

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
MEDINA COUNTY, OHIO
JUDGE KEVIN W. DUNN**

Attached to this cover sheet is a series of forms. Filling out a form is an act with which we are all familiar. However, filling in the blanks in the forms which are included in this packet, is not the same as filling out forms in other situations. Filling in the blanks in a court form in this packet is the preparation of a legal pleading. A legal pleading is a formal, written request for the court to take a particular action, the applicant or movant seeks the court to take. The words used have specific legal meanings. The pleadings and actions of the court are governed by complex statutory and case law. The timing of the pleadings, that is, when they are filed and the deadlines specified in the law are critical to the success of the application or pleading.

If pleadings are not prepared correctly according to law or when deadlines specified in the law are not met, the court must deny the application or the motion because it failed to comply with the requirements of the law. This results in delay, unnecessary expense and a failure to reach the objective you may want to achieve, but the court has no alternative but to dismiss or deny pleadings which are incorrectly prepared.

The court clerks who provide you with the packet of forms, as non-lawyers, are not permitted to assist you nor instruct you in person or by phone as to how the forms should be prepared or what legal action should be taken.

The act of assisting you or advising you in that way is prohibited by law since it constitutes an unauthorized practice of the law which is prohibited by Ohio Code of Professional Responsibility Canon 3. If you are assisting another person by filling out forms for them, you may also be engaging in the unauthorized practice of law.

If you chose to represent yourself, the court will respect your choice, however, we do wish to caution you that you may ultimately be frustrated in your attempt to process your own legal case. If you wish to seek the advice of an attorney, we refer you to the telephone book – check attorney listings for attorneys practicing in the subject area of probate law.

You may wish to contact the Medina County Bar Association Lawyer Referral Service by calling 330-725-9794, Monday – Friday from 8:00 AM to 4:30 PM. If you cannot afford an attorney, please contact Community Legal Aid Services at 1-800-998-9454.

We hope that you will understand that the court is interested in providing the best service possible to the public while protecting the rights of the persons affected by the law.



KEVIN W. DUNN, PROBATE JUDGE

PROBATE COURT OF MEDINA COUNTY, OHIO

Kevin W. Dunn, Judge

IN THE MATTER OF: _____

Case No. _____

SELF-REPRESENTATION ACKNOWLEDGEMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court strongly recommended that I hire an attorney to represent me in this case. Contrary to the Court's recommendation, I have chosen to proceed with this case on my own without the assistance of an attorney.
2. I have the time, knowledge and ability to handle all aspects of this case correctly without assistance from the Court or any other person.
3. The Court and its Deputy Clerks are prohibited by law from assisting me with any aspect of this case, including without limitation determining what forms I am required to file and how to complete those forms.
4. The Court and its Deputy Clerks cannot provide me with any information regarding how to properly handle this case beyond the information on the Court's website: www.MedinaProbate.org.
5. I am responsible for understanding and correctly applying those portion of the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Medina County Probate Court Local Rules of Practice, and all other rules, regulations, policies and case law that relate to this case.
6. The Court will hold me to the same standards that apply to attorneys and persons represented by attorneys in similar probate proceedings.
7. I have a duty to act fairly, honestly, impartially and in the mutual best interest of all persons or entities that may have an interest in this case. I also have a duty to not do anything in my self-interest that is detrimental or harmful to others.
8. I may be personally liable to any person or entity that suffers financial damages as a result of anything I do in this case that does not comply with the legal requirements that apply to this case.
9. If I violate anything in this Self-Representation Acknowledgement, the Court may terminate my authority to proceed further with this case, or may require that I must be represented by an attorney to continue with this case.

Applicant Signature

Typed or printed Name

Address

City

State

Zip

Phone Number (include area code)

E-mail Address

PROBATE COURT OF MEDINA COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION FOR AUTHORITY TO ADMINISTER ESTATE

[R.C. 2109.02 - 2109.07]

[For Executors and all Administrators; attach supplemental application for ancillary administration, if applicable.]

Applicant states that decedent died on _____.

Decedent's domicile was _____
Street Address

City or Village, or Township if unincorporated area County

Post Office State Zip Code

Applicant asks to be appointed _____
of decedent's estate. [Check whichever of the following are applicable] - ☐ To applicant's
knowledge, decedent did not leave a Will - ☐ Decedent's Will has been admitted to probate in
this Court - ☐ A supplemental application for ancillary administration is attached.

Attached is a list of the surviving spouse, next of kin, legatees and devisees known to applicant,
which list includes those persons entitled to administer the estate.

The estimated value of the estate is:

Personal property	\$ _____
Annual real property rentals	\$ _____
Subtotal, personalty and rentals	\$ _____
Real property	\$ _____
Total estimated estate	\$ _____
Applicant owes the estate	\$ _____
The estate owes applicant	\$ _____

[Check one of the following four paragraphs]

- ☐ Applicant says that decedent's Will requests that no bond be required, and therefore asks
the Court to dispense with bond.
- ☐ Applicant is a trust company duly qualified in Ohio, and bond is dispensed with by law.

CASE NO. _____

- ☐ Applicant is decedent's surviving spouse, and is entitled to the entire net proceeds of the estate, or is the next of kin entitled to the entire net proceeds of the estate and there is no will, therefore bond is dispensed with by law.
- ☐ Applicant offers the attached bond in the amount of \$ _____.

Applicant accepts the duties of fiduciary in the estate, imposed by law, and such additional duties as may be required by the Court. Applicant acknowledges being subject to removal as fiduciary for failure to perform such duties as required, and also acknowledges being subject to criminal penalties for improper conversion of any property held as fiduciary.

Attorney for Applicant

Applicant's Signature

Typed or Printed Name

Applicant's Typed or Printed Name

Street Address

Street Address

City State Zip Code

City State Zip Code

(_____) _____
Phone Number (include area code)

(_____) _____
Phone Number (include area code)

Attorney Registration No. _____

WAIVER OF RIGHT TO ADMINISTER

[R.C. 2113.06]

The undersigned, being persons entitled to administer decedent's estate, and whose priority of right to do so is equal or superior to that of applicant, hereby waive appointment to administer the estate.

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____ at _____ o'clock _____.M. as the date and time for hearing the application for authority to administer decedent's estate. The Court orders notice to take or renounce administration to be given those persons entitled to administer decedent's estate, whose priority of right to do so is equal or superior to that of the applicant, and who have not waived appointment to administer the estate.

Date

Probate Judge

PROBATE COURT OF MEDINA COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

**SURVIVING SPOUSE, CHILDREN, NEXT OF KIN,
LEGATEES AND DEVISEES**

[O.R.C. § 2105.06, 2106.13 and 2107.19]

**[Use with those applications or filings requiring some of all of the
information in this form, for notice or other purposes. Update as required.]**

The following are decedent's known surviving spouse, children and the lineal descendants of deceased children. If none, the following are decedent's next of kin who are or would be entitled to inherit under the statutes of descent and distribution.

NAME	Residence Address	Relationship To Decedent	Birth date of Minor
		Surviving Spouse	

[Check whichever of the following is applicable.]

- ☐ The surviving spouse is the natural or adoptive parent of all the decedent's children.
- ☐ The surviving spouse is the natural or adoptive parent of at least one, but not all of decedent's children.
- ☐ The surviving spouse is not the natural or adoptive parent of any of decedent's children.
- ☐ There are minor children of the decedent who are not the children of the surviving spouse.
- ☐ There are minor children of the decedent and no surviving spouse.

CASE NO. _____

The following are vested beneficiaries named in the decedent's Will:

[illegible]

[Check whichever of the following is applicable.]

- ☐ The Will contains a charitable trust or a bequest or devise to a charitable trust, subject to Revised Code §§ 109.23 to 109.41.
- ☐ The Will is not subject to Revised Code §§ 109.23 to 109.41, relating to charitable trusts.

Date _____

Applicant (or given title)

PROBATE COURT OF MEDINA COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

FIDUCIARY'S ACCEPTANCE
(EXECUTOR/ADMINISTRATOR)

I, the undersigned, hereby accept the duties which are required of me by law, and such additional duties as are ordered by the Court.

As executor/administrator of the estate I will:

- 1) Give notice of the admission of the Will to probate to all heirs and beneficiaries within 2 weeks and file a certificate of notice of Will within 2 months.
- 2) Make and file any inventory of the real and personal assets of the estate within 3 months after appointment or such time as extended by the Court.
- 3) Deposit funds which come into my hands in a lawful depository located within this State. Estate checking accounts must provide canceled checks, as these canceled checks may be required to prove the accounts.
- 4) Keep estate funds in a separate estate account at all times during the administration of the estate.
- 5) Invest all funds in a lawful manner.
- 6) Make and file the final and distributive account within 6 months following my appointment, or such time thereafter as extended by the Court.
- 7) File all tax documents as required by law.
- 8) Maintain adequate insurance to reasonably protect any property that I may hold as a fiduciary.
- 9) Obey all Orders of the Court.

I acknowledge that I am subject to removal as fiduciary if I fail to perform such duties. I further acknowledge that I am subject to possible civil and criminal penalties for improper conversion of the property that I hold as fiduciary. Every fiduciary, before entering upon the execution of a trust, shall receive letters of appointment from a probate court having jurisdiction of the subject matter of the trust. [R.C. § 2109.02]

NOTICE: Attorney fees shall not be paid until the final account is prepared for filing unless otherwise approved by the Court.

Date

(Executor/Administrator)