



**MONROE COUNTY COURT OF COMMON PLEAS
PROBATE DIVISION
101 NORTH MAIN STREET, ROOM #39
WOODSFIELD OH 43793
Tel – (740) 472-1654
Fax – (740) 472-2520**

Judge James W. Peters

SUMMARY RELEASE PACKET

All of the forms in this packet may be filled in and printed online at:

[Http://www.probatect.org/ohioprobatecourts/ohio_courts_standardforms.html](http://www.probatect.org/ohioprobatecourts/ohio_courts_standardforms.html)

INSTRUCTIONS FOR SUMMARY RELEASE FROM ADMINISTRATION

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in the summary release from administration of an estate.

All forms should be typewritten or legibly printed.

A summary release from administration may be filed if:

- The value of the probate estate is \$5,000 or less and the applicant paid the funeral bill or is obligated to pay the funeral bill, or
- There is a surviving spouse, the assets do not exceed \$45,000, the spouse is entitled to 100% of the family allowance and the funeral bill has been prepaid or the surviving spouse is obligated to pay the funeral bill

For any other situations, you will need to use other available forms or see an attorney.

The following are necessary at the initial filing of a summary release from administration:

- If the decedent created a will, the original will
- Certified copy of death certificate, if available
- Receipt of paid funeral bill, or if not available, the funeral bill. **The receipt or funeral bill should indicate who paid the bill or who is the person responsible for payment.**
- Title(s) of automobile(s), bank account numbers, and stock certificate numbers in the estate.
- **A fee of \$150 is required at the time of filing.** Please confirm the amount with the Clerk since filing fees may have changed subsequent to the publication of this instruction sheet. **This fee must be paid in cash, money order, certified check or personal check (made payable to MONROE COUNTY PROBATE COURT).**

The forms may be obtained from the Probate Court on the 3rd floor of the Courthouse, Room 39, 101 North Main Street, Woodsfield, Ohio or by downloading from the link shown on the front of this packet.

Step 1: COMPLETE THE FOLLOWING FORMS

Application for Summary Release from Administration (5.10)

- Complete both sides of this form and have a Notary Public or Deputy Clerk notarize your acknowledgment

List of Surviving Spouse, Next of Kin, Legatees & Devisees (1.0)

- On *Form 1.0*, list all *next of kin* (those people who are or would be entitled to inherit *if* there were no will) on the front. List those people named in the will, if there is one, on Page 2 of Form 1.0
- Be sure to specify *complete* addresses of all listed
- List all children of the decedent on the front of the form even if the entire estate will go to the surviving spouse

Entry Granting Summary Release From Administration (5.11)

- Complete form

Application for Certificate of Transfer (12.0)

- Complete form, if there is real estate included in the form 5.10 (Application for Summary Release from Administration) and there is a surviving spouse but not a will.

Certificate of Transfer (12.1)

- List each beneficiary's name, address and the fractional interest that beneficiary is receiving from the decedent's estate
- Complete back of form.

This form must be prepared in duplicate

STEP 2: REVIEWING OF FORMS

When all forms have been completed, present them to the Probate Court Clerk on the 3rd Floor of the Courthouse to be assigned. At this time, the clerk will notarize the application. All forms are then taken to the Judge for review and approval of the Entry Granting Summary Release From Administration.

STEP 3: FILING OF FORMS WITH CLERK

In most cases you will need at least 1 certified copy of the pleadings.

All forms must then be filed with the Clerk who will assign a case number.

The Clerk at this time will retain all the original papers and certify the copies for you. The charge will be at least \$5.00 per certified copy after the first one.

If there is real estate included on the 5.10, the Clerk will give you back the certified copy of the Certificate of Transfer (12.1) to take to the Engineer's office. You will also need to have the property transferred at the Auditor's office before recording the Certificate of Transfer. All of those offices are located on the 2nd floor of the Courthouse.

PROBATE COURT OF _____ COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION FOR SUMMARY RELEASE FROM ADMINISTRATION

[R.C. 2113.031]

Applicant states that decedent died on _____

Decedent's domicile was _____
Street Address

City or Village, or Township if unincorporated area _____ County

Post Office _____ State _____ Zip Code _____

[Check one of the following]

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

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

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

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

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

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

\$ _____

CASE NO. _____

Accounts maintained by a Federal Institution (include financial institution name and the account's complete identifying number):

_____ \$ _____

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

_____ \$ _____

Real estate described in accompanying Form 12.0 Application for Certificate of Transfer and Form 12.1 Certificate of Transfer and date of death value. (Attach verification of value.) \$ _____

Other assets and date of death values:

_____ \$ _____

Total Assets \$ _____

Applicant requests an order granting summary release.

Attorney for Applicant

Applicant's Signature

Typed or Printed Name

Applicant's Typed or Printed name

Street Address

Street Address

City State Zip Code

City State Zip Code

Telephone Number (include area code)

Telephone Number (include area code)

Attorney Registration No.

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

Notary Public/Deputy Clerk

PROBATE COURT OF _____ COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

ENTRY GRANTING SUMMARY RELEASE FROM ADMINISTRATION

[R.C. 2113.031]

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

- The delivery to the applicant of decedent's personal property set forth in the application with the title to that property.
- That certificate(s) of Transfer, attached to the application, be issued.

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

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

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

Date

Judge

PROBATE COURT OF _____ COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION FOR CERTIFICATE OF TRANSFER

[R.C. 2113.61]

Applicant states that decedent died on _____

Decedent's domicile at death was _____
Street Address

City or Village, or Township if unincorporated area County

Post Office State Zip Code

Decedent died owning the real property described in the accompanying Certificate of Transfer No. _____, which also lists those persons to whom the real property passed. Applicant asks the Court to issue a Certificate of Transfer so that the new ownership interests may be recorded.

[Check the applicable boxes]

- Decedent died intestate.
- Decedent died testate on _____; will admitted to probate on _____.
- Decedent's known debts have been paid or secured to be paid.
- Sufficient other assets are in hand to pay decedent's known debts.
- Estate is insolvent and transfer shall apply toward the allowance for support.
- Applicant was appointed by this Court on _____ and is the qualified and acting executor or administrator of decedent's estate.
- Executor or administrator of decedent's estate failed to file this application before being discharged.
- Applicant is the executor or administrator appointed in another state. There is and has been no ancillary administration in Ohio. The real property to be transferred is located in this county.
- The transfer is subject to a written contract for the sale and conveyance of the real property, entered into but uncompleted by decedent before death. A copy of the contract is attached.
- The transfer is pursuant to decedent's Will.
- The transfer is pursuant to the statutes of descent and distribution.
- The transfer is pursuant to summary release from administration [R.C. 2113.031(D)(3)]
- The real property to be transferred is subject to a charge in favor of the surviving spouse in the amount of \$ _____ as computed pursuant to R.C. 2106.11 on attached Exhibit A, and as shown on the accompanying Certificate of Transfer, in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

CASE NO. _____

Spousal elections have been exercised.

Disclaimers or assignments have been filed.

The transfer is of decedent's entire interest in the mansion house to the surviving spouse, who hereby elects to take such interest as part or all of the intestate share and/or allowance for support. **[If this paragraph is checked, the following must be completed, and both the surviving spouse and applicant must sign this form].**

The value of the total intestate share to which decedent's surviving spouse is entitled is \$ _____

The value of the allowance for support to which decedent's surviving spouse is entitled is \$ _____

The value of decedent's entire interest in the mansion house is:

Interest in mansion house. \$ _____

Interest in household goods in house \$ _____

Interest in lots or farm land adjacent to house
and used in conjunction with it, which are
described in certificate of transfer and which
spouse hereby elects to include. \$ _____

Less: Decedent's share of liens
on any and all of above \$ _____

Total \$ _____ \$ _____

Surviving Spouse

Applicant

Title or status

ENTRY ISSUING CERTIFICATE OF TRANSFER

The Court finding that the above application contains the information required by statute orders that the Certificate of Transfer No. _____ be filed with this Entry and a copy of the Certificate of Transfer be issued for recording.

[Check if applicable] The Court further finds that the transfer is subject to a charge pursuant to R. C. 2106.11.

Date

Judge

PROBATE COURT OF _____ COUNTY, OHIO

CASE NO. _____

The legal description of decedent's interest in the real property subject to this certificate is: [use extra sheets, if necessary].

Prior Instrument Reference:

Parcel No:

ISSUANCE

This Certificate of Transfer is issued this _____ day of _____, 20____.

Judge

CERTIFICATION

I certify that this document is a true copy of the original Certificate of Transfer No. _____ issued on _____ and kept by me as custodian of the official records of this Court.

Date

Judge

By _____

Deputy Clerk