APPLICATION FOR AUTHORITY TO ADMINISTER ESTATE

[R.C. 2109.02 and 2109.07]

[For Executors and all Administrators; attach supplemental
application for ancillary administration, if applicable]

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 _____

Applicant asks to be appointed _____
of decedent's estate. **[Check whichever of the following are applicable]** - ☐ To applicant's knowledge, decedent did
not leave a will ☐ Decedent's will has been admitted to probate in this court ☐ A supplemental application for ancillary
administration is attached.

Attached is a list of the surviving spouse, children, next of kin, legatees, and devisees, known to applicant, which list
includes those persons entitled to administer the estate.

The estimated value of the estate is:

Personal property	\$ _____
Annual real property rentals	\$ _____
Subtotal, personalty and rentals	\$ _____
Real Property	\$ _____
Total estimated estate	\$ _____
Applicant owes the estate	\$ _____
The estate owes applicant	\$ _____

[Check one of the following four paragraphs]

- ☐ Applicant says that decedent's will requests that no bond be required, and therefore asks the Court to dispense with bond.
- ☐ Applicant is a trust company duly qualified in Ohio, and bond is dispensed with by law.

CASE NO. _____

- ☐ Applicant is decedent's surviving spouse, and is entitled to the entire net proceeds of the estate, or applicant is the next of kin entitled to the entire net proceeds of the estate and there is no will. Bond is dispensed with by law.
- ☐ Applicant offers the attached bond in the amount of \$_____.

Applicant accepts the duties of fiduciary in the estate imposed by law, and such additional duties as may be required by the Court. Applicant acknowledges being subject to removal as fiduciary for failure to perform such duties as required, and also acknowledges being subject to criminal penalties for improper conversion of any property held as fiduciary.

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.

WAIVER OF RIGHT TO ADMINISTER

The undersigned, being persons entitled to administer decedent's estate, and whose priority of right to do so is equal or superior to that of applicant, hereby waive appointment to administer the estate.

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____, at _____ o'clock __ M. as the date and time for hearing the application for authority to administer decedent's estate. The Court orders notice to take or renounce administration to be given those persons entitled to administer decedent's estate, whose priority of right to do so is equal or superior to that of applicant, and who have not waived appointment to administer the estate.

Date

Probate Judge