

Checklist: Initial Filing **Full Estate Administration – Testate (with Will)**

Filing Fee

\$210 with Will – no real estate + \$2.00 for each certified Letter of Authority
\$218 with Will – with real estate + \$2.00 for each certified Letter of Authority

If Surviving Spouse:

*Add \$11 if citation to elect is issued

*Add \$5 if waiver of citation to elect is filed

* Service Fees for FedEx Commercial Carrier Service will be due at the time of hearing or appointment of fiduciary *if applicable*

Requirements

The decedent must have been a resident of Greene County, Ohio at the time of death, or a non-Ohio resident who owned real estate in Greene County.

**Note: All paperwork must be typed. We will not accept handwritten documents.
All filings must be single-sided. We will not accept double-sided originals.
Please do not staple original paperwork. We cannot accept filings with staples.**

Initial Filing

- Application to Probate Will (Form 2.0)
- Entry Admitting Will to Probate (Form 2.3)
- The **original** Last Will and Testament of decedent
- Waiver of Notice of Probate of Will (Form 2.1) *If applicable*
 - o If people on front and back of form 1.0 all waive notice, then these can be filed with the initial filing.
- Certificate of Service of Notice of Probate of Will (Form 2.4) *If applicable*
 - o This can be filed with the initial filing if everyone on the front and back of the form 1.0 waives notice. If they are to be served notice, then you must wait until you have proof of service before filing this.
- Application for Authority to Administer Estate (Form 4.0)
- Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
 - o If there is Surviving Spouse, make sure a box at the bottom of the form is marked
 - o If a next of kin or beneficiary's whereabouts are unknown and cannot be found with due diligence, you may file an Affidavit of Whereabouts Unknown (GC Form 100.2-C)
- Contact Information Form (GC Form 75.3-A)
- Self-Representation Acknowledgment (GC Form 75.1) *If applicable*
 - o This form **must** be filed if applicant is not represented by an attorney.
- Waiver of Right to Administer (Form 4.3) *If applicable*
 - Must be an Ohio resident to serve as Administrator. We do not need waivers from anyone out of state.
 - If the surviving spouse is the applicant, then we do not need waivers from anyone.
 - If there is not a surviving spouse, or surviving spouse is not the applicant, and there is more than one person on the front page of Form 1.0, then everyone other than the applicant needs to waive: Example: no spouse and 5 children in Ohio – one is applicant and the other 4 waive.
- Notice of Citation of Hearing on Appointment of Fiduciary (Form 4.4) *If applicable*
 - o If an individual with an equal right to serve does not waive right to administer, then they must receive notice (Ohio residents only).
 - o This includes any minor children who may have a priority to serve, but cannot because of their age.
- Fiduciary's Bond (Form 4.2) *If applicable*
 - o See Local Rule 75.2 on bond requirements

- Fiduciary Acceptance (GC Form 60.3-B)
- Entry Appointing Fiduciary; Letters of Authority (Form 4.5)
- Photocopy of the death certificate – with the social security number marked out

If the Applicant is NOT an Ohio Resident:

- Supplemental Application for Nonresident Fiduciary (GC Form 60.4-A)
 - Entry Regarding Supplemental Application for Nonresident Fiduciary (GC Form 60.4-B)
 - Verification of Receipt and Deposit (GC Form 60.4-C) *if applicable*
- OR**
- Application for Exception to Local Rule 60.4(B) for Nonresident Fiduciary (GC Form 60.4-D)
 - Must meet qualifications for an exception. See Local Rule 60.4(C) for requirements.
 - Consent(s) to Appointment of Nonresident Fiduciary (GC Form 60.4-E)
 - Entry Regarding Exception from Local Rule 60.4(B) for Nonresident Fiduciary (GC Form 60.4-F)

If there is a Surviving Spouse:

One of the following options **must** be filed regarding surviving spouse's elective rights;

If spouse waives notice of service of citation to elect:

- Waiver of Service to Surviving Spouse of the Citation to Elect (Form 8.6)

OR

If spouse is to be served with notice:

- Citation to Surviving Spouse to Exercise Elective Rights (Form 8.0)
- Summary of General Rights of Surviving Spouse (Form 8.3)
- Certificate of Service and Notice of Citation to Surviving Spouse to Exercise Elective Rights (Form 8.4)
- Return for Certificate of Service of Citation to Surviving Spouse to Exercise Elective Rights (Form 8.5)

If the spouse wishes to take under the Will:

- Election of Surviving Spouse to Take Under Will (Form 8.1)
 - This may be filed with initial paperwork

If spouse wishes to take against the Will:

- An election against the Will must occur in the presence of the probate judge. If a spouse wishes to elect against a Will, please contact the Court to schedule an appointment.