Estate Filing Guidebook

The Stark County Probate Court recognizes that the administration of a loved one's estate often occurs during a time of deep grief and transition. We understand that the process can feel overwhelming, particularly while you are coping with loss. Please know that the Court and its staff are committed to treating all individuals with compassion, respect, and understanding. Within the limits of the law, our staff will do what they can to help guide you through the procedural aspects of probate.

This Guidebook provides **general information** about the administration of estates filed in the Stark County Probate Court. It is designed to serve as a **basic overview** of the initiation of the probate process, but it should **not be considered legal advice** or a substitute for the assistance of an attorney.

Estate administration is a formal legal proceeding that can be quite challenging, may require multiple visits to the Court, and requires adherence to specific procedures and deadlines. Because each estate presents unique circumstances, the **Court strongly recommends and prefers** that you seek guidance from a licensed attorney experienced in probate law.

Please be advised that **Court employees are not permitted to provide legal advice**, complete forms on your behalf, or recommend particular actions or decisions. If you have specific questions regarding your case, you will need to consult an attorney. In many cases, attorney fees may be paid from the estate's assets rather than by the Fiduciary (defined on page 4 of this Guidebook) personally. For assistance in locating an attorney, you may contact the **Stark County Bar Association Attorney Referral Service** at (330) 453-0686 or visit https://starkctybar.com/attorney-referral/.

If you choose to proceed without legal representation, please be aware that you are required to comply fully with all applicable provisions of the Ohio Revised Code, the Rules of Procedure, and the Court's Local Rules. It is your responsibility to verify current laws, procedures, and filing requirements relevant to your case.

The Court extends its sincere sympathies to all who find themselves navigating the loss of a loved one. While the Probate Court cannot provide legal guidance, we are committed to offering clear information and courteous assistance to help you move through the probate process.

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Definitions

Decedent

A **Decedent** is the legal term for a person who has died.

Beneficiary/Heir

A **Beneficiary** is the legal term for the person(s) and/or entity(ies) who receive assets under the terms of the **Decedent's** will.

An **Heir** is the legal term for the person or persons who receive assets from **Decedent's Estate** pursuant to Ohio's intestacy laws when **Decedent** did not have a will.

Estate (Testate or Intestate)

An **Estate** is a type of case that is opened when an individual dies leaving **Probate Assets**. The Court ensures that **Probate Assets** are managed and disbursed in accordance with the **Decedent's** last will and testament, if one exists, and by Ohio law. An **Estate** is considered an **Intestate Estate** if **Decedent** died without a will. An **Estate** is considered a **Testate Estate** if **Decedent** died leaving a will.

Fiduciary (Administrator/Executor)

In the context of an **Estate**, a **Fiduciary** is a person appointed by the Court to act on behalf of the **Estate**. An **Executor/Executrix** is the title of a **Fiduciary** in an **Estate** when **Decedent** left a will, and the **Fiduciary** is a person nominated in the will to serve as **Executor/Executrix**. Broadly, an **Administrator/Administratrix is** often the title of a **Fiduciary** in an **Estate** when there is no will. There are other, less common titles for Fiduciaries, that are not explained here.

Next of Kin

Next of Kin is the legal term for those people who are most closely related to **Decedent** by blood or affinity as more fully defined under the Ohio Revised Code, Chapter 2105. These people may or may not be **Heirs** or **Beneficiaries.**

Probate Assets

Probate Assets are assets that are in the name of **Decedent** and are not automatically transferred upon **Decedent's** death (examples of automatic transfers include: joint and survivorship property or assets with a **Beneficiary** designation, a payable on death [POD] designation, or a transfer on death designation [TOD]). See page 5, Preliminary Estate Determinations.

Surviving Spouse

The **Surviving Spouse** is the legal term for the person to whom **Decedent** was married, if any, at the time of his/her death.

Preliminary Estate Determinations

When a person dies leaving property in his or her name, sometimes certain steps must be taken to transfer ownership of a **Decedent's** assets. In a Probate context, there are broadly two types of assets: **Probate Assets** and Non-Probate Assets. (See definitions on page 4.) If the **Decedent** did not leave **Probate Assets**, an **Estate** normally does not need to be opened.

Non-Probate Assets include assets that transfer automatically upon the death of the **Decedent**, such as jointly held bank accounts with rights of survivorship, life insurance policies with a designated **Beneficiary**, or real estate that is jointly held with rights of survivorship or transfer upon death deed.

Probate Assets, on the other hand, must go through a Probate Court proceeding in order to be transferred. Examples of **Probate Assets** include bank accounts, stock, real estate, automobiles and personal items titled solely in a **Decedent's** name. **Probate Assets** can pass to **Beneficiaries** or **Heirs** in one of two ways. A **Decedent** may leave **Probate Assets** through a properly executed will. If there is no will, various Ohio statutes govern who is to receive the property of a **Decedent**.

There are, broadly, three different administrative processes that may be used to transfer **Probate Assets** through the Probate Court.

1. Full Estate Administration
2. Relief from Administration
3. Summary Release from Administration:
    a. One Page Summary Release, or
    b. Two Page Summary Release

A brief description of each type of **Estate**, and an additional option called a certificate of transfer only filing, may be found on page 6 of this guidebook. Pages 11 through 18 provide a checklist of the initial forms and information that you will be required to file in order to open each type of **Estate**. These forms are available on the Stark County Probate Court's website: https://starkcountyohio.gov/probate.

<u>Important Note</u>: This guidebook is <u>not</u> definitive of all filing deadlines and applicable forms and procedures you may encounter while an **Estate** is open and pending in this Court.

Most Common Types of Estates

Full Administration (with or without a will)

This is the most complicated form of **Estate** administration. This is the *only* option for transferring assets over $35,000.00 for **Decedents** who were not married at the time of death, and assets over $100,000.00 to a **Decedent's Surviving Spouse**. The applicant, if approved by the Court, will be appointed as a **Fiduciary**, and a document called "Letters of Authority" will be issued to the **Fiduciary**.

<u>The use of a lawyer is strongly encouraged in a Full Administration.</u> The information in this guidebook does not detail all of the forms that will need to be filed in a Full Administration. For example, the **Fiduciary** will be required to file an inventory of all **Probate Assets**, an account or accounts showing all **Probate Assets** received and that all debts were paid. The **Fiduciary** may need to obtain an appraisal of **Decedent's** real and/or personal property, may need to obtain Court permission before selling or transferring property, and will ultimately provide verification to the Court that distributions were made according to law and the Court's Orders. A Full Administration will take several months or more to complete.

Release from Administration (with or without a will)

A Release is less complicated than a Full Administration, but there is a limit on how much of **Decedent's Probate Assets** can be transferred using this type of administration. A Release typically allows for the transfer of assets up to $35,000.00 for **Decedents** who were not married at the time of death, and up to $100,000.00 for **Decedents** who were married at the time of death <u>if</u> the **Surviving Spouse** is entitled to 100% of **Decedent's Probate Assets**. The Applicant for a Release will need to provide proof of the value of the assets as of **Decedent's** date of death, provide notice to all of **Decedent's Next of Kin**, and ultimately provide verification to the Court that distributions were made according to the Court's Orders.

Summary Release from Administration

This is the least complicated form of **Estate** administration. However, there is a limit on how much of **Decedent's Probate Assets** can be transferred using this type of administration. Typically, for **Decedents** who were not married at the time of death, the limit is up to $5,000.00 and the assets cannot be more than what the applicant paid in funeral expenses. For **Decedents** who were married at the time of death, and when the **Surviving Spouse** is the natural or adoptive parent of all of **Decedent's** minor children, if any, the limit is up to $40,000.00, plus up to $5,000 for funeral expenses. For example, if a **Surviving Spouse** paid $3,000 in funeral expenses, the most the Surviving Spouse can receive through a Summary Release is $43,000. Additionally, the <u>assets cannot be more than what the applicant paid in funeral expenses.</u> The applicant must provide proof of the **Probate Assets'** value as of **Decedent's** date of death, along with evidence that the applicant paid or is obligated to pay the funeral bill.

Petition for Certificate of Transfer (CoT) Only Without Administration

This avenue may only be used if the only **Probate Asset** is real estate located in Stark County, Ohio, there has been no other form of **Estate** administration and none is contemplated, six months have passed since **Decedent's** death, and **Decedent** was not a Medicaid recipient.

Gathering Information

When completing <u>any</u> **Estate** administration, you will need all of the following:

Funeral Bill

A copy of the **Decedent's** paid funeral bill and, in a Summary Release, evidence of who paid the bill is required.

A Death Certificate

A certified copy of the **Decedent's** Death Certificate is required in all types of **Estate** administrations.

Decedent's Last Will and Testament, if applicable

Except in a Summary Release, the original (not a copy) of **Decedent**'s Last Will and Testament must be filed, if **Decedent** left a will. If you do not have, and cannot obtain the original will, please contact an attorney as additional steps that are not outlined in this Guidebook are required.

Titles for All Probate Assets and Proof of Value

It is important that you properly identify all of the **Probate Assets** that **Decedent** owned at the time of their death. This may include titles to automobiles, boats, and motorcycles. You must provide a "private party" trade in or "retail" valuation printout, such as from Kelley Blue Book or NADA, the Auditor's tax card, or an appraisal. The value must be as of **Decedent's** date of death.

Bank Account Statements

Gather copies of **Decedent's** bank statements with account numbers and proof of the balance of the accounts from after **Decedent's** date of death. If you cannot obtain bank records without a Court order, you may file Stark Loc. Form 2.9 "Motion to Release Information." See page 18.

Court Costs

The cost to file depends on the type of **Estate** being opened but the initial deposit generally ranges from $5 to $200. Additional filing fees may apply. The Court only accepts cash or checks.

Contact Information for All Beneficiaries/Heirs/Next of Kin (Form 1.0)

The applicant for any form of **Estate** administration will need the names and addresses of **Decedent's Next of Kin** (see definitions) and any persons or entities that are named as **Beneficiaries** in **Decedent's** will, if the **Decedent** left a will. If there are any **Heirs** or **Beneficiaries** under age 18, you will need their date of birth. You may also need the dates of death for any **Heirs** or **Beneficiaries** who have died.

The applicant must complete and file a Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees". Page one of Form 1.0 must list every person who is or was the **Decedent's Next of Kin**, even if that **Next of Kin** has passed away (either before or after the death of **Decedent**). If a **Next of Kin** has died, the Form 1.0 must indicate that **Next of Kin's** date of death <u>and</u> whether or not they had any natural or adoptive children. The applicant will also need to check a box at the bottom of page one of the Form 1.0 indicating the appropriate circumstances applicable to **Decedent**, including whether or not any or all of **Decedent's** children are the natural or adopted children of the **Surviving Spouse.** Page two of Form 1.0 must list all persons or entities named as a **Beneficiary** in **Decedent's** will, if any, and their addresses. If **Decedent** died without a will, page two will be left blank. See examples of Form 1.0 below. When in doubt, err on the side of providing more information. If the applicant has questions about completing Form 1.0, the applicant will need to contact an attorney.

Form 1.0 Examples

Example A: John Doe

In the following example, the Decedent is John Doe. At the time of John Doe's death, he was a widower, as his spouse, Jane Doe, had predeceased him. John and Jane had three children, one of whom, Alan Doe, is still living. Beth Doe predeceased the Decedent and left no children. Charles Doe also predeceased the Decedent but had a son, David Doe.

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

ESTATE OF John Doe **, DECEASED**

CASE NO. 999999

SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES

[R.C. 2105.06, 2106.13 and 2107.19]

[Use with those applications or filings requiring some or all of the information in this form, for notice or other purposes. Update as required.]

The following are decedent's known surviving spouse, children, and the lineal descendants of deceased children. If none, the following are decedent's next of kin who are or would be entitled to inherit under the statutes of descent and distribution.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor
Jane Doe	Date of Death: 01/01/2010	Surviving Spouse	
Alan Doe	123 Main St., City, State 12345	Son	
Beth Doe	Date of Death: 02/02/2015	Daughter	
	Beth left no children		
Charles Doe	Date of Death: 03/03/2020	Son	
David Doe	456 South St., City State 12345	Grandson (son of Charles)	

Example B: Adam Smith

In the following example, the Decedent is Adam Smith. Adam had been married but was divorced at the time of his death, and he had no children. He had three siblings, of which only one brother, Samuel Smith, is still living. His sister, Sally Smith, has died and left no children. Adam's sister, Stacey Wise, has died but had two children. One of Stacey's children is living; the other, Trish Wise, has also died, and left one daughter, Victoria Wise, who is a minor and the great-niece of Decedent.

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

ESTATE OF Adam Smith**, DECEASED**

CASE NO. 999999

SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES

[R.C. 2105.06, 2106.13 and 2107.19]

[Use with those applications or filings requiring some or all of the information in this form, for notice or other purposes. Update as required.]

The following are decedent's known surviving spouse, children, and the lineal descendants of deceased children. If none, the following are decedent's next of kin who are or would be entitled to inherit under the statutes of descent and distribution.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor
	Date of Divorce: 01/01/2010	Surviving Spouse	
	Adam had no children.		
Samuel Smith	123 Main St., City, State 12345	Brother	
Sally Smith	Date of Death: 02/02/2022	Sister	
	Sally had no children.		
Stacey Wise	Date of Death: 03/03/2023	Sister	
Tom Wise	456 South St., City State 12345	Nephew (son of Stacey)	
Trish Wise	Date of Death: 04/04/2024	Neice (daughter of Stacey)	
Victoria Wise	456 South St., City State 12345	Great-neice (daughter of Trish)	05/05/2015

Example C: Peter Jones

In the following example, the Decedent is Peter Jones. Peter never married, had no children, and had no siblings. His parents predeceased him, and he had two uncles and an aunt. From this class of relatives, only his aunt, Candice Lowell, is still living. His uncle Frank Jones died leaving one living daughter, Katie Stephens. Peter's Uncle Paul Jones died. Uncle Paul had one daughter, Taylor Jones, who has since died and Taylor has one living daughter, a minor, Lindsay Jones.

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

ESTATE OF Peter Jones**, DECEASED**

CASE NO. 999999

SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES

[R.C. 2105.06, 2106.13 and 2107.19]

[Use with those applications or filings requiring some or all of the information in this form, for notice or other purposes. Update as required.]

The following are decedent's known surviving spouse, children, and the lineal descendants of deceased children. If none, the following are decedent's next of kin who are or would be entitled to inherit under the statutes of descent and distribution.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor
	Peter never married	Surviving Spouse	
	Peter had no children		
	Peter had no siblings		
Frank Jones	Date of Death: 01/01/2024	Uncle	
Katie Stephens	123 Main St., City, State 12345	Cousin (daughter of Frank)	
Paul Jones	Date of Death: 02/02/2022	Uncle	
Taylor Jones	Date of Death: 03/03/2023	Cousin (daughter of Paul)	
Lindsay Jones	456 South St., City, State, 12345	2nd cousin (daughter of Taylor)	04/04/2010
Candice Lowell	789 North St., City, State 12345	Aunt	

Full Administration (Link to Full Administration Packet)

This is the most complicated type of **Estate** administration, and this is the *only* option for transferring assets over $35,000.00 for **Decedents** who were not married at the time of death, and assets over $100,000.00 to a **Decedent's Surviving Spouse**. Because of the complexity of a Full Administration, the use of an attorney is highly recommended. This checklist is intended only as a general template for the **initial opening** of a Full Administration. Numerous other forms and filings will be required throughout the course of the administration of the estate, and you may be required to come to Court for one or more hearings.

Filing Requirements

In order to file a Full Administration, you will need to complete and file the following forms:

☐Certified copy of Decedent's Death Certificate

☐Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees"

☐Form 4.0 "Application to Administer Estate"

☐Form 4.3 "Waiver of Right to Administer," when applicable

☐Form 4.4 "Notice of Hearing on Appointment of Fiduciary," when applicable

☐Form 4.5 "Entry Appointing Fiduciary; Letters of Authority"

☐Form 4.2 "Fiduciary's Bond" OR Forms 4.2A "Application to Waive and Dispense with Bond" and 4.2B "Acceptance of Waiver of Fiduciary Bond"

☐Form 7.0 "Certification of Notice to Administrator of Medicaid Estate Recovery Program," when applicable

If **Decedent** left a will:

☐Last Will and Testament (original)

☐Form 2.0 "Application to Probate Will"

☐Form 2.1 "Waiver(s) of Notice of Probate Will" and/or Form 2.2 "Notice of Probate of Will"

☐Form 2.4 "Certificate of Service of Notice of Probate of Will"

Full Administration: Special Considerations

Only one person can be appointed **Administrator** (see definition of **Fiduciary**, page 4). A non-Ohio resident may not be appointed as an **Administrator**. A non-Ohio resident may be appointed **Executor** (see definition of **Fiduciary**, page 4) only if they are nominated as **Executor** in the **Decedent**'s Will and comply with Stark County Local Rule 60.1.

In a **Testate Estate**, upon the filing of Form 2.0, every person named on the first and second pages of Form 1.0 must either (a) waive notice (Form 2.1) or (b) they must be served Notice of Probate of Will (Form 2.2). A minor cannot waive notice. It is the responsibility of the applicant to serve this notice.

In a **Testate Estate**, Form 4.4 must include all living persons who are nominated in the Will, other than the applicant. In an **Intestate Estate,** Form 4.4 must include all **Next of Kin** of equal or greater authority than the applicant to serve as Fiduciary who have not signed Form 4.3. For any **Estate**, minors aged 16 or 17 themselves must be served, not their parents. Notice to minors under age 16 is served on the minor's parents. After you complete and file Form 4.4, the Court will send out notice to those listed on Form 4.4.

Full Administration Frequently Asked Questions

What are the steps of a full estate administration?

The basic steps of a full estate administration are as follows:

- Filing of an application for authority to administer the **Estate** and admit the will to probate, if one exists
- Appointment of **Fiduciary**/issuance of Letters of Authority
- Gathering assets and obtaining appraisals, as required
- Filing an inventory of **Probate Assets**
- Paying creditors
- Distributing remaining **Probate Assets** to **Heirs/Beneficiaries**

How long will it take to administer an Estate?

The time it takes to administer an **Estate** depends on each **Estate**'s circumstances. Some estates are administered in six to nine months, others may extend well beyond that. Some circumstances extending **Estate** administration may include the sale of real estate, or if the **Estate** is involved in litigation.

What if there is no will?

If the **Decedent** had no will, the **Decedent's Probate Assets** are distributed to the **Decedent's** nearest surviving **Next of Kin** in the manner set forth by law.

May I object to the will?

An interested party may contest the validity of a will. This action is called a will contest, and it must be filed within three months after the filing of a certificate that all interested persons were given or waived notice of the admission of the will to probate.

If I hire an attorney, how much will it cost?

The amount of fees charged by an attorney to probate an **Estate** will vary depending on the attorney you hire. However, the amount is largely determined by the amount of **Probate Assets** the **Estate** has and how complex the case is from beginning to end. The attorney fees must be approved by the Court and are generally not paid until the **Estate** has been finalized. The attorney fees are typically paid from the **Estate's** funds and not the **Fiduciary's** personal funds except in certain circumstances.

Release from Administration (Link to Release From Administration Packet)

Filing Requirements

In order to file a Release from Administration, you will need to complete and file the following forms:

☐Certified copy of Decedent's Death Certificate

☐Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees"

☐Form 5.0 "Application to Relieve Estate from Administration"

☐Form 5.1 "Assets and Liability of Estate to Be Relieved from Administration"

☐Form 5.2 "Waivers of Application to Relieve Estate" or Form 5.3 "Notice of Application to Relieve Estate"

☐Form 5.6 "Entry Relieving Estate from Administration"

☐Form 7.0 "Certification of Notice to Administrator of Medicaid Estate Recovery Program," when applicable

☐Proof of ownership and proof of value of every asset (See page 7, Gathering Information)

If the **Probate Assets** include real estate:

☐Form 12.0 "Application for Certificate of Transfer"

☐Form 12.1 "Certificate of Transfer"

If **Decedent** left a will:

☐Last Will and Testament (original)

☐Form 2.0 "Application to Probate Will"

☐Form 2.1 "Waiver(s) of Notice of Probate Will" and/or Form 2.2 "Notice of Probate of Will"

☐Form 2.4 "Certificate of Service of Notice of Probate of Will" filed within 2 months of the admission of the Will to probate

If less than six months have passed since **Decedent**'s date of death:

☐Copy of paid funeral bill

Release from Administration: Special Considerations

This avenue may not be used if the debts of the **Estate** exceed the value of the **Probate Assets**.

Upon the filing of Form 2.0, every person named on the first and second pages of the Form 1.0 must either (1) waive notice (Form 2.1) or (2) they must be served Notice of Probate of Will (Form 2.2). A minor cannot waive notice. <u>It is the responsibility of the applicant to serve notice, not the Court.</u>

The Applicant is required to complete and file Form 5.3 listing each **Next of Kin** and **Beneficiary** under the will who has not signed a Form 5.2 waiver of notice. A minor cannot waive notice, the minor's parents/guardian cannot waive notice on their behalf, and any minor age 16 or 17 must be listed on Form 5.3. For a minor under age 16, the minor's parents must be listed on Form 5.3. The Court will send this Notice, but the applicant will pay court costs, the amount of which depends on the cost and amount of postage required to send the notice.

Summary Release from Administration (Two Page)
(Link to Two Page Summary Packet)

Filing Requirements
In order to file a two-page Summary Release from Administration, you will need to complete and file the following forms:

☐Certified copy of Decedent's death certificate

☐Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees"

☐Form 5.10 "Application for Summary Release from Administration"

☐Form 5.11 "Entry Granting Summary Release from Administration"

☐Form 7.0 "Certification of Notice to Administrator of Medicaid Estate Recovery Program," when applicable

☐Proof of ownership and proof of value of every asset (See page 7, Gathering Information)

☐Proof of total funeral costs and who paid those costs

If the **Probate Assets** include real estate:

☐Form 12.0 "Application for Certificate of Transfer"

☐Form 12.1 "Certificate of Transfer"

Two Page Summary Release: Special Considerations
This two-page Summary Release from Administration may only be used in one of two situations:

1. If the **Decedent** died unmarried, this summary release may be used if the Applicant has paid or is obligated to pay the **Decedent**'s funeral expenses. The assets must be equal to or less than $5,000 and <u>cannot be more than what the applicant paid in funeral expenses.</u>

2. If the **Decedent** was married at the time of his/her death, the Applicant must be the **Surviving Spouse**, and they must be entitled to one hundred percent of the allowance for support and the **Decedent**'s funeral expenses have been prepaid or the **Surviving Spouse** must have paid or be obligated to pay the funeral expenses. Additionally, the value of the assets may not exceed $40,000 for spousal allowance and up to $5,000 for funeral expenses.

Summary Release from Administration (One Page)

(Link to One Page Summary Packet)

Filing Requirements

In order to file a one-page Summary Release, you will need to complete and file the following forms:

☐Certified copy of **Decedent**'s death certificate

☐Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees"

☐Form 5.0A "Application for Summary Estate Administration"

☐Proof of ownership and proof of value of every asset (See page 7, Gathering Information)

☐Proof of total funeral costs and who paid those costs

If the **Probate Assets** include real estate:

☐Form 12.0 "Application for Certificate of Transfer"

☐Form 12.1 "Certificate of Transfer"

One Page Summary Release: Special Considerations

This one-page Summary Release from administration may only be used if the Applicant has paid or is obligated to pay the **Decedent's** funeral expenses. The **Probate Assets** must be equal to or less than $2,000 and <u>cannot be more than what the applicant paid in funeral expenses</u>.

Petition for Certificate of Transfer (COT) Only Without Administration ([Link to Real Estate Only Packet])

Filing Requirements

In order to file a Petition for Certificate of Transfer (CoT) Only Without Administration, you will need to complete and file all of the following forms:

☐Stark Local Form 12.0A "Petition for Certificate of Transfer Only Without Administration"

☐Stark Local Form 12.0B "Judgment Entry Certificate of Transfer Only"

☐Stark Local Form 12.0C "Certificate of Service of Petition for Certificate of Transfer Only Without Administration"

☐Stark Local Form 12.0D "Waiver of Notice of and Consent to Petition for Certificate of Transfer Only Without Administration"

☐Form 12.0 "Application for Certificate of Transfer"

☐Form 12.1 "Certificate of Transfer"

☐Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees"

☐Confirmation that **Decedent** was not a Medicaid recipient

☐Satisfactory evidence of the **Decedent**'s ownership interest (attorney opinion of title or County Auditor's duplicate reflecting ownership, and if more than one owner, then also the County Auditor's background page)

☐Auditor's Real Property Valuation/Original Real Property Appraisal (value as of **Decedent's** date of death)

☐Paid Funeral Bill (photocopy)

☐Death Certificate (a certified copy)

If **Decedent** left a will:

☐Last Will and Testament (original)

☐Form 2.0 "Application to Probate Will"

☐Form 2.1 "Waiver(s) of Notice of Probate Will" and/or Form 2.2 "Notice of Probate of Will"

☐Form 2.4 "Certificate of Service of Notice of Probate of Will" filed within 2 months of the admission of the Will to probate

Petition for Certificate of Transfer (CoT) Only Without Administration: Special Considerations

This Petition for Certificate of Transfer (CoT) Only Without Administration may only be used if 1) the sole **Probate Asset** of the **Decedent** is real estate located in Stark County; 2) **Decedent** was not subject to Medicaid Estate Recovery; 3) **Decedent**'s funeral bill has been paid in full; and 4) six months or more has passed since **Decedent**'s date of death. The applicant must be a **Beneficiary**, **Heir**, devisee, or a successor in interest for the transfer of **Decedent's** real estate interest.

Authority to Open Decedent's Safe Deposit Box

(Link to Safe Deposit Box Packet)

Filing Requirements

☐Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees"

☐Form 2.8 "Application for Appointment of a Commissioner for Safe Deposit Box"

☐Certified copy of **Decedent**'s Death Certificate

Special Considerations

If the Court grants the applicant authority to open **Decedent**'s safe deposit box, the applicant will be appointed as "Commissioner" as indicated in the Entry at the bottom of Form 2.8. The appointed Commissioner will need to file a report on the contents of the box to the Court on page two of the Form 2.8. The Entry will include the date by which the Commissioner must file his/her report.

Motion to Release Information (Link to Motion to Release Bank Info Packet)

This Motion is typically filed in order for the applicant to determine the extent of **Decedent's Probate Assets.** The granting of this Motion **does not** grant the applicant authority to exercise control of any funds in **Decedent's** name but only grants him/her authority to receive information about the accounts, such as the account balance and to receive bank statements.

Filing Requirements

☐Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees"

☐Form 2.9 "Motion to Release Information"

☐Death Certificate (a certified copy)