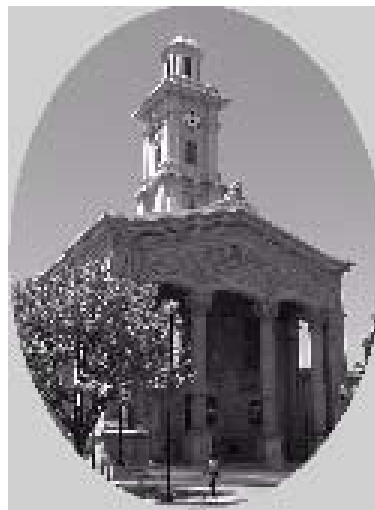


LOCAL RULES OF PROCEDURE
ROSS COUNTY COURT OF COMMON PLEAS

PROBATE DIVISION

Richard G. Ward, Judge

Christine B. Hannan, Magistrate
Steven E. Drotleff, Magistrate



Effective September 1, 2004

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Ross County Probate Rules

The following Local Rules are supplemental to the Rules of Superintendence for the Courts of Ohio and must be read in conjunction therewith.

LOCAL RULE 5.1 JURY MANAGEMENT

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

LOCAL RULE 8.1 COURT APPOINTMENTS

- A. Persons appointed by the Court to serve as appraisers, fiduciaries, attorneys, investigators, guardians ad litem, and trustees for suit, shall be selected from lists maintained by the Court.
- B. Appointments will be made from such lists taking into consideration the qualifications, skills, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case.
- C. Court appointees will be paid a reasonable fee with consideration given to the factors contained in DR-2-106 of the Code of Professional Responsibility, the Ohio Revised Code, and the Local Rules of Court relating to fees.
- D. The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.

LOCAL RULE 9.1 SECURITY PLAN

Pursuant to a Supreme Court of Ohio resolution dated July 26, 1995, the Ross County Probate Court has determined the entire Security Plan as submitted to the Supreme Court of Ohio, effective January 1, 2001, be maintained as confidential and not a matter of public record.

LOCAL RULE 11.1 RECORDING OF PROCEEDINGS

- A. The Court will make an audio recording of the proceedings as the record of the Court unless a stenographic record is requested. Parties who desire to have a stenographic record of the proceedings must make their own arrangements for a court reporter at least twenty-four (24) hours prior to the scheduled hearing. The requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court.

- B. The Court will allow an interested person to listen to a copy of the electronic recording upon request made not less than twenty-four (24) hours in advance. Tapes may not be removed from the Court.
- C. In all cases in which a party desires preparation of a transcript of a proceeding, such request shall be made in writing to the Court Reporter. Upon receipt of such request, the Court Reporter will advise the party, in writing, of the estimated cost of the transcript. Upon receipt of a deposit in the amount of fifty percent (50%) of the estimated cost, the Court Reporter shall prepare the transcript. No transcript shall be delivered without payment in full for the transcript.
- D. Compensation for official stenographic reports for making transcripts and copies as provides in the Ohio Revised Code, is fixed as follows:
 - Three Dollars (\$3.00) per page for the original transcript
 - One Dollar and fifty cents (\$1.50) per page for the first copy of the transcript;
 - One Dollar and fifty cents (\$1.50) per page for a copy to other parties or for additional copies.
- E. Tapes of all electronically recorded proceedings will be maintained by the Court for three (3) years from the date of the hearing. Any interested person desiring to preserve the record beyond that period must make arrangements to have the record transcribed.

LOCAL RULE 26.1 COURT RECORDS MANAGEMENT AND RETENTION

Ohio Rules of Superintendence 26.01 and 26.04 are adopted and implemented as if fully rewritten herein.

LOCAL RULE 51.1 FORM AVAILABILITY

- A. The standard probate forms adopted pursuant to Rule 51 of the Rules of Superintendence shall be used for all applicable filings except as provided in Local Rule 52.1.
- B. Approved forms for use in the Ross County Probate Court are available at the Court.

LOCAL RULE 52.1 COMPUTERIZED FORMS

- A. Computer generated forms must comply with the specifications and format outlined by the Rules of Superintendence. The signature of the applicant or attorney constitutes a certificate that the computer generated forms comply with the rules.

- B. All computer forms presented for filing must be generated with the exact wording as well as blank lines as they appear in the standard forms.

LOCAL RULE 52.2 FORM SPECIFICATIONS

The type size for the body of all forms filed in this Court cannot be less than ten (10) point, nor greater than fourteen (14) point.

LOCAL RULE 53.1 HOURS OF THE COURT

The Probate Court shall be open for the transaction of business from 8:00 a.m. to 4:00 p.m., Monday through Friday, except holidays as provided by resolution of the Ross County Board of Commissioners. All pleadings requiring a new case number or the payment of Court costs shall be filed by 3:30 p.m. unless under exceptional circumstances and with Court approval.

LOCAL RULE 53.2 LOCATION

Court sessions shall be held at the Ross County Courthouse or any annex thereof in such manner shall be ordered by the judge; sessions may be held at such other places in Ross County as may be provided by order of the judge from time to time or for special cases as the interest of justice may require.

LOCAL RULE 54.1 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. Proper attire is required of all parties who appear before this Court. Any party who does not appear in proper attire is subject to sanctions or removal from the Court.
- C. No radio or television transmission, voice recording device, pictures, 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.

LOCAL RULE 55.1 WITHDRAWAL OF FILES

- A. Files or 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. Adoption, mental illness and mental retardation proceedings are confidential. Records of these proceedings, and other records that are confidential by statute, may be accessed as authorized by the Judge.
- C. A citation for contempt of court may be issued against anyone who divulges or receives information from confidential records without authorization of the Judge.

LOCAL RULE 55.2 ARCHIVES

The Ross County Probate Court has established an Archive for the convenience of the public and is open to the public from 8:30 a.m. to 4:30 p.m.

LOCAL RULE 55.3 PHOTOCOPIES

Copies of any non-confidential public record may be obtained at the cost of Five cents (\$.05) per page.

LOCAL RULE 56.1 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 adverse 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.
- D. All applications for continuances of hearings, pretrials and trials shall be submitted to the Court at least seven (7) days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the Court.

LOCAL RULE 56.2 APPLICATIONS FOR EXTENSION OF TIME

All applications for extension of time must be signed by both the fiduciary and the attorney of record pursuant to Sup. R. 78.

LOCAL RULE 57.1 FACSIMILE FILINGS

The Court will not accept filings by facsimile transmission or electronic mail. The Court will accept documents by facsimile for notice purposes only. Pleadings will be deemed to have been filed only upon the presenting of the original to the Court and the payments of any required fees.

LOCAL RULE 57.2 COMPLETE IDENTIFYING INFORMATION

- A. When required on a Court document, an attorney or fiduciary address must be a street address and, if applicable, any post office box numbers used as a mailing address. The address of the fiduciary must be the fiduciary's legal residence. A fiduciary who is an attorney at law may use an office address. A corporate fiduciary shall identify its principal place of business.
- B. Documents containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused for filing, or, if filed, may be ordered stricken from the files, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated thereon.
- C. The attorney's Supreme Court registration number, along with the attorney's name, address, telephone number, telefax number, if any, and business e-mail, if any, must be included on all filings (including accounts).
- D. Reasonable diligence shall be exercised to obtain the complete street addresses of the surviving spouse, next of kin, legatees and devisees.

LOCAL RULE 57.3 CASE NUMBER

All filings, including attachments, must have the case number.

LOCAL RULE 57.4 ORIGINAL SIGNATURES

All filings must contain original signatures and be written in blue ink. In all matters with multiple fiduciaries, the signature of all fiduciaries is required on all documents including fiduciary checks. Persons who are not an attorney may not sign on behalf of an attorney.

LOCAL RULE 57.5 FIDUCIARY SIGNATURE

Any pleading, filing, or other document, which by law or rule requires the fiduciary's signature, shall have the original signature of the fiduciary. The attorney for the fiduciary may not sign for the fiduciary. All original signatures must be signed in blue ink.

LOCAL RULE 57.6 COURT FILINGS

All filings must be legible, on 8-1/2" x 11" paper and the type size for the body of the document be not less than ten (10) point or greater than fourteen (14) point. The Court will accept for filing only those pleadings, which are complete. All original signatures must be signed in blue ink.

LOCAL RULE 57.7 FORWARDING COPIES

The Court will not return file-stamped copies by mail unless submitted with a return, self-addressed, stamped envelope and the copies shall be provided by requestor.

LOCAL RULE 57.8 ISSUANCE OF SUMMONS

A Request for Issuance of Summons shall be filed with all original and amended complaints or petitions in civil actions

LOCAL RULE 57.9 DISPOSITION OF EXHIBITS

- A. All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification. In a proceeding recorded by a Court stenographer, custody of exhibits admitted or proffered shall be given to the stenographer, unless otherwise ordered by the Court.
- B. Upon agreement of the parties or by order of the Court, copies may be substituted for the original exhibit.
- D. Disposal of exhibits shall be pursuant to Sup. R. 26.

LOCAL RULE 57.10 CERTIFICATE OF NOTICE OF ENTRY OF JUDGMENT

Any proposed judgment entry submitted to the Court which is subject to Civ. R. 58(B) as modified by Civ. R. 73(I) shall contain a certificate of service including the names and addresses of all parties and other interested persons required to be served.

LOCAL RULE 57.11 SOCIAL SECURITY NUMBERS

Social security numbers are confidential and will not be required in any filing in this Court that is available for inspection by the general public. Applicants for guardianships will provide their social security number and the social security number for the proposed ward on a form that will not be disclosed to the general public. The form (Appendix A) will be filed with every application for guardianship.

LOCAL RULE 57.12 - CERTIFICATE OF SERVICE

The Certificate of Service shall identify by name all parties served.

LOCAL RULE 57.13 DISPENSING WITH FURTHER ADMINISTRATION

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

LOCAL RULE 58.1 DEPOSITS

- A. The business of this Court shall be conducted on a cash basis. The Court will not accept personal checks. The Court will only accept cash, money orders, cashier's checks, fiduciary, attorney, title company, or trust company checks. However, the Archives Department may accept personal checks.
- B. Deposits in the amount set forth in Appendix B shall be required upon the filing of all actions and proceedings listed therein. Otherwise the Court will not accept the filings. The balance of any Court costs shall be paid when the final account, entry or any partial account is filed.

LOCAL RULE 58.2 WITNESS FEES

Witness fees must be requested at the conclusion of the hearing for which the subpoena was issued. If not requested at that time, the fee is waived. All unused portions of the subpoena deposit will be refunded to the depositor.

LOCAL RULE 58.3 RELEASE OF ADOPTION INFORMATION

The fee for filing a petition for the release of adoption information pursuant to Ohio R.C. 2101.16(F) shall be Seventy-Five Dollars (\$75.00).

LOCAL RULE 58.4 FILING TRANSCRIPTS, EXHIBITS, OR FOREIGN RECORDS

The filing fee required by Ohio R.C. 2101.16(A)(57) shall be paid at the time of filing the transcript, exhibits, or foreign records.

LOCAL RULE 59.1 Certificate of Service of Notice of Probate of Will

The applicant for the admission of a will to probate or other person listed in Ohio R.C. 2107.19(A)(4) shall file a Certificate of Service of Notice of Probate Of Will (Standard Probate Form 2.4) not later than two months after the appointment of the fiduciary or, if no fiduciary has been appointed, not later than two months after the admission of the will to probate. 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).

LOCAL RULE 59.2 BONDS

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.

LOCAL RULE 59.3 FILING WILL FOR RECORD ONLY

An application to File a Will for Record Only will be accepted when it is not necessary to have it admitted to probate. A case number shall be assigned and the case closed. Future activity shall require reopening of the estate.

LOCAL RULE 60.1 APPOINTMENT OF NONRESIDENT FIDUCIARIES

An applicant to be appointed fiduciary of a decedent's estate, or trust, who is not a resident of this state, must be in compliance with Ohio R.C. 2109.21 and use as the attorney of record an attorney licensed to practice law in this State. To assure the assets remain in Ross County, Ohio, during the administration of the estate or trust, the applicant must place a substantial amount of the decedent's personal assets in a custodial depository in this county, pursuant to Ohio R.C. 2109.13.

LOCAL RULE 60.2 INVENTORY

- A. When filing the inventory, Form 1.0 must be attached. Waivers from the next of Kin, Legatees and Devisees must be filed with the inventory. In the absence of waivers, Notice of Hearing on Inventory must be filed. The deputy clerk will set a non-oral hearing date and insert the date and time and return the Notice to the attorney/fiduciary for service by certified mail, return receipt. The return card attached to a copy of the Notice of Hearing on Inventory must be returned to the Court prior to the hearing date.
- B. Notice of the filing of the inventory shall be given in accordance with Section 2115.16 of the Revised Code and may be published one time, as a group in a newspaper of general circulation in the county, or advertised separately as the Court directs. The notice required herein shall be deemed notice to each person or class of persons entitled thereto, without specifically naming such person or class of persons.

LOCAL RULE 60.3 FORM 1.0

Form 1.0 shall list all the heirs, next of kin, legatees and devisees in the appropriate locations on the form. If any of these heirs, next of kin, legatees or devisees is deceased, then that persons name will be listed and the word "deceased" shall be entered after that name. The name or names of the person or persons that will take the place of the "deceased" person shall be listed, by indenting slightly and listed as the other heirs, next of kin, legatees and devisees are listed on the form. The form will thus reflect the relationship of the decedent of each heir, next of kin, legatee and devisee and that relationship will be readily apparent on the face of the document.

LOCAL RULE 60.4 STATUS REPORT BY FIDUCIARY

The fiduciary of an estate, or the attorney of record, shall file an annual report with the Court on the anniversary date of the estate opening, explaining the status of the estate and why the estate is not closed.

LOCAL RULE 61.1 APPRAISERS

- A. The following persons shall be approved by the Court as qualified appraisers of real estate:
 - 1. State of Ohio licensed real estate brokers and similarly licensed real estate salespersons who are active in the trade or profession, or
 - 2. Members of National or State of Ohio recognized appraiser associations who are active in the trade or professions.
- B. The Court will maintain a 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 upon the above qualifications.
- C. An appraiser appointed from the Court's list shall not require further approval of the Court as provided by Section 2115.06 of the Revised Code.
- D. If an appraiser has not been pre-approved and placed on the Court's list, the executor or administrator shall submit written qualifications of the appraiser with the application to appoint the appraiser. At that time, the appraiser will be added to the approved list, or the application for appointment of appraiser will be set for hearing.
- E. When it is necessary to determine the value of real estate located outside of Ross 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.
- F. When it is necessary to determine the value of property other than real estate, 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 submitted in each case.

LOCAL RULE 62.1 CLAIMS AGAINST THE ESTATE

The Schedule of Claims shall list the claims in order of priority, as if to be paid, pursuant to Section 2117.25 of the Revised Code.

LOCAL RULE 63.1 APPLICATION TO SELL PERSONALTY

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 obtain. The application shall contain an adequate description of the property.

LOCAL RULE 64.1 FIDUCIARY'S SIGNATURE

- A. All accounts must be personally signed by the fiduciary and contain the full name, current resident address, and telephone number of the fiduciary.
- B. All fiduciaries must sign the account when multiple fiduciaries have been appointed.

LOCAL RULE 64.2 DELINQUENCY IN FILING AN ACCOUNT

No expenditure, sale, distribution, or fee will be approved while the fiduciary is delinquent in filing an account. See also Sup. R. 78. The Court will however consider an application for attorney fees upon a representation that the fiduciary is not cooperating with counsel.

LOCAL RULE 64.3 VOUCHERS

- A. When required by statute or court order, original vouchers are to be displayed when filing accounts. The Court will accept as a voucher a statement from a financial institution specifying the payee, check amount, and date of payment.
- B. (1) Vouchers are not required to be filed with accounts filed in decedent's estates provided that Standard Probate Form 13.0 is filed and a Certificate of Service of Account to Heirs or Beneficiaries (Standard Probate Form 13.9) is submitted with the account. If an exception is filed, the account will be set for further hearing and vouchers will be required at that time.

(2) A Certificate of Termination (Form 13.6) may be filed in lieu of any account due in a decedent's estate when the provisions of R.C. 2109.301(B)(2) have been satisfied.
- C. The Court may accept a combination of vouchers and consents. In lieu of receiving waivers and consents from all the beneficiaries, vouchers from specific and pecuniary beneficiaries may be submitted with consents from all remaining beneficiaries.

- D. Upon request of the Court, adding machine tapes or computer-generated calculations shall be provided which reflect receipts, disbursements, and balances.
- E. 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: (1) the photocopies are complete copies of the originals, (2) the photocopies are clearly legible, and (3) the front and back of said checks are photocopied. The Court will accept as a voucher documentation from a financial institution specifying the payee, check amount and date of payment.
- F. When an account in proper form has been completed for filing, the account and required vouchers are to be submitted to the Deputy Clerk for review. Signed receipt or cancelled checks shall be exhibited for each disbursement.
- G. If the account appears in order, it will be file stamped, dated and signed as follows:

Vouchers Exhibited as listed

Deputy Clerk
Richard G. Ward, Judge
Common Pleas Court, Probate Division
Ross County, Ohio

- H. The Court may order the deposit of original vouchers or copies with the account.
- I. All court costs are to be paid in full with each account.

LOCAL RULE 64.4 EVIDENCE OF ASSETS

The Court requires that all assets be exhibited at the time of filing a partial account. The assets remaining in fiduciary's hands shall disclose the fair market value of the assets as of the last day covered by the account.

LOCAL RULE 64.5 PAYMENT OF DEBTS

The fiduciary in a decedent's estate shall pay and disclose in the estate account all valid debts unless otherwise determined by law.

LOCAL RULE 64.6 TIME FOR FILING

- A. For decedent's estates, the final and distributive account is due within six (6) months after appointment of the fiduciary. If additional time is required to file the account, the fiduciary/attorney must file for an extension of the administration.
1. If the extension is required for one of the reasons set forth in R.C. 2109.301(B)(1), a NOTICE TO EXTEND ADMINISTRATION (Standard Probate Form 13.10) should be filed. Upon filing, the administration will be extended to thirteen (13) months from the date of the appointment of the fiduciary. No additional Court approval is needed.
 2. If the fiduciary needs the extension for any reason other than those listed in R.C. 2109.301(B)(1), an APPLICATION TO EXTEND ADMINISTRATION (Standard Probate Form 13.8) must be filed. Court approval for the extension is needed.
- B. For guardianships and trusts, the first account shall be filed not later than one (1) year following the date of the appointment of the fiduciary and all subsequent accounts shall be filed on an annual basis, unless otherwise ordered by the Court.
1. Every account shall include an itemized statement of all receipts of the guardian during the accounting period and of all disbursements and distributions made by the guardian 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 at the end of the accounting period and shall reflect any changes in investments since the previous account.
 2. When a guardian is authorized by law to distribute the assets of the estate, in whole or in part, the guardian may do so and include a report of distribution in the guardian's succeeding account.
 3. The Court may waive, by order, an account required of a guardian of the estate, in any of the following circumstances:
 - a. The assets of the estate consist entirely of real property.
 - b. The assets of the estate consist entirely of personal property, that the 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 Court has authorized expenditures of no more than ten thousand dollars annually for the support, maintenance, or, if applicable, education of the ward.

- c. The assets of the estate consist entirely of real property and of personal property as described in (b) above.

C. Every commissioner shall file a report of distribution within sixty (60) days of appointment.

LOCAL RULE 64.7 CERTIFICATE OF SERVICE OF NOTICE TO HEIRS

For all estates of decedents with dates of death after December 31, 2001, a Certificate of Service of Account to Heirs or Beneficiaries (Standard Probate Form 13.9), shall be filed with the Court disclosing that the executor or administrator has provided a copy of the account to all persons entitled thereto under Ohio R.C. 2109.32(B)(1). This certificate shall be signed by the executor, administrator, or attorney of record, and shall be filed with the account.

LOCAL RULE 65.1 ATTORNEY'S CERTIFICATE

If evidence of title is provided by attorney's certificate, the provider of such title examination shall be paid a reasonable fee of not less than one hundred dollars (\$100.00), which fees are determined to be costs of administration, taxed and distributed as court costs in the in the proceeding.

LOCAL RULE 66.1 GUARDIANSHIP OF MINORS

- A. A certified copy of the minor's birth certificate must be filed with the guardian's application.
- B. The Court will not establish any guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.
- C. Minors who are not U.S. citizens or resident aliens, are not considered by this Court to be residents or have legal settlement as set forth in Ohio R.C. 2111.02 (A).
- D. The court will not approve any application for the guardianship of a minor where the court determines the guardianship process is being used to circumvent a proper custody proceeding or for other improper causes.

LOCAL RULE 66.2 RELEASE OF FUNDS

Funds in the name of the ward shall not be released to the guardian without a specific court order.

LOCAL RULE 66.3 DEPOSIT OF WILLS

The guardian must deposit with the Court any and all wills of the ward for safekeeping in accordance with Ohio R.C. 2107.07.

LOCAL RULE 66.4 CHANGE OF ADDRESS

A guardian appointed by this Court shall inform the Court as to any change of address of the guardian or the ward. This notification must be made within thirty (30) days of the address change. Failure to notify the Court under this rule may result in the guardian being removed.

LOCAL RULE 66.5 GUARDIAN'S REPORT

- A. The guardian of the person shall file the guardian's report.
- B. Where a physician or clinical psychologist states on a Statement of Expert Evaluation that to a reasonable degree of medical certainty it is unlikely the ward's mental competence will improve, the Court may dispense with the filing of subsequent Statements of Expert Evaluation when filing their subsequent annual guardian's reports.

LOCAL RULE 66.6 TERMINATION

Applications to terminate a guardianship of a minor require notice to all persons designated in Ohio R.C. 2111.04 and any other individuals who received actual notice of the original appointment of the guardian.

LOCAL RULE 66.7 NOTICE FOR GUARDIANSHIP OF ADULTS

In addition to those entitled to notice of the hearing on the application for the appointment of a guardian of an adult under Ohio R.C. 2111.04, the applicant shall disclose to the Court the names and addresses of all adult children of the proposed ward known to reside in this state. The Court shall serve the adult children with notice of the time and date of the hearing, unless the notice is waived.

LOCAL RULE 66.8 EMERGENCY GUARDIANSHIPS

An application for appointment of an emergency guardian shall require testimony/evidence by affidavit or otherwise that immediate action is necessary to prevent substantial injury to the alleged ward or the property of the alleged ward.

LOCAL RULE 66.9 ADULT INVESTIGATIONS

- A. The Court will appoint a qualified person to examine, investigate and report the need for an adult guardianship.
- B. Costs, fees and expenses shall be charged against the estate of the ward if a guardian is appointed. If the ward is indigent, the charges for the services of the investigator shall be assessed and paid by the county.
- C. The investigator's report shall include recommendations regarding the necessity for a guardianship or a less restrictive alternative and for the appointment of an attorney. The report shall be made a part of the record and considered by the Court prior to establishing any guardianship.
- D. The guardian of the person of an incompetent shall file a guardian's report annually on a form provided by the Court upon request.

LOCAL RULE 67.1 DISPENSE WITH GUARDIANSHIP

Applications to dispense with the appointment of a guardian shall follow the notice required in Ohio R.C. 2111.04

LOCAL RULE 67.2 BIRTH CERTIFICATE

A certified copy of the minor's birth certificate must be presented to the Court upon the filing of the application to dispense with guardianship.

LOCAL RULE 67.3 ATTORNEY RESPONSIBILITY

The attorney representing the interests of the payor in a minor's settlement action shall not assume the duties imposed by Sup. Rule 67.

LOCAL RULE 68.1 BIRTH CERTIFICATE

A copy of the minor's birth certificate must be presented to the Court upon the filing of the application to settle a minor's claim.

LOCAL RULE 68.2 SEPARATE CASE NUMBER

- A. Settlements of a minor's claim are separate proceedings in this Court and shall not proceed under the case number assigned to the guardianship, if any.
- B. Pursuant to Sup. R. 67(C), the attorney representing the applicants or the payor in the matter shall acknowledge responsibility for depositing the funds and 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 thirty (30) days of the issuance of the entry.

LOCAL RULE 68.3 PRESENCE OF MINOR

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 written motion for good cause shown.

LOCAL RULE 68.4 STRUCTURED SETTLEMENTS

In the event that parties involved in claims for injuries to minors or incompetents desire to enter into a structured settlement, defined as a settlement wherein payments are made on a periodic basis, the following rules shall apply:

- A. The application shall include a signed statement from one of the following independent professionals, specifying the present value of the settlement, and the method of calculation of that value: an actuary, certified public accountant, certified financial planner, chartered life underwriter, chartered financial consultant, or an equivalent professional.
- B. If the settlement is to be funded by an annuity, the application shall include a signed statement by the annuity carrier or the broker procuring the policy stating:
 1. The annuity carrier is licensed to write annuities in Ohio.
 2. The annuity carrier's ratings from at least two of the following organizations, which meet the following criteria:
 - a. A.M. Best Company: A++, A+, or A;
 - b. Duff & Phelps Credit Rating Company (Claims Paying Ability Rating): AAA, AA+, or AA;
 - c. Moody's Investors Service (Financial Strength): Aaa, Aa1, or Aa2;
 - d. Standard & Poor's Corporation (Financial Strength): AAA, AA+, or AA;
 - e. Weiss Research Inc.: A+ or A.
- C. In addition to the requirements of Paragraph (B) above, an annuity carrier must meet any other requirement the Court considers reasonably necessary to assure that funding to satisfy periodic payment settlements will be provided and maintained.

LOCAL RULE 70.1 SETTLEMENT OF CLAIMS

The application to settle a claim for wrongful death and the apportionment of the proceeds are two distinct matters for which the Court may require separate hearing for each.

LOCAL RULE 71.1 ATTORNEY FEES

- A. All fees charged by an attorney representing a fiduciary in matters before this Court, including but not limited to work on decedents' estates, guardianships, and trusts, must be disclosed on the fiduciary's account, regardless of the source of payment. If the source of payment is other than the fiduciary, the source of payment must be identified on the account. For the purpose of this rule, fiduciary includes commissioners and applicants for release from administration. If no account is to be filed, the payment must be disclosed on a consent to fees signed by the payor of the fees.
- B. Fee disclosure is not required when the only filing is an application to admit will for record only.
- C. Attorneys are expected to be familiar with DR 2-106 of the Code of Professional Responsibility that governs the reasonableness of fees. Upon review of the records, the Court may set the fees for hearing, regardless of the submission of consent(s) to fees.
- D. Counsel fees for the administration of a decedent's estate as set forth in Appendix C may serve as a guide in determining fees to be charged to the estate for legal services of an ordinary nature rendered as attorney for the executor or administrator in the complete administration of a decedent's estate. **SUCH SCHEDULES, HOWEVER, ARE NOT TO BE CONSIDERED AS SCHEDULES OF MINIMUM OR MAXIMUM FEES TO BE CHARGED, NOR WILL THEY BE AUTOMATICALLY APPROVED.** The Court does not have, nor is there recognized, any minimum or maximum fees that will be automatically approved by the Court and the guides are not to be so represented to clients.
- E. A completed guideline schedule must be filed in each estate upon the filing of any account wherein attorney fees are claimed as disbursements or credits.
- F. Nothing in this rule shall prohibit any attorney from charging a fee less than the amount presented as a guideline.
- G. The fee allowable to an attorney for a fiduciary, without prior application to the Court for approval, shall be in accordance with the suggested guidelines, provided however:
 - 1. The court, in any case and upon its own motion, may require the attorney to justify the reasonableness of the fee.

2. If the attorney feels that the fee as calculated pursuant to the guidelines does not afford reasonable compensation for services, an application may be filed with the Court requesting approval of an amount of compensation deemed reasonable.
3. If the fiduciary or other person interested in an estate objects to the fees being claimed by the attorney, whether determined according to the guidelines or otherwise, an objection may be filed. The court may require the attorney to justify the reasonableness of the compensation.
4. In all cases in which the attorney fee taken is based upon the guidelines and shown in an account, the attorney shall attach a completed form Appendix C to the account.

H. Attorney fees for services rendered in a relief from administration shall be listed on the back of the schedule of assets to be relieved as a debt, with a form Appendix D attached.

LOCAL RULE 71.2 ATTORNEY SERVING AS FIDUCIARY

- A. 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 shall not exceed the amount as calculated from the guideline counsel fees plus one-half of the fee as calculated pursuant to the statutory fiduciary schedule.
- B. Upon review of the records, the Court may set the fees for hearing, regardless of the submission of consent(s) to fees.

LOCAL RULE 71.3 EARLY PAYMENT OF ATTORNEY FEES

Attorney fees for the administration of decedents' estates shall not be paid or advanced from any source until the final account or final closing documents are prepared for filing unless otherwise approved by the Court upon application. Upon written application the Court may approve payment of partial attorney fees 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 performed or a calculation of the percentage of the estate that has been completed multiplied by the total fee permitted by the schedule set forth in Appendix C. Such application shall contain a statement that the fee is being required in advance of the time permitted by Sup. R. 71(B) and shall set forth the reason for requesting the early payment of fees. The application shall be accompanied by a consent as to the amount and the timing of the fees by the fiduciary.

LOCAL RULE 71.4 NOTICE AND CONSENT FOR ATTORNEY FEES IN GUARDIANSHIPS

- A. In guardianship administration, the Court shall consider applications for attorney fees for the establishment of the guardianship upon the filing of the inventory, and shall consider additional fees annually upon the filing of each account. Notice of the application shall be given to the guardian of the estate. The guardian of the estate may waive notice of the hearing and consent to the payment of fees. No hearing shall be required upon an application for authority to pay attorney fees if the application is signed by the fiduciary, contains an itemized statement of the legal services performed and the order approving the fee recites that credit may be taken for the allowed fee in an accounting that is subject to exceptions as provided by law. In cases where the attorney is also the guardian, the attorney shall set forth the time expended as both the guardian and attorney.
- B. After the death of the ward, the Court will consider attorney fees and guardian fees as liens on the ward's assets. If the fees are approved by the Court, the fees may be paid out of the guardianship assets and included in the final guardianship account.
- C. The Court may require notice of the hearing on the fees be given to the estate fiduciary of the deceased ward or other interested persons.

LOCAL RULE 71.6 NOTICE AND CONSENT FOR ATTORNEY FEES IN TRUSTS

- A. In trust administration, the Court shall consider applications for attorney fees for the establishment of the trust upon the filing of the inventory, and shall consider additional fees annually upon the filing of each account. All applications for attorney fees in trusts shall be accompanied by a statement of all attorney and trustee fees approved by the Court in that trust in the last five (5) years.
- B. Notice of application shall be given to the trustee. The trustee may waive notice of the hearing and consent to payment of fees. No hearing shall be required upon an application for authority to pay attorney fees if the application is signed by the fiduciary, contains an itemized statement of services and the order approving the fee recites that credit may be taken for the allowed fee in an accounting that is subject to exceptions as provided by law. The Court may require notice of the hearing on the payment of the fees be given to the trust beneficiaries who are affected by the payment of fees.

LOCAL RULE 71.7 CONTESTED FEES

The burden is upon the attorney to prove the reasonableness of the fee as governed by DR 2-106 of the Code of Professional Responsibility. A detailed fee statement may be required which includes the itemization and date of service performed, time

expended, identification of the individual(s) performing the services, and the hourly rate charged.

LOCAL RULE 71.8 CONTINGENT FEES

All fiduciaries shall make written application to the Court for authority to enter into a contingent fee contract. Preliminary approval shall be subject to final review at the conclusion of the matter that is the subject of the contingent fee contract.

LOCAL RULE 72.1 EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS

Unless otherwise provided by law or ordered by the Court, an executor or administrator may charge for his/her services an amount calculated in conformity with Section 2113.35 of the Revised Code and computed of Appendix E. A completed form shall be filed with the account.

LOCAL RULE 73.1 GUARDIAN'S COMPENSATION

A. Guardian's compensation for services as guardian of the estate shall be computed annually upon application and entry and shall be supported by calculations and documentation. Unless otherwise provided by law or ordered by the Court, and without prior application to the Court for approval, a guardian may charge for ordinary services an amount computed in accordance with the following schedule and submitted on form Appendix F. Extraordinary fee applications shall be set for hearing, unless hearing is waived by the Court.

1. Income/Expenditure Fee.

6% of the first \$10,000.00 or part thereof;
5% of the next \$10,000.00 or part thereof;
4% of the balance

As used in this rule, "income" shall mean the sum of income as defined in Ohio R.C. 1340.03, plus pension benefits, plus net gains from the sale of principal. Assets held by the ward at the date of appointment are deemed to be principal and not income. Conversion of assets to cash and the investment or reinvestment of assets shall not be considered income.

2. Principal Fee:

\$3.00 per thousand of first \$100,000.00, or part thereof;
\$2.50 per thousand of next \$200,000.00 or part thereof;
\$1.50 per thousand of next \$500,000.00 or part thereof;
\$1.00 per thousand on balance of corpus

3. Principal Distribution Fee.

Upon the termination of the guardianship, the guardian may, with the prior approval of the Court, be allowed a principal

distribution fee upon the final distribution in the maximum amount equal to 1% of the fair market value of the final distribution.

4. Minimum Annual Fee:
A minimum annual fee of \$100.00 shall be allowed as compensation for a guardian.
- B. Compensation for services as guardian of the person only shall be set for hearing unless the Court waives the hearing.
- C. All motions, including applications for compensation, by guardians of veterans must comply with Ohio R.C. Chapter 5905 and all other rules and regulations of the Department of Veterans Affairs.
- D. 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 unexpended balances to a ward at the close of a guardianship be considered as an expenditure.
- E. 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.

LOCAL RULE 74.1 TRUSTEE'S COMPENSATION

A. Except where the instrument creating the trust makes provision for compensation, trustees subject to this Court's jurisdiction may, upon application and entry, be allowed compensation annually for ordinary services in connection with the administration of each separate trust in accordance with the following schedule:

1. Income Fee:

6% of the gross income received during the accounting period not exceeding \$10,000 of gross income

5% of the next \$10,000 of gross income

4% of the balance of such gross income, chargeable to income

As used in this rule, "income" shall mean the sum of income as defined in the Ohio R.C. 1340.03, plus pension benefits, plus net gains from the sale of principal accrued during the trust administration. Assets held by the trustee at the date of appointment are deemed to be principal and not income.

Investment or reinvestment of corpus, including conversion of corpus to cash shall not be considered income.

2. Principal Fee:

\$3.00 per thousand for the first \$100,000 of fair market value

\$2.50 per thousand on the next \$200,000 or part thereof

\$1.00 per thousand on the balance of the corpus

3. Principal Distribution Fee:

Upon the termination of the trust, the trustee may, with the prior approval of the Court, be allowed a principal distribution fee upon the final distribution of the corpus of the trust property in a maximum amount equal to 1% of the fair market value of the distribution.

4. Minimum Annual Fee:

A minimum annual fee of \$100.00 shall be allowed as compensation for the trustee in each trust.

- B. Additional compensation for extraordinary services or allowance for expenses may be granted on application and entry, which shall be set for hearing unless waived by the Court in accordance with Civil Rule 4.1.
- C. A separate schedule of the computation of trustee's compensation shall be filed conforming to the form in Appendix G and filed with the Court at the time of the payment of said fee.

LOCAL RULE 75.1 GUARDIAN AD LITEM

The Court shall select and appoint each guardian ad litem. In land sale proceedings, a minimum fee of Fifty and No/100 Dollars (\$50.00) shall be assessed as costs for each guardian ad litem appointed, unless the circumstances warrant the payment of additional fees subject to Court approval. In all other proceedings, the amount of the guardian ad litem fee will be determined upon motion supported by a statement of services. The guardian ad litem's fees may be assessed as costs.

LOCAL RULE 75.2 ADOPTIONS

- A. An original and a copy of all petitions, interlocutory decrees, and final decrees shall be filed in every adoption case. Additional copies of the petition shall be submitted as required for service.

- B. In private placement adoptions, a preplacement application in a form prescribed by the Court shall be filed by the proposed adopting parents not less than fifteen (15) days prior to placement if applicants are residents of Ross County, Ohio, and not less than thirty (30) days prior to placement if applicants are not residents of Ross County, Ohio.
- C. Once the applications have been approved by the Court, a hearing shall be held not less than seventy-two (72) hours after the birth of the child or after the parent(s) have met with the adoption assessor, whichever occurs later, for the placement and consent by the parents. Prior to the placement hearing, the Court shall be supplied with a statement from the child's physician as to the medical condition of the child to be placed. If the placement is approved, the adoption petition must be filed before the Court will issue a Hospital Release for the release of the child to the petitioners or the attorney for the petitioners, unless the Court orders otherwise. When the petitioner is the guardian of the minor to be adopted, the Court shall require a placement hearing. The adoption petition shall not be set for hearing until after the placement is complete.
- D. In all adoption cases, Court costs are required to be paid at the time of the filing. The Court should be consulted in advance for current deposit information.
- E. The criminal background checks pursuant to Ohio R.C. 2151.86(B) shall be filed in all cases.
- F. In all adoptions, married petitioner(s) must be married for not less than one (1) year prior to the final approval of the adoption.
- G. In all placement hearing where a birth parent of the child to be adopted is a minor, that birth parent shall be represented by an attorney. The fees for the attorney for the birth parent will be assessed as costs to the petitioner.
- H. Adoption hearing will be scheduled for hearing upon the filing of the appropriate criminal background check, if required.

LOCAL RULE 75.3 RELEASE OF ESTATES FROM ADMINISTRATION

- A. The Court shall select and appoint Commissioners, when required, in estates released from administration.
- B. A short form release from administration may be filed when evidence is presented to establish:
 1. Gross assets are less than Two Thousand Two Hundred and No/100 Dollars (\$2,200.00); or gross assets are less than Seven Thousand Two

Hundred and No/100 Dollars (\$7,200.00) and there is a surviving spouse and/or minor children of the decedent, and;

2. The funeral expenses to the extent of the estate priority pursuant to Ohio R.C. 2117.25(B) have been paid.
- C. The Court may waive a noticed hearing in those instances where it appears no beneficiaries or creditors will be prejudiced.
- D. Upon the filing of an Application to Relieve Estate from Administration, the applicant shall exhibit to the Court a certified copy of the decedent's death certificate.

LOCAL RULE 75.6 PRO HAC VICE

- A. An attorney not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state or the District of Columbia, may, at the discretion of the Probate Judge, be permitted to represent a party or parties in any litigation pending or to be filed in this county after completion of all of the following conditions:
1. File a written oath substantially in compliance with Rule I, Section 8A of the Supreme Court Rules for the Government of the Bar;
 2. The attorney must become familiar with Local Court Rules, Civil Rules, Rules of Evidence, and the Code of Professional Responsibility, and so certify to this Court in writing.
 3. Be sponsored in writing by an attorney licensed to practice law in the State of Ohio. The motion made by the licensed attorney shall certify such out-of-state attorney's compliance with this rule and the Supreme Court Rules for the Government of the Bar;
 4. The sponsoring attorney shall submit with the motion and certification an entry authorizing the approval of the motion;
 5. The sponsoring attorney, or any other attorney licensed to practice law in the State of Ohio, shall be co-counsel with the attorney admitted pro hac vice.
- B. The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out-of-state attorney.

LOCAL RULE 75.7 WILLS DEPOSITED FOR SAFEKEEPING

- A. Any person placing a will on deposit in this Court shall sign a written statement acknowledging the will is being placed on deposit at the request of the testator or guardian of the testator and identify the testator's current address and telephone number.
- B. When an attorney is holding a will, and the address of the testator is unknown, that attorney must use reasonable diligence to locate the testator to sign the above statement. If the testator cannot be located after a diligent search the will may be placed on deposit with this Court on motion of the attorney on the form provided.
- C. Any Order to deliver a will previously deposited with this Court must be signed by the testator and the person to whom the will is to be delivered. A person other than the person to whom the will is to be delivered must notarize the testator's signature.
- D. After the testator's death, wills deposited for safekeeping pursuant to Ohio R.C. 2107.07 shall only be released to a court of probate jurisdiction.

LOCAL RULE 75.9 WILLS IN SAFE DEPOSIT BOX

The Court will appoint the attorney for a decedent's estate or a representative of this Court as a Commissioner to list the contents of the box and retrieve the decedent's will and codicils from the decedent's safe deposit box for delivery to the Court. A filing fee of Fifteen and No/100 Dollars (\$15.00) must be paid and a case number assigned prior to the appointment of the Commissioner. If the Court representative is appointed as the Commissioner, an additional fee of Twenty and No/100 Dollars (\$20.00) will be assessed.

LOCAL RULE 75.10 SERVICE OF SUMMONS

When the Court issues service of summons upon each defendant in a civil action pursuant to Civ. R. 4, the Court will only include the summons, a copy of the complaint, and when requested, an order to serve and an entry setting hearing.

LOCAL RULE 75.14 MARRIAGE LICENSE APPLICANTS

Pursuant to Ohio R.C. 3101.05 any applicant for a marriage license who is a minor must provide proof of having had marriage counseling prior to applying for the license. Clergy can provide the counseling or a person licensed by the State of Ohio to provide counseling. Proof of counseling may be in the form of a letter to this Court from the person who provided the counseling on his or her letterhead.

LOCAL RULE 75.15 OHIO ESTATE TAX RETURN

In cases in which an Ohio estate tax return is not otherwise required to be filed, an Ohio estate tax form 22 shall be filed as described in Ohio R.C. 5731.21, if the value of the gross estate of the decedent, as defined in division (A) of Ohio R.C. 5731.01, includes any interest in real estate, and the decedent has been deceased for less than ten years.

LOCAL RULE 75.16 SURVIVING SPOUSE WAIVER OF SERVICE OF THE CITATION TO ELECT

A surviving spouse who is eighteen years of age or older and not under disability may waive the service of the citation required under section 2106.01(A) of the Revised Code by filing in the probate court a written waiver of the citation (Standard Probate Form 8.6). The waiver shall include an acknowledgement of receipt of the description of the general rights of the surviving spouse required by division (B) of section 2106.02 of the Revised Code.

LOCAL RULE 75.17 MENTAL ILLNESS PROCEEDINGS

- A. The following compensation is fixed for court appointed counsel for services rendered in mental illness proceedings, as follows:
1. Probable cause hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$125.00
 2. Full hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$125.00
- B. Travel compensation for official stenographic reporters for the purpose of recording mental illness cases, said fees to be taxed and collected as court costs pursuant to Section 5123.96 of the Revised Code.....\$15.00
- C. A compensation schedule for Referees based upon uniformity and reasonableness for such part-time Referees is fixed as follows:
1. Probable cause hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$400.00
 2. Full hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$400.00

3. Hearing of trials, pursuant to specific reference in all other matters, after swearing of witnesses at an hourly rate maintained and certified by the appointed Referee, per hour.....\$125.00

LOCAL RULE 78.1 WITHDRAWAL OF COUNSEL

- A. An attorney desiring to withdraw shall file a motion to withdraw stating the reasons for withdrawal. The motion shall contain the last known address and telephone number of the client. The Court shall not issue an entry approving the withdrawal until the attorney has filed a certification that the following conditions have been fulfilled:
 1. Notice has been given to the client stating all filing deadlines affecting the client;
 2. Notice has been given to all attorneys, unrepresented parties, and interested persons;
 3. Attorneys withdrawing from representation of a fiduciary shall file the written acknowledgment of the withdrawal signed by the fiduciary or withdrawal shall be granted after a hearing with notice to the fiduciary. The attorney shall also notice any bonding agencies involved.
- B. No attorney shall be permitted to withdraw from a case sooner than twenty (20) days prior to a trial or dispositive hearing, except for extraordinary circumstances that require permission of the Court.
- C. Substitution of counsel shall be in writing but does not require approval of the Court. Notice shall be given to all attorneys, unrepresented parties, and interested persons.

LOCAL RULE 78.3 INVENTORY

- A. In lieu of the appraiser signing the estate inventory, the fiduciary may attach to the inventory the original appraisal(s) containing the signature of the appraiser(s).
- B. The inventory shall contain the address and parcel number of the interest in the real estate of the decedent or ward.
- C. All inventories for a decedent's estate shall be filed in duplicate, the original and a copy, if a file-stamped copy is to be requested.
- D. The inventory will not be approved unless the bond, when required, is sufficient pursuant to LOCAL RULE 64.4.

- E. The Court will not approve the distribution, sale, or expenditure of any estate or guardianship assets prior to the filing of the inventory, without prior court approval.
- F. All fiduciaries must sign the inventory when multiple fiduciaries have been appointed.

LOCAL RULE 78.4 REQUEST FOR JURY TRIAL

The Ross County Common Pleas Court, General Division, Rules, as they relate to juries, shall apply to proceedings in the Probate Division, except to the extent that by their nature they would be clearly inapplicable.

LOCAL RULE 78.5 MEDIATION

- A. After the filing of an estate, guardianship application, trust, or any other action, the Court, on its own motion or the motion of any of the parties, may refer disputed issues to mediation.
- B. The mediation sessions may be held until all issues are resolved in a manner acceptable to the disputing parties, or until the mediator determines that continued mediation would not be productive.
- C. The Court may order parties to participate in or return to mediation at any time.
- D. Statements made during a mediation session shall be considered compromise negotiations and are not admissible as evidence pursuant to Evidence Rule 408. Mediators will not be permitted to testify regarding the substance of the mediation, including but not limited to, cooperation or noncooperation of the parties.
- E. To be accredited and appointed by the Court, a mediator shall possess the following qualifications:
 1. Be an attorney in good standing with the Supreme Court of Ohio
 2. Have five (5) years of experience in handling probate matters; and
 3. Have completed forty (40) hours of advanced mediation training, which has been approved for Continuing Legal Education and is approved by the Court.

- F. Referral to mediation by the Court shall be by “Notice of Mediation” which shall indicate the time, place of the mediation, and the name and telephone number of the mediator.
- G. The parties are equally responsible for paying one-half (1/2) of the mediator’s fee for the first mediation session. The Court will pay the remaining one-half (1/2) of the fee for the first mediation session unless otherwise ordered. A mediation session is defined as a four (4) hour period. If continued mediation sessions are necessary, the mediator’s fee shall borne equally by the parties, unless otherwise ordered by the Court. The Court will determine the rate at which the mediator will be paid. The mediator’s fee will be determined by the complexity of the issues in the matter being mediated. Any additional expenses associated with the mediation must be preapproved by the Court.

LOCAL RULE 78.6 EXTENDED ADMINISTRATION

All estates will initially be scheduled according to the six-month administration schedule of Ohio R.C. 2109.301(B). In those estates meeting the requirements for extended administration stated in R.C. 2109.30(B)(1)(a)-(f), the administrator or executor shall file an application to extend the filing deadlines.

PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP OF _____
CASE NO. _____

SUPPLEMENTAL GUARDIANSHIP/CONSERVATORSHIP INFORMATION

GENERAL CASE INFORMATION

(CHECK ONE BOX ON EACH LINE FOR ITEMS 1 THROUGH 6)

- 1. THIS IS A GUARDIANSHIP CONSERVATORSHIP
- 2. THE APPLICATION IS A NEW CASE SUCCESSOR
- 3. THE SUBJECT IS A MINOR INCOMPETENT CONSERVATOR
- 4. THE POWERS ARE LIMITED UNLIMITED
- 5. THE APPLICATION IS FOR PERSON ESTATE BOTH
- 6. IS THIS CASE RELATED TO ANY CAUSE PENDING IN ANY JUDICIAL SYSYEM?
 _____ YES _____ NO IF YES, DESCRIBE IN DETAIL _____

INFORMATION CONCERNING THE PROSPECTIVE GUARDIAN/CONSERVATOR

FULL NAME AND AKA: _____
HOME ADDRESS: _____
RELATIONSHIP TO WARD/CONSERVATEE: _____
SOCIAL SECURITY NUMBER: _____
OCCUPATION: _____
TELEPHONE NUMBER: _____ **HOME:** _____ **WORK:** _____

INFORMATION CONCERNING THE PROSPECTIVE WARD/CONSERVATEE

FULL NAME AND AKA: _____
AGE: _____ **DATE OF BIRTH:** _____ **MALE:** _____ **FEMALE:** _____
SOCIAL SECURITY NUMBER: _____
LEGAL SETTLEMENT OR ADDRESS IS: _____
IF THE WARD/CONSERVATEE IS LIVING AT AN ADDRESS DIFFERENT FROM ABOVE,
THAT ADDRESS IS: _____
TELEPHONE: _____
LIST ANY PROBLEMS THAT PROPOSED WARD/CONSERVATEE MAY HAVE IN
COMMUNICATING: _____
LIST ANY AGENCIES, EITHER PRIVATE OR PUBLIC, HAVING KNOWLEDGE OF THE
PROPOSED WARD/CONSERVATEE, AND MAY BE AWARE OF ASSISTANCE IN
DETERMINING THE NEED FOR GUARDIANSHIP/CONSERVATORSHIP: _____

SIGNATURE OF ATTORNEY OF RECORD

SIGNATURE OF APPLICANT

DATED: _____

Filing Fees

(Call the Court for current fees)

Adoptions:

- Adult Adoption \$104.00
- Step-Parent Adoption \$254.00
- Individual/Agency Adoption \$279.00
- Court Placement \$104.00

Birth Correction/Registration:

- Birth Correction \$ 37.00
- Birth Registration \$ 37.00

Change of Name:

- Change of Name – Minor \$ 99.00
- Change of Name – Adult \$ 99.00

Civil Actions:

- Purchase of Real Estate \$ 53.00
- Concealment of Assets \$ 48.00
- Declaratory Judgment \$ 53.00
- Sell Real Estate \$ 53.00
- Contest/Will Construction \$ 48.00
- Civil Action \$ 53.00
- Direction & Judgment \$ 53.00
- Determine Heirship \$ 48.00
- Validity of a Will \$ 74.00

Conservatorship: \$ 99.00

Estates:

- Administer for Wrongful Death only No Will \$ 99.00
- Administer for Wrongful Death only With Will \$114.00
- Affidavit to Transfer Motor Vehicle \$ 5.00
- Ancillary Administration with Will \$114.00
- Ancillary Administration with out a Will \$ 99.00
- Application for Appointment of Commissioner \$ 15.00
- Application to Transfer Real Estate \$ 20.00
- File Will for Record Only \$ 54.00
- Intestate \$ 99.00
- Application to Probate Lost Will \$ 54.00
- Probate Will with Affidavit \$ 55.00

• Probate Will with Additional Filings Later	\$ 54.00
• Release – No Will – Less than \$35,000	\$ 79.00
• Release – No Will – Less than \$100,000	\$119.00
• Release – With Will – Under \$35,000	\$ 94.00
• Release – With Will – Under \$100,000	\$134.00
• Short Form Release of Administration	\$ 79.00
• Short Form with Will	\$ 94.00
• Summary Release from Administration	\$ 86.00
• Summary Release with Will	\$101.00
• Testate	\$ 99.00
• Application to Transfer Motor Vehicle	\$ 5.00
• Taxes Only	\$ 28.00 (effective 10/27/09)

Guardianships:

• Authenticated Proceeding – Guardianship of Incompetent	\$ 49.00
• Emergency Temporary Guardianship	\$ 99.00
• Guardianship of Incompetent – Person & Estate	\$174.00
• Guardianship of Incompetent – Estate Only	\$174.00
• Guardianship of Incompetent – Person Only	\$174.00
• Emergency Guardianship of a Minor	\$104.00
• Guardianship of Minor – Person & Estate	\$104.00
• Guardianship of Minor – Estate Only	\$ 99.00
• Guardianship of Minor – Person Only	\$104.00

Minor Settlement:

• Application for Transfer of Structured Settlement	\$ 33.00
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Minor Settlement:

• Application of Dispensing with Appointment of Guardian	\$ 38.00
• Minor Settlement	\$ 64.00

Disinterment \$ 28.00

Trust \$ 63.00

Wills on Deposit \$ 5.00

Marriage License \$ 40.00

Effective November 18, 2010. Subject to Change without Notice Please contact the court for current fees (740) 774-1179.

Appendix B

IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF _____
CASE NO. _____

ATTORNEY FEE CALCULATION

PROBATE ASSETS

- 1. Personalty** \$ _____
- 2. Realty sold** \$ _____
- 3. Realty not sold** \$ _____

PERSONALTY:

- 8% of first \$1,000.00** \$ _____
- 6% of next \$9,000.00** \$ _____
- 4% of next \$40,000.00** \$ _____
- 3% of balance** \$ _____

REALTY SOLD

- 8% of first \$1,000.00** \$ _____
- 6% of next \$9,000.00** \$ _____
- 4% of next \$40,000.00** \$ _____
- 3% of balance** \$ _____

REALTY NOT SOLD

- 2% \$ _____** \$ _____

NON-PROBATE ASSETS

- 1% \$ _____** \$ _____

CALCULATED FEE: \$ _____

THIS SCHEDULE IS MERELY A GUIDE FOR DETERMINING COUNSEL FEES IN AN ORDINARY ESTATE AND SHOULD BE CONSIDERED AS NEITHER A MINIMUM NOR MAXIMUM FEE SCHEDULE

The attorney of record and fiduciary hereby certify that legal services were rendered for the administration and settlement of the probate matter to which this statement is attached and that the fee of \$_____ is reasonable compensation for the services rendered.

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

TYPED ATTORNEY'S NAME

TYPED FIDUCIARY'S NAME

DATE: _____

DATE: _____

IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF _____

CASE NO. _____

ATTORNEY FEE CALCULATION

(Relief from Administration)

PROBATE ASSETS

\$ _____ X 3% \$ _____

NON-PROBATE ASSETS

\$ _____ X 1% \$ _____

CALCULATED FEE: \$ _____

THIS SCHEDULE IS MERELY A GUIDE FOR DETERMINING COUNSEL FEES TO AN ATTORNEY WHO OBTAINS A RELEASE OF AN ESTATE FROM ADMINISTRATION AND SHOULD BE CONSIDERED AS NEITHER A MINIMUM NOR MAXIMUM FEE SCHEDULE.

The attorney of record herein hereby certifies that legal services were rendered in the probate matter to which this statement is attached and that the fee of \$ _____ is reasonable compensation for the services rendered.

ATTORNEY'S SIGNATURE

APPLICANT'S SIGNATURE

TYPED ATTORNEY'S NAME

TYPED APPLICANT'S SIGNATURE

DATE: _____

DATE: _____

IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF _____

CASE NO. _____

EXECUTOR/ADMINISTRATOR FEE CALCULATION

PROBATE ASSETS

- 1. PERSONALTY & INCOME \$ _____
- 2. REALTY SOLD \$ _____
- 3. REALTY NOT SOLD \$ _____

NON-PROBATE ASSETS \$ _____
 (PROPERTY NOT SUBJECT TO ADMINISTRATION
 THAT IS INCLUDABLE FOR OHIO ESTATE TAX
 PURPOSES, EXCEPT JOINT AND SURVIVORSHIP PROPERTY.)

PERSONALTY AND REALTY SOLD

- 4% OF FIRST \$100,000.00 \$ _____
- 3% OF NEXT \$300,000.00 \$ _____
- 2% OF BALANCE \$ _____

REALTY NOT SOLD

- 1% OF VALUE \$ _____

NON-PROBATE ASSETS

- 1% OF VALUE \$ _____

TOTAL EXECUTOR/ADMINISTRATOR COMMISSION: \$ _____

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

TYPED ATTORNEY'S NAME

TYPED FIDUCIARY'S NAME

DATE: _____

DATE: _____

IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP/CONSERVATORSHIP OF _____

CASE NO. _____

____ VETERAN ____ NON-VETERAN

COMPUTATION OF GUARDIAN/CONSERVATOR COMPENSATION

- I. ACCOUNTING PERIOD FROM _____ TO _____
- II. INCOME/EXPENDITURE TOTAL \$ _____
(IN THIS ACCOUNTING PERIOD)
 - 6% OF FIRST \$10,000 (OR PART THEREOF) \$ _____
 - 5% OF NEXT \$10,000 (OR PART THEREOF) \$ _____
 - 4% OF BALANCE \$ _____
- III. PRINCIPAL \$ _____
 - \$3.00 PER THOUSAND OF FIRST \$100,000 \$ _____
 - \$2.50 PER THOUSAND OF NEXT \$200,000 \$ _____
 - \$1.50 PER THOUSAND OF NEXT \$500,000 \$ _____
 - \$1.00 ON BALANCE \$ _____
- III. PRINCIPAL DISTRIBUTION
 - I % OF FAIR MARKET VALUE \$ _____
(ONLY UPON TERMINATION OF GUARDIANSHIP)
- IV. TOTAL COMPENSATION \$ _____
(ADJUSTED TO REFLECT COMPLIANCE WITH
O.R.C. 5905.13 FOR A VETERAN WARD)

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

TYPED ATTORNEY'S NAME

TYPED FIDUCIARY'S NAME

IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF _____
CASE NO. _____

TRUSTEE’S FEE COMPUTATION

INCOME DURING ACCOUNTING PERIOD	\$ _____
6% of first \$10,000.00 or part thereof	\$ _____
5% of the next \$10,000.00 or part thereof	\$ _____
4% of balance	\$ _____
PRINCIPAL AMOUNT	\$ _____
\$3.00 per thousand of first \$100,000 or part thereof	\$ _____
\$2.50 per thousand of next \$200,000.00, or part thereof	\$ _____
\$1.50 per thousand of next \$500,000.00 or part thereof	\$ _____
\$1.00 per thousand on balance	\$ _____
FINAL DISTRIBUTION FEE (with Court approval)	\$ _____
1% of amount of principal distributed	\$ _____
CALCULATED TRUSTEE FEE: \$ _____	

ATTORNEY’S SIGNATURE

TRUSTEE’S SIGNATURE

TYPED ATTORNEY’S NAME

TYPED TRUSTEE’S NAME

DATE _____

DATE _____