COURT OF COMMON PLEAS
PROBATE DIVISION
CLERMONT COUNTY, OHIO

JAMES A. SHRIVER, JUDGE

JAMES C. HENDERSON, MAGISTRATE
2379 Clermont Center Drive
Batavia, Ohio 45103

LOCAL RULES

Effective May 1, 2014

Conduct and operations in the Court of Common Pleas, Clermont County, Ohio, Probate Division are governed by the Ohio Revised Code, the Rules of Superintendence of the Supreme Court of Ohio, and by these Local Rules.

All persons before this Court should familiarize themselves with all applicable law.

The numbering of these Local Rules corresponds with the numbering of the Rules of Superintendence. References to "this Court" or "the Court" are to the Court of Common Pleas, Probate Division, Clermont County, Ohio.

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Rule 11.1 Record of Proceedings

The Court records all hearings electronically. Any party, at that party's own expense, may provide a court reporter. The audio-electronic recording shall be the official record.

A transcription of the record shall be made at the expense of the person requesting such transcription unless otherwise ordered by the Court. The transcription shall be made by an agent of the Court. The agent shall charge the customary fee charged by a private reporter for services in Clermont County for such transcription or as otherwise provided for by Clermont County Common Pleas Local Rule. Transcripts will be released upon payment of the transcription fee. Failure to timely pay the fee may result in sanctions being imposed by the Court.

The original recording shall be maintained by the Court for a period of 1 year from journalization of the final entry or judgment in the case. However, if a written request for transcription has been made, the original recording shall become part of the record of proceedings.

Rule 51.1 Standard Probate Forms

The applicable Standard Probate Forms provided by this Court shall be used for all filings in this Court, except that computer-generated forms may be used subject to the limitations in Rule 52.1.

Rule 52.1 Specifications For Printing Probate Forms (Computer-Generated Forms)

This 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 be in the same format as those provided by this Court.

B. The individual presenting forms to this Court shall be responsible to ensure that such forms are in full compliance with the Rules of Superintendence and the Local Rules of this Court.

C. All printed material shall be in the same words, sequence and location on the page as the standard probate form. In the case of multiple page forms or two-sided forms, the printed material 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 this Court. Such forms may be rejected prior to filing or stricken from the record upon discovery.

Rule 53.1 Hours of the Court

This Court and its offices at 2379 Clermont Center Drive, Batavia, OH 45103, shall be open for the transaction of business from 8:00 am to 4:00 pm daily, except Saturday, Sunday and legal holidays.

Rule 54.1 Court Security Plan

This Court has developed and implemented a court security plan to help maintain the safety of those using the Court's facilities.

Rule 55.1 Probate Files

No Probate Court file shall be removed from the Court.

Rule 57.1 Motions and Entries

All motions shall be accompanied by a supporting memorandum. The memorandum shall include a brief statement of the grounds for the motion, with citations to authorities relied upon, and proof of service in accordance with Civil Rule 5. Depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence and written stipulations of fact to support or oppose a motion for summary judgment shall be filed separately with the Clerk or attached to the motion or memorandum with appropriate reference in the caption.

Except for good cause, all motions shall be set for oral argument and shall be accompanied by an entry setting the motion for hearing. The moving party shall consult with opposing counsel to set a hearing date that is mutually agreeable. In the absence of an agreed hearing date, the Court shall set a date for the hearing.

All entries and orders presented to the Court for approval should include the date of the hearing, the names of those present, and the specific motion or application heard by the Court on that date. The caption of all entries and orders presented to the Court for approval shall state the subject matter of the Court's decision with reasonable specificity.

All filings, entries and orders which bear an endorsement of counsel per telephone or electronic authorization shall state the date of said authorization and shall also contain a certificate of service by the attorney who obtained authorization that a copy of the filing, entry or order has been delivered to the consenting counsel.

All pleadings, motions, applications and other filings presented to the Court shall be correctly captioned and shall either be in typeface or written legibly in ink. All pleadings filed by an attorney shall be typed. Applicants appearing pro se are encouraged to type all filings. Any information interlineated on pleadings, motions, applications and other filings shall be in typeface or written legibly in ink.

The Court reserves the right to reject or strike any pleadings in which the text or the signatures are illegible.

Application for leave to withdraw as counsel shall be made by written motion filed with the Court, with copies served upon the fiduciary and all other attorneys or parties of record in accordance with Civil Rule 73. If such Application is granted and the fiduciary does not appear at such hearing, the withdrawing attorney shall notify such fiduciary or other party in accordance with Civil Rule 73. Proof of compliance with Civil Rule 73 shall be filed with the Court.

Rule 57.2 Motions to Restrict Public Access to Information Contained Within Court Records

A request to restrict public access to information contained within a court record shall be made by written motion. If the motion is filed simultaneously with the information that is the subject of the motion, then the subject information shall be restricted from public access pending the Court's ruling on the motion. If the motion is filed after the filing of the information that is the subject of the motion, then the subject information shall remain open to the public pending the Court's ruling on the motion.

Any party to a judicial action or proceeding or other person who is the subject of information in a case document may, by written motion to the court, request that the court restrict public access to the information or, if necessary, the entire document. Additionally, the court may restrict public access to the information in the case document or, if necessary, the entire document upon its own order. The court shall give notice of the motion or order to all parties in the case. The court may schedule a hearing on the motion. If a hearing is scheduled, the filing party shall complete a "Written Request for Service" (Form 200.47) that lists the names and addresses of all persons who are to receive service of the motion. Notice shall be served via certified mail.

A court shall restrict public access to information in a case document or, if necessary, the entire document, if it finds by clear and convincing evidence that the presumption of allowing public access is outweighed by a higher interest after considering each of the following:

(a) Whether public policy is served by restricting public access;

(b) Whether any state, federal, or common law exempts the document or information from public access;

(c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interest, proprietary business information, public safety, and fairness of the adjudicatory process.

When restricting public access to a case document or information in a case document pursuant to this division, the court shall use the least restrictive means available, including but not limited to the following:

(a) Redacting the information rather than limiting public access to the entire document;

(b) Restricting remote access to either the document or the information while maintaining its direct access;

(c) Restricting public access to either the document or the information for a specific period of time;

(d) Using a generic title or description for the document or the information in a case management system or register of actions;

(e) Using initials or other identifier for the parties' proper names.

If a court orders the redaction of information in a case document pursuant to this division, a redacted version of the document shall be filed in the case file along with a copy of the court's order. If a court orders that the entire case document be restricted from public access, a copy of the court's order shall be filed in the case file. A journal entry shall reflect the court's order. Case documents ordered restricted from public access or information in documents ordered redacted shall not be available for public access and shall be maintained separately in the case file.

For purposes of public access to Court records, the Court manages it's paper file the same as it's electronic file. Generally, the Court will not restrict access to one such file-type without restricting access to the other.

Rule 57.3 Motions to Obtain Access to Information Contained Within Court Records That Have Been Granted Restricted Public Access

Any person, by written motion to the court, may request access to a case document or information in a case document that has been granted restricted public access pursuant to division 57.2 of these rules. The Court shall give notice of the motion to all parties in the case and, where possible, to the non-party person who requested that public access be restricted. The Court may schedule a hearing on the motion. If a hearing is scheduled, the filing party shall complete a "Written Request for Service" (Form 200.47) that lists the names and addresses of all persons who are to receive service of the motion. Notice shall be served via certified mail.

A court may permit public access to a case document or information in a case document if it finds by clear and convincing evidence that the presumption of allowing public access is no longer outweighed by a higher interest. When making this determination, the court shall consider whether the original reason for the restriction of public access to the case document or information in the case document pursuant to division 57.2 of these rules no longer exists or is no longer applicable and whether any new circumstances, as set forth in that division, have arisen which would require the restriction of public access.

The information that has been granted restricted public access that is the subject of the motion will remain under seal pending the Court's ruling on the motion.

If the motion is granted, the Court shall release only the specific information that warrants release and shall keep the remainder under restricted public access.

Rule 57.4 Filings by Mail

Pleadings and applications which commence proceedings and for which the Court must collect an initial case deposit against costs, and all estate tax returns, must be filed in person.

Pleadings, motions, applications and other filings as set forth below may be filed with the Court by U.S. Mail or other delivery services subject to the conditions set forth by the Local Rules or by the Court. If there is a deficiency in the proposed pleadings, motions, applications, filings or payment of costs, such items will be returned to the sender without being filed.

A. Decedent's Estates

- Attorney Fee Applications; Consents and Waivers of Notice of Hearing
- Appointments of Appraisers
- Applications to Transfer Motor Vehicles;
- Applications for Certificates of Transfer; Entries approving such Applications; Proposed Certificates of Transfer
- Claims against the Estate
- Exceptions to Inventories and Accounts
- Consents to Sell Real Estate with Waiver of Bond
- Fiduciary Bonds
- Motions and Entries setting such Motions for hearing
- Suggestions of Death
- Affidavits and Entries Finding that a Person is One and the Same
- Notification of Change of Address
- Initial Application to Extend Time of Administration
- Status Reports
- Estate Tax Form 22 where no Ohio estate tax return is required

B. Guardianships

- Inventories and Amended Inventories
- Applications to Release Funds
- Guardian's Reports Expert Evaluations
- Attorney Fee Applications
- Guardian Fee Applications
- Guardian Bonds
- Notifications of Change of Address
- Motions and Entries setting such Motions for hearing

C. Trusts

- Lists of Beneficiaries
- Attorney Fee Applications
- Trustee Fee Applications
- Trustee Bonds
- Inventory and Amended Inventories
- Notifications of Change of Address
- Motions and Entries setting such Motions for hearing
- Requests for Notification

D. Adoptions; Because adoption proceedings are sealed by statute, subject to the conditions as set forth in this Local Rule, the Court will accept the following filings relating to adoptions through the U.S. Mail or other delivery services provided that the pleadings are sealed in an envelope, that is prominently labeled "ADOPTION ² FILE UNDER SEAL":

- Home Studies
- Pre-Finalization Reports
- Proofs of Service of Notice
- Petitioners Final Account
- Petitions for Identifying Information
- Social and Medical History Updates

If a file-stamped copy of the pleadings, motions, applications and other filings is desired to be returned to the sender, a copy of such pleadings and a self-addressed, postage pre-paid envelope must be enclosed.

Any pleading, motion, application or other filing which is to be set for hearing must be accompanied by the appropriate entry setting the matter for hearing. The Court will set such matters for hearing at its sole discretion. A proposed entry for the Court's consideration must accompany any pleading, motion, application or other filing that requires an entry.

Rule 57.5 Reserved

Rule 58.1 Court Costs

Deposits ordinarily shall be required upon the initial filing of any action or proceeding. The deposit may be applied as filings occur and additional deposits may be required. The Court shall maintain and make available a current list of costs. The Court accepts only the following methods of payment of court costs: (1) Cash, (2) Money Order and Cashier's Checks, (3) Law Firm Checks and (4) Fiduciary Account Checks.

All pre-paid but unearned costs $100.00 or less upon final disposition of the case shall automatically be refunded to the fiduciary as part of the fiduciary fee or applicant in non-estate case types. If the case balance is over $100.00, those funds shall be distributed as any other estate asset. The estate attorney shall check with the Court to determine the projected balance of costs prior to final distribution.

Rule 58.2 Witness Fees

Upon the filing of a praecipe for subpoena of witnesses, the party shall deposit for each witness an amount sufficient to pay the witness fee as prescribed by law.

Rule 59.1 Wills

The examination required by Rule 59(A) of the Rules of Superintendence for the Courts of Ohio shall be completed before an application to admit a will to probate is filed.

If a will presented to probate contains alterations, interlineations or extraneous markings, the admission of the will may be set for hearing pursuant to RC §2107.26.

All persons listed on Form 1.0 whose addresses are known shall be given Notice of Probate of Will by certified mail unless such notice is waived. The fiduciary or other person specified in section 2107.1 9(A)(4) RC shall provide an affidavit with regard to the names and/or places of residence of those persons identified on Form 1.0 listed as unknown, stating they are unknown and cannot with reasonable diligence be ascertained. The affidavit should set forth the circumstances of the person's name or residence being unknown and the efforts made to ascertain such information. Notice by publication shall be required if the identity and/or address of any next of kin and/or beneficiary is unknown, unless the Court otherwise orders.

Where the will names a living trust as a beneficiary, a copy of the trust shall be displayed to the Court, however, it is not required to be filed with the Court.

Rule 60.1 Application for Authority to Administer Estate and Notice of Appointment

The Court will not permit the appointment of Co-Administrators.

Any person filing an Application for Authority to Administer Estate shall give notice thereof to the decedent's surviving spouse and to all next of kin unless such notice is waived. This requirement shall not apply to applicants who are named in the decedent's will nor to an applicant who is the decedent's surviving spouse. When the surviving spouse is the natural parent of all of the decedent's children, only the surviving spouse is required to waive.

The notice shall contain the date, time and place of the hearing, and it shall be served in accordance with Civil Rule 73 at least seven (7) days prior to the date set for hearing. For good cause shown, the Court may permit notice to be served by ordinary mail. Evidence of such notice shall be documented by the filing of an "Affidavit of Service".

Applications shall be set for hearing unless all waivers of notice have been obtained.

Where the Application is for the appointment of a Special Administrator pursuant to RC §2113.15, the Court in its discretion may waive or modify the notice requirements. Furthermore, the Court in its discretion may set or waive a bond, it may limit the Special Administrator's powers, and it may require the filing of expedited status report(s).

The examination required by Rule 59(A) of the Rules of Superintendence for the Courts of Ohio shall be completed before an Application for Authority to Administer an estate is filed.

Any applicant who is not represented by an attorney may be required to display photographic identification.

Upon the filing of an Application for Authority to Administer Estate, the applicant shall display a copy of the decedent's death certificate or other evidence of death acceptable to the Court. This requirement may be waived by the Court for good cause shown.

Whenever an applicant resides outside Clermont County, Ohio all estate assets shall remain in Clermont County or an Ohio county contiguous thereto.

Rule 61.1 Appraisers and Appraisals

Where the probate estate includes assets which are of a special or unusual character, the fiduciary may appoint one or more qualified persons to appraise those assets.

All probate assets shall be included in the Inventory, however, assets whose value are readily ascertainable need not be appraised.

With regard to real estate, the fiduciary may use the property's fair market value as determined by the County Auditor for real estate tax purposes in lieu of a formal appraisal. The County Auditor's value shall be documented by written evidence which shall be attached to the Inventory.

With regard to household goods and other tangible personal property, no formal appraisal shall be required unless the estimated value exceeds $5,000.00. Where the fiduciary chooses to dispose of tangible personal property by public auction, the gross proceeds from the auction may be used in lieu of a formal appraisal.

With regard to motor vehicles, the fiduciary may use values obtained from any nationally recognized valuation guide.

Notwithstanding the foregoing, the Court may order a formal appraisal of any asset for good cause shown. Such an order may be issued upon the Court's own motion or at the request of any interested party.

Appraisals shall be made by licensed real estate agents, licensed real estate appraisers, licensed auctioneers, credentialed personal property appraisers, or such other persons who by experience and training are qualified to make such appraisals. Furthermore, such appraisals shall be in writing and shall include the appraiser's original signature.

The following persons shall be disqualified from being such an appraiser: (1) A person related by blood or marriage to the decedent, (2) a beneficiary of the estate, (3) a person related by blood, marriage or employment to the attorney of the estate, and (4) a person related by blood, marriage or employment to the fiduciary of the estate.

No appraiser or broker shall be permitted to purchase or acquire, directly or indirectly, any of the property he or she appraises, except at public auction.

The fiduciary or applicant shall certify on each appointment of appraiser that the appraiser is a qualified and suitable person in accordance with this rule.

Rule 61.2 Inventory and Appraisal

Prior to filing an Inventory, counsel shall examine the deed or deeds by which the decedent is vested with title to the real estate being administered. Counsel shall further examine the current records of the Clermont County Auditor and filings with the Clermont County Recorder during the ten years immediately preceding his death for the purpose of confirming the decedent's ownership interest therein. The cost of such limited examination shall be deemed as part of attorney's fees as determined in accordance with Local Rule 71 .1.

Upon filing an Inventory, the executor or administrator shall serve notice of the hearing upon the decedent's next of kin in estates where the decedent died intestate, the beneficiaries of the estate listed on Form 1.0 in estates where the decedent died testate, and attorneys of record for such interested parties, unless notice of hearing is waived. Notice may be served by ordinary mail or by personally delivering a copy of the notice to the person entitled to receive it.

Where the name or address of an interested party is unknown, and where prior notice by publication for that person or class of persons has not already been made in the estate proceedings, the fiduciary shall publish notice of the hearing once each week for three consecutive weeks unless the Court otherwise orders. Evidence of notice shall be documented by the filing of an "Attorney Certification" which sets forth the manner of service.

The administrator or executor shall send a copy of the Inventory and Appraisal to the decedent's next of kin in intestate estates, the beneficiaries of the estate listed on Form 1.0 in estates where the decedent died testate, and attorneys of record for all such interested parties. This requirement may be modified or waived by the Court for good cause shown.

Upon discovering new probate assets, the fiduciary or his attorney shall file a Report of Newly Discovered Assets (Form 39L). Real estate that is included in a Report of Newly Discovered Assets shall be valued pursuant to Local Rule 61.1. Unless otherwise ordered by the Court, Reports of Newly Discovered Assets shall not be set for hearing, and notice to interested parties shall not be required.

Upon discovering that the Inventory contains any other error, the fiduciary shall file an Amended Inventory. At the discretion of the Court, the Amended Inventory may be approved upon filing, or may be set for hearing. If set for hearing, notice shall be given to all interested parties unless waived.

Consents to Power to Sell Real Estate (Form 11.0) shall not be filed prior to the filing of an Inventory and must be accompanied by a Waiver of Bond on Consent to Sell Real Estate (Form ES 11.A), unless there is already sufficient bond posted.

Rule 62.1 Claims; Insolvency; Medicaid; Support Arrearage; Release from Administration; Adoption And Name Change Proceedings

No estate, guardianship, or trust shall be closed until all claims filed with the Court have been resolved. If a claim has been rejected, a copy of the rejection and the proof of service shall be filed with the Court along with a certification that the claim is barred by virtue of a failure to commence an action thereon.

When an estate appears to be insolvent, the fiduciary shall file a Representation of Insolvency (Form 24.0), Schedule of Claims (Form 24.4) and Judgment Entry Setting Hearing and Ordering Notice (Form 24.1). Thereafter the fiduciary or attorney for the fiduciary shall serve Notice of Hearing on Representation of Insolvency and Schedule of Claims (Form 24.2), with copies of Form 24.0 and Form 24.4 attached, in accordance with the Judgment Entry Setting Hearing and Ordering Notice. Before the hearing on the Representation of Insolvency and Schedule of Claims, the fiduciary or attorney for the fiduciary shall file Verification of Service Notice of Hearing on Representation of Insolvency and Schedule of Claims (Form 24.3). A proposed Judgment Entry of Insolvency shall be presented at the hearing.

The person responsible for the estate of a decedent subject to the Medicaid estate recovery program instituted under section 5111.11 RC or the estate of a decedent who was the spouse of a decedent subject to the medicaid estate recovery program shall file with the court and submit a properly completed Medicaid Estate Recovery Reporting Form described in section 2117.061 RC to the administrator of the said program not later than thirty days after the granting of letters

testamentary, the administration of the estate, or the filing of an application to release from administration. The Court shall send a copy of the form to the Administrator of the Estate Recovery Program, if required by law.

If the fiduciary has received written notification that a beneficiary has a child support arrearage, no distributions shall be made to said beneficiary without a hearing before the Probate Court and due notification of the appropriate Child Support Enforcement Agency (CSEA).

Notice by publication in a release from administration shall be required if the identity and/or address of any next of kin and/or beneficiary is unknown, unless the Court otherwise orders.

Applicants requesting a change of name of an adult shall execute and file with the Court an Authorization for Release of Information (Form 271.00) expressly authorizing the Clermont County Probate Court to obtain from Ohio Courts Network (OCN) and any other law enforcement information system and any court system, current and previous residences, civil and criminal history records, driving records, birth records, public records or any criminal justice agency records that the applicant may have in any federal, state, county, and municipal jurisdictions. A fully executed Form 271.00 shall be filed with the application for change of name of adult

Applicants requesting a change of name of a minor shall execute and file with the Court an Authorization for Release of Minor Information (Form 272.00) expressly authorizing the Clermont County Probate Court to obtain from Ohio Courts Network (OCN), any other law enforcement information system and any court system, current and previous residences, delinquency records, civil and criminal history records, driving records, custody/visitation records, birth records, public records or any criminal justice agency records that said minor may have in any federal, state, county, and municipal jurisdictions. A fully executed Form 272.00 shall be filed with the application for change of name of minor.

Fees requested in a minor adoption proceeding in excess of $1,000.00 must be accompanied by time records. Other than with prior Court approval, pursuant to a showing of extraordinary circumstances, the maximum fee is $5,000.00. Fees requested in an adult adoption proceeding in excess of $300.00 must be accompanied by time records. Fees requested in a name change proceeding in excess of $300.00 must be accompanied by time records.

Rule 64.1 Fiduciary Accounts

Every account presented to the Court shall comply with the Rules of Superintendence of the Courts of Ohio and shall be examined by the Clerk and shall include an itemized statement of all receipts of the fiduciary, an itemized statement of all disbursements and distributions made by the fiduciary referenced by number, an itemized statement of all funds, assets, and investments on hand at the end of the accounting period, and, where real estate has been sold, a copy of the closing statement bearing the signature of the fiduciary.

All fiduciaries must sign the account where multiple fiduciaries have been appointed, unless otherwise ordered by the Court.

A partial account shall have an accounting period which ends not more than six (6) months prior to the time it is presented, and it shall specify the number of the account using ordinal numbers, e.g., First Partial Account.

When presenting an account for audit, the fiduciary shall provide copies of all bank statements for the entire accounting period. In addition, the fiduciary shall provide documentation showing the net proceeds from any sales of personal property. With regard to disbursements and distributions made during the accounting period, fiduciaries shall provide vouchers or other proof of payment. Acceptable vouchers or proofs shall include but not be limited to signed receipts, invoices marked paid by the creditor, cancelled checks, bank statement entries regarding electronic withdrawals, and check substitutes issued by financial institutions.

The fiduciary or his counsel shall comply with section 2109.32 RC and certify that a copy of the account shall be provided to each heir of an intestate estate and each beneficiary of a testate estate. Copies need not be served where the address of an heir or beneficiary is unknown or in cases where the beneficiary of a specific bequest has received his or her distribution as attested by a previous account filed in the proceedings.

In the case of a Final Account, the executor or administrator shall give notice of hearing to the following persons whose addresses are known: in the case of intestate estates to all heirs and their counsel of record and in the case of testate estates to the residuary beneficiaries and their counsel of record. When a will creates a charitable trust, notice of hearing shall be afforded the Ohio Attorney General, Charitable Trusts Division.

Status Reports shall not be required unless mandated by Rule 78 of the Rules of Superintendence for the Courts of Ohio or requested by the Court.

Where an heir or beneficiary is a minor, a guardianship must be established either in Clermont County or elsewhere before any distribution is made unless the value of the distribution is $25,000.00 or less and distribution may be made in conformity to section 2111.05 RC. The Court may require the deposit of all sums of $25,000.00 or less in the Court's depository and generally such funds will not be available until the ward attains majority. Section 581 4.02(E) should also be considered in the case of minor heirs or beneficiaries.

A guardian shall file a Partial Account annually. A guardian shall not be required to give notice of hearings for Partial Accounts except in the case of Veteran's Guardianships where notice shall be given to the Veteran's Administration. Unless waived, a guardian shall give notice of the hearing on the Final Account to the following persons whose addresses are known: in the case of an incompetent, to the Ward's next-of-kin, or in the discretion of the Court to the fiduciary of the Ward's estate. In the case of a minor, to the Ward if the Ward has reached the age of 16 years, otherwise to the Ward's next-of-kin. In all cases, to counsel of record for any represented party.

With regard to accounts filed by trustees, Partial Accounts shall be rendered at least biennially. When presenting an Account, the trustee shall file a current list of the names and addresses of all persons interested in the trust. Unless waived, the trustee shall serve notice of the hearing on an Account to the following persons whose addresses are known: all income beneficiaries, counsel of record for any represented party, and the Ohio Attorney General, Charitable Trusts Division for charitable trusts.

Service of notice of hearings for all accounts may be made by ordinary mail or by personally delivering a copy of the notice to the person entitled to receive it. Evidence of notice shall be documented by the filing of an "Affidavit of Service" which sets forth the manner of service.

If an account is not timely filed and no arrangement has been made for an extension of the due date, a Citation to Appear shall be issued compelling the attendance of both the attorney and the fiduciary.

Rule 64.2 Show Cause Hearings

A fiduciary and attorney who have been cited for a show cause hearing shall personally appear. Counsel shall not appear in lieu of a cited fiduciary unless the Court grants leave for the attorney to appear in that capacity.

Rule 65.1 Land Sale Proceedings

In land sales proceedings, the Court will require a preliminary and final judicial report pursuant to ORC Section 2329.191.

In land sales proceedings, the Court shall appoint one suitable and disinterested person as appraiser. Compensation for such appraiser shall be determined by the Court.

Rule 65 of the Rules of Superintendence for the Courts of Ohio shall be followed.

Counsel shall furnish to the Court a certificate of assurance that all sales proceeds have been properly distributed in accordance with the closing statement.

All land sales that have not been concluded within nine (9) months from the date of filing shall be set for a status conference. A written status report shall be filed at least seven days prior to such status conference.

Attorney fees for real estate sold by judicial proceedings shall be collected and paid into the Court as costs from the net sales proceeds. The guideline fee for attorney compensation shall be set by the Court as follows:

The first $10,000.00 of the purchase price at the rate of 6%, the next $40,000.00 at a rate of 4%, and all above $50,000.00 at the rate of 2%.

Rule 66.1 Guardianships

Applicants seeking appointment as the guardian of a minor or as the guardian of an incompetent shall execute and file with the Court an Authorization for Release of Information (Form 271.00) expressly authorizing the Clermont County Probate Court to obtain from Ohio Courts Network (OCN) and any other law enforcement information system and any court system, current and previous residences, civil and criminal history records, driving records, birth records, public records or any criminal justice records that the applicant may have in any federal, state, county, and municipal jurisdictions. A fully executed Form 271.00 shall be filed with the application for appointment of guardian. This requirement shall not apply when the applicant is a corporation or when the applicant is an attorney who is licensed to practice law in the state of Ohio.

An application to expend funds shall not be granted if an inventory has not been filed. The guardian of a minor ward's estate must demonstrate that the ward's parent(s) are unable to fulfill their responsibility to support the ward before the Court will consider allowing an expenditure from the ward's estate for the purpose of that ward's support, maintenance, medical care or education.

Funds shall not be released to a guardian except upon an order of the Court.

All applications for release of funds shall specify the exact amount to be released, the financial institution holding the fund, its address, and the person in whose name the fund is held.

None of a ward's assets may be accessed through an automated teller machine, debit card, or credit cards. Electronic payment of routine and recurring expenses is permitted upon receiving approval of an Application for Authority to Expend Funds.

All guardians are required to inform the Court, in writing, of a change of address and/or change of telephone number for either the ward or the guardian.

The court will not permit the appointment of Co-Guardians.

Rule 66.2 Emergency Guardianships

For all applications for the appointment of an emergency guardian, a physician shall personally appear and testify why it is reasonably certain that immediate action is required to prevent significant physical injury to the person of the minor or alleged incompetent.

The applicant shall exercise due diligence in giving notice of hearing upon the proposed ward in all emergency guardianships.

Rule 66.3 Guardianship-Veterans Affairs

For all guardianship proceedings wherein the proposed ward is receiving income from the Department of Veterans Affairs, the VA shall be a necessary party, entitled to notice, copies of all pleadings filed, including, but not limited to, the initial application for appointment, all applications for authority to expend funds, and the annual accountings.

All Applications for Authority to Expend Funds shall first be submitted to the Department of Veterans Affairs for review and approval prior to its submission to the Court. The Application for Authority to Expend Funds shall bear the stamp and signature of an authorized representative of the Department of Veterans Affairs to confirm its review and approval of the request.

The Court shall supply the guardian or the attorney for the guardian, at no cost, certified copies of any of the pleading filed in the proceedings, for submission to the Department of Veterans Affairs.

All Applications for guardian's compensation or attorney's fees shall be set for hearing, and notice shall be given to the Department of Veterans Affairs, unless a Waiver or Consent is obtained.

Rule 67.1 Estates of Minors Not Exceeding Twenty-Five Thousand Dollars

An application relating to funds of a minor shall be captioned in the name of the minor. Unless otherwise ordered by the Court, funds of a minor shall be deposited in the Court's depository in the sole name of the minor, with principal and interest compounded, until the minor attains the age of majority.

Rule 68.1 Settlement of Claims For Injuries to Minors

An application for settlement of a minor's claim that exceeds twenty-five thousand dollars ($25,000.00) shall be brought by the guardian of the estate. If the net amount of the claim for injuries does not exceed twenty-five thousand dollars ($25,000.00), the application shall be brought by the parent(s) of the child or the person having custody of the child.

The application for settlement shall be set for hearing before the assigned magistrate. The applicant as well as the minor shall personally appear at the hearing unless otherwise waived by the Court. An application for approval of settlement of claim for injuries to a minor shall be accompanied by a current statement of the examining physician with respect to the injuries sustained,

the extent of the recovery, and the physician's prognosis. Said statement shall be made within 90 days of the filing of the application for approval. If the gross amount of the settlement for injuries does not exceed ten thousand dollars ($10,000.00) then the requirement of a physician's statement is waived.

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.

Rule 68.2 Structured Settlements

Application for structured settlements exceeding $100,000.00 shall include an affidavit from an independent certified public accountant or other competent professional, specifying the present value of the settlement and the method by which that value was calculated.

If the parties involved in claims desire to enter into a structured settlement, defined as a settlement wherein payments are made on a periodic basis, the following rules shall also apply:

If the settlement is to be funded by an annuity, the annuity shall be provided by an annuity carrier who meets or exceeds the following criteria:

The annuity carrier must be licensed to write annuities in Ohio and, if affiliated with the liability carrier or the person or entity paying the settlement, must be separately capitalized, licensed and regulated and must have a separate financial rating.

The annuity carrier must have a minimum of $100,000,000.00 of capital and surplus, exclusive of any mandatory security valuation reserve.

The annuity carrier must have one of the following ratings from at least two of the following rating organizations: (1) A.M. Best Company: A++, A+, or A, (2) Moody's Investors Service (Financial Strength): Aaa, Aa1 , or Aa2, (3) Standard & Poor's Corporation (Claims Paying/Solvency): AAA or AA, and (4) Fitch Ratings: AAA, AA+, or AA.

In addition to the requirements immediately above, an annuity insurer must meet any other requirement the Court considers reasonably necessary to assure that funding to satisfy periodic-payment settlements will be provided and maintained.

A qualified insurer issuing an annuity contract pursuant to a qualified funding plan under these rules may not enter into an assumption reinsurance agreement for the annuity contract without the prior approval of the Court, the owner of the annuity contract and the claimant having the beneficial interest in the annuity contract. The Court will not approve assumption reinsurance unless the re-insurer is also qualified under these rules.

The annuity insurance carrier and the broker procuring the policy shall each furnish the Court with an affidavit certifying that the carrier meets the criteria set forth above as of the date of the settlement and that the qualification is not likely to change in the immediate future. The broker's affidavit shall state that the determination was made with due diligence based on rating information which was available or should have been available to an insurance broker in the structured settlement trade.

If the parties desire to place the annuity with a licensed insurer in Ohio that does not meet the above criteria, the Court may consider approving the same, but only if the annuity obligation is bonded by an independent insurance or bonding company, licensed in Ohio, in the full amount of the annuity obligation. The application shall include a statement of the actual cost to the defendant of the settlement, the actual cost shall be used to fix and determine attorney's contingency fees.

Rule 68.3 Sale of Structured Settlement Payments

All applications for approval of sale of structured settlement payments shall be filed and set for hearing.

The application shall include a statement of the income, living expenses, and other financial obligations of the person desiring to sell the structured settlement payments as well as a detailed statement as to how the sale proceeds will be applied and/or utilized by the applicant.

Rule 70.1 Settlement of Claims For Wrongful Death

When opening an estate for the sole purpose of pursuing a claim for the wrongful death of the decedent, Application to Appoint Fiduciary Without Bond, Waive Filing of Inventory and Accounts (Form ES4.2A) must be filed to determine, at the court's discretion, if the fiduciary must be bonded.

All applications to settle claims for wrongful death shall be set for hearing. All interested parties to the distribution of the net proceeds of the settlement shall be listed by name, residence, and relationship to the decedent on the proposed entry approving settlement or distributing wrongful death proceeds.

Interested parties shall be those persons described in section 2125.02(A)(1) RC and shall include not less than two degrees of kinship as computed by the Civil Law.

When the Court is called upon to endorse an agreed entry of distribution or to adjust the shares of distribution, notice to or consents from those interested parties designated above shall be required.

The applicant is required to appear at the hearing regarding an application to approve a wrongful death settlement or proposed distribution. An applicant shall have 30 days following approval in which to file the report of distribution unless otherwise ordered by the Court. The report of distribution shall be approved only after appropriate vouchers are presented.

Attorney fees for completing probate work in having a wrongful death settlement approved shall be paid from the contingent fee.

Rule 71.1 Attorney Fees in Decedent's Estates

Attorney fees are governed by the Rules of Professional Conduct and the Rules of Superintendence adopted by the Supreme Court of Ohio. The Court has the ultimate responsibility and authority to review attorney fees in decedent's estates as required by such rules.

Counsel shall enter into a dated written fee agreement with the fiduciary no later than 30 days after the Inventory & Appraisal is approved by the Court. The fee agreement shall contain an estimate of the total fee for the ordinary administration of the decedent's probate estate. A copy of the fee agreement shall be provided to any residuary beneficiary of the probate estate upon request.

Attorney Fees for the administration of a decedent's probate estate shall be paid at the time the fiduciary's final account or certificate of termination is prepared for filing with the Court, and such fees shall not be paid prior to two weeks before the filing of the fiduciary's final account or certificate of termination.

The Court may, upon application and for good cause shown, approve an Application for Partial Payment of Attorney Fees without a hearing prior to the time the fiduciary's final account is filed with the Court. In all such cases, the application must state the total amount of the attorney fees and any anticipated extraordinary fees estimated to be requested for the complete administration of the decedent's probate estate. Ordinarily, partial attorney fee requests should not exceed 50% of the total amount of the attorney fees estimated to be requested for the complete administration of the decedent's probate estate.

When multiple attorneys have been retained by the fiduciary or fiduciaries for the probate estate, or when it is anticipated that attorney fees will be paid to more than one attorney or law firm, all fee requests shall be considered by the Court simultaneously.

If counsel requests a fee within the guideline set forth below and the amount is $3,500.00 or less, an Application to Approve Attorney Fees (Form 10.5) signed by the attorney and fiduciary shall be filed, and the consents of residuary beneficiaries or other parties affected by the payment of the fee shall not be required and the fiduciary may pay such fees to counsel.

If counsel requests a fee within the guideline set forth below and the amount exceeds $3,500.00, an Application to Approve Attorney Fees shall be filed (Form 10.5). If the fiduciary and all residuary beneficiaries and other parties affected by the payment of the fee consent in writing on Form 10.5, such application will be approved and the fiduciary may pay such fees to counsel.

If counsel requests a fee within the guideline set forth below and the amount exceeds $3,500.00, but all of the residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have not consented in writing to the payment of such fee, an Application to Approve Attorney Fees (Form 10.5) signed by the fiduciary or attorney and supported by the attorney's time records shall be filed with the Court. It is within the discretion of the Court whether such application will be formally set for hearing. If a hearing is set, notice of the hearing shall be given to all residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees.

If counsel requests a fee that is not within the guideline set forth below, an Application to Approve Attorney Fees, (Form 10.5), signed by the attorney and fiduciary and supported by the attorney's time records for all services, including time for services both within and outside of the guideline shall be filed with the Court. If all of the residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have consented in writing to the payment of such fee, the application may be approved or set for hearing at the Court's discretion. If all of the

residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have not consented in writing to the payment of such fee, the application shall be set for a hearing. Notice of the hearing shall be sent to all interested parties and their counsel.

Attorney fees for the administration of an Ohio resident decedent's probate estate as set forth below may serve as a guide in determining fees to be charged to the probate estate for legal services of an ordinary nature rendered as attorney for the fiduciary in the administration of an Ohio resident decedent's probate estate. The Court does not have, nor is there recognized, any minimum or maximum fees that will automatically be approved by the Court. Misrepresentation of this guideline may result in sanctions, including the disapproval of or partial or total disgorging of attorney fees.

Attorney fees calculated under this guideline, which are also deemed to be compensation for any expenses incurred by counsel for the filing of forms and pleadings, shall be rebuttably presumed to be reasonable:

A. On all personal property, gross sale price of real estate, and income subject to administration, as follows:

For the first $50,000.00 at a rate of 5.5%;
All above $50,000.00 and not exceeding $100,000.00 at the rate of 4.5%;
All above $100,000.00 and not exceeding $400,000.00 at the rate of 3.5%;
All above $400,000.00 at the rate of 2.0%.

B. On all real property subject to administration not sold and passing to a surviving spouse at the rate of 1%.

C. On all other real property subject to administration not sold:

For the first $200,000.00 at a rate of 2.0%;
All above $200,000.00 at a rate of 1.0%.

D. All other property, which is includable on an estate tax return or that passes outside of probate as a result of the decedent’s death, excluding life insurance which is not payable to the estate, at the rate of 1% of all such property, except for joint and survivorship property that passes to a surviving spouse which shall be compensated at the rate of ½ of 1%.

E. For real estate sold by judicial proceedings, the attorney fees shall be calculated in accordance with Local Rule 65.1 and may be in addition to the amount calculated under the paragraph above.

Where the fiduciary is also the attorney for the estate, or if the attorney for the estate is associated with the fiduciary's law firm on the date the fiduciary is appointed, reasonable attorney fees shall be rebuttably presumed to be one-half of the guideline amount as set forth above. This paragraph shall not apply if the fiduciary fee is waived.

Attorney fees for services rendered in an estate relieved from administration that are within the guidelines set forth above for full estate administration shall be approved up to $1,500.00 with the consent of the applicant; provided, however, that an attorney fee of $750.00 or less which is listed as a debt on Form 5.1 will be deemed approved upon the filing of Form 5.6. Fee requests that exceed $1,500.00, but are within the guidelines set forth above for full

administration, shall be made by a written application signed by the attorney and applicant and supported by the attorney's time records. Whether or not all parties affected by the payment of fees in excess of $1,500.00 have consented in writing thereto, the application may be approved or set for hearing at the Court's discretion.

An attorney fee of $500.00 or less shall be deemed approved upon the filing of an Application for Summary Release from Administration signed by the attorney and the applicant.

Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by RC Section 2109.30, et seq.

Rule 71.2 Contingent Fees

If the contingent fee agreement does not exceed 33 1/3% of the recovery, or 40% if an appeal is taken, no application for approval of the agreement need be filed and ratification of the contingent fee agreement may be done at the time of settlement. Should a proposed fee agreement exceed these amounts, prior to entering into any such contingent fee agreement, a fiduciary shall file an application with the Court for authority to enter into such fee agreement. A copy of the proposed fee agreement shall be attached to the application. All contingent fees are subject to review and approval by the Court at the time of settlement, notwithstanding the fact that the Court previously approved a fiduciary's application for authority to enter into a contingent fee agreement.

Rule 72.1 Executor's and Administrator's Commissions

Unless authorized by the Court, extraordinary fiduciary commissions shall not be awarded for travel expenses that would not have been incurred but for the fact that the fiduciary resides outside of Clermont County.

In cases where extraordinary executor or administrator's fees are requested involving multiple fiduciaries and separate fee applications will be filed by more than one fiduciary, all fee requests shall be considered by the Court simultaneously.

Rule 73.1 Guardian's Compensation

Compensation for services as guardian of person and estate shall be allowed not more frequently than annually, upon application and entry, and shall be supported by calculations and documentation. The following schedule shall apply as a guideline, unless extraordinary compensation is requested:

For the first $200,000.00 of income 3.0%;
For the first $200,000.00 of expenditures 3.0%;
For expenditures in excess of $200,000.00 2.0%;
Upon the fair market value of the principal 0.2%.

A guardian of an estate shall be permitted a minimum annual fee of $500.00.

Balances carried forward from one accounting period to another shall not be considered income. Investment of funds shall not be considered expenditures. Final distribution of unexpended balances to a ward at the close of a guardianship shall be considered as expenditures.

For purposes of computing a guardian's compensation as herein provided, the fair market value of the principal shall be determined by the guardian as of the last day of the month the guardian is appointed and annually thereafter, or such other date the Court may approve upon application. The compensation so determined may be charged during the ensuing year. The annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from the principal of the estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuation.

Additional compensation, reimbursement for expenses incurred by a guardian, as well as, for compensation of a guardian of the person only may be fixed by the Court upon application. The Court may require that any application for compensation be set for hearing and that notice of the hearing be given to interested parties as ordered by the Court.

The compensation of co-guardians, including when separate parties are appointed as guardian of person and guardian of the estate shall not exceed the compensation that would be allowed to one guardian. In the event co-guardians cannot agree on the division of the compensation, the Court shall determine an equitable allocation of any guardian compensation awarded.

Rule 73.2 Attorney's Fees for Guardianship Administration

A written application for the allowance of attorney fees for guardianship administration, signed by the attorney and fiduciary and supported by the attorney's time records, shall be filed with the Court. Attorney fees may be requested following the filing of the Guardian's Inventory and annually thereafter. An attorney fee of $1,000.00 for services rendered through the filing of the Inventory and a fee of $1,500.00 for services relating to the filing of the annual account shall be rebuttably presumed to be reasonable.

Except for good cause shown, neither compensation for a guardian, nor fees to the attorney representing such guardian, will be allowed while such guardian is delinquent in filing an inventory, account, or Guardian's Report. The Court may deny or reduce compensation if there is such a delinquency or failure to faithfully discharge the duties of fiduciary.

Rule 74.1 Trustee's Compensation

Except where the instrument creating the trust makes provision for compensation, the annual fee charged by a trustee appointed by this Court for ordinary services performed in connection with the administration of each separate trust estate shall not exceed the following:

An amount to be computed on the fair market value of the principal of the trust property in accordance with the following schedule:

$14.00 per $1,000.00 on the first $1,000,000.00;
$11.00 per $1,000.00 on the next $2,000,000.00;
$ 9.00 per $1,000.00 on the next $2,000,000.00;
$ 7.00 per $1,000.00 on the balance.

The trustee may charge a minimum fee of $1,500.00 annually.

Such compensation shall be charged one-half to income and one-half to principal, unless otherwise provided in the instrument creating the trust or applicable law.

For the purpose of computing the 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 last day of the month of the original receipt by the trustee of the trust property and annually thereafter, or such other date the Court may approve upon application. At the option of the trustee, fee valuations may be made on a monthly or quarterly basis, each valuation to be coordinated with the original annual valuation date as selected by the trustee. If this option is selected by the trustee, the trustee must continue to compute the fee on the monthly or quarterly valuation basis, unless approved by the Court upon application.

Additional compensation for extraordinary services may be allowed upon application. The Court may require that the application be set for hearing and notice thereof be given to interested parties in accordance with Civil Rule 73(E). The notice shall contain a statement of amount of the compensation sought.

The compensation of co-trustees in the aggregate shall not exceed the compensation which would have been payable if only one trustee had been acting, except in the following instances:

Where the instrument under which the co-trustees are acting provides otherwise; or where all the interested parties have consented in writing to the amount of the co-trustees' compensation, and the consent is endorsed on the co-trustees' account or evidenced by separate instrument filed therewith.

A separate schedule of the computation of trustee's compensation shall be shown in the trustee's account as a condition of its approval.

Except for good cause shown, neither compensation of a trustee nor fees to the counsel representing the trustee will be allowed while the trustee is delinquent in filing an account required by RC 2109.303.

Every corporate trustee shall provide the Court with a copy of its fee schedule by the 1st day of January of each year. Corporate trustee shall also immediately provide the Court with a copy of any revisions made during the year.

Rule 74.2 Attorney Fees for Trust Administration

An application for the allowance of attorney fees for testamentary trust administration shall have attached thereto an itemized statement of the services performed, the date services were performed, the time spent in rendering the services and the rate charged per hour. Attorney fees shall be approved no more frequently than annually and only in connection with the filing of an account.

Rule 75.1 Local Rules (Special Provisions)

A. APPLICATION OF LOCAL RULES

These Local Rules shall be applied prospectively as to all proceedings commenced on or after the effective date hereof.

B. OMISSION/REDACTION OF PERSONAL IDENTIFIERS

The following rule shall apply, except with respect to documents that the Court maintains under seal pursuant to law:

When submitting a case document to a court or filing a case document with a clerk of court, a party to a judicial action or proceeding shall omit personal identifiers, as that terms is defined in Sup. R. 44, from the document. The last four digits of social security numbers and the last three digits of financial account numbers may be included.

Redacted or omitted personal identifiers shall be provided to the Court or clerk only as required by law, or upon request by the Court, or to a party by motion. Redacted or omitted personal identifiers shall be filed on a separate form under seal. Form 270.00 shall be used for this purpose.

The responsibility for omitting personal identifiers from a case document submitted to a court of filed with a clerk of court pursuant to this rule shall rest solely with the party. The court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers.

C. EVIDENCE OF TRUST

When a beneficiary of a decedent's estate is a trust, the fiduciary or counsel shall present evidence to the Court of the existence of the trust and the identity of the trustee no later than the filing of the entry approving inventory or the entry relieving the estate from administration. A photocopy of the executed trust or a memorandum of trust shall be sufficient for this purpose.

D. GUARDIAN AD LITEM

In accordance with section 2111.23 RC, the court shall appoint a guardian ad litem to protect the interests of a minor child or incompetent adult in a court proceeding when:

(1) The minor child has no parents, guardian, or legal custodian or the incompetent adult has no guardian;

(2) The interests of the minor child or incompetent adult and the interests of the parent, guardian, or legal custodian may conflict;

(3) The parent of the minor child is under eighteen years of age;

(4) Appointment is otherwise necessary to meet the requirements of a fair hearing.

When the guardian ad litem is an attorney admitted to practice in this state, the guardian may also serve as counsel to the ward, providing no conflict between the roles exist.

The party initiating the court proceeding in which a guardian ad litem is required shall suggest to the court arrangements for the compensation of the guardian ad litem. This shall be done at the time of the application for appointment and an appropriate order regarding compensation shall be incorporated in the entry of appointment.

A guardian ad litem shall be entitled to minimum compensation of $250.00. Compensation in excess of this amount shall be based upon the time and value of services to the ward and shall be subject to approval of the court at the time the matter comes on for final determination.

RULE 78.1 Case Management in Decedent Estates, Guardianships and Trusts

A. Each fiduciary shall adhere to the statutory or court-ordered time period for filing the inventory account, and if applicable, guardian's report. The citation process set forth in section 2109.31 of the Revised Code shall be utilized to ensure compliance. The attorney of record and the fiduciary shall be subject to the citation process. The court may modify or deny fiduciary commissions or attorney fees, or both, to enforce adherence to the filing time periods. If a decedent's estate must remain open more than six months pursuant to RC 2109.301 (B)(1), the fiduciary shall file an application to extend administration. (Standard Probate Form 13.8).

B. An application to extend the time for filing an inventory, account, or guardian's report shall not be granted unless the fiduciary has signed the application.

C. The fiduciary and the attorney shall prepare, sign, and file a written status report with the court in all decedent's estates that remain open after a period of thirteen months from the date of the appointment of the fiduciary and annually thereafter. At the court's discretion, the fiduciary and the attorney shall appear for a status review.

D. The court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardians' report to show cause why the attorney should not be barred from being appointed in any new proceeding before the court or serving as attorney of record in any new estate, guardianship, or trust until all of the delinquent pleadings are filed.

E. Upon filing of the exceptions to an inventory or to an account, the exceptor shall cause the exceptions to be set for a pretrial within thirty days. The attorney and their clients, or individuals if not represented by an attorney, shall appear at the pretrial. The trial shall be set as soon as practical after pretrial. The Court may dispense with the pretrial and proceed directly to trial.

PROBATE COURT OF CLERMONT COUNTY, OHIO

JAMES A. SHRIVER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

AUTHORIZATION FOR RELEASE OF INFORMATION

(INFORMATION FOR COURT USE ONLY)

I, _____ of _____
(address)

_____
(city) (state) (zip)

do hereby authorize: Clermont County Probate Court to obtain from Ohio Courts Network (OCN) and any other law enforcement information system and any court system, current and previous residences, civil and criminal history records, driving records, birth records, public records or any criminal justice agency records that I may have in any federal, state, county, and municipal jurisdictions.

Date of Birth	
Social Security Number	
Drivers License Number/State Issued	
A.K.A.	

_____ _____
Signature Witness

PROBATE COURT OF CLERMONT COUNTY, OHIO

JAMES A. SHRIVER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

AUTHORIZATION FOR RELEASE OF MINOR INFORMATION

(INFORMATION FOR COURT USE ONLY)

I, _____ of _____
(address)

☐ Parent

☐ Legal Guardian _____
(city) (state) (zip)

☐ Guardian ad Litem

of _____ , minor

do hereby authorize: Clermont County Probate Court to obtain from Ohio Courts Network (OCN), any other law enforcement information system and any court system current and previous residences, delinquency records, civil and criminal history records, driving records, custody/visitation records, birth records, public records or any criminal justice agency records that said minor may have in any federal, state, county, and municipal jurisdictions.

Date of Birth	
Social Security Number	
Drivers License Number/State Issued	
A.K.A.	

_____ _____
Signature Witness

PROBATE COURT OF CLERMONT COUNTY, OHIO
JAMES A. SHRIVER, JUDGE

ESTATE OF _____ **, DECEASED**

CASE NO. _____

APPLICATION TO APPROVE ATTORNEY FEE

The undersigned consent to the payment of an attorney fee of $ _____ to_____

We understand that the following are among the factors considered as guides in determining the reasonableness of the fee and believe that the fee for which approval is requested is reasonable under said factors.

A) The time and labor required.

B) The fee customarily charged in the locality for similar legal services.

C) The amount involved and the results obtained.

The following guide is not a fee schedule but is intended as a guide in estimating the fee customarily charged in this locality for similar services, including expenses incurred for the filing of forms and pleadings.

	ASSET TOTAL		FEE
1) Probate Personal Property (including Gross Sale Price from sale of Real Estate)			
The first $50,000 at a rate of 5.5%	$ _____	at 5.5%	$ _____
All above $50,000 and not exceeding $100,000 at a rate of 4.5%	$ _____	at 4.5%	$ _____
All above $100,000 and not exceeding $400,000 at a rate of 3.5%	$ _____	at 3.5%	$ _____
All above $400,000 at a rate of 2%	$ _____	at 2%	$ _____
2) Probate Real Estate Not Sold			
A)Passing to the Surviving Spouse at the rate of 1%	$ _____	at 1%	$ _____
B) On all other real estate subject to administration			
For the first $200,000 at the rate of 2%	$ _____	at 2%	$ _____
All above $200,000 at the rate of 1%	$ _____	at 1%	$ _____
3) Non-Probate Assets			
A) Joint and Survivorship to Spouse at the rate of .5%	$ _____	at .5%	$ _____
B) All other property as defined by Local Rule 71.1 at 1%	$ _____	at 1%	$ _____

TOTAL GUIDELINE FEE ..... **$**_____

FEE FOR WHICH APPROVAL IS REQUESTED ..... **$**_____

_____
Attorney

_____
Fiduciary

_____
Beneficiary

_____
Beneficiary

ENTRY

☐ The fee for which approval is requested is approved pursuant to the Court's Rules.

☐ Based upon the amount of the fee for which approval is requested, the consents contained in this application and a review of the attorney's time records for services both within and outside the guideline; said fee is approved.

☐ The application to approve attorney fee is ordered set for hearing. Notice of the hearing shall be sent by the attorney for the fiduciary to all interested parties and their counsel by certified mail.

_____
Judge