

Relieve of Estate from Administration

Requirements

This proceeding may only be used if the following apply:

1. There is a surviving spouse entitled to the entire estate (under the Will, or by law if no Will); and the assets do not exceed \$100,000.00
OR
2. There is no surviving spouse and the assets do not exceed \$35,000.00
AND
3. The Applicant for Commissioner must be resident of the State of Ohio, See R.C. §2109.01 and R.C. §2109.21.

For more detail on these requirements, see R.C. §2113.03.

Initial Filing

- ☐ Application to Relieve Estate from Administration (Form 5.0)
 - Applicant must be an Ohio Resident
- ☐ 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
- ☐ Assets and Liabilities of Estate to be Relieved from Administration (Form 5.1)
 - If there are no cash assets listed to pay the listed debts, there must be evidence provided that all debts are secured to be paid.
- ☐ Entry Relieving Estate from Administration (Form 5.6)
 - Be sure to include the make, model, year and Vehicle Identification Number (VIN) on any type of motor vehicles, including mobile homes. The title bureau cannot accept paperwork without this information.
- ☐ Copy of funeral bill showing paid in full
 - If the body was donated, evidence of the donation must be provided.
 - If someone waives reimbursement for funeral expenses, provide evidence of waiver.
- ☐ Photocopy of the death certificate – with the social security number marked out
- ☐ Waiver of Notice of Application to Relieve Estate from Administration (Form 5.2) *If applicable*
OR
- ☐ Notice of Application to Relieve Estate from Administration (Form 5.3) *If applicable*
 - The Court will serve the notice upon all parties who do not waive
 - The Application will be set for a paper hearing to allow service to be perfected prior to approval.

If there is a Will, you must file:

- ☐ Application to Probate Will (Form 2.0)
- ☐ The **original** Last and Will and Testament of decedent
- ☐ 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 at 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.

If Automobiles are being transferred pursuant to the Release of Administration:

- ☐ Proof of Valuation:
 - You can use (1) a print out showing the value of the automobile (from Kelly Blue Book, NADA, other online appraisal websites, etc.) or (2) a formal appraisal. If you use an appraiser, they must sign the Certification on Form 5.1, Page 2. You must also file an Appointment of Appraiser (Form 3.0).
- ☐ Application for Transfer of Motor Vehicle (9.0C)
 - Be sure to include the make, model, year and Vehicle Identification Number (VIN) on any type of motor vehicles. The title bureau cannot accept paperwork without this information.

- If the distribution is not consistent with the Will or laws of intestate succession, then you must prepare and file the Consent to Alternate Distribution of Tangible Personal Property.
- ☐ Application for Transfer of RV, Boat, Trailer
 - Be sure to include the make, model, year and Vehicle Identification Number (VIN) on any type of motor vehicles, including mobile homes. Note: for boats it will be a "Haul Identification Number (HIN) instead of a VIN. The title bureau cannot accept paperwork without this information.
 - If the distribution is not consistent with the Will or laws of intestate succession, then you must prepare and file the Consent to Alternate Distribution of Tangible Personal Property.

If Real Estate is being transferred pursuant to the Release of Administration:

- ☐ Certificate of Transfer (Form 12.1)
 - If property is located in Greene County, this must have the Auditor's approval stamp on the legal description before being filed in Probate Court.
- ☐ Proof of Valuation:
 - You can use (1) a print out of tax value from the County Auditor's Website or (2) a formal appraisal. If you use an appraiser, they must sign the Certification on Form 5.1, Page 2. You must also file an Appointment of Appraiser (Form 3.0).
- ☐ For dates of death prior to January 1, 2013, a form ET 22 is required

Later Filing:

- ☐ Report of Distribution
 - This is due no later than 90 days from the filing date of the Entry Relieving Estate from Administration.
 - The report of distribution must be consistent with the Entry Relieving Estate from Administration. If asset values have changed, the Assets and Liabilities must be amended, along with the Entry Relieving Estate from Administration.