

CHECKLIST- SUMMARY RELEASE OF ESTATE

(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)

\$98.00 With Will (Includes one certified Judgment Entry)

\$68.00 Without Will (Includes one certified Judgment Entry)

+\$2.00 for each additional certified copy

+\$2.00 for each additional certified copy

REQUIREMENTS: Review the information below and forms in the checklist to ensure your estate qualifies as a Summary Release.

For dates of death after August 31, 2000

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

1. There is a surviving spouse entitled to the entire family allowance; and The surviving spouse paid or contracted to pay the funeral and burial expenses; and

The assets do not exceed \$40,000 plus \$5,000 (for reimbursement for funeral)

Note: If the funeral bill was prepaid, a surviving spouse may still do a summary release but the assets cannot exceed \$40,000

OR

2. The applicant (who is not the surviving spouse) paid or contracted to pay the funeral bill; and the assets do not exceed \$5,000; and Funeral expenses are equal to or exceed the amount of assets.

**** 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.

INITIAL FILING:

All documents being filed must have original signature.

Copies of the information listed below must be provided at the time at the time of filing:

- ☐ Photocopy of the death certificate – with the social security number redacted (must state Lake County resident).
- ☐ Copy of funeral bill showing applicant paid and/or executed written contract for payment of funeral and burial expenses.
- ☐ Proof of all assets listed along with date of death values

Forms for Filing:

- ☐ Application for Summary Release from Administration (Form 5.10)
- ☐ Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
 - If there is a Surviving Spouse, mark the box that applies at the bottom of this form.
- ☐ Entry Granting Summary Release from Administration (Form 5.11)

If Admitting the Will or Filing Will for Record Only:

- ☐ **Original** Last Will and Testament Filed on the case
 - o Application to Probate Will (Form 2.0),
 - o Waiver of Notice of Probate of Will (Form 2.1)
 - Certificate of Waiver of Notice (Form 2.4)

If Real Estate is being transferred:

- ☐ Application for Certificate of Transfer (Form 12.0)
+ **\$7.00**
- ☐ Certificate of Transfer (Form 12.1)
- ☐ Proof of Valuation:
 - Tax value from the County Auditor AND Deed with Legal Description
- ☐ For dates of death prior to January 1, 2013, a ET Form 22 is required + \$5.00

Court of Common Pleas
Division of Probate
Judge Mark J. Bartolotta



Lake County Courthouse, West Annex
25 North Park Place, P.O Box 490
Painesville, Ohio 44077
#440-350-2626
www.lakecountyohio.gov/probatelco

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

ESTATE OF _____, DECEASED

CASE NO. _____

**APPLICATION FOR SUMMARY RELEASE FROM ADMINISTRATION
[R.C. 2113.031]**

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 _____

[Check one of the following]

- ☐ The applicant is decedent's surviving spouse entitled to one hundred percent of the allowance for support and decedent's funeral and burial expenses have been prepaid or the surviving spouse has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets does not exceed the \$40,000 allowance for support under R.C. 2106.13(B) plus an amount not exceeding \$5,000 for decedent's funeral and burial expenses.
- ☐ The applicant, who is not surviving spouse, has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets is the lesser of \$5,000 or the amount of decedent's funeral and burial expenses.

Attached hereto is a receipt, contract or other document that confirms the applicant to pay decedent's funeral and burial expenses or if the applicant is the surviving spouse, the prepayment receipt, if applicable.

The decedent's surviving spouse, next of kin, legatees and devisees known to applicant, are listed on attached Form 1.0.

Applicant states that there are no pending proceedings for the administration of decedent's estate or relief of decedent's estate from administration under R.C. 2113.03.

All known assets with date of death values of the estate are as follows:

- ☐ Motor Vehicles (include year, make, model, body type, manufacturer's vehicle identification number and Certificate of Title number)

\$ _____

- ☐ Accounts maintained by a Financial Institution (include financial institution name and the account's complete identifying number:

_____ \$ _____

- ☐ Stocks and Bonds (include for each stock or bond its serial number, the name of its issuer, the name and address of its transfer agent, and the total number of shares of stocks or bonds):

_____ \$ _____

- ☐ Real estate described in accompanying Form 12.0 Application for Certificate of Transfer and Form 12.1 Certificate of Transfer and date of death value. [Attach verification of value] \$ _____

- ☐ Other assets and date of death values

_____ \$ _____

Total Assets \$ _____

Applicant requests an order granting summary release.

Attorney for Applicant

Applicant's Signature

Typed or Printed Name

Applicant's 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. _____

Signed and acknowledged by the applicant in my presence this _____ day of _____, 20 .

Notary Public/Deputy Clerk

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

ESTATE OF _____, DECEASED

CASE NO. _____

ENTRY GRANTING SUMMARY RELEASE FROM ADMINISTRATION

[R.C. 2113.031]

The Court finds that the application by _____, satisfies all requirements of R.C. 2113.031 and therefore summarily releases the estate from administration and directs:

┌

The delivery to the applicant of decedent's personal property set forth in the application with the title to that property.

That Certificate(s) of Transfer, attached to the application, be issued.

A certified copy of this order together with a certified copy of the application for this order constitutes sufficient authority for financial institution, corporation or other entity or person referred to in division (A) to (F) of Section 5731.39 of the Revised Code or for a clerk of a Court of Common Pleas to transfer title to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the need for a financial institution, corporation, or other entity or person to be provided a written consent of the tax commissioner prior to the delivery, transfer, or payment to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the duty of all persons to file an Ohio Estate Tax Return exclusively for the assets listed in the application.

Date

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]

**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: _____