

Testamentary Trust

Requirements

The Decedent must have been a resident of Portage County, or died owning property located in Portage County, and the Decedent's Will provides for the creation of a testamentary trust for the administration of certain property. The Will must be properly admitted to probate in this Court, or another court having jurisdiction to admit the Decedent's Will to probate.

**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

- ☐ Application for Appointment of Trustee
 - Photocopy of file-stamped Decedent's Last Will and Testament
 - If Applicant is not nominated in the Will to serve as Trustee, any other parties who are nominated in the Will must be served with notice of the hearing on the Application if they have not formally waived their right to administer the Trust. If the nominated party is deceased, a copy of the death certificate must accompany the Application.
- ☐ If the Applicant is NOT an Ohio Resident see Local Rule 60.4
- ☐ Trustee's Acceptance – Trustee
- ☐ Judgment Entry Appointing Trustee
- ☐ Letters of Authority of Trustee
- ☐ Trustee's Bond (See Local Rule 75.2 on bond requirements)

Later Filings

- ☐ Trustee's Inventory (GC Form 105.1-G)
 - Due 3 months following the date of Appointment of Trustee
- ☐ Trustee's Account (GC Form 105.1-H)
 - Due 1 year following Appointment of Trustee, and then due every other year after
 - See Portage County Local Rule 77 for citations and sanctions of late filings
- ☐ Application for Authority to Expend Funds (GC Form 105.1-J) *if applicable*
- ☐ Verification of Receipt and Deposit (GC Form 60.4-C) *if applicable*

Note: Not all trusts require Probate Court approval or oversight. It is highly recommended that anyone considering creating a trust, currently administering a trust, or that has questions regarding trusts consult with an attorney who has expertise in that area of law. Probate Court Clerks are not attorneys and cannot give you legal advice or answer legal questions.