

INSTRUCTIONS FOR SUMMARY RELEASE FROM ADMINISTRATION

These instructions are a guideline only and should not be considered legal advice. Applicants are encouraged to seek legal counsel as complex matters may arise, such as, but not limited to, the transfer of real property.

The Clermont County Probate Court has the authority to approve a summary release from administration if:

1. The Applicant who is not the surviving spouse, has paid, or is obligated in writing to pay, the decedent's funeral (and burial) expenses and the value of the decedent's assets is the lesser of \$5000 or the amount of decedent's funeral (and burial) expenses; or
2. The Applicant who is the surviving spouse and is entitled to 100% of the family allowance (i.e. there are no minor children of the decedent who are not also children of the surviving spouse), the funeral (and burial) expenses have been prepaid or the surviving spouse has paid or is obligated in writing to pay the decedent's funeral (and burial) expenses, and the value of the decedent's assets do not exceed \$40,000 plus the lesser of \$5,000 and the decedent's funeral (and burial) expenses paid or contracted to be paid by the surviving spouse.

Assets subject to probate are those assets in which the decedent held an interest. Such assets include, but are not limited to, the following:

- Interest in real estate, including improved or vacant land, except for those which have a transfer on death deed/affidavit or rights of survivorship;
- Interest in oil, gas, and mineral leases;
- Interest in mobile homes not affixed to the land, except for those which have a transfer on death provision or rights of survivorship;
- Interest in motor vehicles owned by the decedent such as automobiles, trucks, recreational vehicles, motorcycles, boats, and other vehicles which are licensed and titled by the Ohio Department of Public Safety;
- Bank accounts, stock brokerage accounts, individual retirement accounts, pension accounts, mutual funds, or other financial accounts in which the decedent held an interest, except for those which have a named beneficiary, are held in survivorship, have transfer on death provision, or have a payable on death provision;
- Time shares and vacation plans in which the decedent had an interest, except for those which have a named beneficiary, are held in survivorship; or have transfer on death provision;
- Art and antiques;
- Checks issued in the name of the decedent for refunds; reimbursements; oil, gas, and mineral leases;
- State or Federal Income Tax refunds; and
- Other assets which cannot be transferred without approval by the Court.

These assets must pass through the probate process. Assets held in a joint survivorship form, payable on death, or in a transfer on death form are generally not subject to the probate process. Assets such as life insurance that are paid to a named beneficiary generally do not have to pass through the probate process so long as the named beneficiary survived the decedent.

For any other situations, the estate will need to be administered by other methods provided by the Court.

Current filing fees are \$85 for assets over \$1,000 and \$45 for assets \$1,000 or less. Applicants must pay this fee in cash, check, money order, certified check, credit or debit card. Checks or money orders will be payable to the Clermont County Treasurer.

Applicants are required to apply in person and may obtain the forms from the Court at 2379 Clermont Center Drive Batavia, Ohio 45103 or by downloading the forms from the website <https://probatejuvenile.clermontcountyohio.gov/>. All forms should be typewritten or legibly printed.

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

- A copy of the death certificate or obituary;
- Documents indicating the value of the probate assets: bank accounts are valued by using the balance in the account on the date of death plus any accrued but unpaid interest, as indicated in the most current bank statement (be careful with checking accounts as there may be outstanding checks that may have not cleared the bank; also be careful if the deceased person was receiving social security payments or a pension as the last check may have to be repaid); stocks that are publicly traded can be valued by averaging the high and the low values on the date of death; if the asset is real estate you must use the value from the year of death as indicated on the Clermont County Auditor's website, unless appraised; motor vehicles are valued by using the value as indicated in nationally recognized services such as NADA or Kelly blue book; As of April 5, 2017, a surviving spouse may transfer, by way of affidavit, at a local title office, as many motor vehicles, not to exceed \$65,000 total.
- The contract for the funeral bill, receipt of paid funeral bill or, if applicable, the Assignment of Proceeds indicating the Applicant paid the bill or is responsible for payment. There must be only one person responsible for the funeral bill. If more than one person paid the funeral bill, the estate will require different administration provided by the Court.

Applicants who do not know the date of death value for bank accounts and other financial accounts may file a Motion to Release Information (Form 200.40). This separate filing costs \$5. Upon completing the Motion, the Court will issue a Journal Entry to Release Information which will permit the Applicant to access information regarding the asset amount and whether it is a probate asset.

COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING
Application for Summary Release from Administration (Form 5.10) Complete the form including the decedent's name address at time of death noting that the post office may be different from the city, village, or township where the decedent resided and sign the document in the presence of a Deputy Clerk or a Notary Public who will then notarize your signature.
Surviving Spouse, Children, Next of Kin, Legatees, and Devisees (Form 1.0) List all next of kin. Next of Kin generally will consist of spouse, children, children of deceased children, or parents. Be sure to specify the complete home address of all those listed and the mailing address if different from the home address, as well as the date of birth for any minors.

Entry Granting Summary Release from Administration (Form 5.11)

Complete the Form. The Entry Granting Summary Release from Administration can be approved.

Application for Sale/Transfer of Motor Vehicle (Form 9.4)

The Ohio Revised Code defines motor vehicles as automobiles, trucks, mobile homes not affixed to real estate, boats, motorcycles, and other devices that require a certificate of title. Should the assets of the decedent include motor vehicles, the Applicant shall complete the Form 9.4 to take to the local title office. Applicants must pay attention to the vehicle manufacture number and the certificate of title number. Any errors on the form will prevent the title office from transferring the asset to the Applicant.

Application for Certificate of Transfer/Entry (Form 12.0)

Should the estate asset involve real estate, **THE APPLICANT SHOULD CONSULT WITH AN ATTORNEY.** The Applicant will complete the application to transfer the property from the decedent to the Applicant.

Certificate of Transfer (Form 12.1)

This document will transfer the property from the decedent to the Applicant. Any errors in this documents may affect the future title and marketability of the property. **THE APPLICANT SHOULD CONSULT WITH AN ATTORNEY.**

Once the Application for Summary Release is filed with the Court and all of the required forms and the supporting documentation pertaining to ownership, values, family, heirs and next of kin are provided, the matter will be reviewed and the Entry Granting Summary Release from Administration will be approved. The organization of the information and completeness of the forms is wholly within the control of the Applicant.

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

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 \$5,000.00 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 \$5,000.00 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 pre-payment receipt, if applicable.

The decedent's surviving spouse, next of kin, legatees, and devisees known to applicant, are listed on the 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 Financial 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 stocks 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

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip Code

City State Zip Code

Phone Number (include area code)

Phone 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 CLERMONT COUNTY, OHIO
JAMES A. SHRIVER, JUDGE

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 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 this application.

Date

James A. Shriver, Probate Judge

PROBATE COURT OF CLERMONT COUNTY, OHIO

ESTATE OF: _____, DECEASED

CASE NO. _____

APPLICATION FOR SALE/TRANSFER OF MOTOR VEHICLE

The undersigned, qualified fiduciary of the above estate, represents that the applicant has in their possession the following described motor vehicle, belonging to said estate:

Year _____ Body Type _____ Model _____ Make _____

Mfs. Serial No. _____ Cert. Of Title No. _____

Applicant states that the following person is entitled to such motor vehicle:

- by a specific bequest to legatee named in will or sole beneficiary of estate
- by allowance for support ORC 2106.13 at inventory value
- by in kind distribution for \$ _____ with consent of remaining beneficiaries set forth below
- by purchase for \$ _____
- pursuant to summary release from administration [R.C. 2113.031(D) (3)]
- other _____

Applicant requests that the above mentioned motor vehicle be transferred to:

Name

Address

Necessary Consents:

Applicant

ENTRY AUTHORIZING SALE/TRANSFER OF MOTOR VEHICLE

The Court finds that the application is well taken and that the above transferee is entitled to such motor vehicle and; **It is therefore ordered** that said fiduciary transfer said motor vehicle as prayed for.

Attorney

Magistrate

Judge

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

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 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 the 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.
- There has been no administration and none is contemplated [R.C. 2113.61(D)].
- 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 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

Probate Judge

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:

This instrument was prepared by _____

ISSUANCE

This Certificate of Transfer is issued this _____ day of _____, _____.

James A. Shriver, Probate Judge

AUTHENTICATION

I certify that the above 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

James A. Shriver, Probate Judge

By: _____
Deputy Clerk