

**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

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PROBATE COURT OF _____ COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

INVENTORY AND APPRAISAL

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

To the knowledge of the fiduciary the attached schedule of assets in decedent's estate is complete. The fiduciary determined the value of those assets whose values were readily ascertainable and which were not appraised by the appraiser, and that such values are correct.

The estate is recapitulated as follows:

Tangible personal property.....\$ _____
Intangible personal property.....\$ _____
Real property.....\$ _____
Total.....\$ _____

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

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

Value(s): \$ _____ \$ _____ \$ _____ \$ _____
\$ _____ \$ _____ \$ _____ \$ _____

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

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

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

Attorney _____ Fiduciary _____

Attorney Registration No. _____

APPRAISER'S CERTIFICATE

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

Appraiser _____

(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

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PROBATE COURT OF _____ COUNTY, OHIO

ESTATE OF: _____

CASE NO. _____

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

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

1. Election to Take Under or Against the Will (R.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.

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

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

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

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.

2. Right to Receive Mansion House (R.C. 2106.10)

Depending upon the value of the real estate, you may have the right to receive the mansion house (the residence) as part of your inheritance.

3. Right to Place Charge on Real Estate (R.C. 2106.11)

If there is no Will and there are insufficient assets to pay the specific monetary share due to the surviving spouse pursuant to R.C. 2106.05, you have the right to place a charge (lien) on any real property included in the probate estate in the amount of the unpaid portion of the specific monetary share.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ohio Revised Code § 2106.25 states:

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

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PROBATE COURT OF _____ COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____

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

ENTRY

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

PROBATE JUDGE

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PROBATE COURT OF _____ COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____

CONSENT TO POWER TO SELL REAL ESTATE--
GUARDIANSHIP
[R.C. 2127.012]

The undersigned are the ward's spouse and all persons entitled to the next estate of inheritance from the ward. Each declares to be an adult. Each acknowledges that if the guardian of the estate is the spouse of the ward, the sale may be to the guardian.

The undersigned empower the Guardian of the ward's estate, at any time, to sell the real estate of the ward, as indicated below, at public or private sale and to execute and deliver the necessary deeds or other conveyances, consistent with law and this power of sale.

Any such sale shall be on terms consistent with law and at a price of not less than eighty percent (80%) of the appraised value indicated in an appraisal not more than two years old (being \$ _____).

(See attached appraisal)

[Check one of the following]

The power of sale consented to herein is general, and extends to all real estate titled to the Ward.

The power of sale consented to herein is limited, and applies only to the parcels of real estate particularly described on page two this form.

(Signature)

(Signature)

(Typed or Printed Name)

(Typed or Printed Name)

(Signature)

(Signature)

(Typed or Printed Name)

(Typed or Printed Name)

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CASE NO. _____

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