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

RULES OF SUPERINTENDENCE AND LOCAL RULES OF COURT

(Rules of Superintendence effective 7/1/97, amended 10/1/97 and 1/1/98)
(Wood County Local Rules effective 1/1/98, amended 2/1/98, 1/18/2000, 7/9/2004,
8/19/2004)

**RULE 2
WEAPONS**

**2.06
Weapons Prohibited**

- (A) No person, with the exception of those persons listed in section B of this rule, may convey or attempt to convey, possess or have under his or her control a deadly weapon or dangerous ordnance in the Wood County Courthouse or in another building or structure in which a Wood County Courtroom is located. This prohibition includes those persons licensed to carry a concealed weapon pursuant to R.C. 2923.125 or 2923.1213.

- (B) The following persons are permitted to convey, possess or have under their control a deadly weapon or dangerous ordnance in the Wood County Courthouse or in another building or structure in which a Wood County Courtroom is located:
 - (1) A judge or magistrate of a court of record of Ohio
 - (2) A peace officer who is authorized to carry a deadly weapon or dangerous ordnance, who possesses that weapon or ordnance as a requirement of that peace officer's individual duties, and who is acting within the scope of his or her duties at the time of possession or control
 - (3) A person who conveys, attempts to convey, possesses or has under his or her control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding
 - (4) A bailiff of the court or court constable authorized to carry a firearm by R.C. 109.77 who possess or has under his or her control a firearm as a requirement of his or her duties and who is acting within the scope of his or her duties at the time of possession.
 - (5) A prosecutor appointed by a county prosecuting attorney, who is authorized to carry a deadly weapon or dangerous ordnance in the performance of his or her duties, who possesses or has under his or her

control a deadly weapon or dangerous ordnance as a requirement of his or her duties, and who is acting within the scope of his or her duties at the time of possession or control.

- (C) This courthouse does not provide the service of securing handguns, except to authorized law enforcement personnel.

Amended 7-9-2004

RULE 5 LOCAL RULES

(A) Adoption of local rules.

- (1) Nothing in these rules prevents the adoption of any local rule of practice that promotes the use of any device or procedure to facilitate the expeditious disposition of cases. Local rules of practice shall not be inconsistent with rules promulgated by the Supreme Court.
- (2) A local rule of practice shall be adopted only after the Court or division provides appropriate notice and an opportunity to comment on the proposed rule. If the Court or division determines that there is an immediate need for the rule, the Court or division may adopt the rule without prior notice and opportunity for comment, but promptly shall afford notice and opportunity for comment.
- (3) Upon adoption, the Court or division shall file a local rule of practice with its clerk and the clerk of the Supreme Court. On or before the first day of February of each year, each Court or division of a Court shall do one of the following:
 - (a) File with the clerk of the Supreme Court a complete copy of all local rules of the Court or division in effect on the immediately preceding first day of January.
 - (b) Certify to the clerk of the Supreme Court that there were no changes in the immediately preceding calendar year to the local rules of the Court or division.

- (B) In addition to local rules of practice adopted pursuant to division (A)(1) of this rule and any other Rule of Superintendence, each Court or division, as applicable, shall adopt the following by local rule:

A case management plan for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases. In addition to any other provisions necessary to satisfy the purposes of division (B)(1) of this rule, the plan shall include provisions for an early case management conference, referral to appropriate and available alternative dispute resolution programs, establishment of a binding case management schedule, and a pretrial conference in cases where the trial Judge determines a conference is necessary and appropriate. A municipal or county Court may establish separate provisions or exceptions from the plan for small claims, traffic, and other types of cases that the Court determines would not benefit from the case management plan.

- (1) jury management plan for purposes of ensuring the efficient and effective use and management of jury resources. In addition to any other provisions necessary to satisfy the purposes of division (B)(2) of this rule, the plan shall address the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993.

WOOD COUNTY LOCAL RULE 5.1 (JURY MANAGEMENT)

All jury trials in Wood County Probate Court are governed by the jury management procedure of the general division of the Court of Common Pleas.

RULE 26 RECORD RETENTION

The Wood County Probate Court has adopted the Local Record Retention Schedule attached as Appendix I, which will be followed in conjunction with Rule 26 of the Rules of Superintendence for the Courts of Ohio.

RULE 53 HOURS OF THE COURT

Each Court shall establish hours for the transaction of business.

WOOD COUNTY LOCAL RULE 53.1

The Probate Court and its offices shall be open for the transaction of business from 8:30 A.M. to 4:30 P.M. daily except Saturday, Sunday, and legal holidays.

RULE 54 CONDUCT IN THE COURT

- (A) Proper decorum in the Court is necessary to the administration of the Court's function. Any conduct that interferes or tends to interfere with the proper administration of the Court's business is prohibited.

- (B) No radio or television transmission, voice recording device, other than a device used by a Court reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the express consent of the Court in advance and pursuant to Sup. R. 12.

**RULE 55
EXAMINATION OF PROBATE RECORDS**

- (A) Records shall not be removed from the Court, except when approved by the Judge. Violation of this rule may result in the issuance of a citation for contempt.
- (B) Copies of records may be obtained at a cost per page as authorized by the Judge.
- (C) Adoption, mental illness, and mental retardation proceedings are confidential. Records of those proceedings, and other records that are confidential by statute, may be accessed as authorized by the Judge.
- (D) A citation for contempt of Court may be issued against anyone who divulges or receives information from confidential records without authorization of the Judge.

WOOD COUNTY LOCAL RULE 55.1

Uncertified copies of any public record or copies not otherwise referred to by statute or rule may be obtained at the cost of \$.10 per page.

**RULE 56
CONTINUANCES**

- (A) Motions for continuance shall be submitted in writing with the proper caption and case number.
- (B) Except on motion of the Court, no continuance shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.
- (C) A proposed entry shall be filed with a motion for continuance, leaving the time and date blank for the Court to set a new date.

WOOD COUNTY LOCAL RULE 56.1

All applications for extensions of time must be signed by both the fiduciary and the attorney of record pursuant to Sup. R. 78. (See Appendices H, H-1 and H-2.)

WOOD COUNTY LOCAL RULE 56.2

All applications for continuances of hearings, pretrials and trials shall be submitted to the Court at least 7 days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the Court.

RULE 57 FILINGS AND JUDGMENT ENTRIES

- (A) All filings, except wills, shall be on eight and one-half by eleven-inch paper, without backings, of stock that can be microfilmed.
- (B) All filings shall contain the name, address, telephone number, and attorney registration number of the individual counsel representing the fiduciary and, in the absence of counsel, the name, address, and telephone number of the fiduciary. Any filing not containing the above requirements may be refused.
- (C) Failure of the fiduciary to notify the Court of the fiduciary's current address shall be grounds for removal. Not less than ten days written notice of the hearing to remove shall be given to the fiduciary by regular mail at the last address contained in the case file or by other method of service as the Court may direct.
- (D) Filings containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused, or, if filed, may be stricken, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated on the filing.
- (E) All pleadings, motions, or other filings are to be typed or printed in ink and correctly captioned.
- (F) Unless the Court otherwise directs, counsel for the party in whose favor a judgment is rendered, shall prepare the proposed judgment entry and submit the original to the Court with a copy to counsel for the opposing party. The proposed judgment entry shall be submitted within seven days after the judgment is rendered. Counsel for the opposing party shall have seven days to object to the Court. If the party in whose favor a judgment is rendered fails to comply with this division, the matter may be dismissed or the Court may prepare and file the appropriate entry.
- (G) The Court will not accept for filing any pleading or document which contains the social security number of an individual absent prior Court approval.

WOOD COUNTY LOCAL RULE 57.1

The attorney's Supreme Court registration number, along with the attorney's name, address, telephone number, telefax number and business email address must be included on all filings (including the accounts). This information is required before a case can be entered in the computer.

WOOD COUNTY LOCAL RULE 57.2

All signatures of counsel, parties or officers administering oaths must have the person's typewritten or printed name clearly indicated under the signature on the filing.

**WOOD COUNTY LOCAL RULE 57.3
DISPENSE WITH FURTHER ADMINISTRATION**

Where an estate is opened for purposes of admitting the will only or filing an estate tax return only or both and no further administration is contemplated, the attorney shall so advise the Court in writing at the time of filing.

**RULE 58
DEPOSIT FOR COURT COSTS**

- (A) Deposits in the amount set forth in a local rule shall be required upon the filing of any action or proceeding and additional deposits may be required.
- (B) The deposit may be applied as filings occur.

WOOD COUNTY LOCAL RULE 58.1

Deposits in the amount set forth in Appendix A shall be required upon the filing of all actions and proceedings listed therein. Otherwise, the filings will not be accepted by the Court. The balance of any Court costs shall be paid when the final account or any partial account is filed.

WOOD COUNTY LOCAL RULE 58.2

Court costs as set forth in the Schedule of Court Costs contained herein as Appendix A-1 shall be charged and collected, if possible, and shall be in full for all services rendered in the respective proceedings.

**RULE 59
WILLS**

- (A) Before an application is made to admit the will to probate, to appoint an estate fiduciary, or to relieve an estate from administration, each applicant or the applicant's attorney shall examine the index of wills deposited pursuant to section 2107.07 of the Revised Code. Wills deposited pursuant to section 2107.07 of the Revised Code previous to the will offered for probate shall be filed in the estate proceedings for record purposes only.
- (B) Fiduciaries appointed to administer testate estates shall file a Certificate of Service of Notice of Probate of Will (Standard Probate Form 2.4) within one hundred twenty days of their appointment or be subject to removal proceedings.

If required by the Court, proof of service shall consist of either waivers of notice of the probate of the will or original certified mail return receipt cards as provided under Civil Rule 73(E)(3). A waiver of notice may not be signed by any minor, or on behalf of a minor sixteen or seventeen years of age. See Civil Rule 4.2.

WOOD COUNTY LOCAL RULE 59.1

When a bond is filed, the bonding company's name, address and telephone number must be included so that the Court can send a bond release at the appropriate time.

WOOD COUNTY LOCAL RULE 59.2

A request for examination of witnesses shall be in writing and filed at least three days prior to the hearing date.

WOOD COUNTY LOCAL RULE 59.3

- (A) Upon the filing of an application for the appointment of a fiduciary or the filing of a complaint or petition, the attorney of record shall certify that there is no related case on file in this Court. If there is a related case on file, the attorney shall certify the number, type of case and attorney of record of the related case. This shall be done on a form in the Clerk's Office. (See Appendix G.)
- (B) Upon the filing of an Application for Probate of Will, or an Application to Appoint a Fiduciary for a decedent's intestate estate or relief therefrom, the attorney shall certify that no will or later will is on deposit with the Court pursuant to R.C. 2107.07. (See Appendix G.)

RULE 60

APPLICATION FOR LETTERS OF AUTHORITY TO ADMINISTER ESTATE AND NOTICE OF APPOINTMENT

- (A) Notice of an application for appointment of administrator shall be served at least seven days prior to the date set for hearing. If there is no known surviving spouse or next of kin resident of the state, the notice shall be served upon persons designated by the Court.
- (B) The administrator shall give notice of the appointment within seven days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have been provided notice of the hearing on the appointment or have waived notice.

**RULE 61
APPRAISERS**

- (A) Without special application to the Court, a fiduciary may allow to the appraiser as compensation for services a reasonable amount agreed upon between the fiduciary and the appraiser, provided the compensation does not exceed the amount allowed by local Court rule. If no local Court rule exists, the compensation shall be subject to Court approval.
- (B) If, by reason of the special and unusual character of the property to be appraised, the fiduciary is of the opinion that the appraisal requires the services of persons qualified in the evaluation of that property, a qualified appraiser may be appointed and allowed compensation as provided in division (A) of this rule.

WOOD COUNTY LOCAL RULE 61.1

The following persons shall be approved by the Court as qualified appraisers of real estate:

- (A) State of Ohio licensed real estate brokers and similarly licensed real estate salespersons who are active in the trade or profession, or
- (B) Members of National or State of Ohio recognized appraiser associations who are active in the trade or professions.

The Court will maintain an alphabetical list of all such approved persons, available to the general public in the selection of real estate appraisers for filings in this Court. The Court may from time to time add to and delete from this list in its discretion based on the above qualifications.

When it is necessary to determine the value of property other than realty, including but not limited to coins, stamps, books, art, there shall be submitted to the Court an independent application for an appraiser in that particular field along with a statement of his/her qualifications in such specialty. The Court's approval of the application shall be based upon the information admitted in each case.

WOOD COUNTY LOCAL RULE 61.2

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

**RULE 62
CLAIMS AGAINST ESTATE**

- (A) When a claim has been filed with the Court pursuant to section 2117.06 of the Revised Code, the fiduciary shall file a copy of any rejection of claim with the Court.
- (B) If the Court requires a hearing on claims or the fiduciary requests a hearing on claims or insolvency, the fiduciary shall file a schedule of all claims against the estate with the Court. The schedule of claims shall be filed with the fiduciary's application for hearing or within ten days after the Court notifies the fiduciary of a Court-initiated hearing.

WOOD COUNTY LOCAL RULE 62.1

All creditors having claims against the estate shall present their claims in either of the following ways: (a) in writing to the executor or administrator, or (b) in a writing to the executor or administrator with a copy being sent to the Probate Court.

**RULE 63
APPLICATION TO SELL PERSONALTY**

An application to sell personal property shall include an adequate description of the property. Except for good cause shown, an order of sale shall not be granted prior to the filing of the inventory.

WOOD COUNTY LOCAL RULE 63.1

Before the Probate Court confirms a sale made under an order of private sale, the fiduciary shall file a statement indicating that the private sale was made after diligent endeavor to obtain the best price for the property and that the private sale was at the highest price he could get for the property.

**RULE 64
ACCOUNTS**

- (A) The vouchers or other proofs required by Section 2109.302 and 2109.303 of the Revised Code and receipts filed or exhibited pursuant to section 2109.32(B)(1)(b) of the Revised Code, shall be referenced to the account by number, letter, or date.
- (B) If land has been sold during the accounting period, the account shall show the gross amount of the proceeds and include a copy of the closing statement itemizing all of the disbursements.

- (C) Receipts for distributive shares signed by persons holding power of attorney may be accepted, provided the power of attorney is recorded in the county in which the estate is being administered and a copy of the recorded power is attached to the account.
- (D) Exhibiting assets.
 - (1) The Court may require that all assets be exhibited at the time of filing a partial account.
 - (2) Cash balances may be verified by exhibiting a financial institution statement, passbook, or a current letter from the financial institution in which the funds are deposited certifying the amount of funds on deposit to the credit of the fiduciary. Assets held in a safe deposit box of a fiduciary or by a surety company on a fiduciary's bond may be exhibited by filing a current inventory of the assets. The inventory shall be certified by the manager of the safe deposit box department of the financial institution leasing the safe deposit box or by a qualified officer of the surety company if the assets are held by a surety. If the assets are held by a bank, trust company, brokerage firm, or other financial institution, exhibition may be made by proper certification as to the assets so held. For good cause shown, the Court may designate a deputy clerk of the Court to make an examination of the assets located in the County, not physically exhibited to the Court or may appoint a commissioner for that purpose if the assets are located outside the county. The commissioner appointed shall make a written report of findings to the Court.
- (E) A final or distributive account shall not be approved until all Court costs have been paid.

RULE 64.1
ACCOUNTS OF ADMINISTRATORS AND EXECUTORS

- (A) Within six months of appointment, every administrator and executor shall render a final and distributive account of the administrator's or executor's administration of the estate, unless an application to extend has been filed and approved.
- (B) Every account shall include an itemized statement of all receipts of the administrator or executor during the accounting period and of all disbursements and distributions made by the executor or administrator during the accounting period. In addition, the account shall include an itemized statement of all funds, assets, and investments of the estate known to or in the possession of the

administrator or executor at the end of the accounting period and shall show any changes in investments since the last previous account.

- (C) In estate of decedents in which the sole legatee, devisee, or heir is also the administrator or executor of the estate, no partial accountings are required, and the administrator or executor shall not file a final account or final and distributive account. In lieu of filing a final account, the administrator or executor of an estate of that type shall be discharged by filing with the Court within thirty days after completing the administration of the estate a certificate of termination of an estate that states all of the following:
1. All debts and claims presented to the estate have been paid in full or settled finally.
 2. That all estate tax returns, if any, have been filed and estate tax has been paid.
 3. All attorney's fees have been waived by or paid to counsel of record of the estate, and all executor or administrator fees have been waived or paid.
 4. The amount of attorney's fees and the amount of administrator or executor fees that have been paid.
 5. That all the remaining assets have been distributed to the sole legatee, devisee, or heir.
- (D) Not later than thirteen months after appointment, every administrator and executor shall render an account of the administrator's or executor's administration, unless a certificate of termination is filed.
- (E) A final or distributive account shall not be approved until all Court costs have been paid.

**WOOD COUNTY LOCAL RULE 64.2
ACCOUNTS OF GUARDIANS AND CONSERVATORS**

- (A) The first guardianship account is due one year after the appointment of the guardian of the estate and all other accounts are due annually thereafter. If the guardianship is for the person only, no account is required.
- (B) The first conservatorship account is due one year after the appointment of the conservatorship and all other accounts are due annually thereafter.
- (C) Every account shall include an itemized statement of all receipts of the guardian or conservator during the accounting period and of all disbursements and

distributions made by the guardian or conservator during the accounting period. The itemized disbursements and distributions shall be verified by vouchers or proof, except in the case of an account rendered by a corporate fiduciary subject to Section 1111.28 of the Revised Code. In addition, the account shall include an itemized statement of all funds, assets, and investments of the estate known to or in the possession of the guardian or conservator at the end of the accounting period and shall show any changes in investments since the last previous account.

- (D) When a guardian or conservator is authorized by law to distribute the assets of the estate, in whole or in part, the guardian or conservator may do so and include a report of the distribution in the guardian's or conservator's succeeding account.
- (E) The Court may waive, by order, an account required of a guardian of the estate or of a guardian of the person and estate, other than an account made pursuant to Court order, if any of the following circumstances apply:
 - 1. The assets of the estate consist entirely of real property.
 - 2. The assets of the estate consist entirely of personal property, that property is held by a bank, savings and loan association, or trust company in accordance with section 2109.13 of the Revised Code, and the Courts has authorized expenditures of not more than ten thousand dollars annually for the support, maintenance, or, if applicable, education of the ward.
 - 3. The assets of the estate consist entirely of real property and of personal property that is held by a bank, savings and loan association, or trust company in accordance with section 2109.13 of the Revised code, and the Court has authorized expenditures of not more than ten thousand dollars annually for the support, maintenance, or, if applicable, education of the ward.

**WOOD COUNTY LOCAL RULE 64.3
ACCOUNTS OF TESTAMENTARY TRUSTEES AND OTHER FIDUCIARIES**

- (A) The first testamentary trusteeship account is due one year after the appointment of the trustee and all other accounts due annually thereafter.
- (B) The first account for other fiduciaries is due one year after the appointment and all other accounts due annually thereafter.
- (C) Every commissioner shall file a report of distribution within thirty (30) days of appointment.
- (D) Every account shall include an itemized statement of all receipts of the testamentary trustee or other fiduciary during the accounting period and of all

disbursements and distributions made by the testamentary trustee or other fiduciary during the accounting period. The itemized disbursements and distributions shall be verified by vouchers or proof, except in the case of an account rendered by a corporate fiduciary subject to section 1111.28 of the Revised Code. In addition, the account shall include an itemized statement of all funds, assets, and investments of the estate or trust known to or in the possession of the testamentary trustee or other fiduciary at the end of the accounting period and shall show any changes in investments since the last previous account. The accounts of testamentary trustees shall, and the accounts of other fiduciaries may, show receipts and disbursements separately identified as to principal and income.

- (E) Every account shall be upon the signature of the testamentary trustee or other fiduciary. When two or more testamentary trustees or other fiduciaries render an account, the Court may allow the account upon the signature of one of them.
- (F) When a testamentary trustee or other fiduciary is authorized by law or by the instrument governing distribution to distribute the assets of the estate or trust, in whole or in part, the testamentary trustee or other fiduciary may do so and include a report of the distribution in the testamentary trustee's or fiduciary's succeeding account.

WOOD COUNTY LOCAL RULE 64.4 PHOTOCOPIES OF VOUCHERS WITH APPLICABLE ACCOUNTS

In the event that vouchers are required for a particular account, and in the event that the financial institution does not return original vouchers to the account holder, photocopies of canceled checks are acceptable for filing with the Court in all applicable accountings on the condition that: (i) the photocopies are complete copies of the originals, (ii) the photocopies are clearly legible, and (iii) the front and back of said checks are photocopied.

WOOD COUNTY LOCAL RULE 64.5

Notice of the hearing on all accounts shall take place through publication in a newspaper of general circulation.

WOOD COUNTY LOCAL RULE 64.6

Pursuant to Rule 26.04 (D) (1) of the Ohio Rules of Superintendence, after the Court has reviewed and reconciled the vouchers or checks or other evidence filed in support of expenditures or distributions stated in an account, the vouchers, proof, or other evidence filed in support of the expenditures or distributions stated in an account will be returned to the fiduciary.

Local Rule 64.5 was enacted effective May 1, 2000.

WOOD COUNTY LOCAL RULE 64.7

An application and order must be submitted for any attorney fees taken on a partial account. Then computation of attorney fees (Appendix B herein) must be filed with the application.

WOOD COUNTY LOCAL RULE 64.8

A receipt for a distributive share executed on behalf of his/her principal by a person holding a valid power of attorney may be accepted if a copy of the valid power of attorney is attached to the account.

WOOD COUNTY LOCAL RULE 64.9

Bank certificates must be filed with applicable partial accounts.

RULE 65 LAND SALES - R.C. CHAPTER 2127

- (A) In all land sale proceedings, the plaintiff, prior to the issuance of an order finding the sale necessary, shall file with the Court evidence of title showing the record condition of the title to the premises described in the complaint and prepared by a title company licensed by the state of Ohio, an attorney's certificate, or other evidence of title satisfactory to the Court. Evidence of title shall be to a date subsequent to the date on which the complaint was filed.
- (B) The plaintiff shall give notice of the time and place of sale by regular mail at least three weeks prior to the date of a public sale to all defendants at their last known addresses. Prior to the public sale, the plaintiff shall file a certificate stating that the required notice was given to the defendants at their last known addresses. The plaintiff must also give notice of the time and place of a public sale by advertisement at least three weeks successively in a newspaper published in the county where the land is situated.
- (C) In all private land sale proceedings by civil action, the judgment entry confirming sale, ordering issuance of deed, and ordering distribution shall show the gross amount of the proceeds and include a copy of the proposed closing statement itemizing all of the proposed disbursements.
- (D) The Court may appoint a disinterested person, answerable to the Court, who shall investigate the circumstances surrounding the proposed transaction, view the property, ascertain whether the proposed sale is justified and report findings in writing. The report shall be a part of the record. The compensation for the person performing these services shall be fixed by the Court, according to the circumstances of each case, and shall be taxed as costs.

WOOD COUNTY LOCAL RULE 65.1

Evidence of title shall be a Guaranteed Certificate of Title, a Title Guaranty Policy or an Owner's Policy of Title Insurance.

WOOD COUNTY LOCAL RULE 65.2

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

RULE 66 GUARDIANSHIPS

- (A) All applications for the appointment of a guardian on the grounds of mental incompetency shall be accompanied by either a statement of a physician or clinical psychologist or a statement that the prospective ward has refused to submit to an examination.
- (B) An application for Authority to Expend Funds (Standard Probate Form 15.7) shall not be approved until an Inventory (Standard Probate Form 15.5) has been filed.
- (C) An application for allowance of care and support of a minor shall allege, if such is the fact, that the father and mother are financially unable to provide the items for which the amount is sought.

WOOD COUNTY LOCAL RULE 66.1

When a bond is filed, the bonding company's name, address and telephone number must be included so that the Court can send a bond release at the appropriate time.

WOOD COUNTY LOCAL RULE 66.2

The guardian or the attorney for the guardian must file a report of change of address for the ward and/or guardian within sixty days of such change of address.

WOOD COUNTY LOCAL RULE 66.3

The first guardian's report is due one year after the appointment of the guardian and due annually thereafter.

WOOD COUNTY LOCAL RULE 66.4

In all guardianships based on incompetence, a statement of expert evaluation prepared by a Licensed Physician, Licensed Clinical Psychologist, Licensed Social Worker or Mental Retardation Team shall be filed by the guardian one year after the appointment of the guardian and subsequent statements of expert evaluation are due annually thereafter.

RULE 67

ESTATES OF MINORS OF NOT MORE THAN TEN THOUSAND DOLLARS

- (A) Each application relating to a minor shall be submitted by the parent or parents or by the person having custody of the minor and shall be captioned in the name of the minor.
- (B) Each application shall indicate the amount of money or property to which the minor is entitled and to whom such money or property shall be paid or delivered. Unless the Court otherwise orders, if no guardian has been appointed for either the receipt of an estate of a minor or the receipt of a settlement for injury to a minor, the attorney representing the interests of the minor shall prepare an entry that orders all of the following:
 - (1) The deposit of the funds in a financial institution in the name of the minor;
 - (2) Impounding the principal and interest;
 - (3) Releasing the funds only upon an order of the Court or to the minor at the age of majority.
- (C) The entry shall be presented at the time the entry dispensing with appointment of a guardian or approving settlement is approved. The attorney shall be responsible for depositing the funds and for providing the financial institution with a copy of the entry. The attorney shall obtain a Verification of Receipt and Deposit (Standard Probate Form 22.3) from the financial institution and file the form with the Court within seven days from the issuance of the entry.

RULE 68

SETTLEMENT OF INJURY CLAIMS OF MINORS

- (A) An application for settlement of a minor's claim shall be brought by the guardian of the estate. If there is no guardian appointed and the Court dispenses with the

need for a guardian, the application shall be brought by the parents of the child or the parent or other individual having custody of the child. The noncustodial parent or parents shall be entitled to seven days notice of the application to settle the minor's claim which notice may be waived. The application shall be captioned in the name of the minor.

- (B) The application shall be accompanied by a current statement of an examining physician in respect to the injuries sustained, the extent of recovery, and the permanency of any injuries. The application shall state what additional consideration, if any, is being paid to persons other than the minor as a result of the incident causing the injury to the minor. The application shall state what arrangement, if any, has been made with respect to counsel fees. Counsel fees shall be subject to approval by the Court.
- (C) The injured minor and the applicant shall be present at the hearing.

WOOD COUNTY LOCAL RULE 68.1

- (A) The presence of the minor and his or her parents is required for the hearing on the application for approval. Attendance may be waived only upon proper written motion for good cause shown.
- (B) A formal record shall be made of all hearings.
- (C) All settlement agreements shall be filed with the Court before a hearing date is set. This rule will be waived only in the most extraordinary circumstances.
- (D) In structured settlements the settlement agreement shall contain, in addition to the requirements of Sup. R. 68, the following:
 - (1) A copy of the doctor's current examination report.
 - (2) A proposed cost of Plaintiff's annuity.
 - (3) A proposed cost of Defendant's annuity.
 - (4) A rating of the Insurance Company through Best Rating Service.
 - (5) A copy of the fee contract of the Plaintiff's attorney.
- (E) The application must be filed with the Court before a hearing date is set. In rare instances when a hearing date is requested before the application is filed, said application must be filed at least three Court days prior to the hearing.
- (F) The party requesting the hearing date is to advise all interested parties, including the minor and the minor's parents, of said hearing date.

RULE 69
SETTLEMENT OF CLAIMS OF OR AGAINST ADULT WARDS

- (A) An application for settlement of a claim in favor of or against an adult ward shall be brought by the guardian of the estate. Notice of the hearing on the application shall be given to all persons who are interested parties to the proposed settlement, as determined by the Court. The Court may authorize or direct the guardian of the ward's estate to compromise and settle claims as the Court considers to be in the best interest of the ward. The Court may dispense with notice of hearing.
- (B) The application for settlement of an injury claim shall be accompanied by a current statement of an examining physician describing the injuries sustained, the extent of recovery from those injuries, and permanency of any injuries. The application shall state what additional consideration, if any, is being paid to persons other than the ward as a result of the incident causing the injury to the ward. The application shall state what arrangement, if any, has been made with respect to counsel fees. Counsel fees shall be subject to approval by the Court.

WOOD COUNTY LOCAL RULE 69.1

- (A) The presence of the ward and guardian is required for the hearing on the application for approval. Attendance may be waived only upon proper written motion for good cause shown.
- (B) A formal record shall be made of all hearings.
- (C) All settlement agreements shall be filed with the Court before a hearing date is set. This rule will be waived only in the most extraordinary circumstances.
- (D) In structured settlements the settlement agreement shall contain, in addition to the requirements of Sup. R. 69, the following:
 - (1) A copy of the doctor's current examination report.
 - (2) A proposed cost of Plaintiff's annuity.
 - (3) A proposed cost of Defendant's annuity.
 - (4) A rating of the Insurance Company through Best Rating Service.
 - (5) A copy of the fee contract of the Plaintiff's attorney.
- (E) The application must be filed with the Court before a hearing date is set. In rare instances when a hearing date is requested before the application is filed, said application must be filed at least three Court days prior to the hearing.

- (F) The party requesting the hearing date is to advise all interested parties, including the ward and guardian, of said hearing date.

**RULE 70
SETTLEMENT OF WRONGFUL DEATH AND SURVIVAL CLAIMS**

- (A) An application to approve settlement and Distribution of Wrongful Death and Survival Claims (Standard Probate Form 14.0) shall contain a statement of facts, including the amount to be allocated to the settlement of the claim and the amount, if any, to be allocated to the settlement of the survival claim. The application shall include the proposed distribution of the net proceeds allocated to the wrongful death claim.
- (B) The fiduciary shall give written notice of the hearing and a copy of the application to all interested persons who have not waived notice of the hearing. Notwithstanding the waivers and consents of the interested persons, the Court shall retain jurisdiction over the settlement, allocation, and distribution of the claims.
- (C) The application shall state what arrangements, if any, have been made with respect to counsel fees. Counsel fees shall be subject to approval by the Court.

**RULE 71
COUNSEL FEES**

- (A) Attorney fees in all matters shall be governed by DR 2-106 of the Code of Professional Responsibility.
- (B) Attorney fees for the administration of estates shall not be paid until the final account is prepared for filing unless otherwise approved by the Court upon application and for good cause shown.
- (C) Attorney fees may be allowed if there is a written application that sets forth the amount requested and will be awarded only after proper hearing, unless otherwise modified by local rule.
- (D) The Court may set a hearing on any application for allowance of attorney fees regardless of the fact that the required consents of the beneficiaries have been given.

- (E) Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by section 2109.30 of the Revised Code.
- (F) If a hearing is scheduled on an application for the allowance of attorney fees, notice shall be given to all parties affected by the payment of fees, unless otherwise ordered by the Court.
- (G) An application shall be filed for the allowance of counsel fees for services rendered to a guardian, trustee, or other fiduciary. The application may be filed by the fiduciary or attorney. The application shall set forth a statement of the services rendered and the amount claimed in conformity with division (A) of this rule.
- (H) There shall be no minimum or maximum fees that automatically will be approved by the Court.
- (I) Prior to a fiduciary entering into a contingent fee contract with an attorney for services, an application for authority to enter into the fee contract shall be filed with the Court, unless otherwise ordered by Local Court Rule. The contingent fee on the amount obtained shall be subject to approval by the Court.

WOOD COUNTY LOCAL RULE 71.1

When representation is on a contingent fee basis, counsel will be allowed fees on the amount obtained in the settlement, subject to the approval of Court.

WOOD COUNTY LOCAL RULE 71.2

Upon written motion the Court may approve payment of partial attorney fees for the administration of estates before the final account is prepared for filing. The motion for payment must be substantiated with either an hourly rate charge multiplied by the number of hours or a calculation of the percentage of the estate that has been completed multiplied by the total fee permitted by the suggested schedule in Appendix B-1. See Appendix B for the form for computation of attorney fees. However, the payment of fees to attorneys representing fiduciaries who are delinquent in filing any account required by R.C. 2109.30 will not be allowed.

WOOD COUNTY LOCAL RULE 71.3

Hearing will be held only if Court deems necessary.

WOOD COUNTY LOCAL RULE 71.4

Counsel fees for the administration of a decedent's estate as set forth in Appendix B-1 may serve as a guide in determining fees to be charged to the estate for legal services

of an ordinary nature rendered as attorney for the executor or administrator in the complete administration of a decedent's estate. Filing of an application for authority to enter into a contingent fee contract is not required if the percentages are equal to or less than those set forth in Appendix B-1. SUCH SCHEDULES, HOWEVER, ARE NOT TO BE CONSIDERED AS SCHEDULES OF MINIMUM OR MAXIMUM FEES TO BE CHARGED, NOR WILL THEY BE AUTOMATICALLY APPROVED.

WOOD COUNTY LOCAL RULE 71.5

Examples of extraordinary services which may be compensated in addition to the foregoing are suggested in Appendix B-2 attached hereto. All applications for extraordinary attorney fees must include the computation of attorney fees. See Appendix B attached hereto.

WOOD COUNTY LOCAL RULE 71.6

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

RULE 72 EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS

- (A) Additional compensation for extraordinary services may be allowed upon an application setting forth an itemized statement of the services rendered and the amount of compensation requested. The Court may require the application to be set for hearing with notice given to interested persons in accordance with Civil Rule 73(E).
- (B) The Court may deny or reduce commissions if there is a delinquency in the filing of an inventory or an account, or if, after hearing, the Court finds that the executor or administrator has not faithfully discharged the duties of the office.
- (C) The commissions of co-executors or co-administrators in the aggregate shall not exceed the commissions that would have been allowed to one executor or administrator acting alone, except where the instrument under which the co-executors serve provides otherwise.
- (D) Where counsel fees have been awarded for services to the estate that normally would have been performed by the executor or administrator, the executor or administrator commission, except for good cause shown, shall be reduced by the amount awarded to counsel for those services.

WOOD COUNTY LOCAL RULE 72.1

Unless otherwise provided by law or ordered by the Court, an executor or administrator may charge for his/her ordinary services on an annual basis an amount computed in accordance with the attached schedule, Appendix E-1, and computed on the attached form, Appendix E.

RULE 73 GUARDIAN'S COMPENSATION

- (A) Guardian's compensation shall be set by local rule.
- (B) Additional compensation for extraordinary services, reimbursement for expenses incurred and compensation of a guardian of a person only may be allowed upon an application setting forth an itemized statement of the services rendered and expenses incurred and the amount for which compensation is applied. The Court may require the application to be set for hearing with notice given to interested persons in accordance with Civil Rule 73(E).
- (C) The compensation of co-guardians in the aggregate shall not exceed the compensation that would have been allowed to one guardian acting alone.
- (D) The Court may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the Court finds the guardian has not faithfully discharged the duties of the office.

WOOD COUNTY LOCAL RULE 73.1

Unless otherwise provided by law or ordered by the Court, a guardian may charge for his ordinary services on an annual basis an amount computed in accordance with the attached schedule, Appendix C-1, and computed on the attached form, Appendix C.

WOOD COUNTY LOCAL RULE 73.2

Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpected balances to a ward at the close of a guardianship be considered as an expenditure.

WOOD COUNTY LOCAL RULE 73.3

For the purpose of computing a guardian's compensation as herein approved, the fair market value of the principal shall be determined by the guardian as of the date of his appointment and as of each anniversary thereafter. 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.

WOOD COUNTY LOCAL RULE 73.4

The Court may deny or reduce compensation to the guardian if there is a delinquency in the filing of an inventory, account, guardian's report, or statement of expert evaluation, or if, after hearing, the Court finds that the guardian has not faithfully discharged the duties of the office.

RULE 74 TRUSTEE'S COMPENSATION

- (A) Trustee's compensation shall be set by local rule.
- (B) Additional compensation for extraordinary services may be allowed upon an application setting forth an itemized statement of the services rendered and the amount of compensation requested. The Court may require that the application be set for hearing with notice given to interested parties in accordance with Civil Rule 73(E).
- (C) The compensation of co-trustees in the aggregate shall not exceed the compensation that would have been allowed to one trustee acting alone, except where the instrument under which the co-trustees are acting provides otherwise.
- (D) Except for good cause shown, neither compensation for a trustee nor fees to counsel representing the trustee shall be allowed while the trustee is delinquent in the filing of an account.
- (E) The Court may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the Court finds the trustee has not faithfully discharged the duties of the office.

WOOD COUNTY LOCAL RULE 74.1

Except where the instrument creating a trust makes provisions for compensation, a testamentary trustee may charge an annual fee for the ordinary services performed by the trustee in connection with the administration of each separate trust as established by Appendix D-1.

WOOD COUNTY LOCAL RULE 74.2

For the purpose of computing trustee's compensation as herein provided, the fair market value of the principal of the trust property shall be determined by the trustee as of the date of the trustee's appointment and as of each anniversary thereafter. The

compensation so determined may be charged during the ensuing year. The annual fair market value of the principal shall be adjusted from time to time to reflect additions and withdrawals from the principal of the trust estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuations.

WOOD COUNTY LOCAL RULE 74.3

Additional compensation for extraordinary service may be allowed upon application. The Court may require that such application be set for hearing and notice thereof be given to interested parties in accordance with Civil Rule 4.1. Such notice shall contain a statement of the amount of such compensation applied for.

WOOD COUNTY LOCAL RULE 74.4

A separate schedule of the computation of trustee's compensation shall be filed conforming to the form in Appendix D and filed with the Court at the time of payment of said fee.

RULE 75 LOCAL RULES

Local rules of the Court shall be numbered to correspond with the numbering of these rules and shall incorporate the number of the rule it is intended to supplement. For example, a local rule that supplements Sup. R. 61 shall be designated County Local Rule 61.1

WOOD COUNTY LOCAL RULE 75.1 (OHIO ESTATE TAX RETURNS)

The person preparing any Ohio Estate Tax Return shall calculate the percentage of distribution of the subdivisions share of tax on both Ohio Estate Tax Forms 2 and 5. Any return filed with Form 5 attached or without the calculations of the amount due the state and local subdivisions will be returned to the preparer.

WOOD COUNTY LOCAL RULE 75.2 (OHIO RULES OF CIVIL PROCEDURE)

- (A) The Ohio Rules of Civil Procedure shall apply to any proceeding where notice, other than service of summons, is required by law or deemed necessary by the Court and the statute providing for such notice does not direct the manner of its service.

- (B) In case personal service of summons or notice is required upon non-residents of the county, a deposit is required for service by the sheriff of that county.

**WOOD COUNTY LOCAL RULE 75.3
(JURY TRIAL REQUESTS)**

All jury trial requests shall be in compliance with Civ. R. 38 and 39.

**WOOD COUNTY LOCAL RULE 75.4
(INVENTORY)**

- (A) Notice of the filing of inventory shall be given in accordance with R.C. 2115.16 and may be published one time, as a group, in a newspaper of general circulation in the county, or advertised separately as the Court elects in each case. The notice required here shall be deemed notice to each person or class of persons entitled thereto, without specifically naming such person or class of persons.
- (B) The statutory time for filing of an inventory shall be adhered to and citations may be issued when filings are late unless application for an extension of time for filing has been granted. Applications for an extension shall set forth the time needed and the accompanying judgment entry shall have a blank space for the Court to insert the number of days granted.
- (C) The Schedule of Assets shall contain the legal description and the parcel number of all real estate included in the inventory of the estate.

**WOOD COUNTY LOCAL RULE 75.5
(SUBSTITUTION OF COUNSEL)**

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

- (A) A certification from the attorney transferring the case stating:
 - (1) New counsel has been retained and the name, address and telephone number of newly retained counsel;
 - (2) That the newly retained counsel or the client has received the transferring attorney's entire file on the case, or that the client or retained counsel has been given express written notice of where and when the entire file may be examined; and

- (3) That a written notice containing all Court dates and deadlines has been given to the newly retained counsel or to the client who wishes to proceed *pro se*.
- (B) A proposed entry of substitution.
- (C) Counsel accepting the substitution shall, upon acceptance, file with the Court a notice of substitution of counsel.
- (D) Payment of all outstanding Court costs on the case.

**WOOD COUNTY LOCAL RULE 75.6
(WITHDRAWAL OF COUNSEL)**

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

- (A) A certification from the attorney seeking to withdraw from the case stating:
 - (1) The reason for the need to withdraw;
 - (2) That the client has received the withdrawing attorney's entire file on the case, or that the client has been given express written notice of where and when the entire file may be examined;
 - (3) That a written notice containing all Court dates and deadlines has been given to the client; and
 - (4) That the attorney has given the client an explanation of the case and the consequences of this action; including notice to the client that if he/she fails to appear personally, or through counsel, at any scheduled event in the case, the Court may hold the client in contempt of Court.
- (B) A proposed entry.
- (C) Payment of all outstanding Court costs on the case.

**WOOD COUNTY LOCAL RULE 75.7
FILING BY ELECTRONIC SUBMISSION**

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to (419) 354-9357 subject to the following conditions:

- A) Applicability and Exceptions

- 1.01) These rules apply to all probate proceedings in the Wood County Probate Court.
- 1.02) In order to preserve confidentiality all filings, documents, and reports concerning mental illness, adoptions, or any document that may contain information covered by the Health Insurance Portability Accountability Act, including but not limited to Investigator Reports and Expert Evaluations, are not permitted to be filed via facsimile filings.
- 1.03) Documents required to be certified, notarized, or documents intending to initiate a case, such as but not limited to complaints, applications to probate will and accompanying documents, application for relief from administration, applications to change name, marriage license applications, applications to appoint guardian, application for emergency guardianship, applications for minor settlement, application for removal of fiduciary, documents required to be notarized, or any other documents as the Clerk of Court deems necessary are not permitted to be filed via facsimile.

B) Definitions

- 2.01) A facsimile transmission is the transmission of a source document by a facsimile machine which encodes a document into electronic and optical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving machine.
- 2.02) This Rule or the definitions in this section do not apply to or include transmission via email.
- 2.03) A facsimile machine means a machine either capable of transmitting or receiving a facsimile transmission as a stand alone machine or as part of a computer system.
- 2.04) Fax is an abbreviation for facsimile and refers to the document transmitted or to be transmitted via a facsimile machine.
- 2.05) Source document means the document transmitted to the court by facsimile machine/system.
- 2.06) Effective as original document means the facsimile copy of the source document received by the Clerk of Court and maintained as the original document in the court's file.

2.07) Effective date and time of filing means the date and time that a facsimile filing is accepted by the Clerk of Court for filing.

C) Original Filing

3.01) All documents submitted via facsimile filing are accepted as the effective original document in the Court file.

3.02) The person submitting the document shall maintain the original/source copy and make it available to the Probate Court upon demand for inspection. The document shall be retained by this person for the requisite time period until opportunities for post judgment relief are exhausted.

D) Fax Requirements

4.01) All facsimile filings shall conform to the requirements of Civil Rule 10 and shall include a facsimile transmission sheet conforming to the requirements of Rule 4.02 of this section.

4.02) All facsimile filings shall include a cover page as designated in Form 4.1. The cover page shall include:

- a. the name of the court;
- b. the caption of the case;
- c. the case number;
- d. the assigned judge;
- e. the description of the document being filed (e.g. Defendant's Answer to Doe's Amended Complaint, Plaintiff Smith's Response to Defendant's Motion to Dismiss, Plaintiff's Notice of Filing Exhibit G);
- f. the date of transmission;
- g. the transmitting fax number;
- h. the indication of the total number of pages included in the transmission, including the cover page;
- i. if a judge or case number has not been assigned, state that fact on the cover page;
- j. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and the email address of the person filing the fax document if available; and

k. if applicable, a statement explaining how the costs are being submitted.

4.03) If a facsimile filing is sent by fax to the Clerk of Court without the cover page as designated in this rule, the Clerk at their discretion may:

a. Enter the document in the case docket and file the document if the document contains all other necessary information;

Or

b. Deposit the document in a file of failed faxed documents with a notation as to the reason for the failure. In this instance the document **shall not** be considered filed with the Clerk of Courts.

4.04) The Clerk of Courts is not required to notify the transmitting party of a failed fax filing, but may notify if practical to inform the party.

E) Signature

5.01) All facsimile filings shall include a signature or indication of the party filing such document as controlled by this rule.

5.02) Any signature on electronically submitted documents shall be considered that of the attorney or the party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.

5.03) Any document in which the original signature does not or will not appear on the facsimile copy shall include the notation /s/ followed by the name of the signer on the source document to indicate that the original document contains the signature in the place specified.

F) Exhibits

6.01) If an exhibit is not included in the facsimile filing the appropriate box shall be checked on the cover sheet.

6.02) An insert page shall be inserted in the place of such exhibit explaining why the exhibit is not being transmitted. Unless the Court otherwise orders, the filer is to provide a copy of the missing exhibit to the court not later than five business days following the facsimile filing.

6.03) Failure to adhere to the above rules regarding the filing of exhibits may result in the Court striking the document and/or exhibit.

6.04) Any exhibit filed pursuant to Rule 6.02 shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, caption of the case, the case number, name of the judge, and the title of the exhibit being filed (e.g. Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court. See Form 6.1.

G) Time for Filing

7.01) Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time stamps the document received, as opposed to the date and time of the fax transmission. For purposes of this rule, the office of the Clerk shall be deemed to receive facsimile transmission of documents on the basis of 24 hours per day seven days a week including holidays. Faxes received on weekends, after normal business hours, or on holidays will not be file stamped until the next business day. Documents will be filed stamped in the queue order received based upon the time and date stamp imprinted by the facsimile machine.

7.02) The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile is urged to verify receipt by the Clerks Office.

7.03) Fax filings may not be sent directly to the Court for filing, but may only be transmitted directly through the facsimile machine operated by the Clerk of Courts.

H) Document/Filing Requirements

8.01) All facsimile submissions of filings shall include a proposed judgment entry when appropriate.

8.02) No facsimile submissions shall exceed fifteen (15) pages in length.

I) Fees and Costs

9.01) No additional fee shall be assessed for filing by fax.

9.02) It is the responsibility of the person filing to determine whether sufficient monies are on deposit with the Court to cover filing fees associated with the facsimile filing.

9.03) If insufficient monies are on deposit to cover all filing fees associated with a facsimile filing - payment shall be due with seven (7) days of the date in which the facsimile document was transmitted to the Court for filing. Payment may be made in person or sent via United States Postal Service.

Amended 10-12-2004

**WOOD COUNTY LOCAL RULE 75.8
(NAME CHANGES)**

Children under 7 years of age are excused from the hearing on the application to change their name. Persons who are 7 years of age and older must attend the hearing on the application to change their name. Attendance may be waived for good cause shown.

**RULE 76
EXCEPTION TO THE RULES**

Upon application, and for good cause shown, the probate division of the Court of common pleas may grant exception to Sup. R. 53 to 79.

**RULE 77
COMPLIANCE**

Failure to comply with these rules may result in such sanctions as the Court may direct.

**RULE 78
PROBATE DIVISION OF THE COURT OF COMMON PLEAS --
CASE MANAGEMENT IN DECEDENT'S ESTATES, GUARDIANSHIP, 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.
- (B) A continuance to extend the time for filing an inventory, account, or guardian's report shall not be granted unless the fiduciary has signed the application for the continuance.
- (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 one

year from the date of the appointment of the fiduciary. 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 guardian's 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 attorneys 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.

**WOOD COUNTY LOCAL RULE 78.1
CASE MANAGEMENT OF ESTATES, GUARDIANSHIPS, TRUSTS, ET AL.**

A. SUPERVISION OF ESTATES, TRUSTS AND GUARDIANSHIPS

- 1. On or before the first day of October of each year, each Judge shall complete an annual physical inventory of cases reported as pending on the applicable statistical report forms. Within three months of initial election or appointment to the bench, each Judge shall complete a physical case inventory with subsequent inventories being due on or before the first day of October of each ensuing year. See, Sup. R. 38
 - a. The inventory involves the review of each case file to ensure an accurate count of pending cases. The Probate Judge will decide whether physically checking closed or inactive cases is necessary, but pending cases must be reviewed.
 - b. The inventory should give the status of each case.
 - c. A computer printout of cases may be used to begin the process of verifying pending cases, but a physical review of case files shall be conducted.
 - d. Documentation of the physical inventory requires reporting the date of the most recent inventory in the box provided on the statistical report forms.
- 2. Notice of Admission of Will to Probate.

- a. When a will has been admitted to probate, the fiduciary. . . shall, within two weeks of the admission of the will to probate, give a notice . . . by certified mail to the surviving spouse of the testator, to all persons who would be entitled to inherit from the testator. . . if the testator had died intestate, and to all legatees and devisees named in the will. The notice shall mention the probate of the will and, if a particular person being given the notice is a legatee or devisee named in the will, shall state that the person is named in the will as beneficiary. A copy of the will admitted to probate is not required to be given with the notice.

- b. The notice of the admission of the will to probate and the certificate of giving notice or waiver of notice shall be given or filed by the fiduciary for the estate or by the applicant for the admission of the will to probate, the applicant for a release from administration, any other interested person, or the attorney for the fiduciary or for any of the preceding persons. The certificate of giving notice shall be filed not later than two months after the appointment of the fiduciary unless the Court grants an extension that time. Failure to file the certificate in a timely manner shall subject the fiduciary to the citation and penalty provisions of section 2109.31 of the Revised Code.

1.) The Court keeps a tickler for the filing of the certificate

a.) If the certificate is not filed within 120 days after the appointment of the fiduciary, the Court will call the fiduciary's attorney.

3. Notice to File Inventory in Estates, Trusts or Guardianships

- a. "Within three months after the date of the executor's or administrator's appointment, unless the Probate Court grants an extension of time for good cause shown, the executor or administrator shall file with the Court an inventory of the decedent's interest in real estate located in this state and of the tangible and intangible personal property of the decedent that is to be administered and that has come to the executor's or administrator's possession or knowledge. The inventory shall set forth values as of the date of death of the decedent. If a prior executor or administrator has done so, a

successor executor or administrator need not file an inventory, unless, in the opinion of the court, it is necessary.

Any asset, the value of which is readily ascertainable, is not required to be appraised but shall be included in the inventory." R.C. 2115.02

- b. "[E]very guardian appointed to take care of the estate of a ward shall ... make and file within three months after his appointment a full inventory of the real and personal property of the ward, its value, and the value of the yearly rent of the real property, provided that, if the guardian fails to file the inventory for thirty days after he has been notified of the expiration of the time by the Probate Judge, the Judge shall remove him and appoint a successor." R.C.2111.14. If the guardianship is for the person only, an inventory is not required.
- c. "Each fiduciary as to whom definite provision is not made in Sections 2111.14 and 2115.02 of the Revised Code, shall make and file within three months after his appointment a full inventory of the real and personal property belonging to the trust, its value, and the value of the yearly rent of the real property." R.C. 2109.58
- d. Notice must go out timely to the fiduciary to file the inventory.
 - 1.) One month before the time required by R.C. sections 2115.02, 2111.14 and 2109.58 for the filing of the inventory, a notice is sent to the fiduciary and a copy of the notice is sent to the fiduciary's attorney to indicate that an inventory will be due.
 - 2.) One month after the time required by R.C. sections 2115.02, 2111.14 and 2109.58 for the filing of the inventory, a notice is sent to the fiduciary and a copy is sent to the fiduciary's attorney to indicate that an inventory was due.
 - 3.) If the inventory is not filed within one month after the notices are sent, a citation is issued to the fiduciary and to the fiduciary's attorney pursuant to Sup. R. 78(A).

- 4.) If the fiduciary fails to file the inventory timely, the fiduciary is subject to removal and a successor may be appointed.
- 5.) The Court will grant an extension of time for good cause shown.

4. Surviving Spouse's Right of Election

- a. After the initial appointment of an administrator or executor of the estate, the probate Court shall issue a citation to the surviving spouse, if any is living at the time of the issuance of the citation, to elect whether to exercise the surviving spouse's rights under Chapter 2106 of the Revised Code, including, after the probate of a will, the right to elect to take under the will or under section 2105.06 of the Revised Code.
- b. The Court must notify the spouse of his or right of election.

5. Accounting by the fiduciary.

a. Accounts of Administrators and Executors

- 1.) Within six months of appointment, every administrator and executor shall render a final and distributive account of the administrator's or executor's administration of the estate, unless an application to extend has been filed and approved.
- 2.) After the initial account is rendered, every administrator and executor shall render further accounts at least once each year.

b. Accounts of Guardians and Conservators

- 1.) The first guardianship account is due one year after the appointment of a guardian of the estate and all other accounts are due annually thereafter. If the guardianship is for the person only, no account is required, except upon an order of the Court that the Court issues for good cause shown either at its own instance or upon the motion of any person interested in the estate.

- 2.) The first conservatorship account is due one year after the appointment of a conservator and all other accounts due annually thereafter.
- c. Accounts of Testamentary Trustees and Other Fiduciaries
- 1.) The first trusteeship account is due one year after the appointment of the trustee and all other accounts due annually thereafter.
 - 2.) Accounts for other fiduciaries are due one year after the appointment and all other accounts due annually thereafter.
 - a.) One month before the time required for the filing of any account, a reminder is sent to the fiduciary and a copy is sent to the fiduciary's attorney to indicate that an account will be due.
 - b.) One month after the time required for the filing of an account, a notice is sent to the fiduciary and a copy of the notice is sent to the fiduciary's attorney to indicate that an account was due.
 - c.) If an account is not filed within one month after the notices are sent, a citation is issued to the fiduciary and the fiduciary's attorney pursuant to Sup.R. 78 (A).
 - d.) If the account is not timely, the fiduciary is subject to being removed with a successor fiduciary being appointed.
 - e.) When a final account is filed and approved and all Court costs paid, the case will be closed
- d. The Court will grant extensions for the following reasons:
- 1.) Extensions for Accounts of Administrators and Executors.

- a.) An Ohio estate tax return must be filed for the estate.
 - b.) A proceeding contesting the validity of the decedent's will pursuant to section 2107.71 of the Revised Code has been commenced.
 - c.) The surviving spouse has filed an election to take against the will.
 - d.) The administrator or executor is a party in a civil action.
 - e.) The estate is insolvent.
 - f.) For other reasons set forth by the administrator or executor, subject to Court approval, it would be detrimental to the estate and its beneficiaries or heirs to file a final and distributive account.
- 2.) Extensions for Accounts of Guardians and Conservators.
 - a.) For good cause shown.
 - 3.) Extensions for Accounts of Trustees and Other Fiduciaries
 - a.) For good cause shown
6. A Commissioner's Report
- a. R.C. 2113.03 governs the procedure for releases of administration.
 - b. A Commissioner's report is due thirty days after the Court signs the entry relieving the estate from administration.
 - 1.) Thirty days after the time required by Wood County Local Rule 64.3 (C) for the filing of a commissioner's report, a notice is sent to the commissioner and a copy of the notice to the commissioner's attorney to indicate that a commissioner's report was due.

- 2.) If a commissioner's report is not filed within thirty days after the notice is sent, a citation is issued to the commissioner and the commissioner's attorney pursuant to Sup.R. 78 (A).
- 3.) When the commissioner's report is filed and approved and all Court costs paid, the estate is closed.
- 4.) The Court is able to accommodate extensions of time for the filing of a commissioner's report.

7. Estates open longer than one year

- a. A status report is due on or before the first anniversary of the appointment of the fiduciary for all estates that remain open for one year.
 - 1.) At the time required by Sup.R. 78 (C) for the filing of a status report (one year), a notice is sent to the attorney for the fiduciary and a copy of the notice is sent to the fiduciary.
 - 2.) If the status report is not filed within thirty (30) days after the notice, at the Court's discretion, the fiduciary, and the attorney shall appear for a status review.

8. Guardian's Report and Statement of Expert Evaluation

- a. Wood County Local Rule 66.3 requires that the guardian's report be filed one year after the appointment of the guardian and is due annually thereafter.
- b. Thirty (30) days before the time required by Wood County Local Rule 66.3 for the filing of a guardian's report, a reminder is sent to the guardian and a copy of the reminder is sent to the guardian's attorney to indicate a report will be due.
- c. Thirty (30) days after the time required by Wood County Local Rule 66.3 for the filing of a guardian's report a notice is sent to the guardian and a copy of the notice is sent to the guardian's attorney to indicate a report was due.
- d. If the guardianship is for the estate only, a guardian's report is not required.

- e. Wood County Local Rule 66.4 requires that a statement of expert evaluation prepared and signed by a Licensed Physician, Licensed Clinical Psychologist, Licensed Social Worker, or Mental Retardation Team is to be filed one year after the appointment of a guardian of an incompetent and annually thereafter.
- f. The Court is able to accommodate extensions of time for filing the guardian's report and the statement of expert evaluation.

B. CASE MANAGEMENT OF ADVERSARY PROCEEDINGS

1. The following are primary categories of adversarial proceedings:

Will Contest, Declaratory Judgment, Determination of Heirs, Construction of Will, Concealment of Assets, Land Sales, Complaint to Purchase, Complaint for Judgment Entry Declaring Will Valid, Presumption of Death Appropriations, and Complaint for Instructions.
2. Physical inventory of all cases open and pending shall be completed on or before October 1 of each year. Sup. R. 38
 - a. Status of case must be listed on the inventory.
3. Each quarter an accounting of the case inventory is made listing all new cases filed during the quarter, deleting all cases where final judgment was rendered, and showing the total number of open cases at the end of the quarter.
4. A pretrial conference is set 30 days after the answer date.
5. Notice of the pretrial conference shall be given to all attorneys of record by mail at least 14 days prior to pretrial.
6. All requests for continuances of the pretrial conference shall be by motion and shall be submitted to the Court at least 7 days prior to the scheduled date for the pretrial conference, absent emergency or cause deemed sufficient by the Court.
7. At the conclusion of the pretrial conference, the Court shall prepare a pretrial order setting forth:
 - a. Discovery deadline date.

- b. Exchange of witness list deadline date.
- c. Pleading and briefing schedules.
- d. A trial date.

C. MENTAL ILLNESS CASES

- 1. Physical inventory of all cases open and pending must be completed on or before October 1 of each year. Sup. R. 38.
 - a. Status of each case pending.
- 2. Each quarter an accounting of the prior quarter should be made.
 - a. Listing all new cases that were filed.
 - b. Removing any cases where final judgment has been rendered.
 - c. Listing the total number of cases open at the end of the quarter.

D. ADOPTION CASES

- 1. Physical inventory of all cases open and pending must be completed on or before October 1 of each year. Sup. R. 38.
 - a. Status of each case pending.
- 2. Each quarter an accounting of the prior quarter should be made.
 - a. Listing all new cases that were filed.
 - b. Removing any cases where final judgment has been rendered.
 - c. Listing the total number of cases open at the end of the quarter.

E. MISCELLANEOUS CASES

- 1. The following are primary categories of miscellaneous cases:
Name Changes, Minor's Settlement, Adult Protective Services, etc.
- 2. Physical inventory of all open cases shall be completed on or before October 1 each year. Sup. R. 38
 - a). Status of case must be listed on the inventory.

3. Each quarter an accounting of the case inventory is made listing all new cases filed during the quarter, deleting all cases where final judgment was rendered, and showing the total number of open cases at the end of the quarter.

**RULE 99
EFFECTIVE DATE**

Rule 99 of the Ohio Rules of Superintendence has been adopted in its entirety by the Wood County Probate Court on February 1, 2003.

**APPENDIX A
DEPOSITS FOR COURT COSTS**

Adoption	343.00
If necessary:	
Birth Counseling Fee	100.00
Publication of Notice	50.00
Adversary Proceedings	100.00
Counterclaims	75.00
Estates-Full Administration	151.00
Foreign Will	Exact Costs
Guardianship: Minor	136.00
Incompetent	236.00
Conservatorship	136.00
Jury Deposit	300.00
Minor's Settlement	77.00
Name Change	95.00
Release from Administration	100.00
Summary Release	60.00
Subpoena: served by Court/Sheriff	10.00
Served by attorney	5.00
Wrongful Death	77.00

DEPOSITS MUST ACCOMPANY ALL INITIAL FILINGS OF NEW CASES. OTHERWISE, THE PAPERS WILL NOT BE ACCEPTED FOR FILING. ALL DEPOSITS WILL BE APPLIED TOWARD FINAL COSTS. THE COURT MAY REQUIRE ADDITIONAL DEPOSITS.

41	Investment or Expenditure of Funds, Application for.....	10.00
42	Invest in Real Estate, Application to.....	10.00
43	Lease for Oil, Gas, Coal, Other Mineral, Petition to.....	20.00
44	Lease or Lease and Improve Real Estate, Petition to.....	20.00
45	Marriage License.....	12.00
	<small>See R.C. 3113.34 for additional \$17.00 charge, R.C. 2101.19 for \$1.00 charge, and R.C. 2101.162(B) for \$10.00 computerization fee. The total cost for the Marriage Application is \$40.00.</small>	
	Certified abstract of each marriage.....	2.00
46	Minor or Mentally Ill Person, Etc., Disposal of Estate Under \$10,000.....	10.00
47	Mortgage or Mortgage and Repair or Improve Real Estate, Petition to.....	20.00
48	Newly Discovered Assets, Report of.....	7.00
49	Nonresident Executor/Administrator to Bar Creditors' Claims, Proceedings by.....	20.00
50	Power of Attorney or Revocation of Power, Bonding Company.....	10.00
51	Presumption of Death, Petition to Establish.....	20.00
52	Probating Will.....	15.00
	Proof of Notice to Beneficiaries.....	5.00
53	Purchase Personal Property, Application of Surviving Spouse to.....	10.00
54	Purchase Real Estate at Appraised Value, Petition of Surviving Spouse to.....	20.00
55	Receipts in Addition to Advertising Charges, Application and Order to Record.....	5.00
	Record of those receipts, additional, per page.....	1.00
56	Record in excess of fifteen hundred word in any proceeding in the Probate Court, per page	1.00
57	Release of estate by mortgagee or other lienholder.....	5.00
58	Relieving estate from administration.....	60.00
59	Removal of Fiduciary, Application for.....	10.00
60	Requalification of Executor or Administrator.....	10.00
61	Resignation of Fiduciary.....	5.00
62	Sale Bill, Public Sale of Personal Property.....	10.00
63	Sale of Personal Property and Report, Application for.....	10.00
64	Sale of Real Estate, Petition for.....	25.00
65	Terminate Guardianship, Petition to.....	10.00
66	Transfer of Real Estate, Application, Entry and Certificate Fee.....	7.00
67	Unclaimed Money, Application to Invest.....	7.00
68	Vacate Approval of Account or Order of Distribution, Motion to.....	10.00
69	Writ of Execution.....	5.00
70	Writ of Possession.....	5.00
71	Wrongful Death, Application and Settlement of Claim for.....	20.00
72	Year's Allowance, Petition to Review.....	7.00
73	Guardian's Report, Filing and Review of.....	5.00

(B) (1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under Section 2111.49 of the Revised Code, the Probate Court, pursuant to Court order or in accordance with a Court Rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to Section 2111.041 or division (A)(2) of Section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the Court finds that an alleged incompetent or a ward is indigent, the Court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the Probate Court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to Section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the Court finds that the guardian or applicant is indigent, the Court may waive the costs, fees, and expenses of an investigation.

(C) Thirty dollars of the \$35 dollar fee collected pursuant to division (A)(33) of this section and \$20 of the \$60 fee collected pursuant to division (A)(58) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to Section

2111.51 of the Revised Code.

- (D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the Probate Court or by order of the Probate Judge, shall be the same as provided for like services in the Court of Common Pleas.
- (E) The Probate Court, by rule, may require an advance deposit for costs, not to exceed \$125, at the time application is made for an appointment as executor or administrator or at the time a will is presented for Probate..... 125.00
- (F) The Probate Court, by rule, shall establish a reasonable fee, not to exceed \$50, for the filing of a petition for the release of information regarding an adopted person's name by birth and the identity of the adopted person's biological parents and biological siblings pursuant to Section 3107.41 of the Revised Code, all proceedings relative to the petition, the entry of an order relative to the petition, and all services required to be performed in connection with the petition. The Probate Court may use a reasonable portion of a fee charged under authority of this division to reimburse any agency, as defined in Section 3107.39 of the Revised Code, for any services it renders in performing a task described in Section 3107.41 of the Revised Code relative to or in connection with the petition for which the fee was charged..... 25.00
- (G) Thirty dollars of the \$50 fee collected pursuant to division (A)(2) of this section shall be deposited into the "Putative Father Registry Fund", which is hereby created in the state treasury. The Department of Human Services shall use the money in the fund to fund the department's costs of performing its duties related to the Putative Father Registry established under Section 3107.062 of the Revised Code.

II. R.C. 2101.18, 2303.20

- (A) Fees applicable to all cases except estates, guardianships, trusts, and adoptions:
 - 1. Issuing notices, each..... 2.00
 - 2. Issuing summons, each..... 2.00
 - 3. Calling a jury, each cause..... 25.00
- (B) Fees applicable to all cases:
 - 1. Docketing and indexing each petition to vacate, revive, or modify judgment, including the filing and noting of all necessary documents..... 15.00
EXCEPTION: For each motion to vacate approval of account or order of distribution
see Section 1(A), Item 68
 - 2. Appeals
 - a. Docketing and indexing each appeal, including the filing and noting of all necessary documents (R.C. 2303.20, 2303.31, 2101.18)..... 25.00
 - Additional charge for computer legal research (R.C. 2101.162(A)(1))..... 3.00
 - Additional charge for computerization (R.C. 2101.162(B)(1))..... 10.00
 - b. Deposit payable to Clerk of Court of Appeals (Rule 7 of Local Appellate Rules)..... 150.00

III. R.C. 2301.21

- (A) Service of court reporter (or video taping), each case (including wrongful death settlement) except estates, trusts, and adoptions..... 25.00

IV. R.C. 2335.06 (witnesses); 2313.34 and Commissioners' Resolution 99-2693 (jurors)

- (A) Witness fees - each witness shall receive the following fees
 - 1. Half-day attendance..... 6.00
 - 2. Full-day attendance..... 12.00

3. Mileage, per mile.....	.10
(B) Juror fees-each juror shall receive the following	
1. Half-day.....	20.00
2. Full-day.....	40.00
V. Other Fees	
(A) Acknowledgment of Paternity (includes \$3.00 for computer research fee) (Effective January 1, 1998, all Acknowledgements of Paternity will be handled through Wood County Juvenile Court).....	13.00
(B) Application for Placement of Child (includes \$15.00 for legal aid and \$3.00 for computer research fee).....	39.00
(C) Certified Copy of Probate Birth Certificate (R.C. 3109.14, 3705.24).....	4.50
(D) Certified Copy of Probate Death Certificate (R.C. 3109.14, 3705.24).....	4.50
(E) Certified Copy of Marriage Record.....	2.00
(F) Certified Copy of Naturalization Record.....	3.00
(G) Certified Mail (plus \$2.00 for notice, if applicable).....	4.64
(H) Complaint for Will Contest.....	20.00
(I) Computer Legal Research Fee (R.C. 2101.162(A)(1), each case or appeal.....	3.00
(J) Copies of pleadings, records or files, each page.....	.10
(K) Counterclaims or cross-claims.....	20.00
(L) Docketing and recording fees (in lieu of Items 30 and 57 of R.C. 2101.16(A))	
1. Estates.....	48.00
2. Guardianships.....	21.00
3. Trusts.....	21.00
4. Wrongful Death.....	15.00
5. Minor's Settlement.....	15.00
6. Adversary.....	15.00
(M) Guardianship Application.....	5.00
(N) Guardianship Inventory.....	7.00
(O) Home Study: Adoption	
1. Private adoption home studies.....	430.00
2. All other home studies.....	250.00
(P) Legal Aid (name change, guardianship, adoption and estate cases) R.C. 2303.201(C)...	26.00
(Q) Marriage Applications (R.C. 2101.16(A), 3113.34, 2101.19, 2010.162(A)).....	40.00
(R) Publication of Inventory & Appraisal and Accounts in the Sentinel Tribune (prices determined by publisher)	---
(S) Publication Notices - appointments for date of death prior to Mary 30, 1990 (prices determined by publisher)	---
(T) Subpoena Fee:	
1. If served by Court/Sheriff.....	10.00
2. If served by attorney.....	5.00
(U) Praecipe Fee.....	5.00
(V) Re-Open Case, Application to (includes \$10.00 computerization fee).....	35.00
(W) Ohio Estate Tax Return - residents and non-residents.....	20.00
(X) Donation of Land, Application.....	20.00
(Y) Insolvency Hearing, Application.....	20.00
(Z) Registration of Physician's License.....	5.00
(AA) Seal a Filing, Application to.....	25.00
(AB) Conduct of Business (adoptions and marriage licenses only - R.C. 2101.19).....	1.00
(AC) Computerization Fee, each cause of action or appeal (R.C. 2101.162(B)(1)).....	10.00
(AD) Faxed documents plus \$1.00 per page (R.C. 2303.20(Y)).....	2.00
(AE) Certificate of Termination.....	10.00
(AF) Handling Fee - Returned Check.....	10.00
(AG) Certificate of No Marriage.....	2.00

**APPENDIX B
COMPUTATION OF ATTORNEY FEES
IN THE PROBATE COURT OF WOOD COUNTY, OHIO**

Case Name: _____

Case Number: _____

TOTAL ASSETS = \$ _____

A minimum fee of \$250 on the first \$3,500		\$	250.00
5% on the next.	\$10,000	\$	_____
4% on the next.	\$15,000	\$	_____
3 ½% on the next.	\$71,500	\$	_____
3% on the balance.		\$	_____

ASSETS FEE TOTAL (1) \$ _____

TOTAL NON-PROBATE ASSETS
(AS VALUED IN THE OHIO ESTATE TAX RETURN):

A. 1 ½% - Joint and Survivorship		\$	_____
B. 1 ½% - Inter Vivos Trusts		\$	_____
C. 1 ½% - Difference between Federal and Ohio Estate Tax		\$	_____
D. 1 ½% - Other Non-Probate Assets		\$	_____

NON-PROBATE FEE TOTAL: (2) \$ _____

LAND SALE SPOUSE TAKING AT APPRAISED VALUE: (3) \$ _____

EXTRAORDINARY FEES
(ITEMIZED AND ATTACHED TIME RECORDS, IF AVAILABLE):

1.	_____		_____
2.	_____		_____
3.	_____		_____
4.	_____		_____
5.	_____		_____

EXTRAORDINARY FEES TOTAL: (4) \$ _____

TOTAL ATTORNEY FEES: (SUM OF 1, 2, 3, & 4) \$ _____

ATTORNEY FEE TAKEN ON PRIOR ACCOUNT: (-) \$ _____

BALANCE OF ATTORNEY FEES REQUESTED ON FINAL ACCOUNT \$ _____

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

Typed or Printed Attorney's Name

Typed or Printed Fiduciary's Name

Date Approved by the Court

David E. Woessner, Probate Judge

**APPENDIX B-1
ATTORNEY FEES**

I. Total Assets* \$ _____

A minimum fee of \$250.00 on the first \$3,500.00

5% on the next \$10,000.00

4% on the next \$15,000.00

3 ½% on the next \$71,500.00

3% on the balance

*On the value of all personal property administered (including cash advanced to pay debts, taxes or legacies) and the value of all real property owned by the decedent, or on the amount of proceeds from the sales of any property, plus the income from such real and personal property for which the fiduciary is accountable.

II. TOTAL NON-PROBATE ASSETS (AS VALUED IN OHIO ESTATE TAX RETURN)

A. 1 ½% of value of property not subject to Probate administration but includable for Ohio Estate Tax purposes - includes joint and survivorship property.

B. 1 ½% of the value of taxable *inter vivos* trusts (excluding life insurance proceeds), gifts and transfers made by the decedent during lifetime are subject to Ohio or Federal Estate Tax.

C. 1 ½% of the difference in value between the decedent's gross estate for Federal Estate Tax purposes and the decedent's gross estate for Ohio Estate Tax purposes.

D. 1 ½% of the value of other property not subject to Probate administration.

III. On sale of real estate by land sale or election of spouse to take at appraised value, a reasonable fee to be fixed by the Court; minimum fee \$250.00

IV. EXTRAORDINARY FEES MAY BE AWARDED ON APPLICATION BASED UPON THE TIME SPENT AND SERVICES RENDERED.

This schedule is merely a guide for determining fees for counsel in an ordinary estate and should be considered as neither a minimum nor maximum fee schedule.

APPENDIX B-2 EXAMPLES OF EXTRAORDINARY SERVICES

Examples of extraordinary services which may be compensated in addition to the foregoing suggested guidelines on ordinary fees include, but are not limited to, the following:

- A. In a Court other than the Probate Court.
- B. In a contested matter in the Probate Court.
- C. In connection with the preparation or filing, audit, protest or contest of an income or gift tax return, or liability incurred by the decedent or personal representative.
- D. In connection with the settlement of estate or inheritance taxes with respect to insurance not payable to the estate, gifts in contemplation of death, or general testamentary powers of appointment not exercised by the decedent, and other negotiation not represented by assets included in the "gross value" of the estate.
- E. With respect to problems of valuation or taxability of property for estate and inheritance taxes or to the protest of such taxes.
- F. Preparation and filing of the federal estate tax returns.
- G. In connection with matters which are unusual or excessive for the size of the estate involved.
- H. In connection with the performance of duties normally performed by the personal representative, but which fall to the lawyer because of personal representative's inexperience, lack of ability, or absence from the place from which the assets of an estate must be managed.
- I. Sale of business or business assets.
- J. Proceedings to determine heirship.
- K. Proceedings involving partnership.
- L. Sale of real estate by land sale or election of spouse to take at appraisal value.

**APPENDIX C
COMPUTATION OF GUARDIAN FEES
IN THE PROBATE COURT OF WOOD COUNTY, OHIO**

Case Name: _____ Case Number: _____

ACCOUNTING PERIOD OF: _____, _____ to _____, _____

ORDINARY FEES

Total Income During Period	\$			
I. \$0-\$1,000 Income @ 4% (excludes income from rental property managed by guardian)		\$		
\$1,000 - Up Income @ 3%		\$		
Total Fee from Income			\$	
Total Expenses During Period	\$			
II. \$0-\$1,000 Expenses @ 4% (excludes rental property expenses)		\$		
\$1,000 - Up Expenses @ 3%		\$		
Total Fee from Expenses			\$	
III. Principal at Beginning of Accounting Period times (x) .003	\$		\$	
Total Fee from Principal			\$	
IV. Gross Rental Property Income from Property Managed by Guardian times (x) .10		\$		\$
Total Fee from Rental Income			\$	
V. Extraordinary Fees (itemize and attach time records)				
A. _____		\$		
B. _____		\$		
C. _____		\$		
D. _____		\$		
Total Extraordinary Fees			\$	
Total IV			\$	
Total Fees Requested			\$	

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

Typed or Printed Attorney's Name

Typed or Printed Fiduciary's Name

Date Approved by the Court

David E. Woessner, Probate Judge

**APPENDIX C-1
GUARDIAN FEE GUIDELINES**

A. COMPUTATION OF GUARDIAN FEES - ANNUALLY

1. \$0 - \$1,000.00 income
4% of income (excludes income from rental property managed by guardian)

\$1,000.00 - up income
3% of income
2. \$0 - \$1,000.00 expenses
4% of expenses (excludes rental property expenses)

\$1,000.00 - up expenses
3% of expenses
3. \$3 per thousand principal
4. 10% of gross rental property income if managed by guardian
5. Minimum of \$50.00 per year

B. ATTORNEY FEES

1. Attorney fees up to \$200.00 for representing a guardian subsequently appointed including the filing of an inventory and an entry approving the inventory will normally be approved without application.
2. Attorney fees up to \$225.00 for preparing and filing an annual account and entry approving said account will normally be approved without application.

**APPENDIX D
TRUSTEE'S FEE COMPUTATION
IN THE PROBATE COURT OF WOOD COUNTY, OHIO**

Case Name: _____

Case Number: _____

I. Gross Annual Income from Personal Property	\$ _____	
times (x) .04	.04	
Total Fee from Personal Property Income		\$ _____
II. a. Gross Income from Real Property Managed	\$ _____	
by the Trustee times (x) .10	.10	
Total Fee for Trustee Managed Real Property		\$ _____
II. b. Adjusted Gross Income from Other Real Property	\$ _____	
times (x) .01	.01	
Total Fee to Trustee on Other Real Property Income		\$ _____
III. Principal	\$ _____	
times (x) .002	.002	
Fee on Principal		\$ _____
IV. Principal Distribution	\$ _____	
times (x) .01	.01	
Fee on Principal Distribution		\$ _____
V. Management Fee		\$ _____

RECAPITULATION

Item I. Fee	\$ _____	
Item IIa. Fee	\$ _____	
Item IIb. Fee	\$ _____	
Item III. Fee	\$ _____	
Item IV. Fee	\$ _____	
Item V. Fee	\$ _____	
Extraordinary Fees (from application)	\$ _____	
Total Fees Requested		\$ _____

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

Typed or Printed Attorney's Name

Typed or Printed Fiduciary's Name

Date Approved by the Court

David E. Woessner, Probate Judge

**APPENDIX D-1
TRUSTEE FEE GUIDELINES**

Income During Period

I. On income from personal property

4% of gross income

II. On income from real property

a. 10% of gross income on property managed by trustees

b. 1% of adjusted gross income on property managed by someone else provided that management fees and trustee's fee combined do not exceed 10% of gross income.

Adjusted gross income is gross income less operating expenses before depreciation and management fees deducted.

III. On Principal

\$2.00 per \$1,000.00 principal

IV. On Distribution of Principal (other than termination)

1% of reasonable market value of principal property distributed, to be paid from the distribution.

V. Management Fee

VI. Extraordinary Fees

May be awarded upon application at discretion of the Court.

**APPENDIX E
COMPUTATION OF EXECUTOR/ADMINISTRATOR FEES
IN THE PROBATE COURT OF WOOD COUNTY, OHIO**

Case Name: _____

Case Number: _____

1. Total Personal Estate	\$	_____
2. Income from Personal Estate	\$	_____
3. Proceeds from Real Estate SOLD	\$	_____
	TOTAL	\$ _____

COMPUTATION

A) 4% of first \$100,000	\$	_____
B) 3% of next \$300,000	\$	_____
C) 2% above \$400,000	\$	_____
D) 1% of Real Estate NOT SOLD	\$	_____
E) 1% of property not subject to administration that is includable for Ohio Estate Tax Purposes, EXCEPT joint and survivorship property (i.e. assets in trust, gifts, and transfers during lifetime)	\$	_____
TOTAL EXECUTOR/ADMINISTRATOR FEES:	\$	_____

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

Typed or Printed Attorney's Name

Typed or Printed Fiduciary's Name

Date Approved by the Court

David E. Woessner, Probate Judge

**APPENDIX E-1
EXECUTOR/ADMINISTRATOR GUIDELINES
O.R.C. 2113.35**

- 4% on the first \$100,000
- 3% on all above \$100,000 and not exceeding \$400,000
- 2% on everything over \$400,000
- 1% on the value of real estate that is not sold
- 1% on the value of all property that is not subject to administration and that is includable for purposes of the Ohio estate tax, except joint and survivorship property.

PROBATE COURT OF WOOD COUNTY, OHIO
David E. Woessner, Judge

In the Matter of: _____

Case No: _____

Date: _____

APPLICATION TO EXTEND TIME

The undersigned attorney and fiduciary hereby make application to extend the time for filing the:

- Inventory
- Account
- Commissioner's Report
- Guardian's Report
- Other (explain) _____

in this matter, which first became due on _____, 20____, for the following reasons

_____.

An Extension of Time is hereby requested to file said _____
by _____.

Fiduciary's Signature

Attorney's Signature

(Type/Print Fiduciary's Name)

(Type/Print Attorney's Name)

Prepared by:
Attorney's Name _____
Address _____

Phone # _____
Registration # _____

PROBATE COURT OF WOOD COUNTY, OHIO
David E. Woessner, Judge

In the Matter of: _____

Case No: _____

Date: _____

JUDGMENT ENTRY TO EXTEND TIME

Upon application of the attorney and the fiduciary and for good cause shown, application is hereby granted and time for filing the:

- Inventory
- Account
- Commissioner's Report
- Guardian's Report
- Other (explain) _____

is hereby extended to _____, 20____.

Date Journalized

David E. Woessner, Probate Judge

Prepared by:
Attorney's Name _____
Address _____

Phone # _____
Registration # _____

PROBATE COURT OF WOOD COUNTY, OHIO
David E. Woessner, Judge

Estate of: _____

Case No. _____

APPLICATION TO EXTEND ADMINISTRATION

[R.C. 2109.301, Sup. R. 78(B) and (C)]

The undersigned fiduciary applies to extend the administration of the estate beyond six months. The fiduciary states it would be detrimental to the estate and its beneficiaries or heirs to file a final and distributive account or certificate of termination within that time for the following reason(s) (state with specificity):

Attorney

Fiduciary

Attorney Registration No. _____

ENTRY

Upon consideration of the application, the Court orders;

- An account or certificate of termination shall be due not later than 13 months after the appointment of the fiduciary.
- A final and distributive account or certificate of termination is due _____.
- The motion is denied.
- Other: _____

A status letter shall be filed with each partial account or waiver of partial account.

David E. Woessner, Probate Judge



WOOD COUNTY PROBATE COURT RECORDS RETENTION SCHEDULE

<i>Record Title</i>	<i>Retention Period</i>	<i>Media Type</i>
<u>Administrative</u>	Sup. Rule 26.01	
Bank Records	3 years (and completed audit)	Paper
Cash Books	3 years (and completed audit)	Paper
Daily Correspondence (messages, notes, emails not essential to case file)	Destroyed in course of business	Various
Supreme Court (Annual) Report	2 copies kept permanently	Paper
Employment applications	2 years for posted positions	Paper
Employee Benefit and Leave (insurance info/applications)	3 years (and completed audit)	Paper
Employee History and Discipline	10 years after termination	Paper
Fiscal (budgets and purchasing)	3 years	Paper
Payroll Records	3 years	Paper
Receipts and Cashbook Balancing	3 years (and completed audit)	Paper
Contracts, Bids, Proposals	3 years	Paper
<u>Case Records</u>	Sup. Rule 26.04	
Adoptions	Permanent	Paper
Birth Records	Permanent	Paper
Death Records	Permanent	Paper
Estates	Permanent	Microfilm
Civils	Permanent	Microfilm
Marriage	Permanent	Paper

<i>Record Title</i>	<i>Retention Period</i>	<i>Media Type</i>
Non-adj. Civil Commitments	Destroyed upon dismissal	Paper
Civil Commitments	3 Years after Closing	Paper
Trusts	Permanent	Microfilm
Guardianships	Permanent	Microfilm
Name Changes	Permanent	Microfilm
All Other Case Types	Permanent	Microfilm
Indexes, Journals, Dockets	Permanent	Electronic and Paper
Audio, Video, Steno, Transcripts (any media used to record a hearing)	10 Years	Video/Audio
Exhibits	45 days following expiration of appeal time	Various



Wood County Court of Common Pleas
Probate Division
Wood County Courthouse
Bowling Green, Ohio 43402
(419) 354-9230

David E. Woessner
Probate Judge

Facsimile Filing Cover Sheet Form 4.1

File Stamped Copy Requested

Exhibits to be Filed Per Rule 6.01

SENDING PARTY INFORMATION:

Attorney Name: _____

Supreme Court Registration Number: _____

Office/Firm: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-Mail Address (if applicable): _____

CASE INFORMATION:

Caption of Case: _____

Case Number: _____

Description of Document: _____

Judge: _____

FILING INFORMATION:

Date of Fax Transmission: _____

Number of Pages: _____

Statement explaining how Court Costs will be submitted:

Wood County Probate Rule 6.02

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

In the Matter of:
The Estate of:

*
*

Case No. 17760704
Judge David E. Woessner

George Washington

PLAINTIFF SMITH'S NOTICE OF FILING OF EXHIBIT "G"
TO
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is being timely filed as a separate document with the Court pursuant to Local Rule 6.02 et seq.

Respectfully Submitted,

Attorney Name (Sup. Ct. Reg. No.)
Office/Firm
Address
Telephone Number
Facsimile
E-mail

Counsel for Plaintiff John Smith

Certificate of Service

I certify that a copy of this Notice of Filing of Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for the defendant [name], [address of recipient].

Attorney Name
Counsel for the Plaintiff John Smith