

OTTAWA COUNTY, OHIO

**LOCAL RULES
OF THE
PROBATE COURT**

KATHLEEN L. GIESLER, JUDGE

Revised July 1, 2013

In Appreciation

The Ottawa County Probate Court thanks the following members of the Probate Local Rules Committee for their time and expertise in the review and implementation of the following revised Local Rules.

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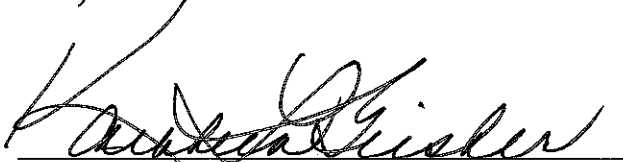
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Dated:

July 1, 2013


JUDGE KATHLEEN L. GIESLER

**COMMON PLEAS COURT OF
OTTAWA COUNTY, OHIO
PROBATE DIVISION**

LOCAL PROBATE COURT RULES

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IN THE COURT OF COMMON PLEAS
OF OTTAWA COUNTY, OHIO
PROBATE DIVISION

FILED

JUL 1 - 2013

JUDGE KATHLEEN L. GIESLER
PROBATE AND JUVENILE JUDGE
OTTAWA COUNTY, OHIO

IN THE MATTER OF:

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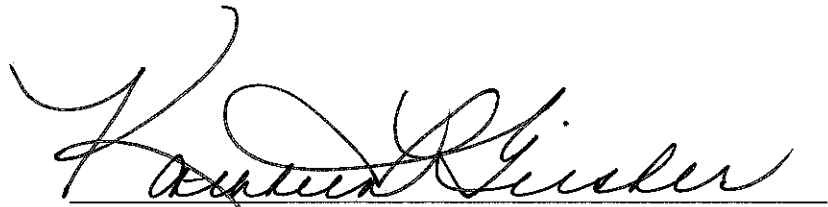
LOCAL RULES OF PRACTICE

JOURNAL ENTRY

Pursuant to the Ohio Rules of Superintendence for Courts of Ohio (Sup. R. 5), the following local rules are adopted as Local Rules of Court for the Probate Division of Ottawa County Common Pleas Court. All prior rules of this Court are rescinded.

The Court hereby adopts by reference the Rules of Superintendence for the Courts of Ohio as amended from time to time. These Local Court Rules are numbered to correspond with the numbering of the Rules of Superintendence for the Courts of Ohio.

These Local Court Rules are effective **July 1, 2013.**



JUDGE KATHLEEN L. GIESLER

SUP. R. 8 COURT APPOINTMENTS

LOCAL RULE 8.1 COURT INVESTIGATORS

- (A) The Court shall appoint an employee of the probate or juvenile court to serve as a court investigator. It shall be the duty of the investigator to personally serve all necessary papers upon the proposed ward and to conduct an investigation as to the suitability of the proposed guardian.
- (B) The Court, in its discretion, may from time to time use the court investigators to perform investigations in other types of cases before the Court.

LOCAL RULE 8.2 COUNSEL

- (A) The Probate Court may request practicing attorneys to be available for court appointments, giving preference to those with law offices in Ottawa County. Every attorney who practices in Probate Court shall be deemed competent to provide legal services for those who are unable to retain counsel.
- (B) Attorneys serving as Guardians of the person and of the estate for indigent wards shall be compensated at the rate of \$40.00 per hour for out-of-court time and \$50.00 per hour for in-court time to the maximum of \$300.00 per year. The Court may consider an application for fees in excess of the maximum limit allowed by this Rule when the type, complexity and requirements of the case are such that the maximum is an unreasonable fee.
- (C) In any case where the indigent client receives a pecuniary benefit, the Court shall consider compensation for counsel as if retained and may order the client to pay all or part of the fee.

LOCAL RULE 8.3 OTHER

- (A) Persons appointed by the Court to serve as appraisers, fiduciaries, attorneys, special master commissioners, and guardians ad litem may be selected from lists maintained by the Court. The lists shall be reviewed annually for additions or deletions.
- (B) Appointments will be made from the lists taking into consideration the qualifications, skill, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case.

(C) The Court may require background checks of appointees.

(D) The Court may order the parties to submit an advanced deposit of costs to compensate professional or other appointees.

SUP. R. 9 SECURITY PLAN

LOCAL RULE 9.1 SECURITY PLAN

(A) The Ottawa County Probate Court has worked in conjunction with the Ottawa County Common Pleas Court, General Division, in adopting and maintaining Court Security procedures. The security plan is confidential and is not a matter of public record.

SUP. R. 11 RECORDING OF PROCEEDINGS

LOCAL RULE 11.1 RECORDING OF PROCEEDINGS

(A) The Ottawa County Probate Court will make an audio electronic recording of the proceedings as the record of the Court. A fee in the amount of \$10.00 will be charged and collected as costs in said proceedings.

(B) Parties who desire to have a stenographic record of the proceedings must make their own arrangements for a court reporter at least twenty-four (24) hours prior to the scheduled hearing. The costs of the stenographic record shall be paid by the requesting party unless otherwise ordered by the Court.

(C) The original audio electronic recording of the proceedings will not be made available to the parties.

SUP. R. 12 CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS

LOCAL RULE 12.1 BROADCAST/PHOTOGRAPH COURT PROCEEDINGS

(A) No radio or television transmission, voice recording device, other than a device used by a court reporter making a record in a proceeding, or the

making or taking of pictures shall be permitted without the prior express consent of the Court one business day before the proceeding and pursuant to Sup. R. 12.

- (B) The use of cell phones, for any purpose, by non-court personnel is prohibited without prior authorization of the Court. Any violation of this rule may result in the phone being confiscated. A confiscated phone may be picked up at the court at the close of the proceedings. No photographs or video shall be taken at any time without prior authorization of the Court.

**SUP. R. 26 COURT RECORDS
MANAGEMENT AND RETENTION**

LOCAL RULE 26.1 COURT RECORDS MANAGEMENT AND RETENTION

- (A) The Court has established a Schedule of Records Retention and Disposition filed under Administrative Case File Number _____ which will be followed in conjunction with the Rules of Superintendence for the Courts of Ohio. See condensed Schedule attached as Appendix A.
- (B) The Court shall notify, in writing, the Ohio Historical Society and the Ottawa County Historical Society of all case files, dockets, journals and indexes scheduled for destruction sixty (60) days prior to the destruction of the records and offer the original records for safekeeping to them. The priority of the offer shall be in the order listed above. These records may be transferred to the possession of said entry as long as they maintain the records as public records. The records may not be destroyed or otherwise disposed of by the Ohio Historical Society or the Ottawa County Historical Society without prior written consent of the Court.

SUP. R. 51 STANDARD PROBATE FORMS

LOCAL RULE 51.1 STANDARD PROBATE FORMS

Approved forms for use in the Ottawa County Probate Court are available at the Court and on the Court's website, www.ottawacountyprobatecourt.com.

SUP. R. 52 SPECIFICATION FOR
PRINTING PROBATE FORMS

LOCAL RULE 52.1 COMPUTERIZED FORMS

The Court may accept computer-generated forms created by third party providers, forms as adopted by this Court, or forms prepared by lawyers or others, provided the following conditions are met:

- (A) Such forms shall comply with the provisions of Rule 51 and Rule 52 of the Rules of Superintendence for the Probate Division of the Court of Common Pleas.
- (B) Such forms shall be in the same format as those provided by the Court.
- (C) The individual presenting forms to the Court shall be responsible to ensure that such forms are in full compliance with the Rules of Superintendence and the Local Rules of the Court. All printed material shall be in the same words, sequence and location on the page as the standard probate form. In the event of multiple page forms or two-sided forms, the printed materials shall be on the same side or same page as the standard probate form. Any interlineated information shall be in typeface or written legibly in ink.
- (D) The Court may reject forms that deviate from the format of the Standard Probate Forms provided by the Court. Such forms may be rejected prior to filing or stricken from the record upon discovery.

SUP. R. 53 HOURS OF THE COURT

LOCAL RULE 53.1 HOURS OF THE COURT

The Ottawa County Probate Court shall be open for the transaction of ordinary business from 8:30 a.m. to 4:30 p.m. on all business days, Monday through Friday, except for legal holidays and such other occasions as may be specifically ordered by the Court. Additionally, the Court shall be closed the day after Thanksgiving.

SUP. R. 54 CONDUCT IN THE COURT

LOCAL RULE 54.1 CONDUCT IN COURT

- (A) Proper conduct is required by all attorneys, parties, court personnel and other persons who appear before the Court. Conduct that interferes with the proper administration of justice is prohibited and may subject the offender to sanctions or removal from the Court.
- (B) In any probate matter presented to the Court, the Court may restrict the attendance to next of kin, interested parties and their counsel.
- (C) Proper attire is required of all parties who appear before the Court. A party who does not appear in the proper attire may be subject to sanctions or removal from the Court.

SUP. R. 55 EXAMINATION OF PROBATE RECORDS

LOCAL RULE 55.1 REMOVAL OF FILES

Court records shall not be removed from the Court, unless authorized by judgment entry.

LOCAL RULE 55.2 PHOTOCOPIES

Copies of public records may be obtained at the cost per page as authorized by the Court.

LOCAL RULES 55.3 CONFIDENTIAL RECORDS

Adoption, civil commitment, certain estate tax filings and developmentally delayed proceedings are confidential and may be accessed only as allowed by law.

SUP. R. 56 CONTINUANCES

LOCAL RULE 56.1 CONTINUANCES AND EXTENSIONS

- (A) All applications for extensions of time must be signed by the fiduciary and/or the applicant and the attorney of record.

- (B) All applications for continuances of hearings, pre-trials and trials shall be submitted to the Court and sent to any adverse party or counsel at least 7 days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the Court.

SUP. R. 57 FILINGS AND JUDGMENT ENTRIES

LOCAL RULE 57.1 FACSIMILE FILINGS

- (A) All pleadings and other papers may be filed with the Court by facsimile transmission (FAX) subject to the following provisions:
 - (1) A FAX document will be accepted as original and the signature accepted as original consistent with Civ. R. 5(E). No additional paperwork need be filed. The person submitting the document shall maintain the original/source copy and make it available to the Probate Court upon demand for inspection. The document shall be retained by this person for the requisite time period until opportunities for post judgment relief are exhausted.

 - (2) Documents must be no longer than fifteen (15) pages.

 - (3) In the event any facsimile copy is received by the Clerk after 4:30 p.m. on a regular business day or anytime on a weekend or holiday, the facsimile copy shall be considered filed on the next regular business day for the Court.

 - (4) Costs are \$2.00 per transmission plus \$1.00 per page to be added to the cost bill.

 - (5) The risks of transmitting a document by fax to the Court shall be borne entirely by the sending party. Anyone using facsimile is urged to verify receipt by the Court.

LOCAL RULE 57.2

FILINGS AND JUDGMENT ENTRIES

- (A) All filings, except wills, shall be on eight and one-half by eleven-inch paper, without backings, of stock that can be microfilmed.
- (B) All filings shall contain the name, address, telephone number, email address, and attorney registration number of the individual counsel representing the fiduciary. In the absence of counsel, all filings shall contain the name, address, telephone number, and e-mail address (if any) of the fiduciary. Any filing not containing the above requirements may be refused.
- (C) All fiduciaries (including executors, administrators, commissioners, guardians, and trustees – unless statutorily excepted), must file a Statement of Permanent Address form consistent with ORC 2109.21(F). See Appendix B.
- (D) Filings containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused, or if filed, may be stricken unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated on the filing.
- (E) All pleadings, motions or other filings are to be typed or printed in ink and correctly captioned. Filings that are illegible may be refused.
- (F) All filings, including attachments, must have the case number on each page.

LOCAL RULE 57.3

MOTIONS

- (A) Motions may be accompanied by a separate proposed Order.
- (B) The following motions may be considered *ex parte*:
 - (1) To amend pleading
 - (2) To file a Third Party Complaint
 - (3) To withdraw as attorney of record
 - (4) To vacate a trial or hearing date
 - (5) To substitute parties
 - (6) To intervene
 - (7) For leave to answer or otherwise plead
 - (8) For admission Pro Hac Vice
 - (9) For good cause shown

- (C) Any motion to file an amended pleading shall have a copy of the proposed amended pleading attached thereto.

LOCAL RULE 57.4 PERSONAL INFORMATION

Upon the filing or submission of a case document, a party shall omit personal identifiers from the document.

- (A) “Personal Identifiers” means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card and credit card numbers; and employer/employee identification numbers.
- (B) When personal identifiers are omitted from a case document submitted to the court, the party shall submit or file that information on a separate form. The parties may use a form provided by the court or a form of their own. See Appendix C for court form.
- (C) The responsibility for omitting personal identifiers from a case document submitted to the Court pursuant to this rule shall rest solely with the party. The Court is not required to review the case document to confirm that the party has omitted personal identifiers and shall not refuse to accept or file the document on that basis.

LOCAL RULE 57.5 WITHDRAWAL OF COUNSEL

Withdrawal of counsel may be approved only upon submission of the following to the Court:

- (A) A certification from the attorney seeking to withdraw from the case stating:
- (1) The reason for the need to withdraw;
 - (2) That the client has received the withdrawing attorney’s entire file on the case, or that the client has been given express written notice of where and when the entire file may be examined;
 - (3) That a written notice containing all Court dates and deadlines has been given to the client; and
 - (4) That the attorney has given the client an explanation of the case and the consequences of this action, including notice to the client that if he/she

fails to appear personally, or through counsel, at any scheduled event in the case, the Court may hold the client in contempt of Court.

(B) A proposed Entry.

SUP. R. 58 DEPOSIT FOR COURT COSTS

LOCAL RULE 58.1 DEPOSITS

- (A) All deposits for court proceedings shall be in accordance with the Court's Deposit, Fee and Costs Schedule in effect on the date of filing of the pleading. See Appendix D.
- (B) Said deposits shall be required upon the filing of all actions and proceedings listed therein. The balance of any Court costs shall be paid when the final account or any partial account is filed. -

LOCAL RULE 58.2 INSUFFICIENCY OF COSTS DEPOSIT

- (A) If the costs deposit is inadequate to cover the cost or fee for any filing, the filing may not be accepted by the Court without payment of the appropriate filing cost or fee. The Court may, in its discretion, require an additional costs deposit or invoice for costs in any matter.

LOCAL RULE 58.3 BONDS

- (A) Every fiduciary, unless otherwise provided by law, order or local rule, prior to the issuance of the fiduciary's letters, shall file in the Probate Court in which the letters are to be issued, a bond with a penal sum of twice the amount of personal property and the annual real property rentals that will come into the possession or under the control of the fiduciary.
- (B) When the bond is filed, the bonding company's name, address, and telephone number must be included.

SUP. R. 59 WILLS

LOCAL RULE 59.1 DEPOSIT OF WILLS

(A) Before an application is made to admit the will to probate, to appoint an estate fiduciary, or to relieve an estate from administration, each applicant or the applicant's attorney shall cause the clerk to examine the index of wills deposited pursuant to section 2107.07 of the Revised Code. Wills deposited pursuant to section 2107.07 of the Revised Code previous to the will offered for probate shall be filed in the estate proceedings for record purposes only.

LOCAL RULE 59.2 CERTIFICATE OF SERVICE

(A) The applicant for the admission of a will to probate, or another person listed in R.C. 2107.19, shall file a Certificate of Service of Notice of Probate of Will (SPF 2.4) not later than two (2) months after the appointment of the fiduciary or, if no fiduciary has been appointed, not later than two (2) months after the admission of the will to probate. Proof of service shall consist of either waivers, photocopies of original signed certified mail return receipt cards, or when applicable, postal certificates of mailing, as provided under Civ.R. 73(E)(3). Neither a minor nor a person under disability may waive notice.

LOCAL RULE 59.3 DESIGNATION OF ANCIENT WILLS

(A) The Court shall annually review all wills which have been on deposit with the Court for more than 100 years. These wills shall be designated "Ancient Wills", opened by the Court, and a notice shall run in a newspaper of general circulation in Ottawa County, listing these Ancient Wills that have not been claimed. If the Testator is living, the will may be released to a person offering proof that the will should be released to them, or by request, the will may remain on deposit with the Court. Thirty days after the notice, any Ancient Wills that are not claimed, or all Ancient Wills about which the Court receives no direction or request from any interested party, shall be filed with the Court and the original and copies of the Ancient Wills shall be maintained or disposed of consistent with the Court's records retention policy.

**SUP. R. 60 APPLICATION FOR LETTERS OF AUTHORITY TO
ADMINISTER ESTATE/NOTICE OF APPOINTMENT**

LOCAL RULE 60.1 APPOINTMENT OF NON-RESIDENT FIDUCIARIES

- (A) A non-resident of Ohio requesting appointment as a fiduciary of a decedent's estate must be in compliance with R.C. 2109.21 and have an attorney of record which is permitted to practice law by the Supreme Court of Ohio.
- (B) Out-of-state fiduciaries appointed by this Court who are not the sole heir and/or legatee will be required to post bond. Any out-of-state fiduciary will be required to maintain their demand deposits (checking and/or savings accounts) in a federally-insured depository located in Ottawa County.

SUP. R. 61 APPRAISERS

LOCAL RULE 61.1 APPROVED APPRAISERS

- (A) The following persons may be approved by the Court as qualified appraisers of real estate:
 - (1) State of Ohio licensed real estate brokers and similarly licensed real estate salespersons who are active in the trade or profession; or
 - (2) Members of National or State of Ohio-recognized appraiser associations who are active in the trade or profession.
- (B) The Court will maintain an alphabetical list of all such approved persons who are available to the general public in the selection of real estate appraisers for filings in this Court and may from time to time add to and delete from this list in its discretion based on the above qualifications.
- (C) When it is necessary to determine the value of specialized property other than realty, including but not limited to coins, jewelry, stamps, antique automobiles, books and art, there shall be submitted to the Court the name, address, company and telephone number of the appraiser used in that particular field. A statement of his or her qualifications in such specialty shall be available upon request. The contact information for said independent appraiser, including name, address and telephone number shall be available upon request.

LOCAL RULE 61.2

APPRAISALS OF OUT-OF COUNTY REAL ESTATE

- (A) When it is necessary to determine the value of real estate located outside of Ottawa County, the attorney for the fiduciary shall file an application for appointment of appraiser which includes an affidavit stating that the appraiser meets the standards set forth by the Probate Court of the county in which the real estate is located.

LOCAL RULE 61.3

READILY ASCERTAINABLE VALUE OF REAL PROPERTY

- (A) Notwithstanding Local Rule 61.1, the market value of real estate as found in the Ottawa County Auditor's property records may be acceptable as the readily ascertainable value of the property and no further appraisal of such property shall be required. A copy of said evaluation shall be attached to the appropriate form.

SUP. R. 62 **CLAIMS AGAINST ESTATE**

LOCAL RULE 62.1

PRESENTMENT OF CLAIMS

- (A) All creditors having claims against the estate shall present their claims in either of the following ways:
- (1) In writing to the executor or administrator; or
 - (2) In a writing to the executor or administrator with a copy being sent to the Probate Court.
- (B) No estate, guardianship or trust shall be closed until all claims that have been filed with the Court have been resolved.

LOCAL RULE 62.2

SUMMARY INSOLVENCY

- (A) The standard insolvency procedure and forms need not be filed if the decedent's date of death is on or after October 12, 2006 and the value of assets is \$8,000.00 or less.
- (B) If a spouse or minor children claim an allowance for support, then no hearing is required and no insolvency forms need be filed if the decedent's date of death is on or after October 12, 2006 and the value of the assets is \$48,000.00 or less.

(C) In either situation, the estate may be relieved from administration with the creditors and amounts owed listed on the assets and liabilities form (SPF 5.1). The attorney shall add language to the form that the estate is insolvent and the estate is proceeding under this rule. Creditors shall be paid in accordance with R.C. 2117.25. Each creditor who has not received payment in full shall be notified by the attorney or applicant by letter or otherwise. Proof of notification is not required.

(D) The same exception applies in any estate where a full administration has been opened and the fiduciary has determined that the estate is insolvent. The fiduciary may either relieve the estate from further administration and proceed as set forth above or they may file a fiduciary's account indicating that the estate is insolvent and pay creditors pursuant to R.C. 2117.25. Creditors shall be notified by letter or otherwise. Proof of notification is not required when applying this exception to the insolvency proceeding.

SUP. R. 64 ACCOUNTS

LOCAL RULE 64.1 EXTENSIONS

(A) A motion for extension of time to file an account must be submitted in writing and signed by both the attorney and the fiduciary for the estate. There may be no more than two extensions granted per account. Thereafter, the Court shall set any further extension requests for status conference and require the attorney and the fiduciary to appear before the Court and show cause as to why a further extension is necessary.

LOCAL RULE 64.2 DELINQUENCY IN FILING AN ACCOUNT

(A) No expenditure, sale, distribution or fee will be approved while the fiduciary is delinquent in filing an account.

(B) If a final account cannot be fully rendered when due, a partial account shall be filed along with a status report.

LOCAL RULE 64.3 VOUCHERS

(A) Vouchers must be provided to the Court for verification on all trusts and guardianships. Upon the verification by the Court, all vouchers shall be returned to the attorney of record and/or the fiduciary.

(B) Except as provided herein, the fiduciary of a decedent's estate is not required to submit vouchers to verify disbursements made from the estate where the fiduciary is represented by counsel. The fiduciary shall collect and retain vouchers for his or her records. If an interested party requests to view a voucher, the fiduciary shall provide a copy of the requested voucher to the interested party. If an interested party files exceptions to an account, the fiduciary shall file the vouchers that relate to the exceptions with the Court at least five (5) days prior to any hearing on the exceptions.

(C) In all other cases, the Court requires vouchers or a statement from a financial institution specifying the check amount, payment, date and payee to be displayed when filing accounts.

LOCAL RULE 64.4 PARTIAL ACCOUNT ATTORNEY FEES

(A) An Application and Order must be submitted for attorney fees requested on a partial account.

LOCAL RULE 64.5 VERIFICATION OF CASH BALANCES

(A) In lieu of the past practice of requiring bank certificates, cash balances may be verified by submission of original bank statements, passbooks, or other financial institution statements or records.

LOCAL RULE 64.6 ACCOUNTS OF GUARDIANS AND CONSERVATORS

(A) The first guardianship account is due one year after the appointment of the guardian of the estate and all other accounts are due annually thereafter. If the guardianship is for the person only, no account is required.

(B) The first conservatorship account is due one year after the appointment of the conservatorship and all other accounts are due annually thereafter.

LOCAL RULE 64.7 ACCOUNTS OF TESTAMENTARY TRUSTEES AND OTHER FIDUCIARIES

(A) The first testamentary trusteeship account is due one year after the appointment of the trustee and all other accounts are due annually thereafter.

(B) The first account for other fiduciaries is due one year after the appointment and all other accounts due annually thereafter.

(C) Every commissioner shall file a Report of Distribution within sixty (60) days of appointment.

LOCAL RULE 64.8 BOND

(A) An account will not be accepted for filing unless the bond, when required, is sufficient to cover twice the sum of the value of the personal property assets on hand plus one (1) year's projected income.

(B) Upon application and hearing, the bond may be waived by the Court for good cause shown.

LOCAL RULE 64.9 CERTIFICATE OF TERMINATION

(A) No partial or final accounting is required to be filed if the sole beneficiary or heir is also the sole fiduciary. Within thirty (30) days after completing the administration of the estate, the fiduciary shall file a Certificate of Termination pursuant to R.C. 2109.30(B)(2) and be discharged.

LOCAL RULE 64.10 COURT COSTS PAID

(A) A final and distributive account shall not be approved until all court costs are paid.

SUP. R. 65 LAND SALES

LOCAL RULE 65.1 LAND SALES

(A) In all land sale proceedings, the plaintiff, prior to the issuance of an order finding the sale necessary, shall file with the Court evidence of title showing the record condition of the title to the premises described in the complaint and prepared by a title company licensed by the State of Ohio, an attorney's certificate, or other evidence of title satisfactory to the Court. Evidence of title shall be to a date subsequent to the date on which the complaint was filed.

- (B) The plaintiff shall give notice of the time and place of sale by regular mail at least three weeks prior to the date of a public sale to all defendants at their last known addresses. Prior to the public sale, the plaintiff shall file a certificate stating that the required notice was given to the defendants and the sale was advertised pursuant to § 2127.32 of the Revised Code.
- (C) In all private sale proceedings by civil action, the judgment entry confirming sale, ordering issuance of deed, and ordering distribution shall show the gross amount of the proceeds and include a copy of the proposed closing statement itemizing all of the proposed disbursements.
- (D) The Court may, in its discretion, appoint a disinterested person, answerable to the Court, who shall investigate the circumstances surrounding the proposed transaction, view the property, ascertain whether the proposed sale is justified, and report findings in writing. The report shall be part of the record. The compensation for the person performing these services shall be fixed by the Court, according to the circumstances of each case, and shall be taxed as costs.

LOCAL RULE 65.2 NECESSARY PARTIES AND SERVICE

- (A) All interested parties in a land sale proceeding shall be named as defendants in the complaint (including the Treasurer of Ottawa County and the Treasurer of any other Ohio county if selling land outside Ottawa County). No order of sale shall be issued by the Court unless the Rules of Civil Procedure have been complied with regarding service of process and answers by defendants.

LOCAL RULE 65.3 PRETRIAL CONFERENCE

- (A) All land sales which have not been concluded within six (6) months from the date of filing shall be set for pretrial conference within ten (10) days following the expiration of the said six-month period.
- (B) The attorney of record and the fiduciary must attend the pretrial conference. All counsel must have full authority to enter into a binding pretrial order.
- (C) A written status report shall be filed with the Court no later than seven (7) days prior to the pretrial conference. The status report shall address the

efforts being made to sell the real estate and an expected date as to when the case will be closed.

SUP. R. 66 GUARDIANSHIPS

LOCAL RULE 66.1 STATEMENT OF EXPERT EVALUATION

- (A) All applications for the appointment of a guardian on the grounds of mental incompetence or for dismissal of such guardianship shall be accompanied by a Statement of Expert Evaluation by a physician or a licensed clinical psychologist or a statement that the prospective ward refused to submit to an examination.
- (B) The Court will not accept a Statement of Expert Evaluation prepared more than ninety (90) days prior to the filing of an application for the appointment of a guardian.
- (C) A Statement of Expert Evaluation (SPF17.1) shall be maintained as a confidential record.
- (D) If a physician or a licensed clinical psychologist states on a Statement of Expert Evaluation that, to a reasonable degree of medical certainty, it is unlikely that the ward's mental competence will improve, the guardian may apply to the Court to dispense with the filing of an updated Statement of Expert Evaluation when filing subsequent annual Guardian's Reports.

LOCAL RULE 66.2 EMERGENCY GUARDIANSHIPS

- (A) The Court may grant an application for emergency guardianship only by testimony, affidavit or other evidence showing that immediate action is required to prevent significant injury to the alleged ward or the property of the alleged ward and that an application for the appointment of a guardian of the person or estate or both has been filed with the Court.
- (B) For all applications for the appointment of an emergency guardian, a physician shall provide a Statement of Expert Evaluation and supplement to

the Statement of Expert Evaluation stating why it is reasonably certain that immediate action is required to prevent significant physical injury to the person of the minor or alleged incompetent.

LOCAL RULE 66.3 PROBATE COURT INVESTIGATOR

- (A) A Probate Court Investigator shall personally serve the prospective ward within seven (7) days of the hearing date. The Probate Court Investigator shall file a report with the Court concerning the application for the appointment of a guardian on the grounds of mental incompetence. This report shall be maintained as a confidential record.

- (B) A court investigation shall be conducted on all incompetent guardianships and on minor guardianships with non-parent guardians.

LOCAL RULE 66.4 GUARDIANSHIP BACKGROUND CHECKS

- (A) Except for good cause shown, any applicant for guardianship who is not an attorney at law licensed by the Supreme Court of Ohio in good standing, or a state agency, must complete the necessary form authorizing a criminal records check.

LOCAL RULE 66.5 STATEMENT OF PERMANENT ADDRESS

- (A) The guardian or the attorney for the guardian must file a report of change of address for the ward with fourteen (14) days of such change of address. A guardian must comply with Local Rule 57.2(C) and file and update as necessary, a Statement of Permanent Address form consistent with § 2109.21(F) of the Revised Code. See Appendix B. To maintain confidentiality of a telephone number or email address, a fiduciary and/or attorney may report said number and address on Appendix C, Confidential Disclosure of Personal Identifiers.

LOCAL RULE 66.6 GUARDIAN'S REPORT

- (A) The first guardian's report is due one year after the appointment of the guardian and due annually thereafter.
- (B) A Statement of Expert Evaluation must accompany the guardian's report unless not required pursuant to Local Rule 66.1(D).

LOCAL RULE 66.7 EXPENDITURE OF FUNDS

- (A) An Application for Authority to Expend Funds (SPF 15.7) shall not be approved until an Inventory has been filed in the case. All funds and assets held in the ward's name shall not be released to a guardian except upon order of the Court. An application to release funds shall have the value of the asset set forth in the application.

LOCAL RULE 66.8 ACCESS OF WARD'S ASSETS

- (A) None of the ward's assets may be accessed through an automated teller machine, debit card or credit cards.

LOCAL RULE 66.9 VETERANS' BENEFITS

- (A) All guardianship cases that involve Veterans' benefits are subject to and must comply with R.C. Chapter 5905 and all other rules and regulations of the Department of Veterans Affairs. All applications to expend funds shall also be approved by the Department of Veterans Affairs or said application shall be set for hearing and notice given to the Department of Veterans Affairs.

LOCAL RULE 66.10 DEPOSIT OF WILL

- (A) The guardian of an incompetent ward shall deposit the ward's will with the Court for safekeeping according to the procedures set forth in R.C. 2107.07.

LOCAL RULE 66.11

DEATH OF WARD

- (A) All guardians shall notify the Court of the death of the ward by written notice no later than thirty (30) days after the death of the ward.

LOCAL RULE 66.12

GUARDIANSHIP OF MINORS

- (A) All applications for the appointment of a guardian of minor, if other than by the natural parent, shall state:
 - (1) the relationship of the applicant to the minor;
 - (2) the reason that the applicant and not the natural parent is making the application; and
 - (3) the reason for the necessity of the guardianship.
- (B) A custody affidavit (O.R.C. 3109.23) shall be a required filing on all guardianships involving minors. See Appendix E. A certified copy of the minor's birth certificate must be presented to the Court and a copy of said birth certificate filed with an application for appointment of guardian of a minor.
- (C) The Court will not accept for filing an application for guardianship of the person of a minor where another Court has prior jurisdiction over the custody of the minor unless the other Court consents to the guardianship or declines jurisdiction over the matter by court order.
- (D) The Court will not establish a guardianship for school purposes only.
- (E) If the ward is fourteen (14) years of age or over, the ward must come into the Court to be personally served with a copy of the Notice of Hearing.
- (F) An application to terminate a guardianship of a minor requires notice to all persons designated in R.C. 2111.04 and any other individuals who received actual notice of the original appointment of the guardian.

SUP.R. 67 ESTATES OF MINORS OF NOT MORE THAN \$10,000

LOCAL RULE 67.1 MINOR'S FUNDS

- (A) Upon the opening of a court-ordered account under \$10,000 (“restricted account”), the account shall be titled in the sole name of the minor. All interest and principal shall be impounded. Deposited funds shall not be released until further order of the Court. The verification of receipt and deposit from the bank filed with the Court shall contain the information required by the Court (Ottawa County Form 22.3)

- (B) Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

- (C) Funds may be released to the account owner (the former minor) by the bank at the age of 18 upon application and order of the Court. A copy of the account owner’s birth certificate shall accompany the application.

LOCAL RULE 67.2 REPRESENTATION OF MINOR

- (A) If no attorney represents the interests of the minor, the attorney representing the interests of the payor shall assume the duties imposed by Sup. R. 67(B) and (C).

- (B) Pursuant to Sup. R. 67(C), the attorney representing the applicants or the payor in the matter shall acknowledge responsibility for depositing the funds and providing the financial institution with a copy of the entry. The attorney shall obtain a Verification of Receipt and Deposit (Ottawa County Form 22.3) from the financial institution and file the form with the Court within thirty (30) days of the issuance of the entry.

SUP. R. 68 SETTLEMENT OF INJURY CLAIMS TO MINORS

LOCAL RULE 68.1 SETTLEMENT OF INJURY CLAIMS TO MINORS

- (A) An application involving the payment of twenty-five thousand dollars (\$25,000) or less shall be by the parent or parents having custody of the minor and shall be captioned in the name of the minor. If either or both parents are deceased, or their whereabouts are unknown, such facts shall be noted. If the parents are divorced or separated, and custody has been awarded to the applicant, the application shall so state.
- (B) An application for settlement of a minor's claim which exceeds twenty-five thousand dollars (\$25,000) shall be brought by the guardian of the estate.
- (C) An application shall be accompanied by a current statement of an examining physician with respect to the injuries sustained, the extent of the recovery, and the physician's prognosis. Said statement shall be dated within ninety (90) days of the filing of the application for approval.
- (D) A copy of the proposed release of claims shall be attached to the application for approval of settlement of claims for injuries to a minor.
- (E) A certified copy of the minor's birth certificate must be presented to the Court upon the filing of the application to settle a minor's claim.
- (F) The application shall state what arrangements, if any, have been made with respect to counsel fees. Said fees shall be subject to review by the Court.
- (G) The application for settlement shall be set for hearing. The applicant as well as the minor shall personally appear at the hearing unless otherwise waived by the Court.
- (H) A Guardian ad Litem report, if any, shall be filed at least seven (7) days prior to the hearing date.
- (I) Verification of Receipt and Deposit of Trust Assets must be filed within thirty (30) days of the date of the Entry Approving Settlement of a Minor's Claim.
- (J) Report of Distribution must be filed within thirty (30) days of the Entry Approving Settlement of a Minor's Claim.

- (K) When the minor and parents are unrepresented by counsel, the attorney drafting the pleadings and other instruments shall be responsible for depositing the funds and for providing the financial institution with a copy of the Verification of Receipt and Deposit of Trust Assets. The attorney shall obtain a signed receipt from the financial institution and deposit it with the Court within thirty (30) days. The attorney shall also be responsible for the filing of the Report of Distribution with thirty (30) days of the date of the Entry Approving Settlement of a Minor's Claim.
- (L) Any attorney representing the applicant shall disclose his or her relationship with the payor.

SUP. R. 71 COUNSEL FEES

LOCAL RULE 71.1 COUNSEL FEES

- (A) Attorney fees in all matters shall be governed by Rule 1.5 of the Ohio Rules of Professional Conduct.
- (B) Attorney fees for the administration of estates shall not be paid until the final account is prepared for filing unless otherwise approved by the Court upon application and for good cause shown.
- (C) An application shall be filed for the allowance of counsel fees for services rendered to a guardian, trustee, or other fiduciary. The application shall be filed by the fiduciary and the attorney. The application shall set forth a statement of the services rendered and the amount claimed in conformity with division (A) of this rule.
- (D) Except for good cause shown, attorney fees may not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by R.C. 2109.30 of the Revised Code.
- (E) The Court may set a hearing on allowance of attorney fees.

- (F) If a hearing is scheduled on an application for the allowance of attorney fees, notice may be given to all parties affected by the payment of fees, unless otherwise ordered by the Court.
- (G) There shall be no minimum or maximum fees that will automatically be approved by the Court.
- (H) Prior to the fiduciary entering into a contingent fee contract with an attorney for services, an application for authority to enter into the fee contract shall be filed with the Court, unless otherwise ordered by local court rule. The contingent fee on the amount obtained shall be subject to the approval of the Court.

LOCAL RULE 71.2 ATTORNEY FEE GUIDELINES

- (A) Counsel fees for the administration of a decedent's estate, as set forth in Appendix F attached hereto, may serve as a guide in determining fees to be charged to the estate for legal services of an ordinary nature rendered as attorney for the executor or administrator in the complete administration of a decedent's estate. Such schedules, however, are not to be considered as minimum or maximum fees to be charged nor will they automatically be approved.

LOCAL RULE 71.3 EXTRAORDINARY FEES

- (A) Upon application, extraordinary fees based upon time spent and services rendered may be considered for approval by the court. Examples of extraordinary services which may be compensated in addition to ordinary counsel fees are suggested in Appendix G attached hereto.

LOCAL RULE 71.4 COMBINED FIDUCIARY AND ATTORNEY FEES

- (A) When an attorney is appointed as executor, administrator, or guardian, and that attorney or other attorney with the same law firm is acting as attorney for the fiduciary, the combined total fees allowed may not exceed the statutory fiduciary commission plus one-half of the guideline counsel fee absent good cause shown.

- (A) Compensation where an attorney is appointed by the Probate Court to be paid from county funds may be paid \$40.00 per hour for time spent out of court and \$50.00 per hour for time spent in court with a maximum fee of \$500.00.
- (B) Extraordinary fees may be allowed if they are included on the schedule of computation and a separate itemized statement of services rendered is attached in support thereof.

**SUP. R. 72 EXECUTOR'S AND ADMINISTRATOR'S
COMMISSIONS**

- (A) Executor/Administrator fees for the administration of a decedent's estate as set forth in Appendix H attached hereto may serve as a guide in determining fees to be charged to the estate for services of an ordinary nature rendered as the executor or administrator in the complete administration of a decedent's estate. Ottawa County Form 72.1 shall be prepared and filed with each estate in which Executor/Administrator fees are paid.
- (B) Upon application of the Executor/Administrator, pursuant to R.C. 2113.35, the Court may order allowances for extraordinary services to the Executor/Administrator which fairly reflects the reasonable value thereof. The Court may require the application to be set for hearing with notice given to the parties affected by payment of fees in accordance with Civ. R. 4.1.
- (C) Except for good cause shown, a commission will not be allowed if there is a delinquency in filing of an account.
- (D) The commissions of co-executors in the aggregate shall not exceed the commission which would have been allowed to one executor or administrator acting alone.

SUP. R. 73 GUARDIAN’S COMPENSATION

LOCAL RULE 73.1 Computation of Guardian’s Fee

- (A) Unless otherwise provided by law or ordered by the Court, a guardian may charge for his or her ordinary services in an amount computed in accordance with the attached schedule, Appendix I.

- (B) Any fee is subject to the approval of the Court. Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpected balances to a ward at the close of a guardianship be considered as an expenditure.

SUP. R. 74 TRUSTEE’S COMPENSATION

LOCAL RULE 74.1 Computation of Trustee’s Fee

- (A) Unless otherwise provided by law or ordered by the Court, a trustee may charge for his or her ordinary services in an amount computed in accordance with the attached schedule, Appendix J.

- (B) For the purpose of computing trustee’s compensation as herein provided, the fair market value of the principal of the trust property shall be determined by the trustee as of the date of the trustee’s appointment and as of each anniversary thereafter. The compensation so determined may be charged during the ensuing year. The annual fair market value of the principal shall be adjusted from time to time to reflect additions and withdrawals from the principal of the trust estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuations.

- (C) Additional compensation for extraordinary services may be allowed upon application. The court may require that such application be set for hearing and notice thereof be given to interested parties in accordance with Civil Rule 4.1; such notice shall contain a statement of the amount of such compensation for which application is made.

SUP. R. 75 LOCAL RULES

LOCAL RULE 75.1 Certificate of Transfer

- (A) All certificates of transfer shall indicate what share of the decedent's interest each beneficiary is receiving.
- (B) Certificates of Transfer will not be accepted by the Court until the inventory and appraisal is filed.

**SUP. R. 78 CASE MANAGEMENT IN DECEDENT'S
ESTATES, GUARDIANSHIPS AND TRUSTS**

LOCAL RULE 78.1 Civil Actions

- (A) A pretrial conference shall be conducted in all civil cases prior to being scheduled for trial, except in land sales proceedings.
- (B) The case shall be set for pretrial conference within thirty (30) days after the "answer date" has passed.
- (C) The Court shall give notice of the pretrial conference to all counsel of record or *pro se* party by mail and/or telephone not less than fourteen (14) days prior to the conference. Any application for continuance of a pretrial conference shall be in writing and filed within the Court not less than seven (7) days prior to the conference.
- (D) All counsel attending a pretrial conference must have full authority to enter into a binding pretrial order. The following decisions shall be made at said conference:
 - (1) A schedule for the completion of all discovery;
 - (2) A date for exchange of expert witness reports;
 - (3) A date for filing all motions, which date shall not be less than seven (7) days before the final pretrial conference; and
 - (4) A date for the final pretrial conference.

- (E) A final pretrial conference shall be scheduled no later than one (1) week prior to the trial. All parties shall be present. No motions shall be heard after the final pretrial conference without good cause shown. The following shall be completed at said final conference:
- 1.) Rulings on all pretrial motions;
 - 2.) Submission of briefs on legal issues;
 - 3.) Submission of proposed jury instructions; and
 - 4.) Submission of proposed jury interrogatories.
- (F) The trial date shall not be changed nor shall the trial be continued without good cause shown.

LOCAL RULE 78.2

Decedent's Estate

- (A) The statutory time or the time as extended by court order for filing of an account (R.C. 2109.30) shall be adhered to and the citation procedure (R.C. 2109.31) shall be utilized if necessary to gain compliance.
- (B) In the event objections to the inventory or to the account are filed, the Court shall set a pretrial conference within thirty (30) days after filing. Should the objections not be resolved at the conference, the matter shall be set for evidentiary hearing.
- (C) All decedents' estates which remain open after a period of thirteen (13) months shall be subject to a status conference if a written status report is not filed on an annual basis with each partial account. The Court may set a status conference under any circumstances.

LOCAL RULE 78.3

Wrongful Death

- (A) All hearings shall be held within thirty (30) days of the filing of the Application To Approve Settlement and Distribution of Wrongful Death and Survival Claims (SPF 14.0). However, if the appointment of a guardian or a guardian ad litem is necessary, the hearing shall be held within thirty (30) days of the filing or fifteen (15) days after the appointment, whichever is later.

LOCAL RULE 78.4

Guardianships

- (A) Each guardianship case shall be reviewed annually or at shorter intervals as determined by the Court.
- (B) A Statement of Expert Evaluation filed with the Court must be completed in full, be legible, and dated within three (3) months of the date of filing.

LOCAL RULE 78.5

Trusts

- (A) Each trust case shall be reviewed annually or at shorter intervals as determined by the Court.

LOCAL RULE 78.6

Motions

- (A) The moving party shall serve and file with the motion a brief written statement in support of the motion and a list of supporting citations of authorities.
- (B) Responses, if any, shall be filed within fourteen (14) days of the filing of said motion.
- (C) Oral arguments of motions may be permitted upon proper showing or at the request of the Court.

LOCAL RULE 78.7

Correspondence

- (A) Copies of all correspondence addressed to the Court by any party or counsel shall be mailed or furnished to other counsel or party in the case, and the correspondence to the Court shall disclose to whom copies were furnished. Correspondence not in compliance with the order shall be disregarded by the Court.

LOCAL RULE 78.8 Certified Mail

- (A) Service of process by certified mail, return receipt requested, pursuant to Civil Rules 4.1, 4.3 and 4.5 may be perfected, if needed, through a “Track and Confirm” verification by the United States Postal Service. Said verification shall be filed and made part of the record.

LOCAL RULE 78.9 Jury Management Plan

The Ottawa County Probate Court adopts the Jury Management Plan of the Ottawa County Common Pleas Court, General Division, attached hereto as Appendix K.

**OTTAWA COUNTY PROBATE COURT
RECORDS RETENTION SCHEDULE**

ADMINISTRATIVE RECORDS

<u>RECORD</u>	<u>RETENTION PERIOD</u>	<u>MEDIA TYPE</u>
Administrative Journal	Permanent	Paper
Supreme Court Annual Reports	Permanent (2 copies)	Paper
Bank Records	3 years (and completed audit)	Paper
Cash Books	3 years (and completed audit)	Paper
Communication/Correspondence (letters, messages, drafts, notes, e-mails, publications of no value to case files)	Destroyed in the normal course of business	Various
Employment Applications	2 years from posted position	Paper
Employee Benefit/Leave Records	3 years (and completed audit)	Paper
Employee History and Discipline Records	10 years after termination	Paper
Fiscal Records	3 years (and completed audit)	Paper
Grant Records	3 years after expiration	Paper
Payroll Records	3 years (and completed audit)	Paper
Receipt and Balancing Records	3 years (and completed audit)	Paper
Proposals, Bids, Contracts	3 years after expiration	Paper

APPENDIX A

CASE FILES AND PROBATE RECORDS

<u>RECORD</u>	<u>RETENTION PERIOD</u>	<u>MEDIA TYPE</u>
Adoption Records	Permanent	Paper
Birth/Death Registrations	Permanent	Paper
Civil Commitment Records	3 years after closed	Paper
Dockets, Journals, Indexes	Permanent	Paper
Evidence of Expenditures/Distributions	3 years after filing	Paper
Estate Records	Permanent	Microfilm
Marriage License Records	Permanent	Paper
Trust Accountings	12 years after approved	Microfilm
Guardianship Records	Permanent	Microfilm
Name Changes	Permanent	Microfilm
All Other Case Types	Permanent	Microfilm

PROBATE COURT OF OTTAWA COUNTY, OHIO

Kathleen L. Giesler, Judge

IN THE MATTER OF

Case No.

STATEMENT OF PERMANENT ADDRESS

(EXECUTOR-ADMINISTRATOR-GUARDIAN-TRUSTEE)

O.R.C. Sec. 2109.21 (F)

I, the undersigned, hereby state that the following is currently my permanent address, and I further understand that I am required by law to notify the court immediately of any change of address and/or telephone number by filing an updated Statement of Permanent Address.

Name of Fiduciary

Street Address

City, State & Zip Code

Home Telephone Number Cell Phone Number

E-Mail Address (Optional)

I acknowledge that I am subject to removal as such fiduciary upon the failure to so notify the Court of any change of address and/or telephone number.

Date

Fiduciary

SPA

Appendix B

PROBATE COURT OF OTTAWA COUNTY, OHIO

IN THE MATTER OF: _____

CASE NO. _____

CONFIDENTIAL DISCLOSURE OF PERSONAL IDENTIFIERS

[Rule 45(D) of the Rules of Superintendence for the Courts of Ohio]

	Complete Personal Identifier	Institution	Abbreviation	Form No.	Filing Date
Ex.	123-45-6789	Social Security	6789	22.3	7/1/2009
Ex.	0001234567	Anytown Bank Checking	Anytown #1	6.1	7/1/2009
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

Check if additional pages are attached

Signature of Filing Party

Printed Name

Date: _____

This is page ____ of ____ pages

REQUIRED DEPOSIT FOR FILINGS IN
OTTAWA COUNTY PROBATE COURT

Revised June 19, 2013

1.)	Application to File Will For Record Only	\$ 65.00
2.)	Application for Authority to Administer Estate of Decedent (Testate or Intestate)	\$ 250.00
3.)	Application for Ancillary Administration	\$ 175.00
4.)	Application for Release From Administration	\$ 100.00
5.)	Application for Summary Release from Administration	\$ 30.00
6.)	Application to File Will for Record Only with Tax Return	\$ 85.00
7.)	Civil Complaint (Will Contests, Land Sales, Declaratory Judgments, Determination of Heirs, etc.)	\$ 100.00
8.)	Demand for a Jury Trial	\$ 250.00
9.)	Wrongful Death	\$ 200.00
10.)	Adoption	\$ 350.00
11.)	Change of Name	\$ 150.00
12.)	Guardianship – Incompetent	\$ 200.00
13.)	Guardianship – Minor	\$ 150.00
14.)	Minor Settlement	\$ 100.00
15.)	Conservatorship	\$ 150.00
16.)	Trusts	\$ 125.00
17.)	Structured Settlement Transfers	\$ 100.00
18.)	Delayed Registration of Birth	\$ 21.50
19.)	Correction of Birth	\$ 21.50
20.)	Marriage License	\$ 45.00

Name of Child: _____ Date of Birth: _____
With Whom is the Child Residing: _____
Where is the Child Residing: _____

Name of Child: _____ Date of Birth: _____
With Whom is the Child Residing: _____
Where is the Child Residing: _____

Name of Child: _____ Date of Birth: _____
With Whom is the Child Residing: _____
Where is the Child Residing: _____

3. State the place where the child(ren) have lived within the last five years and the names and present addresses of the person(s) with whom the child(ren) lived during that period.

Time Period: From _____ to the present _____
Place of Residence: _____
With Whom Children Resided: _____

Time Period: From _____ to _____
Place of Residence: _____
With Whom Children Resided: _____

Time Period: From _____ to _____
Place of Residence: _____
With Whom Children Resided: _____

Time Period: From _____ to _____
Place of Residence: _____
With Whom Children Resided: _____

Time Period: From _____ to _____
Place of Residence: _____
With Whom Children Resided: _____

4. State the school district where the child(ren) have attended for the year immediately prior to filing:

Time Period: _____ From _____ to _____
Place of Residence: _____
With Whom Children Resided: _____

5. Participation in custody case(s): (only one)

I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case.

I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case.

Explain:

- a. Name of each child _____
- b. Type of case _____
- c. Court and State _____
- d. Date and court order or judgment (if any): _____

6. Information about custody case(s): (only one)

I **HAVE NO INFORMATION** of any cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.

I **HAVE THE FOLLOWING INFORMATION** concerning cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case, other than listed in Paragraph 4.

Explain:

- a. Name of each child _____
- b. Type of case _____
- c. Court and state _____
- d. Date of court order or judgment (if any): _____

7. List all of the criminal convictions including guilty pleas for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

NAME	CASE NUMBER	COURT/STATE/COUNTY	CHARGE

8. Persons not a party to this case: (only one)

- I DO NOT KNOW OF ANY PERSON** not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.
- I KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case:

a. Name and address of person _____

- has physical custody claims custody rights claims visitation rights

Name of each child _____

b. Name and address of person _____

- has physical custody claims custody rights claims visitation rights

Name of each child _____

9. Do you understand that you have a continuing duty to inform the Court of any parental proceeding concerning the afore named child(ren) in this or any other state?

Answer: _____

OATH OF AFFIANT

I hereby swear or affirm that the answers above are true, complete and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

(Name of Affiant)

(Name of Affiant)

Sworn to before me this _____ day of _____, 20

Notary

**IN THE COMMON PLEAS COURT
OF OTTAWA COUNTY, OHIO
PROBATE DIVISION**

IN THE ESTATE OF: _____) **CASE NO.** _____
 _____)
 _____) **JUDGE KATHLEEN L. GIESLER**

COUNSEL FEE COMPUTATION

1. Ordinary Legal Services

A.	Probate Assets (per Inventory and income)	\$ _____
	\$ 0 - \$10,000 (\$500)	\$ _____
	\$10,001 - \$100,000 (\$500 + 4 1/2 % over \$10,000)	\$ _____
	\$100,001 - \$400,000 (\$4,550 + 3 1/2 % over \$100,000)	\$ _____
	\$400,001 - \$ unlimited (\$15,050 + 2 1/2 % over \$400,000)	\$ _____
B.	Non-Probate Assets (excepting life insurance policies payable to a named beneficiary and government pensions) 1 1/2 %	\$ _____
TOTAL		\$ _____

2. Extraordinary Legal Services
(Itemized statement attached stating services performed,
the date services were performed, the time spent in
rendering said services, and the hourly rate charged)

TOTAL \$ _____

3. SUMMARY – Total fee requested

Ordinary Legal Services	\$ _____	
Extraordinary Legal Services	\$ _____	
TOTAL		\$ _____
Less Compensation Previously Approved by the Court		- _____
BALANCE REQUESTED		\$ _____

FIDUCIARY

ATTORNEY

*NOTE: Where the attorney is also the fiduciary, the total fee payable shall be the statutory fiduciary commission plus one-half (1/2) of the guideline counsel fees.

OTTAWA COUNTY PROBATE COURT
EXTRAORDINARY
ATTORNEY FEES

Upon application, extraordinary fees based upon time spent and services rendered may be considered by the Court. Extraordinary services may include, but are not limited to, the following:

- (1) In a court other than the Probate Court;
- (2) In a contested matter in the Probate Court;
- (3) In connection with the preparation or filing, audit, protest or contest of an income or gift tax return, or liability incurred by the decedent or personal representative;
- (4) In connection with the settlement of estate taxes with respect to insurance not payable to the estate, gifts in contemplation of death, or general testamentary powers of appointment not exercised by the decedent, and other negotiations not represented by assets included in the gross value of the estate.
- (5) With respect to problems of valuation or taxability of property for estate taxes or to the protest of such taxes;
- (6) Preparation and filing of federal estate tax returns;
- (7) Services in connection with land sale proceedings;
- (8) In connection with matters which are unusual or excessive for the size of the estate involved;
- (9) In connection with the performance of duties normally performable by the personal representative, but which fall to the attorney because of the personal representative's inexperience, lack of ability, or absence from the place from which the assets of the estate must be managed;
- (10) Sale of business or business assets;
- (11) Sale of real estate under power of will;
- (12) Proceedings to determine heirship;
- (13) Proceedings involving partnership;
- (14) Completion of land contract; and
- (15) Proceedings related to wrongful death.

**IN THE COMMON PLEAS COURT
OF OTTAWA COUNTY, OHIO
PROBATE DIVISION**

IN THE ESTATE OF: _____) **CASE NO.** _____
 _____)
 _____) **JUDGE KATHLEEN L. GIESLER**

EXECUTOR/ADMINISTRATOR FEE COMPUTATION
(R.C. 2113.35)

Personal Estate (per inventory)	\$ _____
Income from Personal Estate	\$ _____
Gross Proceeds from Sale of Real Estate	\$ _____
TOTAL	\$ _____

COMPUTATION:

\$0 - \$100,000	4%	\$ _____
\$100,001 - \$400,000	3%	\$ _____
\$400,001 - UP	2%	\$ _____

Real estate not sold:

\$ _____	1%	\$ _____
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Non-Probate Assets:
(excepting life insurance policies
payable to a named beneficiary
and government pensions)

\$ _____	1%	\$ _____
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TOTAL EXECUTOR/ADMINISTRATOR FEE \$ _____

EXECUTOR/ADMINISTRATOR

**IN THE COMMON PLEAS COURT
OF OTTAWA COUNTY, OHIO
PROBATE DIVISION**

IN THE ESTATE OF: _____) **CASE NO.** _____
 _____)
 _____) **JUDGE KATHLEEN L. GIESLER**

GUARDIAN FEE COMPUTATION

Total Income During Period:	\$		
\$0 - \$1,000 (excludes income from rental property managed by guardian)	4%	\$	
\$1,000 – Up	3%	\$	
TOTAL FEE FROM INCOME			\$ _____
Total Expenses During Period:	\$		
\$0 - \$1,000 (excludes rental property Expenses)	4%	\$	
\$1,000 – Up	3%	\$	
TOTAL FEE FROM EXPENSES			\$ _____
Principal at Beginning of Accounting Period:	\$		
Times (x) .003		\$	
TOTAL FEE FROM PRINCIPAL			\$ _____
Gross Rental Property Income from Property Managed by Guardian	\$		
Times (x) .10		\$	
TOTAL FEE FROM RENTAL INCOME			\$ _____
TOTAL FEES REQUESTED			\$ _____

ATTORNEY

FIDUCIARY

**IN THE COMMON PLEAS COURT
OF OTTAWA COUNTY, OHIO
PROBATE DIVISION**

IN THE ESTATE OF: _____) **CASE NO.** _____
 _____)
 _____) **JUDGE KATHLEEN L. GIESLER**

TRUSTEE FEE COMPUTATION

Gross Annual Income from Personal Property	4%		\$ _____	
TOTAL FEE FROM PERSONAL PROPERTY INCOME			\$ _____	
Gross Income from Real Property Managed	x .10		\$ _____	
TOTAL FEE FROM TRUSTEE- MANAGED REAL PROPERTY			\$ _____	
Adjusted Gross Income from Other Real Property	x .01		\$ _____	
TOTAL FEE TO TRUSTEE ON OTHER REAL PROPERTY INCOME			\$ _____	
Principal	x .002		\$ _____	
FEE ON PRINCIPAL			\$ _____	
Principal Distribution	x .01		\$ _____	
FEE ON PRINCIPAL DISTRIBUTION			\$ _____	
Management Fee			\$ _____	
TOTAL FEES REQUESTED			\$ _____	

ATTORNEY

FIDUCIARY