

**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until October 4, 2011 on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: John VanNorman, Policy and Research Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431, or [john.vannorman@sc.ohio.gov](mailto:john.vannorman@sc.ohio.gov) not later than October 4, 2011. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Original language of the rule appears as regular typescript.
2. Language to be deleted appears ~~thus~~.
3. Language to be added appears thus.

**PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO**

**\_\_\_\_\_, JUDGE**

**ESTATE OF \_\_\_\_\_, DECEASED**

**CASE NO. \_\_\_\_\_**

**REPRESENTATION OF INSOLVENCY**

**[R.C. 2117.15]**

The fiduciary states that the decedent died on \_\_\_\_\_.

☐ The fiduciary states that:

- ☐ there is a surviving spouse and no minor children of the decedent who are not the children of the surviving spouse, and an "Application for Family Allowance" (Standard Probate Form 7.1) has been filed, or
- ☐ there is a surviving spouse and minor children of the decedent who are not the children of the surviving spouse and an "Application for Apportionment of Family Allowance" (Standard Probate Form 7.2) has been filed, or
- ☐ there is no surviving spouse and more than one minor child of the decedent and an "Application for Apportionment of Family Allowance" (Standard Probate Form 7.2) has been filed.
- ☐ an election has been made to take the mansion house, other real property and/or tangible personal property as part of the allowance for support. It is unnecessary to liquidate these assets.

The fiduciary states that the Inventory and Schedule of Assets have been filed and approved.

The fiduciary states that the time for filing claims has expired, and that claims against the estate, either presented or secured, are in the sum of \$ \_\_\_\_\_, and there are no known contingent claims.

The fiduciary states that the Schedule of Claims is attached, and that all claims have been listed by priority pursuant to R.C. 2117.25.

☐ The fiduciary states that the assets of the estate to the extent necessary have been liquidated.

The estate consists of:

- ☐ a mansion house \$ \_\_\_\_\_.
- ☐ other real property \$ \_\_\_\_\_.
- ☐ tangible personal property \$ \_\_\_\_\_.
- ☐ intangible personal property \$ \_\_\_\_\_.

**CASE NO.** \_\_\_\_\_

The fiduciary states that the claims against the estate exceed the assets of the estate and that the estate appears to be insolvent.

The fiduciary applies to this Court to set this matter for further hearing and instructions as to the priority of and the payment of claims.

\_\_\_\_\_  
Attorney for Fiduciary

\_\_\_\_\_  
Fiduciary

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Phone Number (include area code)

\_\_\_\_\_  
Phone Number (include area code)

Attorney Registration No. \_\_\_\_\_

**PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO**

**\_\_\_\_\_, JUDGE**

**ESTATE OF \_\_\_\_\_, DECEASED**

**CASE NO. \_\_\_\_\_**

**JUDGMENT ENTRY SETTING HEARING  
AND ORDERING NOTICE**

**[R.C. 2117.17]**

The fiduciary has filed a Representation of Insolvency and Schedule of Claims. It appears probable that there will not be sufficient assets to pay in full all of the valid claims of the estate.

The Representation of Insolvency and the Schedule of Claims shall be heard before the \_\_\_\_\_  
County Probate Court, located at \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Unless waived, the fiduciary shall give written notice, no less than 10 days prior to the hearing, by personal service or certified mail to all creditors, claimants, to the surviving spouse, to the custodians of minor children who are not the children of the surviving spouse, and other persons having an interest in the estate as devisees, legatees, heirs and distributees.

The fiduciary shall file verification of service of notice with the Court, no later than the date of the hearing.

\_\_\_\_\_, Probate Judge

**PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO**

**\_\_\_\_\_, JUDGE**

**ESTATE OF \_\_\_\_\_, DECEASED**

**CASE NO. \_\_\_\_\_**

**NOTICE OF HEARING ON REPRESENTATION OF INSOLVENCY  
AND SCHEDULE OF CLAIMS**

**[R.C. 2117.17]**

**TO THE FOLLOWING CREDITOR, CLAIMANT OR INTERESTED PERSON:**

\_\_\_\_\_  
Typed or Printed Name of Creditor, Claimant or Interested Person

\_\_\_\_\_  
Address  
\_\_\_\_\_

You are hereby notified that the fiduciary of this estate has filed a Representation of Insolvency and a Schedule of Claims in the Probate Court of \_\_\_\_\_ County, Ohio. A copy of the Representation of Insolvency and the Schedule of Claims is attached to this Notice of Hearing.

The Representation of Insolvency and the Schedule of Claims shall be heard before the \_\_\_\_\_  
County Probate Court, located at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. M.

The actions of the fiduciary in allowing and classifying claims will be confirmed at the hearing unless cause to the contrary is shown. Exceptions, if any, to the allowance or classification of any specific claim, must be in writing and filed with the Court prior to the hearing.

\_\_\_\_\_  
Fiduciary/Attorney for Fiduciary

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Phone Number (include area code)

\_\_\_\_\_  
Attorney Registration No.

**PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO**

**\_\_\_\_\_, JUDGE**

**ESTATE OF \_\_\_\_\_, DECEASED**

**CASE NO. \_\_\_\_\_**

**VERIFICATION OF SERVICE**  
**NOTICE OF HEARING ON REPRESENTATION OF INSOLVENCY**  
**AND SCHEDULE OF CLAIMS**

**[R.C. 2117.17]**

The undersigned does hereby verify that, unless waived, written notice was given, no less than 10 days prior to the hearing, by personal service or certified mail to all creditors, claimants, to the surviving spouse, to the custodians of minor children who are not the children of the surviving spouse, and other persons having an interest in the estate as devisees, legatees, heirs and distributees.

Attached hereto are the proofs of service and/or waivers of notice.

\_\_\_\_\_  
Fiduciary/Attorney for Fiduciary

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number (include area code)

Attorney Registration No. \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_, JUDGE

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

**INSOLVENCY SCHEDULE OF CLAIMS**

**[R.C. 2117.15, 2117.17, 2117.25]**

The fiduciary states that this Schedule of Claims lists all claims which are presented or secured. The claims are listed by classes and in the order of priority of payment pursuant to Section 2117.25 of the Ohio Revised Code. **(Use extra sheets if necessary)**

\_\_\_\_\_  
Fiduciary

Page \_\_\_\_\_ of \_\_\_\_\_ Pages

**[Note: Include a subtotal following each payment class and a grand total for all payment classes.]**

<u>Name and Address of Claimant</u>	<u>Payment Class</u>	<u>Amount Claimed</u>	<u>Proposed Payment</u>	<u>Claim Rejected: Y/N</u>
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1.	(1)			
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Comments (Refer to Claim Number) \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_, JUDGE

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

**CONTINUATION**  
**INSOLVENCY SCHEDULE OF CLAIMS**  
**[R.C. 2117.15, 2117.17, 2117.25]**

Page \_\_\_\_\_ of \_\_\_\_\_ Pages

**[Note: Include a subtotal following each payment class and a grand total for all payment classes.]**

<b><u>Name and Address of Claimant</u></b>	<b><u>Payment Class</u></b>	<b><u>Amount Claimed</u></b>	<b><u>Proposed Payment</u></b>	<b><u>Claim Rejected: Y/N</u></b>
1.	(1)			

**Comments (Refer to Claim Number)** \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Fiduciary**

**PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO**

**\_\_\_\_\_, JUDGE**

**ESTATE OF \_\_\_\_\_, DECEASED**

**CASE NO. \_\_\_\_\_**

**JUDGMENT ENTRY OF INSOLVENCY**

**[R.C. 2117.15, 2117.17, 2117.25]**

This matter was heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on the  
Representation of Insolvency and Schedule of Claims.

The Court finds that notice was properly given to all creditors, claimants and other interested persons.

The Court finds:

- ☐ that there were no exceptions filed as to the allowance or classification of any specific claim, or
- ☐ that any exceptions filed were addressed and resolved by the Court.

The Court finds:

- ☐ that the fiduciary acted properly in classifying, allowing or rejecting claims on the Schedule of  
Claims.
- ☐ that the Schedule of Claims is amended as follows: \_\_\_\_\_

The Court finds that the claims against the estate exceed the assets of the estate, and that the estate is  
insolvent.

- ☐ It is Ordered that the fiduciary shall pay the claims in the order and in the amount as proposed in the  
Schedule of Claims.
- ☐ It is Ordered that the fiduciary shall pay the claims in the order and in the amount as proposed in the  
Schedule of Claims, except as follows: \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

- ☐ It is Ordered: ☐ that all claims in Class \_\_\_\_\_ are to be paid in full, ☐ that all claims in Class \_\_\_\_\_ are to paid pro rata at \_\_\_\_\_ % per attached computation, and ☐ that all claims below Class \_\_\_\_\_ are disallowed in that there are no funds available.
- ☐ It is Ordered that the fiduciary shall file a Final and Distributive Account within thirty (30) days of this Order.
- ☐ It is Ordered that the fiduciary shall file a Certificate of Termination within thirty (30) days of this Order.

\_\_\_\_\_  
\_\_\_\_\_, Probate Judge