

**RULES OF COURT**

**OTTAWA COUNTY PROBATE COURT  
PORT CLINTON, OHIO**

**KATHLEEN L. GIESLER, JUDGE**

**Latest Revision: November 4, 2003  
Effective: January 1, 2004**



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**OTTAWA COUNTY LOCAL RULE 5.1**  
**Court Magistrates**

(A) Part-time magistrates shall be appointed by the Court whenever necessary.

(B) The Magistrate shall hear any trial or hearing which is referred by the Judge on any issue as to which either no jury right attaches or as to which such jury right has been waived. Trials or hearings may also be heard by the Magistrate as to any issues submitted by consent of the parties. The Magistrate shall hear all cases except those exempt by law.

(C) General Powers of Magistrates. The Magistrate may do all of the following:

- (1) issue subpoenas;
- (2) rule upon the admissibility of evidence;
- (3) put witnesses under oath and examine them;
- (4) call the parties and examine them under oath or affirmation;
- (5) in cases involving direct or indirect contempt, issue an attachment for the alleged contemner and set bail to secure the alleged contemner's appearance, considering the conditions of release set forth in Crim.R. 46.

(D) Entry of Orders: The Magistrate may enter orders without judicial approval in the following matters:

- (1) pretrial proceedings under Civil Rule 16;
- (2) discovery proceedings under Civil Rules 26 to 37;
- (3) temporary restraining orders under Civil Rule 75(H);
- (4) temporary orders under Civil Rule 75(M);
- (5) other orders as necessary to regulate the proceedings.

(E) Decision. The Magistrate shall promptly conduct proceedings and issue a Magistrate's Decision pursuant to Rule 53, as amended, of the Ohio Rules of Civil Procedure. The Magistrate shall prepare, sign and file a Magistrate's Decision with the Clerk, who shall serve copies on all parties or their attorneys.

(F) Findings of Fact and Conclusions of Law. If any party makes a request for Findings of Fact and Conclusions of Law under Civil Rule 52, the Magistrate's Decision shall include proposed Findings of Fact and Conclusions of Law. The Magistrate may require the parties to submit proposed Findings of Fact and Conclusions of Law within thirty (30) days of the request, and upon a party's failure to do so, said failure shall act as a waiver of the right to submit said Findings of Fact and Conclusions of Law. Within fifteen (15) days after receipt of such proposed statement, each opposing party may submit a proposed statement of Findings of Act and Conclusions of Law.

(G) Objections. A party may file objections to the Magistrate's Decision within 14 days of the filing of the Decision in accordance with Rule 53(E)(3)(a) of the Ohio Rules of Civil Procedure.

(H) Appeal of Pretrial Orders. A party may file an appeal of a Magistrate's order within ten (10) days of the filing of the Order.

(I) Judgment Entries. Entries or judgments shall be prepared by the party designated in the Magistrate's Decision and/or subsequent Judge's Decision and shall be submitted to opposing counsel and to the Magistrate for approval and endorsement prior to submission to the Court.

**OTTAWA COUNTY LOCAL RULE 5.2**  
**Jury Management Plan**

(A) Opportunity for Service

(1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.

(2) Jury service is a right of all qualified citizens of Ottawa County, Ohio.

(B) Jury Selection List

The Probate and Juvenile Courts have a very small number of jury trials; therefore, names of jurors for a trial in these courts shall be obtained from the office of the Clerk of the Common Pleas Court, General Division, from the jury source list which has been prepared and maintained in accordance with Local Rule 49.01 of the Ottawa County Court of Common Pleas.

(C) Excuses from trial jury duty

Effective April 15, 1998, Ohio law provides that no person is exempt from jury service. There are, however, legitimate reasons why a person called for jury service may need to be excused from or postpone jury service. A request to be excused from jury service shall be addressed to the judge in writing; and the judge's decision on that request shall be conveyed in writing.

(D) Voir Dire

(1) Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

(2) To reduce the time required for voir dire, basic

background information regarding panel members shall be made available to counsel for each party in writing prior to the day on which jury selection is to begin. Counsel shall not copy the juror questionnaire and shall return the same to the Court upon completion of voir dire.

(3) The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

(4) The judge shall ensure that the privacy of prospective jurors is reasonably protected and the questioning is consistent with the purpose of the voir dire process.

(5) The voir dire process shall be held on the record.

(6) Rules of Voir Dire

- a. The case may not be argued in any way while questioning the jurors.
- b. Counsel may not engage in efforts to indoctrinate jurors.
- c. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
- d. Jurors may not be asked what kind of verdict they might return under any circumstance.
- e. Questions are to be asked collectively of the entire panel whenever possible.

(E) Removal from the Jury Panel for Cause

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

(F) Peremptory Challenges

Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

(G) Notification and Summoning Procedures

(1) The notice summoning a person to jury service shall be phrased so as to be readily understood by an individual

unfamiliar with the legal and jury systems and shall be delivered by ordinary mail.

(2) A summons should clearly explain how and when the recipient must respond and the consequences of failure to respond.

(3) Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

(H) Juror Utilization

(1) The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

(2) The Court shall determine the minimum number of jurors sufficient to accommodate trial activity and summon jurors accordingly.

(I) Jury Facilities

(1) The Court shall provide an adequate and suitable environment for jurors.

(2) The entrance and registration area shall be clearly identified.

(3) Jurors shall be given a pleasant waiting area furnished with suitable amenities.

(4) Jury deliberation rooms shall be comfortable areas which are appropriately furnished. The safety and security of deliberations rooms shall be ensured.

(5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

(J) Juror Compensation

(1) Persons called for jury service shall receive a reasonable fee for their service and expenses pursuant to statutory authority. Such fees shall be paid promptly.

(2) Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

(K) Juror Instruction

(1) The trial judge shall:

a. Give preliminary instructions to all prospective jurors.

- b. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures (including note taking and questioning by jurors), the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
- c. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations.
- d. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system.

(2) Utilization of written instructions is at the discretion of the Court.

(3) All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

(4) Before dismissing a jury at the conclusion of a case, the trial judge should:

- a. Release the jurors from their duty of confidentiality;
- b. Explain their rights regarding inquiries from counsel or the press;
- c. Either advise them that they are discharged from service or specify where they must report; and
- d. Express appreciation to the jurors for their service, but not express approval or disapproval of their decision.

(L) Jury Size and Unanimity of Verdict

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

(M) Jury Deliberations

(1) Jury deliberations should take place under conditions and pursuant to procedures designed to ensure impartiality, enhance rational decision-making and conform with existing Ohio law.

(2) The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

(3) A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

(4) Training shall be provided to personnel who escort and assist jurors during deliberation.

**OTTAWA COUNTY LOCAL RULE 8.1**  
**Court Investigators/Appointments**

(A) Court Investigators

(1) 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.

(2) 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.

(B) Guardians Ad Litem

In some instances, a guardian ad litem may be appointed to represent a party in a proceeding before the Court. Guardians ad litem shall be selected from the appointment list maintained by the Court. Fees may be assessed on a case-by-case basis.

(C) Counsel in indigent guardianship cases

Attorneys practicing in Ottawa County Probate Court will be expected to take their turns accepting court appointments as counsel in indigent guardianship cases. Counsel shall be paid \$40.00 per hour for out-of-court time and \$50.00 per hour for in-court time from the Court's Indigent Guardianship Fund. The Court shall maintain a list of attorneys for appointment.

**OTTAWA COUNTY LOCAL RULE 11.1**  
**Recording Of Proceedings**

(A) Ottawa County Probate Court shall record all proceedings before the Court by a video recording system. Parties or counsel who wish to have a proceeding recorded by other means shall be

responsible for the arrangement and costs of those services.

(B) Ottawa County Probate Court shall maintain all videotape records of hearings properly marked with cassette tape numbers and shall maintain a log for each tape showing:

- A. Tape number
- B. Date of hearing
- C. Beginning and ending times of each hearing
- D. Name of case
- E. Type of hearing
- F. Court employee operating recording equipment.

**OTTAWA COUNTY LOCAL RULE 12.1**  
**Broadcast/Photograph Court Proceedings**

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.

**OTTAWA COUNTY LOCAL RULE 51.1**  
**Standard Probate Forms**

In addition to the standard probate forms indicated in Sup.R. 51, Ottawa County Probate Court requires the filing of the following:

- A. New Case Information Statement (See Appendix A & B)
- B. Counsel Fee Computation (Appendix H and L)
- C. Executor/Administrator Fee Computation (Appendix I)
- D. Guardian Fee Computation (Appendix J)
- E. Trustee Fee Computation (Appendix K)

See, also, Local Rule 57.1 for additional filing requirements.

**OTTAWA COUNTY LOCAL RULE 53.1**  
**Hours Of The Court**

The hours of the Ottawa County Probate Court shall be 8:30 a.m. to 4:30 p.m. Monday through Friday. The Court may be closed on all legal holidays and the day after Thanksgiving.

**OTTAWA COUNTY LOCAL RULE 55.1**  
**Examination of Probate Records**

Copies of Ottawa County Probate Court records which are public record shall be made available to any party requesting them at a cost per copy which reflects only the cost of materials used.

**OTTAWA COUNTY LOCAL RULE 56.1**  
**Continuances and Extensions**

There shall be no more than two 30-day extensions granted for the filing of an Inventory or Account except upon express written consent of the Court for good cause shown.

**OTTAWA COUNTY LOCAL RULE 57.1**  
**Filings and Judgment Entries**

(A) A current 1.0 must be filed with the Application to Probate Will, the Application for Appointment of Fiduciary and the Inventory.

(B) It is the responsibility of the attorney to prepare for the Judge's signature the following:

- (1) Entry Appointing Fiduciary; Letters of Authority
- (2) Judgment Entry Approving Inventory and Appraisal (See Appendix C & D)
- (3) Certificate of Transfer
- (4) Entry Approving and Settling Account (partial and final accounts)
- (5) Entries on hearings and motions as directed by the Judge

(C) No correction fluid or tape is to be used on papers submitted to the Court for filing.

**OTTAWA COUNTY LOCAL RULE 57.2**  
**Filings By Facsimile (FAX)**

(A) Attorneys should limit requests for facsimile transmission to filings of an emergency or time-critical nature. As a general rule, FAX filings of the standard probate forms will not be accepted. The Court reserves the right to revoke the FAX filing privilege of any attorney who appears to be abusing the privilege as documented on the FAX log maintained by the Clerk of Courts.

(B) 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.
- (2) The attorney must telephone the Clerk's office and request a FAX log number to identify the intended facsimile filing. The attorney must provide the

Clerk with his or her name, the number of the case, the nature of the pleading or paper, the number of pages and billing information. The Clerk will maintain this information on his or her log.

- (3) Documents must be no longer than thirty (30) pages.
- (4) The attorney must transmit the item at a time and to a phone number specified by the Clerk. Such time will ordinarily be within normal business hours.
- (5) The attorney must use a cover sheet prescribed by the Court and provide all required information including the log number (See Appendix E). FAX transmissions without the cover sheet or the assigned log number will not be accepted for filing. Papers for no more than one case only may be transmitted with a given cover sheet.
- (6) The Clerk will file stamp the cover sheet and return a copy of it to the attorney filing the FAX transmission.
- (7) Costs are \$2.00 per transmission plus \$1.00 per page, to be added to the cost bill.

**OTTAWA COUNTY LOCAL RULE 58.1**  
**Filing Deposits**

ADOPTIONS

One Child ----- \$ 350.00  
Each Additional Child ----- 100.00

CHANGE OF NAME ----- exact costs  
COMPLAINT ----- 50.00

ESTATES

Full Administration ----- 125.00  
Release ----- exact costs  
Ancillary Administration ----- 125.00  
Designation of Heirs ----- exact costs  
Foreign Records/Authenticated Copies ----- exact costs

GUARDIANSHIPS

Incompetent ----- 125.00  
Minor ----- 85.00

COMPLAINT WITH JURY TRIAL DEMAND ----- 250.00

MINOR SETTLEMENT/WRONGFUL DEATH ----- exact costs

MOTIONS ----- \$5.00 plus \$1.00 for each additional page

NOTICE OF APPEAL ----- 200.00

TRUSTS ----- 85.00

**OTTAWA COUNTY LOCAL RULE 59.1**  
**Notice Requirements**

(A) Admission of Will. The fiduciary must file the following with the Court:

- (1) Certificate of Service (Std.Prob.Form 2.4 or equivalent)
- (2) Waiver (Std.Prob.Form 2.2 or equivalent) or
- (3) Notice (Std.Prob.Form 2.3 or equivalent) with proof of service shown on back

(B) Hearing on Inventory. The fiduciary shall send notice of hearing on inventory, unless waived, by ordinary mail to all legatees and devisees named in the will or to all heirs of decedent who died intestate with the following to be filed with the Court:

- (1) Certificate of Service (local court Form 6.4 or equivalent)
- (2) Waiver (Std.Prob.Form 6.2 or equivalent) or
- (3) Notice (Std.Prob.Form 6.3 or equivalent)

The hearing on the inventory will be scheduled at 10:00 a.m. on the 30<sup>th</sup> day following its filing; provided, however, that if waivers of notice signed by all legatees and devisees named in the will or all heirs of an intestate decedent are filed with the Court at the time the inventory is filed, the hearing on the inventory may be dispensed with and the inventory may be approved forthwith. See Appendix D.

(C) Hearing on Appointment of Guardian. The Court gives notice to all next of kin, residents and nonresidents of Ohio, for whom addresses are known unless, pursuant to Civ.R. 4(D), notice is waived.

**OTTAWA COUNTY LOCAL RULE 60.1**  
**Application for Letters of Authority to**  
**Administer Estate and Notice of Appointment**

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.

**OTTAWA COUNTY LOCAL RULE 61.1**  
**Appraisers**

The real estate appraiser shall provide a separate signed sheet or letter containing a brief listing of appraised values of each parcel which shall be attached to Form 6.0. The appraiser's signature on 6.0 is optional.

**OTTAWA COUNTY LOCAL RULE 63.1**  
**Application to Sell Personalty**

The requirements of Rule 63 shall not apply where sale has been authorized by will or consent given by all heirs.

**OTTAWA COUNTY LOCAL RULE 64.1**  
**Accounts**

(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 30-day extensions granted per account except upon express written consent of the court for good cause shown.

(B) A partial account shall not be approved until all court costs to date have been paid.

(C) 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.

(D) The person filing a final account shall be required to read off the receipts to be checked against the account by a deputy clerk. Once verified, receipts will be returned to the filer immediately. If there is a discrepancy, the account will not be accepted for filing and all documents will be returned to the filer for correction.

(E) The status report required by Sup.R. 78(C) is attached at Appendix F.

**OTTAWA COUNTY LOCAL RULE 65.1**  
**Land Sales**

Notice shall be sent to the attorney for any land sale which has not been concluded within one year from the date of filing. If the attorney fails to respond to the notice within fourteen days, the matter shall be set for pretrial conference with the following requirements:

(1) The attorney of record must attend the pretrial conference and must have full authority to enter into a binding pretrial order.

(2) A written status report shall be filed with the court no later than seven days prior to the pretrial conference.

(3) The status report shall address the issues of efforts made to sell the real estate and the expected date upon which the case will be closed.

(4) In all private land 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.

**OTTAWA COUNTY LOCAL RULE 66.1**  
**Guardianships**

(A) Statement of expert evaluation shall not be more than 90 days old.

(B) A Court Investigation shall be conducted on all incompetent guardianships, and on minor guardianships for non-parent guardians.

(C) Record check of proposed guardian is required on all incompetent and minor guardianship applicants. See Appendix G for release form.

**OTTAWA COUNTY LOCAL RULE 71.1**  
**Counsel Fees - Estates**

(A) Counsel fees for the administration of a decedent's estate set forth in this section 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 schedules of minimum or maximum fees to be charged. See Appendix H.

<u>Total Probate Assets</u> <u>(per inventory and income)</u>	<u>Counsel Fee</u>
\$ 0 - \$ 10,000	\$ 500
\$ 10,001 - \$100,000	\$ 500 + 4½% over \$ 10,000
\$100,001 - \$400,000	\$ 4,550 + 3½% over \$100,000
\$400,001 - UP	\$15,050 + 2½% over \$400,000

<u>Total Non-Probate Assets</u> <u>(Includable for Ohio Estate</u> <u>Tax Purposes)</u>	<u>Counsel Fee</u>
	1½%

\*For date of death occurring before January 1, 2004, use the following fee schedule (see appendix L):

<u>Total Probate Assets</u> <u>(per inventory)</u>	<u>Counsel Fee</u>
\$ 1 - \$ 5,000	\$ 300
\$ 5,001 - \$ 20,000	\$ 300 + 5% over \$5,000
\$ 20,001 - \$ 50,000	\$1,050 + 3.5% over \$20,000
\$ 50,001 - \$100,000	\$2,000 + 3% over \$50,000
\$100,001 - \$180,000	\$3,600 + 2.5% over \$100,000

\$180,001 and above

\$5,600 + 2% over \$180,000

Total Non-Probate Assets  
(as valued on Ohio Estate  
Tax Return)

Counsel Fee

\$ 0 - \$ 25,000  
\$ 25,001 and above

2%  
1%

(B) Upon application, extraordinary fees based upon time spent and services rendered may be considered for approval 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 negotiation 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 the 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.
- (15) Proceedings related to wrongful death.

**OTTAWA COUNTY LOCAL RULE 71.2**  
**Counsel Fees - Guardianships**

(A) Counsel fees not to exceed \$750.00 for representing a guardian subsequently appointed, including the filing of an

inventory and an entry approving the inventory, will normally be approved without application in non-indigency cases.

(B) Counsel fees not to exceed \$1,000.00 for preparing and filing a biennial account and entry approving said account will normally be approved without application in non-indigency cases.

(C) For indigency cases, counsel fees shall be allowed as follows:

- (1) \$40.00 per hour for time spent out of court;
- (2) \$50.00 per hour for time spent in court.

**OTTAWA COUNTY LOCAL RULE 72.1**  
**Executor/Administrator Fees - Estates**  
(R.C. §2113.35)

(A) Executor/Administrator fees for the administration of a decedent's estate as set forth in this section 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. Form 72.1 shall be prepared and filed with each estate in which Executor/Administrator fees are paid. See Appendix I.

<u>Total personal estate</u> <u>(per inventory), income</u> <u>from personal estate, and</u> <u>gross proceeds from sale</u> <u>of real estate</u>	<u>Counsel Fee</u>
\$ 0 - \$100,000	4%
\$100,001 - \$400,000	3%
\$400,001 - UP	2%
<u>Real Estate Not Sold</u>	1%
<u>Property not subject to</u> <u>administration (includable</u> <u>on the Ohio Estate Tax</u> <u>Return), except joint and</u> <u>survivorship property</u>	1%

(B) Upon application, pursuant to R.C. 2113.36, of the Executor/Administrator and with the consent of all beneficiaries, legatees and devisees named in the will and directly affected by the payment of extraordinary fees, or with consent of all heirs of a decedent who died intestate and entitled to inherit, the Court may order allowances for extraordinary services to the Executor/Administrator which fairly reflects the reasonable value thereof, without a hearing.

**OTTAWA COUNTY LOCAL RULE 73.1**  
**Computation Of Guardian's Annual Fee**

- (A) Non-indigency cases
- |                             |   |                  |
|-----------------------------|---|------------------|
| Income of \$1,000 or less   | - | 4% of income**   |
| Income over \$1,000         | - | 3% of income**   |
|                             |   | <u>plus</u>      |
| Expenses of \$1,000 or less | - | 4% of expenses** |
| Expenses over \$1,000       | - | 3% of expenses** |
- \*\*excludes expense for rental property managed by guardian
- |   |  |             |
|---|--|-------------|
|   |  | <u>plus</u> |
| \$3.00 per \$1,000 of principal                         |  |             |
|   |  | <u>plus</u> |
| 10% of gross rental property income managed by guardian |  |             |
- Minimum of \$50.00 per year

Form 73.1 shall be prepared and filed with each guardianship in which guardian fees are paid. See Appendix J.

- (B) Indigency cases  
Guardian's annual fee shall not exceed \$150.00.

**OTTAWA COUNTY LOCAL RULE 74.1**  
**Computation Of Trustee's Annual Fee**

(A) Except where the instrument creating a trust makes provisions for compensation, a testamentary trustee may charge annually for the ordinary services performed by the trustee in connection with the administration of each separate trust estate a fee computed in accordance with the following schedule:

- On income from personal property - 6%  
plus  
On income from real property:  
10% of gross income on property managed by trustee  
1% of adjusted gross income on property managed by someone other than the trustee provided that management fees and trustee's fee combined do not exceed 10% of gross income  
plus  
\$2.00 per \$1,000 principal  
plus  
Upon distribution of principal other than upon termination of the trust - 1% of reasonable market value of principal property distributed to be paid from distribution

Form 74.1 shall be prepared and filed with each trust in which trustee fees are paid, unless the trust documents provide for other compensation. See Appendix K.

(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.

**OTTAWA COUNTY LOCAL RULE 78.1**  
**Case Management in Decedent's**  
**Estates, Guardianships, and Trusts**

(A) Wrongful Death Settlements

All hearings shall be held within thirty days of the filing of Form 14.0; however, if appointment of a guardian or a guardian ad litem is necessary, the hearing shall be held within fifteen (15) days after the appointment.

(B) Motions

(1) Oral arguments of motions may be permitted on application and proper showing.

(2) The moving party shall serve and file with the motion a brief written statement in support of the motion and a list of citations of authorities in support.

(3) The court shall set a hearing within thirty days after receipt of the request.

(C) Service Instructions

The attorney filing any pleading shall provide the Court with instructions for service.

# APPENDIX

- A New Case Information Statement (Estates)
- B New Case Information Statement (Guardianships, Trusts, Adoptions, Civil, Misc.)
- C Judgment Entry - Order Approving Inventory and Appraisal
- D Judgment Entry - Orders on Filing Inventory and Appraisement Approving Forthwith
- E Facsimile Transmission Sheet
- F Status Report
- G Release for Record Check on Proposed Guardian
- H Counsel Fee Computation
- I Executor/Administrator Fee Computation
- J Guardian Fee Computation
- K Trustee Fee Computation
- L Computation of Attorney Fees - Form 13.C

**PROBATE COURT OF OTTAWA COUNTY, OHIO  
KATHLEEN L. GIESLER, JUDGE**

**NEW CASE INFORMATION STATEMENT**  
(MUST BE FILED WITH EACH NEW CASE – LOCAL RULE 51.1)

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO: \_\_\_\_\_ DATE OF DEATH : \_\_\_\_\_

- The undersigned certifies that the wills on deposit have been examined and no later will was found on deposit for this decedent.
- Will deposited in this Court \_\_\_\_\_ is hereby withdrawn and attached hereto.

\_\_\_\_\_  
Deputy Clerk, Probate Court

**ATTORNEY OF RECORD TO COMPLETE THIS SECTION**

**ESTATES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Form 22 Only – No Tax or Estate Expected | <input type="checkbox"/> Full Administration with Wrongful Death                     |
| <input type="checkbox"/> Tax Only                                 | <input type="checkbox"/> Full Administration with Wrongful Death and No Other Assets |
| <input type="checkbox"/> Will Only                                | <input type="checkbox"/> Release from Administration with Will                       |
| <input type="checkbox"/> Will & Tax Only                          | <input type="checkbox"/> Release from Administration without Will                    |
| <input type="checkbox"/> Full Administration with Will            |  |
| <input type="checkbox"/> Full Administration without Will         | <input type="checkbox"/> Short Form / Summary Release                                |

The undersigned certifies that this case ( ) is, ( ) is not related to any case now pending in any judicial system.

Case No: \_\_\_\_\_ Type of Case: \_\_\_\_\_ No Case: \_\_\_\_\_

\_\_\_\_\_  
Print Attorney's Name Address

\_\_\_\_\_  
Signature, Attorney of Record

\_\_\_\_\_  
Ohio Supreme Court I.D. No. Phone Number

**PROBATE COURT OF OTTAWA COUNTY, OHIO  
KATHLEEN L. GIESLER, JUDGE**

**NEW CASE INFORMATION STATEMENT**  
(MUST BE FILED WITH EACH NEW CASE - LOCAL RULE 51.1)

CASE NAME: \_\_\_\_\_ CASE NO: \_\_\_\_\_

**GUARDIANSHIPS:**

- Minor
- Incompetent
- Emergency
- Conservatorship

**ADOPTIONS:**

- Step-Parent
- Independent
- Agency
- Foreign

**TRUSTS:**

- Testamentary

**CIVIL:**

- Will Contest, Will Construction,  
Complaints (Heirship, Sale of Real  
Estate, etc.)

**MISCELLANEOUS:**

- Name Change, Birth Correction, Minor's Settlement without appointment  
of Guardian and other miscellaneous)

The undersigned certifies that this cause  is,  is not related to any case now pending in any judicial system.

Case number of related case: \_\_\_\_\_

Description and jurisdiction of related case: \_\_\_\_\_

No related case: \_\_\_\_\_

(initials)

\_\_\_\_\_  
Print Attorney's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature, Attorney of Record

\_\_\_\_\_  
Ohio Supreme Court I.D. No.

\_\_\_\_\_  
Phone Number

**PROBATE COURT OF OTTAWA COUNTY, OHIO  
KATHLEEN L. GIESLER, JUDGE**

**ESTATE OF \_\_\_\_\_, DECEASED**

**CASE NO. \_\_\_\_\_**

**JUDGMENT ENTRY**

(Inventory and Appraisal – After Hearing – Local Rule 57.1)

Revised Code, Sec.2115.16

~~~~~

**Order Approving Inventory and Appraisal**

This day the Inventory and Appraisal in the above captioned estate, heretofore filed herein, came on for hearing.

It appearing to the satisfaction of the Court that Notice of filing of said Inventory and Appraisal has been given to or waived by the surviving spouse, all interested parties , as required by local rule, and no exceptions having been filed thereto, it is now ordered that said Inventory and Appraisal after having duly examined be allowed and confirmed.

\_\_\_\_\_  
**Probate Judge**

**PROBATE COURT OF OTTAWA COUNTY, OHIO**  
**KATHLEEN L. GIESLER, JUDGE**

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

**JUDGMENT ENTRY**

(Local Rule 57.1)

Revised Code, Sec.211516

~~~~~

**Orders on filing Inventory and Appraisement Approving Forthwith**

This day an Inventory and Appraisement in the above captioned estate was filed in this Court by the fiduciary of said estate. It is ordered that the hearing on the approval of said Inventory and Appraisement be had before this Court forthwith, notice of said hearing having been waived by the surviving spouse and by all persons entitled to notice under local rule, and that said Inventory and Appraisement after being duly examined, be allowed and confirmed.

\_\_\_\_\_  
**Probate Judge**

# FACSIMILE TRANSMISSION SHEET

(Local Rule 57.2)

TO: Ottawa County Probate Court

ATTENTION:

FACSIMILE NO.: 419-732-8147

DATE:

FROM:

TELEPHONE NO.:

FACSIMILE NO.:

NO. OF PAGES: \_\_\_\_\_ (including Facsimile Transmission Sheet)

RE: CASE

CASE NO.

DOCUMENTS TRANSMITTED:

Received by Probate Court:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Fee: \_\_\_\_\_ Initials: \_\_\_\_\_

## NOTE

IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE CALL AT 419-734-6830. THANK YOU.

**PROBATE COURT OF OTTAWA COUNTY, OHIO  
KATHLEEN L. GIESLER, JUDGE**

ESTATE OF \_\_\_\_\_, DECEASED  
CASE NO: \_\_\_\_\_

**STATUS REPORT**

Pursuant to the Rule of Superintendence 78 (C), the fiduciary states the estate cannot be closed at this time and hereby submits this written Status Report. [Check whichever of the following apply]:

\_\_\_\_\_ There is a wrongful death of survival action pending (specify Court and Case No.).  
\_\_\_\_\_  
Expected Trial Date: \_\_\_\_\_.

\_\_\_\_\_ There is litigation (in favor of/against) the estate pending in (specify Court and Case No.).  
\_\_\_\_\_  
Expected Trial Date: \_\_\_\_\_.

\_\_\_\_\_ The estate is being audited by the Internal Revenue Service or Ohio Department of Taxation.  
Expected Date of Resolution: \_\_\_\_\_.

\_\_\_\_\_ There are insufficient liquid assets in the estate to pay the Ohio Estate Taxes, and the estate has been granted an extension to pay the same.  
Extension Date: \_\_\_\_\_.

\_\_\_\_\_ The primary asset of the estate is real property which has not been sold or transferred.  
Extension Date of Sale or Transfer: \_\_\_\_\_.

\_\_\_\_\_ Other (please provide specifics) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ Additional explanation is attached hereto.

\_\_\_\_\_  
Attorney for the Estate

\_\_\_\_\_  
Fiduciary

\_\_\_\_\_  
Attorney Registration Number

\_\_\_\_\_  
Date

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

**KATHLEEN L. GIESLER, JUDGE**

**IN THE MATTER OF THE  
GUARDIANSHIP OF:**

**CASE NO:** \_\_\_\_\_

\_\_\_\_\_

**RELEASE FOR RECORD CHECK ON PROPOSED GUARDIAN**

I hereby authorize the release of any and all records or information that your agency may have on me to any and all duly authorized Court Investigators for the Probate Court of Ottawa County, Ohio.

\_\_\_\_\_  
**Typed Name (Last, First, Middle Initial)**

\_\_\_\_\_  
**Date of Birth**

\_\_\_\_\_  
**Social Security Number**

\_\_\_\_\_  
**Current Home Address**

\_\_\_\_\_  
**Driver's License Number**

\_\_\_\_\_

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_ **Records checked and found to be in order.**

\_\_\_\_\_ **Records checked and found not to be in order.**

\_\_\_\_\_  
**Date**

\_\_\_\_\_

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

IN THE ESTATE OF \_\_\_\_\_,

CASE NO. \_\_\_\_\_

Deceased

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 + 4½ % over \$ 10,000)	_____
	\$100,001 - \$400,00	(\$4,550 + 3½ % over \$100,000)	_____
	\$400,001 – UP	(\$15,050 + 2½ % over \$400,000)	_____
	B. Non-Probate Assets (includable for Ohio Estate Tax purposes)	1½ %	_____
		<b>TOTAL</b>	<b>\$ _____</b>
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 therefore)		
		<b>TOTAL</b>	<b>\$ _____</b>
3.	SUMMARY - Total fee requested		
	Ordinary Legal Services	\$ _____	
	Extraordinary Legal Services	\$ _____	
		<b>TOTAL</b>	<b>\$ _____</b>
	Less Compensation Previously Approved By the Court		- _____
	<b>BALANCE REQUESTED</b>		<b>\$ _____ *</b>

\_\_\_\_\_  
Fiduciary Signature

\_\_\_\_\_  
Attorney Signature/S. Ct. No.

\* NOTE: Where the attorney is also the fiduciary, the total fee payable shall be the attorney's fee plus the statutory fiduciary fee, and the computation of Fiduciary Fee should be submitted herewith.

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

IN THE MATTER OF 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	\$ _____
<b>TOTAL:</b>	<b>\$ _____</b>

**COMPUTATION:**

\$0 - \$100,000	4%	\$ _____
\$100,001 - \$400,000	3%	\$ _____
\$400,001 – UP	2%	\$ _____
Real Estate Not Sold		\$ _____

<b><u>COMPUTATION:</u></b>	1%	\$ _____
----------------------------	----	----------

Property not subject to administration (includable for Ohio estate tax purposes), except joint and survivorship property	\$ _____
--	----------

<b><u>COMPUTATION:</u></b>	1%	\$ _____
----------------------------	----	----------

<b>TOTAL EXECUTOR'S FEES:</b>	<b>\$ _____</b>
-------------------------------	-----------------

\_\_\_\_\_  
Executor/Administrator

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

IN THE MATTER OF THE  
GUARDIANSHIP OF:

CASE NO. \_\_\_\_\_

\_\_\_\_\_ ,

JUDGE KATHLEEN L. GIESLER

**GUARDIAN FEE COMPUTATION**

1.	Income	\$ _____	
	0 - \$ 1,000	4 % of Income (excludes income from rental property managed by guardian)	_____
	\$1,001 - Up	3 % of Income	_____
2.	Expenses	\$ _____	
	0 - \$ 1,000	4 % of Expenses (excludes rental property expenses)	_____
	\$1,001 - Up	3 % of Expenses	_____
3.	Principal	\$ _____	
	\$3.00 Per Thousand		_____
4.	Gross Rental Property Income	\$ _____	
	10% of Gross Rental Property Income if Managed by Guardian		_____
5.	Minimum of \$50.00 per year		_____
		<b>TOTAL</b>	<b>\$ _____</b>
	Less Compensation Previously Approved By the Court		- _____
	<b>BALANCE REQUESTED</b>		<b>\$ _____</b>

\_\_\_\_\_  
Guardian Signature

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

IN THE MATTER OF:

CASE NO.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
JUDGE KATHLEEN L. GIESLER

**TRUSTEE FEE COMPUTATION**

- |    |   |              |          |
|----|---|--------------|----------|
| 1. | Income from Personal Property   | \$ _____     |          |
|    | 6% of Gross Income  |              | \$ _____ |
| 2. | Income from Real Property   | \$ _____     |          |
|    | a. 10% of gross income on property managed by Trustee   |              | \$ _____ |
|    | b. 1% of adjusted gross income on property managed by someone else provided that management fees and Trustee's fees combined do not exceed 10% of gross income. |              | \$ _____ |
|    | Adjusted gross income is gross income less operating expenses before depreciation and management fees deduction.  |              |          |
| 3. | Principal   | \$ _____     |          |
|    | \$2.00 Per Thousand   |              | \$ _____ |
| 4. | Distribution of Principle   | \$ _____     |          |
|    | 1% of reasonable market value of principle property distributed to be paid from the distribution  |              | \$ _____ |
| 5. | Extraordinary fees may be awarded upon application at discretion of the Court.  |              |          |
|    |   | <b>TOTAL</b> | \$ _____ |
|    | Less Compensation Previously Approved By the Court  |              | - _____  |
|    | <b>BALANCE REQUESTED</b>  |              | \$ _____ |

\_\_\_\_\_  
Trustee's Signature

PROBATE COURT OF OTTAWA COUNTY, OHIO

KATHLEEN L. GIESLER, JUDGE

ESTATE OF \_\_\_\_\_ DECEASED

Case No. \_\_\_\_\_

COMPUTATION OF ATTORNEY FEES

1. PROBATE ASSETS (Including  
Income of \$ \_\_\_\_\_): \$ \_\_\_\_\_

0 - \$	5,000	\$	300.00	\$	_____
\$ 5,001 -	20,000	\$	300.00 + 5%		
			Over \$ 5,000	\$	_____
20,001 -	50,000	\$	1,050.00 + 3 1/2%		
			Over \$ 20,000	\$	_____
50,001 -	100,000	\$	2,000.00 + 3%		
			Over \$ 50,000	\$	_____
100,001 -	180,000	\$	3,600.00 + 2 1/2%		
			Over \$100,000	\$	_____
180,001 -	UP	\$	5,600.00 + 2%		
			Over \$180,000	\$	_____

2. NON-PROBATE ASSETS listed on  
the Ohio Estate Tax Return \$ \_\_\_\_\_

0 - \$	25,000	2%	\$	_____
\$25,001 -	UP	1%	\$	_____

TOTAL ATTORNEY FEE: \$ \_\_\_\_\_

Less partial attorney fees  
previously allowed and taken  
pursuant to Court Order \$ \_\_\_\_\_

BALANCE OF ATTORNEY FEE: \$ \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
OSC Reg. ID#

\_\_\_\_\_  
Attorney's Name (Print of Type)

APPROVED: \_\_\_\_\_  
Fiduciary