

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

Comments Requested: The Supreme Court of Ohio will accept public comments until December 4, 2019, 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, Deputy Chief Legal Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431, or john.vannorman@sc.ohio.gov not later than December 4, 2019. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

1 PROBATE COURT OF _____ COUNTY, OHIO
2
3 ESTATE OF _____, DECEASED
4
5 CASE NO. _____

INVENTORY AND APPRAISAL

INVENTORY AND APPRAISAL

[R.C. 2115.02 and 2115.09] – Date of Death After April 5, 2017

5 [F.C. 2113.02 and 2113.03] Date of Death After April 3, 2011
10
11 To the knowledge of the fiduciary the attached schedule of assets in decedent's estate is complete. The fiduciary
12 determined the value of those assets whose values were readily ascertainable and which were not appraised by
13 the appraiser, and that such values are correct.

14
15 The estate is recapitulated as follows:

15 The estate is recapitulated as follows.
16
17 Total assets \$ 1,000,000.00

17 Tangible personal property.....\$ _____
18

19 Intangible personal property.....\$ _____
20

20
21 Real property.....\$

22 Total 6
23

23 Total.....\$ _____
24

25 First automobile Automobiles transferred to surviving spouse under R.C. 2106.18 value \$ _____
26 Second automobile transferred to surviving spouse under R.C. 2106.18 value \$ _____

26 Second automobile transferred to surviving spouse under R.C. 2106.18 value \$ _____
27

29
30

31
32 Total value [not to exceed \$10,000.00, \$65,000.00] \$

32 Total value [not to exceed \$40,000.00 \$65,000.00]..... \$ _____
33

34 Insofar as it can be ascertained, an Ohio Estate Tax Return will will not be filed.
35

35
36 The fiduciary is also the surviving spouse of the decedent and waives notice of the taking of the inventory.

37
38

38 _____
39 Attorney Fiduciary

40
41 Attorney Registration No.

41 Attorney Registration No. _____
42

APPRAISER'S CERTIFICATE

44
45 The undersigned appraiser agrees agreed to act as appraiser of decedent's estate and to appraise the property
46 exhibited truly, honestly, impartially, and to the best of the appraiser's knowledge and ability. The appraiser further
47 says that those assets whose values were not readily ascertainable are indicated on the attached schedule by a
48 check in the "Appraised" column opposite each such item, and that such values are correct.
49

49
50

FORM 6-2. INVENTORY AND APPRAISAL

13/01/2003

7/20/2002
Amended:

(Reverse of Form 6.0)

CASE NO. _____

WAIVER OF NOTICE OF TAKING OF INVENTORY
[R.C. 2115.04]

The undersigned surviving spouse hereby waives notice of the time and place of taking the inventory of decedent's estate.

Surviving Spouse

WAIVER OF NOTICE OF HEARING ON INVENTORY

[Use when notice is required by the Court or deemed necessary by the fiduciary]

The undersigned, who are interested in the estate, waive notice of the hearing on the inventory.

ENTRY SETTING HEARING

The Court sets _____ at _____ o'clock _____.M., as the date and time for hearing the inventory of decedent's estate.

Date _____ Probate Judge _____

1 PROBATE COURT OF _____ COUNTY, OHIO
2
3 ESTATE OF: _____
4
5 CASE NO. _____
6
7 **SUMMARY OF GENERAL RIGHTS OF SURVIVING SPOUSE**
8 [R.C. 2106.02] – Date of Death After April 5, 2017
9
10 To:

SUMMARY OF GENERAL RIGHTS OF SURVIVING SPOUSE

[R.C. 2106.02] – Date of Death After April 5, 2017

To: _____
Surviving Spouse _____
Address _____
City, State, Zip Code _____

15 This is a summary of your general rights as surviving spouse under Chapter 2106 of the Revised Code.
16 Many of these rights have specific time limits in which they must be exercised. If you have questions
17 concerning your rights, you should discuss them with an attorney of your choice. The Court cannot
18 advise you.

1 Election to Take Under or Against the Will (B.C. 2106.01 - 2106.08)

If you elect to take against the Will, you are entitled to one-half of the decedent's net estate, unless there are two or more of the decedent's children or their lineal descendants surviving, in which case you are entitled to one-third of the decedent's net estate. You will not be entitled to receive any assets given to you under the Will.

If you elect to take under the Will, you will receive those assets given to you under the Will.

28 If you elect to take under the Will, you will receive those assets given to you under the Will.
29 Whichever choice you make, (unless you elect to take under the Will and the Will specifically precludes you from
30 exercising these rights), you will not be barred from your rights to purchase certain assets at the appraised value
31 to remain in the mansion house (the residence) for one year, to receive an allowance for support, to receive ~~not~~
32 ~~one or more than~~ two automobiles ~~not to exceed an aggregate value of \$65,000~~ and one watercraft and one
33 ~~outboard motor owned by the decedent, and to such other rights as a surviving spouse may be entitled under law.~~

34
35 Although your election may not affect certain non-probate property, such as joint and survivorship, payable on
36 death, and transfer on death property, it may have an effect on other types of non-probate property, including
37 property held in trust.

38 Before making your election, you are entitled to file a complaint in this Court asking that the Will be construed
39

40 If you do not like the Will, you can sue it. If you do not like it, you can sue it. If you do not like it, you can sue it.

If you elect to take under the Will, you may do so in writing if you wish, but you may also do so by taking no action.

If you elect to take against the Will, you must do so in person before the Probate Judge or a Magistrate. This election must be exercised within five months from the date of the initial appointment of the administrator or executor of the estate or it is forfeited.

executor of the estate or it is forfeited.

47 2. **Right to Receive Mansion House (R.C. 2106.10)**
48
49 Depending upon the value of the real estate, you may have the right to receive the mansion house (the residence)
50 as part of your inheritance.

52 3. **Right to Place Charge on Real Estate (R.C. 2106.11)**
53
54 If there is no Will and there are insufficient assets to pay the specific monetary share due to the surviving spouse
55 pursuant to R.C. 2106.05, you have the right to place a charge (lien) on any real property included in the probate
56 estate in the amount of the unpaid portion of the specific monetary share.

58 4. **Allowance for Support (R.C. 2106.13)**

59 You may be entitled to an allowance for support. For deaths occurring after March 18, 1999, the amount is
60 \$40,000 of probate assets. If there are one or more minor children of the decedent, not the children of the surviving
61 spouse, this Court will apportion the allowance among those children and the surviving spouse.
62

63 5. **Right to Remain in the Mansion House (R.C. 2106.15)**

64 You have the right to remain in the mansion house (the residence), if it is a probate asset, for a period of one year
65 from the date of death without the payment of rent to the estate. If the mansion house is sold to pay debts during
66 this period of time, you may be entitled to the fair rental value of the mansion house. ~~This election must be~~
67 ~~exercised within five months from the initial appointment of the administrator or executor or the right is forfeited.~~
68

69 6. **Right to Purchase Property (R.C. 2106.16)**

70 You have the right to purchase assets of the probate estate at the appraised values. The application or petition
71 to purchase the assets must be filed within one month of the approval of the inventory or the right is forfeited.
72

73 7. **Right to Automobiles (R.C. 2106.18)**

74 You may be entitled to receive ~~up to two one or more~~ automobiles, not specifically bequeathed, that would
75 otherwise be included in the probate estate and do not exceed an aggregate value of \$40,000 ~~\$65,000~~. This ~~right~~
76 ~~election~~ may affect the amount you may receive under the ~~allowance~~ ~~Allowance for support~~ ~~Support~~. This ~~right~~
77 ~~election~~ must be exercised within five months from the initial appointment of the administrator or executor or the
78 right is forfeited.
79

80 8. **Right to Watercraft and Outboard Motor (R.C. 2106.19)**

81 You may be entitled to receive one watercraft and one outboard motor ~~not specifically bequeathed~~, that would
82 otherwise be included in the probate estate. This ~~right~~ ~~election~~ must be exercised within five months from the
83 initial appointment of the administrator or executor or the right is forfeited.
84

85 9. **Right to Reimbursement of Funeral Bill (R.C. 2106.20)**

86 You may be entitled to be reimbursed for the payment of the funeral bill. ~~If the estate is insolvent, you will~~
87 ~~receive the same statutory priority as granted to the funeral and burial expenses.~~
88

89 10. **Right to Challenge Antenuptial or Separation Agreement (R.C. 2106.22)**

90 You are entitled to file an action to ~~contest~~ declare the validity of an antenuptial or separation agreement. This
91 action must be filed within four months after the appointment of the executor or administrator or the right is
92 forfeited.
93

94 **This is a summary of your general rights. There may be additional rights to which you are entitled.**

95 **Ohio Revised Code § 2106.25 states:**

96 Unless otherwise specified by a provision of the Revised Code or this section, a surviving spouse shall exercise
97 all rights under Chapter 2106 of the Revised Code within five months of the initial appointment of an executor or
98 administrator of the estate. It is conclusively presumed that a surviving spouse has waived any right not exercised
99 within that five-month period or within any longer period of time allowed by the court pursuant to this section.
100 Upon the filing of a motion to extend the time for exercising a right under Chapter 2106 of the Revised Code and
101 for good cause shown, the court may allow further time for exercising the right that is the subject of the motion.
102

1 **PROBATE COURT OF** _____ **COUNTY, OHIO**

2 3 GUARDIANSHIP OF

**MOTION BY GUARDIAN FOR REAL
ESTATE SALE BY CONSENT**

[R.C. 2127.012, Sup. R. 65]

The Guardian of the Estate in this case moves the Court for an Order authorizing sale of real estate of the ward pursuant to RC 2127.012 and Sup. R. 66 and represents:

1. That attached hereto, are consents from the ward's spouse, if any, and all persons entitled to inherit the real property:

2. All of the persons executing a consent are adults;

3. Neither the ward's spouse nor any or of the next of kin is a minor:

4. Attached hereto is a copy of the real estate appraisal (not more than two years old) from which the 80% minimum sale price shall be calculated; and

5. A copy of the settlement/closing statement shall be filed with the Court within 30 days of completion of each real estate sale unless otherwise ordered by the Court.

NOTE: This form, all consents, the appraisal, and the bond, if required, shall be filed contemporaneously.

Guardian's Signature _____ Guardian's Typed or printed name _____

Guardian's Signature

Guardian's Typed or printed name

ENTRY

- This Court hereby approves the sale.
- This Court hereby does not approve the sale.
- This Court hereby sets bond at \$_____.

PROBATE JUDGE

FORM 28.0 – MOTION BY GUARDIAN FOR REAL ESTATE SALE BY CONSENT

Effective Date:

PROBATE COURT OF COUNTY, OHIO

FORM 28.1 – CONSENT TO POWER TO SELL REAL ESTATE – GUARDIANSHIP

Effective Date

52

53

54

55 The particular parcels of real estate in the ward's estate and to which this power of sale is limited are
56 described as follows (use extra sheets if necessary):

CASE NO. _____