

**Instructions: Initial Filing**  
**Full Estate Administration – Testate (with Will)**

Requirements

The decedent must have been a resident of Portage County, Ohio at the time of death, or owned real estate in Portage County.

**Note: All paperwork must be typed. We will not accept handwritten documents. All filings must be single-sided. We will not accept double-sided originals. Please do not staple original paperwork. We cannot accept filings with staples.**

Initial Filing

- ☐ The **original** Last Will and Testament of decedent
- ☐ Application to Probate Will (Form 2.0)
- ☐ Entry Admitting Will to Probate (Form 2.3)
- ☐ Waiver of Notice of Probate of Will (Form 2.1) *If applicable*
  - If people on front and back of form 1.0 all waive notice, then these can be filed with the initial filing.
- ☐ Certificate of Service of Notice of Probate of Will (Form 2.4) *If applicable*
  - This can be filed with the initial filing if everyone on the front and back of the form 1.0 waives notice. If they are to be served notice, then you must wait until you have proof of service before filing this.
- ☐ Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
  - If there is Surviving Spouse, make sure a box at the bottom of the form is marked
- ☐ Entry Appointing Fiduciary; Letters of Authority (Form 4.5)
- ☐ Fiduciary Acceptance
- ☐ Photocopy of the death certificate – with the social security number marked out
- ☐ Application for Authority to Administer Estate (Form 4.0)
- ☐ Waiver of Right to Administer (Form 4.3) *If applicable*
  - If individuals named in the Will cannot act as fiduciary, the people with equal priority to serve need to waive:
    - Must be an Ohio resident to serve as Administrator with will annexed. No waivers needed from anyone out of state.
    - If the surviving spouse is the applicant, then we do not need waivers from anyone.
    - If there is not a surviving spouse, or surviving spouse is not the applicant, and there is more than one person on the front page of Form 1.0, then everyone other than the applicant needs to waive: Example: no spouse and 5 children in Ohio – one is applicant and the other 4 waive.
- ☐ Notice of Citation of Hearing on Appointment of Fiduciary (Form 4.4) *If applicable*
  - If fiduciaries named in the Will cannot act as fiduciary, and
  - If someone won't sign Waiver of Right to Administer then they must receive notice (Ohio residents only)
- ☐ Fiduciary's Bond (Form 4.2) *If applicable*

*If there is a Surviving Spouse:*

One of the following options **must** be filed regarding surviving spouse's elective rights;

If spouse waives notice of service of citation to elect:

- ☐ Waiver of Service to Surviving Spouse of the Citation to Elect (Form 8.6)

**OR**

If spouse is to be served with notice:

- ☐ Citation to Surviving Spouse to Exercise Elective Rights (Form 8.0)
- ☐ Summary of General Rights of Surviving Spouse (Form 8.3)
- ☐ Certificate of Service and Notice of Citation to Surviving Spouse to Exercise Elective Rights (Form 8.4)
- ☐ Return for Certificate of Service of Citation to Surviving Spouse to Exercise Elective Rights (Form 8.5)

If the spouse wishes to take under the Will:

- ☐ Election of Surviving Spouse to Take Under Will (Form 8.1)
  - This may be filed with initial paperwork