



**MONROE COUNTY COURT OF COMMON PLEAS  
PROBATE DIVISION  
101 NORTH MAIN STREET, ROOM #39  
WOODSFIELD OH 43793  
Tel – (740) 472-1654  
Fax – (740) 472-2520**

**Judge James W. Peters**

## **SUMMARY RELEASE PACKET**

All of the forms in this packet may be filled in and printed online at:

[Http://www.probatect.org/ohioprobatecourts/ohio\\_courts\\_standardforms.html](http://www.probatect.org/ohioprobatecourts/ohio_courts_standardforms.html)

## INSTRUCTIONS FOR SUMMARY RELEASE FROM ADMINISTRATION

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in the summary release from administration of an estate.

All forms should be typewritten or legibly printed.

A summary release from administration may be filed if:

- The value of the probate estate is \$5,000 or less and the applicant paid the funeral bill or is obligated to pay the funeral bill, or
- There is a surviving spouse, the assets do not exceed \$45,000, the spouse is entitled to 100% of the family allowance and the funeral bill has been prepaid or the surviving spouse is obligated to pay the funeral bill

For any other situations, you will need to use other available forms or see an attorney.

The following are necessary at the initial filing of a summary release from administration:

- If the decedent created a will, the original will
- Certified copy of death certificate, if available
- Receipt of paid funeral bill, or if not available, the funeral bill. **The receipt or funeral bill should indicate who paid the bill or who is the person responsible for payment.**
- Title(s) of automobile(s), bank account numbers, and stock certificate numbers in the estate.
- **A fee of \$150 is required at the time of filing.** Please confirm the amount with the Clerk since filing fees may have changed subsequent to the publication of this instruction sheet. **This fee must be paid in cash, money order, certified check or personal check (made payable to MONROE COUNTY PROBATE COURT).**

The forms may be obtained from the Probate Court on the 3<sup>rd</sup> floor of the Courthouse, Room 39, 101 North Main Street, Woodsfield, Ohio or by downloading from the link shown on the front of this packet.

### Step 1: COMPLETE THE FOLLOWING FORMS

Application for Summary Release from Administration (5.10)

- Complete both sides of this form and have a Notary Public or Deputy Clerk notarize your acknowledgment

List of Surviving Spouse, Next of Kin, Legatees & Devisees (1.0)

- On *Form 1.0*, list all *next of kin* (those people who are or would be entitled to inherit *if* there were no will) on the front. List those people named in the will, if there is one, on Page 2 of Form 1.0
- Be sure to specify *complete* addresses of all listed
- List all children of the decedent on the front of the form even if the entire estate will go to the surviving spouse

Entry Granting Summary Release From Administration (5.11)

- Complete form

#### Application for Certificate of Transfer (12.0)

- Complete form, if there is real estate included in the form 5.10 (Application for Summary Release from Administration) and there is a surviving spouse but not a will.

#### Certificate of Transfer (12.1)

- List each beneficiary's name, address and the fractional interest that beneficiary is receiving from the decedent's estate
- Complete back of form.

**This form must be prepared in duplicate**

### **STEP 2: REVIEWING OF FORMS**

When all forms have been completed, present them to the Probate Court Clerk on the 3<sup>rd</sup> Floor of the Courthouse to be assigned. At this time, the clerk will notarize the application. All forms are then taken to the Judge for review and approval of the Entry Granting Summary Release From Administration.

### **STEP 3: FILING OF FORMS WITH CLERK**

In most cases you will need at least 1 certified copy of the pleadings.

All forms must then be filed with the Clerk who will assign a case number.

The Clerk at this time will retain all the original papers and certify the copies for you. The charge will be at least \$5.00 per certified copy after the first one.

If there is real estate included on the 5.10, the Clerk will give you back the certified copy of the Certificate of Transfer (12.1) to take to the Engineer's office. You will also need to have the property transferred at the Auditor's office before recording the Certificate of Transfer. All of those offices are located on the 2<sup>nd</sup> floor of the Courthouse.





PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

APPLICATION FOR SUMMARY RELEASE FROM ADMINISTRATION

[R.C. 2113.031]

Applicant states that decedent died on \_\_\_\_\_

Decedent's domicile was \_\_\_\_\_  
Street Address

City or Village, or Township if unincorporated area \_\_\_\_\_ County

Post Office \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

[Check one of the following]

- The applicant is decedent's surviving spouse entitled to one hundred percent of the allowance for support and decedent's funeral and burial expenses have been prepaid or the surviving spouse has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets does not exceed the \$40,000 allowance for support under R.C. 2106.13(b) plus an amount not exceeding \$5,000 for decedent's funeral and burial expenses.
- The applicant, who is not the surviving spouse, has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets is the lesser of \$5,000 or the amount of decedent's funeral and burial expenses.

Attached hereto is a receipt, contract or other document that confirms the applicant's payment or obligation to pay decedent's funeral and burial expenses or if the applicant is the surviving spouse, the prepayment receipt, if applicable.

The decedent's surviving spouse, next of kin, legatees and devisees known to applicant, are listed on attached Form 1.0.

Applicant states that there are no pending proceedings for the administration of decedent's estate or relief of decedent's estate from administration under R.C. 2113.03

All known assets with date of death values of the estate are as follows:

- Motor Vehicles (Include year, make, model, body type, manufacturer's vehicle identification number and Certificate of Title number)

\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_

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

Accounts maintained by a Federal Institution (include financial institution name and the account's complete identifying number):

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

Stocks and Bonds (include for each stock or bond its serial number, the name of its issuer, the name and address of its transfer agent, and the total number of shares of stock or bonds):

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

Real estate described in accompanying Form 12.0 Application for Certificate of Transfer and Form 12.1 Certificate of Transfer and date of death value. (Attach verification of value.) \$ \_\_\_\_\_

Other assets and date of death values:

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

Total Assets \$ \_\_\_\_\_

Applicant requests an order granting summary release.

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Applicant's Typed or Printed name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Telephone Number (include area code)

\_\_\_\_\_  
Telephone Number (include area code)

\_\_\_\_\_  
Attorney Registration No.

Signed and acknowledged by the applicant in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Deputy Clerk

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

**ENTRY GRANTING SUMMARY RELEASE FROM ADMINISTRATION**

[R.C. 2113.031]

The Court finds that the application by \_\_\_\_\_ satisfies all requirements of R.C.2113.031 and therefore summarily releases the estate from administration and directs:

- The delivery to the applicant of decedent's personal property set forth in the application with the title to that property.
- That certificate(s) of Transfer, attached to the application, be issued.

A certified copy of this order together with a certified copy of the application for this order constitutes sufficient authority for a financial institution, corporation or other entity or person referred to in division (A) to (F) of Section 5731.39 of the Revised Code or for a clerk of a Court of Common Pleas to transfer title to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the need for a financial institution, corporation, or other entity or person to be provided a written consent of the tax commissioner prior to the delivery, transfer, or payment to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the duty of all persons to file an Ohio Estate Tax Return exclusively for the assets listed in the application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

**APPLICATION FOR CERTIFICATE OF TRANSFER**

[R.C. 2113.61]

Applicant states that decedent died on \_\_\_\_\_

Decedent's domicile at death was \_\_\_\_\_  
Street Address

City or Village, or Township if unincorporated area \_\_\_\_\_ County

Post Office \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Decedent died owning the real property described in the accompanying Certificate of Transfer No. \_\_\_\_\_, which also lists those persons to whom the real property passed. Applicant asks the Court to issue a Certificate of Transfer so that the new ownership interests may be recorded.

**[Check the applicable boxes]**

- Decedent died intestate.
- Decedent died testate on \_\_\_\_\_; will admitted to probate on \_\_\_\_\_.
- Decedent's known debts have been paid or secured to be paid.
- Sufficient other assets are in hand to pay decedent's known debts.
- Estate is insolvent and transfer shall apply toward the allowance for support.
- Applicant was appointed by this Court on \_\_\_\_\_ and is the qualified and acting executor or administrator of decedent's estate.
- Executor or administrator of decedent's estate failed to file this application before being discharged.
- Applicant is the executor or administrator appointed in another state. There is and has been no ancillary administration in Ohio. The real property to be transferred is located in this county.
- The transfer is subject to a written contract for the sale and conveyance of the real property, entered into but uncompleted by decedent before death. A copy of the contract is attached.
- The transfer is pursuant to decedent's Will.
- The transfer is pursuant to the statutes of descent and distribution.
- The transfer is pursuant to summary release from administration [R.C. 2113.031(D)(3)]
- The real property to be transferred is subject to a charge in favor of the surviving spouse in the amount of \$ \_\_\_\_\_ as computed pursuant to R.C. 2106.11 on attached Exhibit A, and as shown on the accompanying Certificate of Transfer, in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

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

Spousal elections have been exercised.

Disclaimers or assignments have been filed.

The transfer is of decedent's entire interest in the mansion house to the surviving spouse, who hereby elects to take such interest as part or all of the intestate share and/or allowance for support. **[If this paragraph is checked, the following must be completed, and both the surviving spouse and applicant must sign this form].**

The value of the total intestate share to which decedent's surviving spouse is entitled is \$ \_\_\_\_\_

The value of the allowance for support to which decedent's surviving spouse is entitled is \$ \_\_\_\_\_

The value of decedent's entire interest in the mansion house is:

Interest in mansion house. . . . . \$ \_\_\_\_\_

Interest in household goods in house . . . . . \$ \_\_\_\_\_

Interest in lots or farm land adjacent to house  
and used in conjunction with it, which are  
described in certificate of transfer and which  
spouse hereby elects to include. . . . . \$ \_\_\_\_\_

Less: Decedent's share of liens  
on any and all of above . . . . . \$ \_\_\_\_\_

Total . . . . . \$ \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_  
Surviving Spouse

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Title or status

### ENTRY ISSUING CERTIFICATE OF TRANSFER

The Court finding that the above application contains the information required by statute orders that the Certificate of Transfer No. \_\_\_\_\_ be filed with this Entry and a copy of the Certificate of Transfer be issued for recording.

[Check if applicable] The Court further finds that the transfer is subject to a charge pursuant to R. C. 2106.11.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge



PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

The legal description of decedent's interest in the real property subject to this certificate is: [use extra sheets, if necessary].

Prior Instrument Reference:

Parcel No:

**ISSUANCE**

This Certificate of Transfer is issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Judge

**CERTIFICATION**

I certify that this document is a true copy of the original Certificate of Transfer No. \_\_\_\_\_ issued on \_\_\_\_\_ and kept by me as custodian of the official records of this Court.

\_\_\_\_\_ Date

\_\_\_\_\_

Judge

By \_\_\_\_\_ Deputy Clerk