LOCAL RULES

OF THE

PROBATE DIVISION

COURT OF COMMON PLEAS

CLINTON COUNTY, OHIO

Revised 08/01/2015

LOCAL RULES

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COURT OF COMMON PLEAS

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LOCAL RULES

LOCAL RULE #

I. COURT DAYS/HOURS

1.0 The term "Court Day" shall mean any day during which the Probate Court office is open for the conduct of its ordinary business.

1.1 The Probate Court offices shall be open to the public for ordinary business from 8:00 a.m. to 4:30 p.m. on all business days, Monday through Friday, exclusive of legal holidays. Upon order of the court, the offices may be open at other times for emergency matters.

II. FILINGS

2.0 Any Clerk of the Court may refuse to accept for filing any pleadings documents, or papers which are incomplete or not prepared and submitted for filing in accordance with the statutes, Rules of Superintendence for Courts of Common Pleas, and these Local Rules.

2.1 All pleadings, motions, entries, orders, applications, and other papers, except waivers and vouchers, filed in any matter in this Court, subject to Local Rule IV, shall be filed with original signatures. Additional copies will be returned by mail upon request if accompanied by a self-addressed, stamped envelope.

2.2 Initial filings in matters of estates, guardianships, or trusts must be filed in person. After letters of appointment are issued to a fiduciary, the Court shall accept filings by mail in matters of estates, guardianships, or trusts, unless the Court in writing notifies the fiduciary or attorney of record that a personal appearance is necessary, or a personal appearance is otherwise required by law. An improper or incomplete filing shall be rejected, and the Court may return it to the sender or filer and impose a cost of five dollars ($5.00) per improper or incomplete filing, chargeable against the estate.

2.3 No corrections of any papers filed with this Court shall be made except with the prior express approval of the Judge. Such corrections may be approved only if nonprejudicial and shall be made only by the attorney or party filing such papers in the presence of a Clerk of this Court and initialed by said attorney or party and said Clerk indicating the date thereof.

III. COSTS, JURY DEMAND; PRAECIPE AND INSTRUCTIONS FOR SERVICE

3.0 An advance deposit as security for costs, in such amount as may be established by the Court from time to time, shall be paid before any case may be opened or re-opened. No papers will be accepted by the Court for filing unless such deposit has first been paid. Any balance owed for costs in excess of costs paid shall be due and paid promptly upon billing therefor by the Court. No papers will be accepted by the Court for filing until all costs billed to date have first been paid.

3.1 When a jury trial is demanded, an advance deposit as security for costs in the amount of One Hundred Fifty Dollars ($150.00) in addition to other filing costs is required at the time of filing such demand. Not later than twenty-one (21) days prior to the scheduled jury trial, an additional sum of Two Hundred Fifty Dollars ($250.00) in advance deposit as security for costs must be paid or such jury trial will be deemed waived. The trial will then be heard by the Court as if no jury demand was filed. The Court will consider affidavits of hardship upon written motion timely filed.

If jury trial is to be waived, it is the responsibility of counsel who demanded the jury trial to notify the Clerk at least ten (10) days prior to the trial date.

3.2 Each application, motion, petition, or complaint filed in this Court for which

notice of any kind is required to be served by the Court must be accompanied by written praecipe and instructions for service.

3.3 Each party filing a praecipe in any cause in this Court which requests issuance of subpoena to a witness shall deposit on costs with the Clerk of this Court the sum of $35.00 together with a sufficient check for mileage payable to the witness, for each witness to be subpoenaed. Failure to make such deposit on costs together with sufficient check for mileage shall constitute a revocation of said praecipe by the party filing the same.

3.4 Any party who has filed an affidavit of indigency to avoid prepayment of a deposit on costs shall, nevertheless, be required to make a deposit with the Clerk of this Court in the sum of $35.00, together with a sufficient check for mileage payable to any witness, before any summons, alias summons, or subpoena shall issue to the sheriff of any county outside of Clinton County, Ohio. (Sec. 2303.16, O.R.C.).

3.5 In any cause in the Court in which a jury trial is demanded, the party upon making such demand shall make a deposit with the Clerk of this Court in the sum of $35.00, together with a sufficient check for mileage payable to any witness, before any summons, alias summons, or subpoena shall issue to the sheriff of any county outside of Clinton County, Ohio. (Sec. 2303.16, O.R.C.)

3.6 Court costs otherwise assessable in guardianships sought by reason of County and State Welfare Department requirements shall be waived except as to fees and costs payable through this Court for services legally required but not performed by the Court or its deputies, such as service of notices, publications, investigations, certifications, and similar services.

IV. FACSIMILE FILING RULE

4.0 The provisions of this local rule are adopted under [Civ. R.5 (E)] [Civ.R.73 (J)]

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to (937) 383-1158 subject to the following conditions:

4.01 APPLICABILITY:

These rules apply to probate proceedings in the Probate Court. The following documents will not be accepted for fax filing: original wills and codicils, initial filings (O.R.C. 2109.021), and filings for which court costs have not been prepaid or otherwise available on deposit.

4.02 ORIGINAL FILING:

A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

4.03 DEFINITIONS:

As used in these rules, unless the context requires otherwise:

A. "Facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals,
transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

B. "Facsimile machine" means a machine that can send and receive a facsimile transmission.

C. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

4.04 COVER PAGE:

A. The person filing a document by fax shall also provide therewith a cover page containing the following information:

(1) the name of the court;
(2) the title of the case;
(3) the case number;
(4) the assigned judge;
(5) the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
(6) the date of transmission;
(7) the transmitting fax number;
(8) an indication of the number of pages included in the transmission, including the cover page;
(9) if a judge or case number has not been assigned, state that fact on the cover page;
(10) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
(11) if applicable, a statement explaining how costs are being submitted.

B. If a document is sent by fax to the Clerk of the Court without the cover page information listed above, the Clerk may, at its discretion:

(1) enter the document in the Case Docket and file the document; or
(2) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk of the Court.

C. The Clerk of the Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of the Court may inform the sending party of a failed fax filing.

4.05 SIGNATURE:

A party who wishes to file a signed source document by fax shall either:

1. fax a copy of the signed source document; or
2. fax a copy of the document without the signature but with the

notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

4.06 EXHIBITS:

Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's response to Defendants' Motion to dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. [See appendix for sample exhibit cover sheet.]

4.07 TIME OF FILING:

Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of the Court as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of the Court.

The Clerk of the Court may, but need not, acknowledge receipt of a facsimile transmission. The risks of transmitting a document by fax to the Clerk of the Court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of the

Court through whatever technological means are available.

4.08 FEES AND COSTS:

No document filed by facsimile that require a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. Documents tendered to the Clerk without payment or court costs and fees, or which do not conform to applicable rules will not be filed.

No additional fee shall be assessed for facsimile filings.

4.09 LENGTH OF DOCUMENT:

Facsimile filings shall not exceed ten (10) pages in length, excluding the cover page (see Local Rule 4.04). The filer shall not transmit service copies by facsimile. Facsimile filings exceeding ten (10) pages, including a cover sheet, will not be accepted for filing.

4.10 FORMS:

For Forms See Appendix A and B.

V. MOTIONS

5.0 A. In contested matters, the moving party shall serve and file with the motion a brief written memorandum in support of the motion and a list of citations of authorities in support. Any responsive pleading must be filed within fourteen (14) days after filing of the motion to which it responds.

B. Oral hearings of motions will be permitted upon timely and proper application. The Court on its own motion may require oral hearing. The Court shall set a date for hearing and shall notify all necessary parties by ordinary mail.

C. In contested matters, motions upon which no application for oral hearing is made by any party before seventeen (17) Court Days following the filing of such motion shall then be before the Court for determination

VI. GUARDIANSHIPS

6.0 Definitions:

The terms are the same as can be found in the Supreme Court Superintendence Rules and/or Ohio Revised Code.

6.01 Application of Rules:

The Local Rules guardianship rules apply to all guardianship administered through this Court, unless otherwise indicated in the particular Local Rule, or unless expressly waived by Court Order.

6.02 Emergency Guardianships:

Pursuant to Sup.R. 66.03(A) this Court has adopted the following process for emergency guardianships. Every application for the appointment of an *ex parte* emergency guardianship shall be accompanied by: (a) a Statement of Expert Evaluation (as supplemented for emergency guardianships); (b) a completed Next of Kin form; (c) a narrative statement signed by the applicant setting forth anecdotal information describing the imminent risk of significant injury to the person or property of the minor or incompetent that justifies an *ex parte* emergency appointment; (d) compliance with Court's requirements with respect to background checks and credibility; and (e) photo identification of the applicant. The applicant shall attend the 72-hour hearing to determine whether to extend the emergency guardianship for up to 30 additional days. The applicant is expected to file an application for appointment of guardian within seven days of the completion of a hearing extending the guardianship beyond the initial 72 hour appointment, if it is expected the need for continued guardianship will exist longer than the emergency guardianship.

6.03 Guardian Comments and Complaints:

Pursuant to Sup.R. 66.03(B), this Court has adopted the following process for submitting and considering comments or complaints regarding the performance of guardians appointed by this Court.

This local rule is applicable to all guardians appointed by the Court pursuant to ORC 2111.02. Comments and complaints (hereinafter collectively referred

to as "complaints") received regarding the performance of guardians and the resulting documents and correspondence are considered to be case documents and accessible to the public, unless otherwise excluded pursuant to Superintendence Rule 44(C)(2). The Court will note actions with respect to the complaint in the case docket. The Court will communicate complaints about a guardian's performance to the guardian and/or the guardian's counsel expeditiously and pursuant to this local rule.

The Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide the address to which to hand-deliver, fax, or mail the written complaint. The Court will not accept an anonymous complaint. When the Court receives the written complaint regarding a guardian's performance, it will date-stamp the complaint. Complaints received electronically on days the Court is closed shall be deemed to have been received on the next day the Court is open.

When a complaint is received at the Court by hand delivery or electronic means:

(a) Within five (5) workdays of receipt of the complaint the Court shall send a letter to the complainant acknowledging the receipt of the complaint and providing a copy of this rule;

(b) Within ten (10) workdays of receipt of the complaint, the Court shall perform an initial review of the complaint after a study of the guardianship case, and (1) send the complainant a letter dismissing the complaint as unsubstantiated/unspecific/insufficient and send a copy of the complaint and response to the guardian or guardian's counsel; or (2) send a copy of the complaint to the guardian and/or guardian's attorney and request a response to the complaint within fifteen (15) court days from the date of mailing. The forwarding letter shall advise the guardian and/or attorney that failure to respond will result in a show cause hearing being set with the attendance of the guardian required. A copy of the forwarding letter shall be provided to the complainant; or (3) notify the guardian and/or guardian's counsel and refer the matter to the Court Investigator for an investigation and a report within fifteen (15) court days from the date of referral; and/or (4) when appropriate, refer the matter to the appropriate law enforcement agency to ORC 2101.26 if the complaint alleges abuse, neglect, or exploitation of the ward. When the Court refers a complaint to law enforcement, the Court will take such emergency action as it determines necessary to protect the interests of the ward while being cognizant of the need to have minimal impact on investigation by the law enforcement.

(c) Upon the expiration of the period for the responsive report from the guardian, the Court Visitor, or Court Investigator to be filed, or upon their

earlier filing, the case file (including the written response(s) and the complaint) shall be submitted to the Judge/Magistrate and within five (5) court days the Judge/Magistrate shall do one or more of the following: (1) find the complaint to have been resolved or unsubstantiated and advise the complainant, guardian and/or counsel accordingly by letter; (2) refer the matter to mediation at the discretion of the Court; (3) set a review conference or a show cause hearing with notice to the complainant, the ward, the guardian and/or guardian's counsel, and other interested parties; or

(4) appoint a guardian ad litem to represent the best interests of the ward; or (5) refer the matter to the Probate Judge for appointment of a special master commissioner to investigate the issues and to report with findings and recommendations pursuant to ORC 2101.06 with notice to all interested parties. When the commissioner's report is filed, the Probate Judge/ Magistrate will set for hearing with notice to the ward, the ward's guardian ad litem, if any, the guardian and/or guardian's counsel and the complainant.

Except when administratively dismissing a complaint, when adopting an agreed mediation report, or acting in an emergency, the Court shall not act without a hearing. The Judge/Magistrate shall issue findings and conclusion with respect to any hearing held on the complaint. The Court's journalization relating to the Judge's/Magistrate's Decision will close the complaint. The Court's action may include dismissal, directives for remedial action, establishing periodic review dates, allocating costs and fees, referral to law enforcement for investigation, sanctions, removal, and any other actions permitted by law.

When the ward is a veteran and the Court appointed the guardian under Revised Code Chapter 5905, notice of the complaint, reports, hearings and actions shall be given to the Administrator of Veterans Affairs of the United States pursuant to R.C. 5905.03.

The Court shall maintain a record regarding the nature and disposition of any complaints filed under this rule.

6.04 (Reserved)

6.05 Guardian Background Checks:

An applicant for appointment as a guardian, including as emergency guardian, must submit to a civil and criminal record check satisfactory to the Court and execute such consent, if any, as may be requested by the Court to authorize the Court to perform that record check. Additionally, an applicant for appointment shall complete and file a Guardian's Credibility form. In place of a civil and criminal background check, an Ohio attorney applicant currently

in good standing with the Supreme Court of Ohio, may obtain and submit to the Court a Certificate in Good Standing with disciplinary information, issued by the Supreme Court of Ohio.

6.06 Guardian with Ten or More Adult Wards:

To assist the Court in meeting its supervisory responsibilities under Sup. R. 66.05 (B) and in satisfaction of the responsibilities arising under Sup. R. 66.08 (H) by January 31 of each year, a guardian with ten or more wards through the probate courts of Ohio shall register with this Court on the local Multi-Guardian Annual Registration Form, or on a standard form adopted for that purpose by the Ohio Supreme Court.

The registration shall include a listing of the guardian's wards, the case number and the appointing Court. The guardian in such cases shall advise the Court of any changes in the guardian's name, address, telephone number and electronic mail address within ten days of the change occurring.

If the guardian will be seeking compensation from the guardianship or from the Court, the guardian shall accompany the annual registration with a fee schedule that differentiates guardianship services fees as established by local rule from legal fees or other direct services.

A guardian with 10 or more wards shall include with the Guardian's Report form, a statement indicating whether the guardian is aware of any circumstances that may disqualify the guardian for continuing to serve as guardian.

6.07 Guardian Fundamentals Training Requirement:

A guardian holds a unique role with respect to the ward and the guardian has an obligation to obtain an understanding of the fundamentals of the relationship. Formalized training is one means to gain that competency.

Every guardian for an adult not related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) must meet the guardianship fundamentals training requirements under Sup. R. 66.06 by completing prior to appointment or within six month thereafter, a six-hour guardian fundamentals training course provided by the Supreme Court of Ohio, or with prior approval of that Court, another entity. Those failing to meet the requirement shall be subject to citation for being in contempt of court and subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and removal. A guardian who has served at any time after June 1, 2010, or who is serving on June 1, 2015, shall have until June 1, 2016 to complete the guardian fundamentals course, unless the Court waives or

extends the requirement for good cause. The guardian is responsible for providing to the Court in a timely manner documentation that establishes compliance with the guardian fundamentals training requirement.

6.08 Guardian Continuing Education:

After completing the guardian fundamentals course, every guardian of an adult not related to the ward by consanguinity (a blood relationship or affinity kinship by marriage) shall annually complete a three-hour guardian continuing education course provided by the Supreme Court of Ohio, or with prior approval of the Court, another entity.

If guardian fails to comply with the guardian continuing education requirement, the guardian shall not be eligible for further appointment until the requirement is met. The guardian also may be subject to sanctions and/or removal.

By December 31 of the first calendar year after completing the guardian fundamentals course, or its waiver by Court order, the guardian responsible for providing to this Court documentation demonstrating compliance with this guardian continuing education requirement, including the title, date, location and provider of the education, or a certificate of completion containing such information.

6.09 General Responsibilities of the Guardian to the Court:

The person seeking to be appointed as the guardian is expected to have met with the proposed ward at least once prior to appearing before the Court for the hearing on the application, unless the Court has waived the pre-appointment meeting for good cause.

If the guardian becomes aware of allegations of abuse, neglect or exploitation of the ward, the guardian shall immediately report the same to the appropriate law enforcement authorities and the Court.

A guardian appointed by this Court shall inform the Court as to any change of address for either the guardian or the ward. This notification must be made within ten (10) days of the address change. The Notice of Change of Address form may be used for that purpose, but it is not required. If the ward's residence is changed the reason for the change should be indicated. Failure to notify the Court, under this rule, may result in the guardian being removed and/or the guardian's compensation being reduced or denied.

The guardian shall not move the ward from Clinton County, Ohio or into a more restrictive setting without prior Court approval, unless a delay in obtaining authorization for the change of residence or setting would affect the health and safety of the ward.

While a guardian is generally required to seek prior approval of this Court before filing a suit for the ward, prior approval shall not be required when the suit is being filed in this Court.

The guardian shall avoid conflicts of interest with the ward and endeavor to avoid the appearance of impropriety (perceived self-serving, self-dealing or perceived actions adverse to best interest decisions) when dealing with the ward's assets and needs. A potential conflict for the guardian may arise if the guardian's immediate family (parent, spouse, or child) is being employed or contracted by the guardian.

The guardian shall disclose all conflicts to the Court in a clear and unequivocal manner. Doing so, facilitates a determination whether the conflict can be mitigated or eliminated through the use of a guardian ad litem, a limitation of the powers of the guardian, or other actions.

The guardian shall obey all orders of this Court and shall perform all guardianship duties in accordance with the state and federal laws and rules and this Court's local rules, as all of them may be effective during the guardianship.

6.10 General Responsibilities of the Guardian to the Ward:

The guardian shall treat the ward with respect and dignity.

The guardian shall meet with the ward at least quarterly throughout the year, or more often if needed to promote the best interests of the ward. Unless a guardian is related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage), the guardian shall not deliver the ward direct services, as defined in Sup. R. 66.01 (B), without approval of this Court.

6.11 Guardianship of Minors:

When proceedings for the appointment of a guardian of a minor are presented to this Court, the following shall apply: (a) a copy of the minor's birth certificate must be filed with the guardianship application; (b) the Court will not establish any guardianship over the person of a minor where another court has jurisdiction over custody of the minor; (c) when the minor has not

been in Ohio for 6 months, the Court will not accept for filing an Application for Guardianship unless it is alleged that the minor has been (1) abandoned (no contact) by the parents for more than 90 days, (2) has a medical emergency, or (3) the minor's "home state" has declined jurisdiction. (See Ohio's Uniform Child Custody Jurisdiction Enforcement Act – Chapter 3127).

6.12 Next of Kin for Guardianship of Incompetent Adults:

For purposes of completing the Next of Kin of Proposed Ward, the applicant, pursuant to ORC 2111.01(E), shall identify any person, whether or not an Ohio resident, who at the time would be entitled to inherit from the proposed ward under the Ohio law of intestacy and all known children of the proposed ward

6.13 Inventory, Fund Release, Expenditures and Identification of Legal Documents

Within three months of appointment, a guardian of the estate shall file an Inventory of the ward's assets and income. If the assets include real estate, a legal description of the ward's real estate interest should accompany the Inventory. Funds in the name of the ward shall not be released to the guardian without approval of an Application to Release Funds or other specific court order. The expenditure of funds by a guardian shall not be approved until a Guardian's Inventory has been filed and an Application to Expend Funds has been approved.

Within three months of appointment, the guardian shall file a list of all of the ward's known important legal papers, including but not limited to estate planning documents, advance directive and the location of such papers. If it becomes known to the guardian that such information has changed or the existence of other important legal papers becomes known, the guardian shall report that new information to the Court in writing within thirty days of discovery.

6.14 Guardian's Report:

Annually, the guardian of the person of an adult shall file the Guardian's Report. Unless otherwise ordered by the Court, each Guardian's Report for an incompetent shall be accompanied by a Statement of Expert Evaluation. If a physician or clinical psychologist states as an additional comment on a Statement of Expert Evaluation, that it is their opinion that to a reasonable degree of medical or psychological certainty that the ward's mental capacity will not improve, the Court, may dispense with the filing of subsequent Statement of Expert Evaluation with the Guardian's Report.

Pursuant to Sup.R. 66.08(G) the guardian of the person for an adult who is not related to the ward by consanguinity (a blood relationship) of affinity (kinship by marriage) shall include with the annual Guardians Report an addendum stating the guardian's goals and plans for meeting the personal needs of the ward. The Court may request that the guardian of the estate of an adult incompetent submit a report identifying the guardian's goals and plans for financially meeting the ward's needs.

6.15 Deposit of Will by Guardian:

The guardian must deposit with the Court for safekeeping any instrument known to the guardian and executed by the ward that would constitute a "will". The Clerk shall issue to the Guardian a Certificate of Deposit of Will as a receipt for the deposit.

6.16 Powers Of Attorney by Guardian Prohibited:

The Court, through this Local Rule, exercises its discretion under ORC 2111.50(A)(2)(c) and hereby prohibits a guardian appointed by the Court from executing a power of attorney or any other documents which purports to appoint an agent to execute any of the duties or responsibilities imposed upon the guardian by law, rule, or order of the Court, unless otherwise approved by a specific order of the Court.

6.17 Terminations:

Except for the termination of a guardianship of a minor attaining the age of majority or upon the death of the Ward, a termination of a guardianship shall require notice to all persons designated in ORC 2111.04 and to any other individuals who received actual notice of the original appointment of the guardian. It is the responsibility of the applicant for termination to perfect service pursuant to Civ.R. 73 when a termination is requested. A Certificate of Service with supporting documentation satisfactory to the Court must be filed prior to the consideration of the application.

6.18 Veterans' Guardianships:

Veterans' Guardianships are governed by ORC Chap. 5905 and to the extent that there are special rules established therein for veterans' guardianship, those rules shall apply.

6.19 Guardianship Visitors Programs: – RESERVED

6.20 Additional Cost Deposit:

Pursuant to ORC 2111.031 and in addition to the basic costs deposit, the Court may require an Applicant for a guardianship to make an advance cost deposit in an amount the Court determines necessary (a) to defray the anticipated costs of examinations of an alleged incompetent, and (b) to cover the fees and costs to be incurred to assist the Court in deciding whether a guardianship is necessary.

6.21 Guardian's Compensation

(Add the following to our current rule):

When a guardian is applying for compensation as guardian of the person, the guardian shall consider the factors set forth in Sup.R. 73(B). The application for compensation should address each applicable factor (itemization of expenses, additional compensation, apportionment of the aggregate compensation between co-guardians, and denial or reduction).

VII. RECORD OF PROCEEDINGS

7.0 Record of all proceedings, upon request of any party or at the discretion of the Court, shall be recorded by the use of an audio-electronic recording device.

7.1 Any party desiring a record of proceedings by other than audio-electronic means must make a written request therefor not fewer than fourteen (14) days, except with leave of Court, prior to the date of such proceeding and shall be responsible to arrange, schedule and obtain such means, subject to approval by the Court. Failure to timely make such written request and to arrange, schedule and obtain such means with approval of the Court shall be deemed a waiver of record, except by audio-electronic means, and no continuance will be granted upon failure of the same. The Court shall determine what constitutes the official record in each case, and costs to make such official record shall be taxed as costs in the proceeding.

VIII. CONTINUANCES

8.0 Requests for continuance of any scheduled hearing of any kind shall be made in writing and filed with the Court not later than Fourteen (14) days prior to such scheduled hearing date, or within Four (4) Court days after mailing of the notice of hearing by the Clerk of this Court, whichever last occurs, setting forth the reasonable grounds for the continuance. Failure to timely request a continuance shall constitute grounds for denial of a requested continuance.

Exceptions may be permitted in the sound discretion of the Court involving an act of God, death, serious injury or illness of a party, counsel, or necessary witness or other just cause as the Court may determine.

It shall be the responsibility of the attorney or party requesting the continuance and for whom such continuance is granted to assure that such hearing is timely re-scheduled by the Court.

IX. ENTRIES IN DISPUTED MATTERS

9.0 An original Entry prepared by counsel in any disputed matter shall be offered to all counsel who appeared in such dispute for endorsement before the same is presented to the Court for approval and filing. Counsel to whom an entry is offered for endorsement shall promptly either endorse or note objections and return the same to counsel who prepared the entry.

If an entry cannot be agreed or is not endorsed and returned by counsel to whom it is offered for endorsement within seven (7) days, then counsel preparing the entry shall submit the same together with explanation of the reason for any failure of endorsement to the Court for its consideration. Whereupon the Court may sign the entry as submitted or return the same with instructions for change.

X. RESERVED

XI. APPRAISALS; APPRAISERS; FEES

11.0 The Court does not maintain a list of pre-approved appraisers. Appraisers shall be qualified for appointment on the basis of experience, education, training, and expertise as to valuation of the property or types of property to be appraised. The Court, on its own motion or the written objection of any interested person, may inquire into the qualifications and credentials of any appraiser to determine the suitability of the appointment.

11.1 The Court will allow reasonable fees paid to appraisers, considering the nature of the particular estate and the property appraised, the time involved, and any special qualifications of the appraiser. The fiduciary should be prepared to explain and justify the amount of any appraisal fee and the method used to determine the same in response to any objections which are made to or by the Court concerning an appraiser's fee which has been or is to be paid.

11.2 Real estate described in Inventories should identify the property by more than merely a street address and/or Auditor's parcel number. While the street address and/or parcel number may be included, a brief identifying phrase, sentence or paragraph should be used to show the acreage, lot number, prior deed reference, or other identifying feature. It is always acceptable, although not necessary, to use the full legal description.

11.3 Unless otherwise ordered by the Court, in estates wherein the fiduciary determines, in good faith, that the total fair market value of all the decedent's household goods and furniture is less than $6,000.00, the decedent's household goods and furniture may be considered assets the value of which is readily ascertainable, and which need not be appraised. In the event that an interested party objects to any such determination and files an exception

to the inventory pursuant to R.C. 2115.16, the fiduciary shall obtain a formal appraisal of decedent's household goods and furniture prior to the hearing on such exception.

11.4 Motor vehicles, the value of which is listed in published compilations of motor vehicle values generally used and relied upon by the public or by persons in the motor vehicle sales industry, may be considered assets, the value of which is readily ascertainable, and which need not be appraised. In the event that an interested party objects to any such determination and files an exception

to the inventory pursuant to R.C. 2115.16, the fiduciary shall obtain a formal appraisal of said motor vehicles prior to the hearing on such exception.

XII. RESERVED

XIII. CERTIFICATE OF TRANSFER OF REAL ESTATE

13.0 Except upon leave of Court and for good cause shown, no Certificate of Transfer of Real Estate shall be approved by the Court until the Ohio Estate Tax Return has first been filed. Except with prior consent of the Court, an Application for Certification of Transfer of Real Estate shall not be filed, and any Deputy Clerk may refuse to accept the same for filing, until the Ohio Estate Tax Return has first been filed.

XIV. CREDITOR'S CLAIMS FILED WITH THE COURT, FEE, DISCHARGE; SCHEDULE OF CLAIMS

14.0 A fee for Court costs in the amount of Ten Dollars ($10.00) shall be required and prepaid at the time of filing any written claims of creditors with the Court, including an affidavit of proof of claim or other manner of written claim, and no such claim may be accepted by the Court for filing unless such costs have first been paid.

14.1 A creditor's written claim filed with the Court may be ordered discharged by the Court upon a written petition asserting that the claim has been fully paid or otherwise satisfied which shall be scheduled for hearing upon not fewer than ten (10) days written notice thereof to the creditor. Upon filing of an objection to such discharge by the creditor at or prior to the time of such hearing, upon objection to discharge made in person at such hearing, or upon the Court's own motion, the hearing shall be continued and rescheduled for contested hearing upon not fewer than ten (10) days written notice thereof

to the creditor, to any agent for the creditor having made written request for such notice, to the estate's fiduciary, and to the attorney for the fiduciary. This procedure for discharge of a written claim filed with the Court shall be an alternative to any other evidence of or means or procedure for the release, satisfaction, or discharge of a creditor's claim.

14.2 A Schedule of Claims shall be filed by the fiduciary:
1) in each insolvent estate; or
2) upon request by the Court.

14.3 A Schedule of Claims required to be filed pursuant to this Rule shall be filed with this Court at or prior to the time of the hearing pursuant to the notice of insolvency, or otherwise as the Court directs.

XV. INVENTORIES AND ACCOUNTS

15.0 Notice of Hearing on Inventory:

(for form see Appendix C)

Notice of the hearing on the inventory shall be required to be given by the fiduciary or the fiduciary's attorney to any person who is interested in the estate in accordance with the Rules of Civil Procedure. For purposes of this Local Rule, persons interested in the estate shall be each of the following whose residence is known:

A. Surviving spouse;
B. Next of kin;
C. Beneficiaries under the will;
D. The attorneys, if known, representing any of the persons described in A, B, or C: and
E. Any other person designated by the Court.

Such notice shall be served in accordance with the Rules of Civil Procedure and shall include a provision that exceptions to the inventory may be made in a writing filed with the Court at least five (5) days prior to the date for hearing. The person giving such notice shall certify to the Court the names of persons served, the manner of such service, and the date such service was completed. Notice of the hearing on the inventory may be waived in accordance with the Rules of Civil Procedure. Service of any notice required by this Local Rule may be waived by the Court for good cause shown.

15.1 Notice of Hearing on Account:

(for form see Appendix D)

Notice of the hearing on a final account shall be required to be given by the fiduciary or the fiduciary's attorney to all heirs in an intestate estate and to all residuary beneficiaries in a testate estate and also to any other person designated by the Court. Such notice shall include a provision that exceptions to the account may be made in a writing filed with the Court at least five (5) days prior to the date set for the hearing.

Such notice shall be served in accordance with the Rules of Civil Procedure. The person giving such notice shall certify to the Court the names of persons served, the manner of such service, and the date such service was completed. Service of notice of the hearing on a final account may be waived in accordance with the Rules of Civil Procedure. Service of any notice required by the Local Rule may be waived by the Court for good cause shown.

15.2 All fiduciary accounts shall be made on the standard probate form adopted in the Rules of Superintendence and shall be accompanied by an adding machine tape of calculations.

15.3 All fiduciary accounts shall be accompanied by the standard probate form for Schedule of Receipts and Disbursements as adopted in the Rules of Superintendence and shall be accompanied by an adding machine tape of calculations. It may be acceptable to append additional pages to the standard probate form so long as the format is consistent and the receipts and disbursements are identified in such manner that they are readily ascertainable from the standard probate fiduciary account form. This Rule is intended to accommodate the use of word processing equipment but is not intended to include computer spread sheets or other formats which contain unnecessary extraneous information or transactions, or which do not clearly and readily identify amounts shown on the standard probate fiduciary account form.

15.4 No accounts of guardians, conservators, testamentary trustees, and other fiduciaries, except executors and administrators and other fiduciaries expressly excepted by statute, will be accepted for filing unless copies of receipts and vouchers (front and back) are filed concurrently with and as an integral part of such account.
Executors and administrators are not required to file copies of receipts and vouchers with the account, although the same may be required upon request

by the Court or for proceedings related to the account.

15.5 Extensions to File:

Any request which would result in extending the time within which to file any inventory or account more than sixty (60) days after the same originally becomes due shall be by written motion signed by the fiduciary and may, in the discretion of the Court, be set for hearing. Leave to grant such extension shall be in the sound discretion of the Court.

15.6 Courtesy Notice to Attorney:

The Court, as a courtesy to attorneys practicing in this Court, will endeavor to make reasonable efforts to notify the attorney of record, orally or otherwise, not fewer than ten (10) days prior to the mailing of any Notice to File (see Local Rule 15.7). Attorneys should be aware that this Courtesy Notice cannot be assured. In all cases the attorney should be responsible to monitor filing deadlines and should not anticipate or otherwise rely upon a Courtesy Notice.

15.7 Notice to File:

A written Notice to File shall be mailed by the Court to each fiduciary and the attorney of record for each estate, guardianship and trust in which any inventory or account is delinquent. Such Notice shall be mailed by ordinary first class mail to the addressee at the most recent address indicated in the Court's file.

On or before ten (10) days following the date upon which the Notice to File is mailed by the Court the inventory or account shall be filed with the Court or a written motion for extension of time to file the inventory or account shall be filed with the Court. Any motion for extension of time to file the inventory or account after a Notice to File has been mailed may be set for hearing. An extension of time may be granted in the sound discretion of the Court and only for good cause shown.

15.8 Citation to file:

If the inventory, account, or written motion is not filed within ten (10) days following the mailing of the Notice to File as provided in Local Rule 15.7, then the Court shall issue a written Citation to File the inventory or account which shall be mailed by certified mail return receipt requested to each fiduciary and the attorney of record for the estate, guardianship, or trust. Such Citation

shall be mailed to the addressee at the most recent address indicated in the Court's file. Upon the return to the Court of any Citation as unclaimed or otherwise undeliverable, the Citation shall be mailed by ordinary first class mail to such address whereupon service of the Citation shall be deemed complete.

The inventory or account shall be filed on or before the hearing date indicated in the Citation to File; no extension may be granted before such hearing. No hearing upon a Citation to File may be continued for any period greater than ten (10) days except in the discretion of the Court. If the inventory or account is not filed with the Court at or before the hearing, the fiduciary may be removed from his/her trust.

15.9 Attorneys; Sanctions:

The attorney of record for an estate, guardianship or trust shall appear at the hearing on the Citation to File. The Court shall consider the number of estates, guardianships and trusts for which said attorney is of record and the number of the same which are delinquent in the filing of an inventory or account and the reasons therefor. Upon its consideration thereof, the Court may sanction said attorney by suspending or otherwise restricting or limiting further filing in any matters in the Court upon such conditions and for such period as the Court deems appropriate.

XVI. CERTIFICATE OF TERMINATION

(for form see Appendix E)

XVII. RELEASE FROM ADMINISTRATION

17.0 No application for Release of an Estate from Administration shall be accepted for filing unless the same, or an attachment accompanying the same, identifies the name, address and telephone number of the attorney preparing the same and is also signed by the attorney, if any, preparing the same.

17.1 No order for Release of an Estate from Administration shall issue unless:

A. A schedule of the assets has first been filed indicating values. All assets without readily ascertainable values shall be established to the satisfaction of the Court, and such appraisal shall be subject to objections and disapproval by the Court.

B. No known creditor will be prejudiced by the Order. If it appears that assets of the estate are insufficient to fully pay all creditors and all creditors have not consented in writing to such release from administration, prejudice to creditors will be presumed.

XVIII. REMOVAL OF FILES AND DOCUMENTS; COPIES OF DOCUMENTS

18.0 Except with the prior express written permission of the Judge, no person shall take, assist in taking or cause to be taken from the Offices of this Court any original paper, record, journal, docket or file. Copies of original documents shall be made and provided to any person requesting and entitled to the same at a reasonable charge established by the Court.

XIX. COUNSEL FEES; FIDUCIARY COMMISSIONS

19.0 An attorney acting in a dual capacity as both fiduciary and attorney for an estate shall be entitled to and paid the fees allowable in both capacities.

19.1 Attorneys, guardians, and trustees shall receive such reasonable compensation as may be allowed by the Court, unless otherwise provided in the governing instrument.

Compensation not greater than as computed in accordance with the schedules established as a guide in these local rules will be rebuttably presumed to be reasonable and will be allowed in the absence of objection.

Computation of both the attorney's fee and the fiduciary's compensation shall be filed with the Court before the same may be finally approved and before the fiduciary may be discharged. (For forms see Appendix F and G).

An attorney fee will not be finally approved in any estate until the Certificate of Attorney form (Appendix H) required by this Rule has been completed and filed to reflect the status of matters in the estate. Except for good cause shown, neither compensation for a fiduciary, nor fees to the attorney representing such fiduciary, shall be allowed while such fiduciary is delinquent in the filing of the fiduciary's account.

19.2 Schedule of attorney fees for estates:

Ordinary Services:
5% on first $20,000 of probate property, real and personal
3% on balance

Minimum $300.00

5% of sale price for real estate sold by land sale proceeding or purchase by surviving spouse (O.R.C. Chapter 2127 or 2106)

Minimum. $300.00

In all cases deduct land sale from probate property in computing estate fee; however minimum estate fee ($300.00) will be allowed in addition to land sale fee.

Federal Estate Tax Return, 1/2 of 1% of gross taxable estate

Taxable portion of non-probate assets included on estate tax return, at value shown on estate tax return. . . . . 2% on first $50,000.00, 1% on excess

Where there is no estate administration;
1% of taxable assets included on Ohio Estate Tax Return

Minimum $75.00

Release of Estate from Administration:
Without real estate. $600.00
With real estate $700.00

In all estates, an attorney fee not less than the allowable fiduciary fee will be allowed by the Court.

Extraordinary Services:
Payable upon written application and approval by the Court at an hourly rate or quantum meruit basis.

Adversary Proceedings (except land sale or purchase by surviving spouse):
Payable upon written application and approval by the Court at an hourly rate.

Any written agreement on payment of attorney fees which is signed and approved by the attorney, fiduciary, surviving spouse, legatees, devisees and heirs, and which is filed in the estate may be approved by the Court, notwithstanding the schedule established pursuant to local court rule.

19.3 Schedule of Attorney Fees and Fiduciary Commissions for Guardianships:

Opening guardianship (both attorney and fiduciary):
For preparation and filing of application, bond, inventory, and supporting papers, 1/2 of 1% of gross estate as determined by the inventory.

Minimum $300.00

Continued guardianships (fiduciary only):
3% on all amounts received as income and 3% on all expenditures during the account period. No percentage will be allowed on balances carried forward from one accounting period to another, nor will an investment of funds be considered an expenditure. Assets received by gift or inheritance will not be considered income.

Minimum $150.00

Final distribution upon termination of guardianships (fiduciary only):
1% of value of corpus distributed

Minimum $150.00

Attorney fees for services other than opening shall not be paid except upon written application and approval by the Court, and shall reflect an hourly rate or quantum meruit basis.

Only one fiduciary fee will be allowed, regardless of the number of fiduciaries, unless otherwise specifically directed by the instrument creating the fund.

Fees and commissions for other or extraordinary services shall not be paid except upon written application and approval by the Court.

19.4 Schedule of Attorney Fees and Fiduciary Fees for Trusts:

A. OPENING TRUSTS (both attorney and fiduciary):

For preparation and filing of application, bond, inventory, and supporting papers; ½ of 1% of gross estate as determined by the inventory.

Minimum $300.00

B. CONTINUED TRUSTS (fiduciary only):

1. Corporate Trustee Compensation:

a. Except where the instrument creating the trust makes provisions for compensation, a corporate testamentary trustee may charge fees on the same basis and rate as it charges for living trusts according to its published fee schedule.

(1) a certificate of accuracy by the fiduciary will be required, certifying that the fees charged and included in the accounting represent those charges for similar services in living trusts and in accordance with the trustee's published fee schedule; and

(2) a copy of the trustee's published fee schedule must be attached to the accounting; and

(3) a separate schedule shall be attached to the accounting showing market values (or other values utilized in computing the fees) at both the beginning and the end of the accounting period.

2. Non-corporate Trustee Compensation:

a. Except where the instrument creating the trust makes provisions for compensation, a non-corporate testamentary trustee shall be entitled to receive reasonable compensation. Compensation shall be prima facie reasonable if in accordance with (1), (2), (3), or (4) as follows:

(1) Not greater than would be permitted under the schedule of any bank offering trust services with an office in Clinton County, Ohio.

(a) a certificate of accuracy by the fiduciary will be required, certifying that the fees charged and included in the accounting represent charges not greater than those which would be permitted under the published fee schedule for similar living trust services of any bank offering trust services with an office in Clinton County, Ohio:

and

(b) a copy of the selected bank's published fee schedule must be attached to the accounting; and

(c) a separate schedule shall be attached to the accounting showing market values (or other values utilized in computing the fees) at both the beginning and the end of the accounting period.

(2) 3% on all amounts received as income and 3% on all expenditures during the accounting period. No percentage will be allowed on balances carried forward from one accounting period to another, nor will an investment be considered an expenditure. Assets received by gift or inheritance will not be considered income.

(3) A minimum of $150.00

(4) Otherwise as ordered by the Court

C. FINAL DISTRIBUTION UPON TERMINATION OF TRUST (fiduciary only):

1% of value of corpus distributed.

Minimum $150.00

Attorney fees for services other than opening shall not be paid except upon written application and approval by the Court, and shall reflect an hourly rate or quantum meruit basis

Only one fiduciary fee will be allowed, regardless of the number of fiduciaries, unless otherwise specifically directed by the instrument creating the fund.

Fees and commissions for other or extraordinary services shall not be paid except upon written application and approval by the Court.

19.5 Schedule of Attorney Fees for Miscellaneous Services:

Adoption Proceedings . . . . . No prescribed guideline.
Registration or correction of birth record. $50.00
Change of Name $100.00

XX. ADOPTIONS

20.0 In a petition for adoption wherein the petitioner or the parent of the child to be adopted must be a resident of this county, residency may be established by having maintained a household in this county for a continuous period not less than one (1) year immediately preceding the filing of the petition for adoption.

20.1 No petition for adoption wherein a pre-placement hearing is necessary in Ohio may be granted unless such pre-placement hearing is held in this Court

XXI. COMPLIANCE

21.0 Failure to comply with these Rules may result in such sanctions as the Court may determine and direct

Appendix A

FACSIMILE FILING COVER PAGE

RECEIPIENT INFORMATION:

NAME OF COURT: _____

FAX NUMBER: _____

SENDING PARTY INFORMATION:

NAME: _____

SUPREME COURT REGISTRATION NO. (if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO. _____

FAX NUMBER: _____

E-MAIL ADDDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER: _____

TITLE OF THE

DOCUMENT: _____

_____

JUDGE: CHAD L. CAREY

FILING INFORMATION:

DATE OF FAX TRANSMISION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED, IF APPLICABLE: _____

_____

_____

* If a judge or case number has not been assigned, please state that fact in the space provided.

Appendix B

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
CLINTON COUNTY, OHIO

JOHN SMITH, PLAINTIFF,

v. **Case No. : 1234567**

BILL JONES, Defendant. **Judge** _____

PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G"
TO
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule 4.06.

Respectfully Submitted,

_____
Attorney Name (Sup. Ct. Reg. No.)
Office/ Firm
Address
Telephone
Facsimile
E-mail
Counsel for Plaintiff John Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. Mail on [date] to counsel for defendant Bill Jones, [name and address of recipient].

_____
Attorney Name

Appendix C

IN THE PROBATE COURT OF CLINTON COUNTY, OHIO

IN THE TRUST OF:
IN THE GUARDIANSHIP OF:
IN THE ESTATE OF: _____

CASE NO. _____

NOTICE OF HEARING ON INVENTORY

To the following persons:

_____	_____
Name	Address
	_____
_____	_____
Name	Address
	_____
_____	_____
Name	Address
	_____

The inventory of decedent's assets has been filed in this Court.

The hearing on the inventory will be held _____

at_____o'clock _____.m. in this Court.

The Court is located at 46 S. South Street , Wilmington, Ohio 45177.

You may examine and inquire into the contents of the inventory. Any exceptions to the inventory must be filed with the Court in writing at least five days prior to the date set for the hearing.

_____
Fiduciary/Attorney

Appendix D

IN THE PROBATE COURT OF CLINTON COUNTY, OHIO

IN THE TRUST OF:
IN THE GUARDIANSHIP OF:
IN THE ESTATE OF: _____

CASE NO. _____

NOTICE OF HEARING ON ACCOUNT

To the following persons:

_____	_____
Name	Address
	_____
_____	_____
Name	Address
	_____
_____	_____
Name	Address
	_____

A _____ account covering the period from _____ to _____ in the within case has been filed in this Court.

The hearing on the account will be held _____ at _____o'clock _____.m. in this Court.

The Court is located at 46 S. South Street, Wilmington, Ohio, 45177.

You may examine and inquire into the contents of the account. Any exceptions to the account must be filed with the Court in writing at least five (5) days prior to the date set for the hearing. Absent the filing of written exceptions, the account may be approved without further notice.

_____
Fiduciary/Attorney

Appendix E

IN THE PROBATE COURT OF CLINTON COUNTY, OHIO

IN THE ESTATE OF: _____, DECEASED

CASE NO: _____

CERTIFICATE OF TERMINATION

I certify that I am the executor or administrator in this matter and that I am also the sole legatee, devisee or heir.

I further certify:

(a) that all debts and claims presented to the estate have been paid in full or settled finally;
(b) that an Ohio Estate Tax return, if required under Chapter 5731 of the Revised Code, has been filed, and any estate tax due under that Chapter has been paid;
(c) that all attorney's fees have been waived by or paid to counsel of record of the estate in the amount of $_____(computation attached). All fiduciary fees have been waived or paid in the amount of $_____(computation attached). I consent to the payment of the attorney's fees in the amount stated above which is the entire fee for the estate administration. I understand that if I do not consent to the fees the matter will be set for hearing;
(d) that all assets remaining after completion of the activities described above have been distributed to myself as the sole legatee, devisee or heir.

_____ _____

Attorney Fiduciary

ENTRY

Based upon the above certification it is ORDERED that the accountings in this matter be dispensed with and the fiduciary and bondsman, if any, are discharged.

_____

CHAD L. CAREY, JUDGE

Appendix F

COURT OF COMMON PLEAS
PROBATE DIVISION
CLINTON COUNTY, OHIO

COMPUTATION OF FIDUCIARY FEE
(0.R.C. 2113. 35)

IN THE MATTER OF
THE ESTATE OF: CASE NO._____

_____

Personalty (including income and
Proceeds from real estate sold) $ _____

First $100,000, at 4% . . . . . $_____

Over $100,000 up to $400,000, at 3%. . . . . $_____

Over $400,000, at 2% . . . . . $_____

Real estate not sold, at 1% . . . . . $_____

Non-probate property,
Except joint and
Survivorship property, at 1% $_____

_____

TOTAL FIDUCIARY FEE $_____

_____
Fiduciary or Attorney

Appendix G

COURT OF COMMON PLEAS
PROBATE DIVISION
CLINTON COUNTY, OHIO

ESTATE OF _____,DECEASED

CASE NO. _____

COMPUTATION OF ATTORNEY FEE

(Local Rule 19.2)

Total probate property	$_____		
First $20,000.00 (minimum fee $300.00)	$_____	X .05	$_____
Balance over $20,000.00	$_____	X .03	$_____
Total Non-Probate property	$_____		
First $50,000.00	$_____	X .02	$_____
Balance over $50,000.00	$_____	X .01	$_____
Real Property sold under Land Sale Proceedings and not included in above computation (minimum fee $300.00)	$_____	X .05	$_____
Gross Estate as shown on Federal Estate Tax Return	$_____	X .005	$_____
Extraordinary compensation approved by Court	$_____		
Total Attorney Fee	$_____		

Respectfully submitted,

_____

Appendix H

IN THE PROBATE COURT OF CLINTON COUNTY, OHIO

IN THE MATTER
OF THE ESTATE OF:

CASE NO._____

_____

CERTIFICATE OF ATTORNEY

As attorney for the fiduciary and as an officer of the Court, I certify that I have reviewed the filings in this estate and that the following matters have been properly completed to the best of my knowledge and belief.

_____ Certificate of Service of Notice of Probate of Will given to all persons entitled thereto pursuant to 2107.19 (A) (1) (Decedent died on or after 1/1/2002)
_____ All known assets included in inventory or report of newly discovered assets
_____ Notice of hearing on inventory given to surviving spouse, all next of kin, beneficiaries and attorneys not waiving notice
_____ Family allowance properly apportioned, if applicable
_____ All claims presented to fiduciary or fiduciary's attorney have been paid or otherwise discharged
_____ Schedule of Claims filed if insolvent estate
_____ Explanation filed with Court if any claim not paid in full
_____ Federal and Ohio Estate Tax returns filed, if required
_____ Federal and Ohio estate taxes determined and paid, if any
_____ Bond premiums paid, if any
_____ All real estate transferred
_____ All other assets properly accounted for and receipted for
_____ Manner of calculating attorney and fiduciary fees filed
_____ Adding machine tape of account filed
_____ Certificate of Service of Account to Heirs or Beneficiaries filed
_____ Notice of Administrator of Estate Recovery Program, if applicable
_____ All other matters that have come to my attention have been properly disposed of to the benefit of all beneficiaries

MATTERS COURT SHOULD BE AWARE OF:

_____
ATTORNEY AT LAW

CLINTON COUNTY PROBATE COURT
DEPOSITS FOR COURT COSTS
(Effective August 1, 2015)

ADOPTIONS $96.00
(PLACEMENT ONLY). $20.00

PETITION SEEKING DISCLOSURE OF ADOPTION RECORDS $40.00

AUTHENTICATED COPIES (to file in Probate Court) $10.00
plus $1.00 per page

AUTHENTICATED COPIES (for Probate Clerk to prepare) . . . . . .$ 1.75
plus $ .25 per page

CHANGE OF NAME (Adult or Minor) $61.00

COMPLAINT FOR CONCEALING (embezzling) ASSETS. $40.00

COMPLAINT FOR CONSTRUCTION OF WILL $40.00

COMPLAINT TO DETERMINE HEIRSHIP. $40.00

COMPLAINT SEEKING DIRECTION $40.00

COMPLAINT TO SELL REAL ESTATE $60.00

COMPLAINT FOR WRIT CITATION TO PRODUCE WILL $60.00

CONSERVATORSHIP $115.00

CORRECTION OF BIRTH RECORD $17.00

CREDITOR'S WRITTEN PROOF OF CLAIM (RULE 14.0) $10.00

DELAYED REGISTRATION OF BIRTH $17.00

ESTATE/ADMINISTRATION $125.00

ESTATE TAX ONLY $15.00

ESTATE TAX FORM 22 ONLY (When no return is required) $15.00

RELEASE OF ESTATE (plus $1.00 per page for waivers) $70.00

RELEASE (for Medicaid purposes only) $55.00

RELEASE (Summary) $55.00

REOPEN ESTATE $20.00

GUARDIANSHIP (Incompetent or Minor) $115.00

GUARDIANSHIP (for school purposes only) $50.00

MINOR'S CLAIM $40.00

SUBPOENA $35.00

TRANSFER OF STRUCTURED SETTLEMENT $53.00

TRUSTS $90.00

WILL FOR RECORD ONLY $15.00

WILL AND TAX ONLY $20.00

WILL ONLY ADMITTED TO PROBATE (plus $1.00 per page per waivers) $30.00

WILL CONTEST (without a jury) $40.00

(with a jury) $150.00

WRONGFUL DEATH $40.00

FORMS

PROBATE COURT OF CLINTON COUNTY, OHIO
CHAD L. CAREY, JUDGE

CONFIDENTIAL

IN THE MATTER OF THE
GUARDIANSHIP OF _____

CASE NO. _____

RECORD CHECK
AUTHORIZATION, WAIVER, AND CONSENT

I *consent* to the Probate/Juvenile Court of . Clinton County, Ohio (hereinafter referred to as "the Court") obtaining all criminal history information and background pertaining to me and appearing in the files of The Ohio Courts Network hereinafter ("OCN"). This search is referred to as a "Records Check".

Through execution of this document, I *authorize* the release of criminal history and background information about me to the Court for a period of one year from the date this waiver is signed.

I understand that the information received as a result of this Records Check, will be filed in the confidential portion of the Court's case record for this matter and under Sup. R. 44 it is not deemed to be a part of the case documents or the case administrative documents pertaining to this file. It is therefore not a public record.

I *release* the data providers, including but not limited to OCN, as well as the Court, its personnel and its investigator, from liability otherwise arising as a result of collection and use of the Records Check results.

_____
Date

_____
Signature of Applicant

_____
(Typed or legibly printed Name)

CONFIDENTIAL

PROBATE COURT OF CLINTON COUNTY, OHIO
CHAD L. CAREY, JUDGE

IN THE MATTER OF THE

GUARDIANSHIP OF _____

CASE NO. _____

NON-PUBLIC RECORD
SOCIAL SECURITY INFORMATION

THIS FORM IS TO BE MAINTAINED AS A CONFIDENTIAL FILING PURSUANT TO CIVIL RULE 45

I certify, under penalty of perjury, that the following is my social security number

_____

This number is being provided solely for purposes of the Court's Record Check requirements.

_____
Date

_____
Signature of Applicant

_____
(Typed or legibly printed Name)

CONFIDENTIAL

PROBATE COURT OF CLINTON COUNTY, OHIO
CHAD L. CAREY, JUDGE

IN RE THE GUARDIANSHIP OF _____ Case No. _____

GUARDIAN'S CREDIBILITY APPLICATION

Name of Applicant to be appointed Guardian: _____ Date of Birth _____

Applicant's Current Address: _____

_____ From _____ to present.

Previous Address: (if current address less than 3) years _____

_____ From _____ to _____

Previous Address: _____

_____ From _____ to _____

Applicant's Spouse's Name _____ When married _____

Spouse's Address _____

Applicant's Employer _____ From _____ to _____

Previous Employer _____ From _____ to _____

_____ Checking _____; Savings _____

Name of Applicant's Bank

A. Has the Applicant ever Filed Bankruptcy (Chapter 7 or 13)? Yes and When _____; No _____
B. Has the Applicant ever been Garnisheed? Yes and When _____; No _____
C. Has the Applicant ever filed Receivership Yes _____; No _____
D. Has the Applicant ever been Convicted of, or pled guilty to, a Felony? Yes _____; No _____
Add details of A through D _____

Has the Applicant Had Experience Investing Marketable Securities? Yes _____; No _____

Describe the details of any "Yes" response: _____

_____

All of these statements are made in support of my application for appointment as guardian and are true.

Date: _____

_____
Signature of Applicant

PROBATE COURT OF CLINTON COUNTY, OHIO
CHAD L. CAREY, JUDGE

CASE NO: _____

WILL FOR DEPOSIT
(O.R.C. 2107.07, 2107.08 and L.R. 6.15)

I present a document purporting to be the Last Will and Testament of _____, a resident of Clinton County, Ohio, and request the Court accept it for deposit for safekeeping. I represent to the Court that I am either the testator of the document, the guardian of the testator/maker of the document, or I am presenting it to the Court for deposit at the request of the testator or guardian. The name, current address and telephone number of the testator, named fiduciary, attorney preparing the Will, if any, known to the undersigned are identified below:

Testator: _____

Address: _____

City/State/Zip _____

Telephone No. _____

Drafter: _____

Address _____

City/State/Zip _____

Telephone No. _____

Fiduciary: _____

Address: _____

City/State/Zip _____

Telephone No. _____

Note: When the will is presented for a person under guardianship, a copy of this form shall be filed in the Court's guardianship file. If applicable, the guardianship case # is _____.

Testator: _____
(if applicable) Signature

Depositor: _____
(if other than testator)
Address _____

City/State/zip _____

Telephone _____

CASE NO._____

WITHDRAWAL REQUEST AND RECEIPT

I, _____, the undersigned testator, request the withdrawal of my original Last Will and Testament dated _____ previously deposited with the Court for safekeeping and I acknowledge receipt of it on this date.

_____
Date

_____
Testator

Evidence of Identity:
Issuing Agency: _____
Issued Date: _____

PROBATE COURT OF CLINTON COUNTY, OHIO
CHAD L. CAREY, JUDGE

Testator: _____

Case No.: _____

CERTIFICATE FOR DEPOSIT OF WILL

I hereby certify that on _____, a written instrument dated _____ purporting to be the Last Will and Testament of _____ (the "testator"), a resident of Clinton County, Ohio, was deposited pursuant to ORC §2107.07 for safekeeping in the office of the Probate Court of Clinton County.

The Will shall, during the lifetime of testator be delivered only to the testator or to some person authorized by the testator by an order in writing duly proved by the oath of a subscribing witness, to receive same; and on the death of Testator to be handled pursuant to ORC §2107.08.

By:_____
Deputy Clerk

Date: _____

PROBATE COURT OF CLINTON COUNTY, OHIO
CHAD L. CAREY, JUDGE

IN THE MATTER OF: _____

Case No: _____

NOTICE OF CHANGE OF ADDRESS

I am notifying the Court that effective (Date) _____ the address or addresses for (Name) _____ Executor, Administrator, Heir, Beneficiary, Guardian, Ward, Trustee, Beneficiary or Attorney (choose one or more and circle).

Physical and/or Residence Mailing Address:

_____

_____

_____

Telephone: _____ Home Phone/Cell Phone

Date: _____

_____
Signature of Filer

_____
Typed/Printed Name of Filer

PROBATE COURT OF CLINTON COUNTY, OHIO
CHAD L. CAREY, JUDGE

GUARDIANSHIP OF _____

CASE NO._____

GUARDIAN'S REPORT ADDENDUM
SUP. R. 66.08 (G)

File only if guardian is NOT exempt from operation of Sup. R. 66.01 et seq. Attach to Guardian's Report

The following is a statement of the guardian's goals for meeting the ward's personal and financial needs:

_____

_____

_____

_____

_____

_____

_____ Date

_____ Guardian