

**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 TO RELIEVE ESTATE FROM ADMINISTRATION

(O.R.C. §2113.03)

Applicant states that decedent died on _____.

Decedent's domicile was _____
Street Address

City or Village, or Township if unincorporated area County

Post Office State Zip Code

[Check one of the following]

- ☐ Decedent's will has been admitted to probate in this Court.
- ☐ To applicant's knowledge, decedent did not leave a will.

[Check one of the following]

- ☐ The assets are \$15,000 or less and decedent died on or after January 1, 1976.
- ☐ The assets are \$25,000 or less and decedent died on or after October 20, 1987.
- ☐ The assets are \$35,000 or less and decedent died on or after November 9, 1994.
- ☐ The assets are \$50,000 or less and the surviving spouse is entitled to all of the assets and the decedent died on or after April 16, 1993 and before September 14, 1993.
- ☐ The assets are \$85,000 or less and the surviving spouse is entitled to all of the assets and the decedent died on or after September 14, 1993.
- ☐ The assets are \$100,000 or less and the surviving spouse is entitled to all of the assets and the decedent died on or after March 18, 1999.

Applicant asks that the estate be relieved from administration because the assets do not exceed the statutory limits. A statement of the assets and liabilities of the estate is listed on the *attached form 5.1*.

The decedent's surviving spouse, next of kin, legatees and devisees known to applicant are listed on the *attached form 1.0*.

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. _____

CASE NO. _____

WAIVER OF NOTICE

The undersigned surviving spouse, heirs at law, legatees, devisees, and other persons entitled to notice of the filing of the application to relieve decedent's estate from administration, waive such notice.

_____	_____
_____	_____
_____	_____
_____	_____

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____ at _____ o'clock _____.M. as the date and time for hearing the application to relieve decedent's estate from administration.

[Check one of the following]

- ☐ All notice is dispensed with as unnecessary.
- ☐ Notice by publication to interested parties is dispensed with as unnecessary. Written notice shall be given, as provided by law and the Rules of Civil Procedure, to those persons entitled to notice, who have not waived notice.
- ☐ Written notice is dispensed with as unnecessary. Notice by publication shall be given to interested parties as provided by law and the Rules of Civil Procedure.
- ☐ Written notice shall be given to those persons entitled to notice, who have not waived notice, and notice by publication shall be given to interested parties, as provided by law and the Rules of Civil Procedure.

Date

Probate Judge

CASE NO. _____

Following is a list of decedent's known debt. (Use extra sheets if necessary.)

[illegible]

CERTIFICATION

The undersigned appraiser agreed to act as appraiser of decedent's estate, and to appraise the property exhibited truly, honestly, impartially, and to the best of the appraiser's knowledge and ability. The appraiser further says that those assets whose values were not readily ascertainable are indicated above by a check in the "Appraised" column opposite each such item, and that such values are correct.

The undersigned applicant determined the value of those assets whose values were readily ascertainable and were not appraised by the appraiser, and that such values are correct, and to the applicant's knowledge the above list of decedent's debts is correct.

Date

Appraiser

Applicant

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. _____

**WAIVER OF NOTICE OF APPLICATION
TO RELIEVE ESTATE FROM ADMINISTRATION**

The undersigned, being persons entitled to notice of the filing of the application to relieve decedent's estate from administration, including the surviving spouse, heirs at law, next of kin, legatees, devisees and creditors of decedent, hereby waive such notice and consent to the estate being relieved from administration.

_____	_____
_____	_____
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_____	_____

PROBATE COURT OF MEDINA COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

ENTRY RELIEVING ESTATE FROM ADMINISTRATION

(R.C. §2113.03)

Upon hearing the application to relieve decedent's estate from administration, the Court finds that:

Decedent died (*check one of the following*) - ☐ testate - ☐ intestate. The date of death and domicile are as stated in the application, and the Court has jurisdiction over the estate;

Notice to the surviving spouse, heirs at law, legatees, devisees, and other persons was duly effected or dispensed with by the Court as unnecessary;

The values of the several assets in the estate, given in the application do not exceed the statutory limits.

The Court therefore relieves the estate from administration, and orders (*check and complete whichever of the following are applicable*):

☐ That the following personal property be sold (*describe*): _____

☐ That the following debts of the decedent shall be paid to the extend of assets: _____

☐ That the statutory family allowance be paid to the ☐ surviving spouse - ☐ minor children of the decedent - ☐ apportioned between the surviving spouse and minor children of the decedent who are not the children of the surviving spouse. Attach Form 7.2A if necessary.

☐ That Certificate of Transfer No. _____, attached to the application and describing decedent's real estate, issue and be preserved in the records of the Court and that authenticated copies of the certificate be delivered as required to the persons entitled to them;

☐ That the financial institutions holding accounts in the decedent's name as set forth below pay the same upon proper tax release (*check one of the following*) - ☐ to the commissioner - ☐ to

CASE NO. _____

☐ That the remainder of the estate be distributed in cash or in kind, as follows:

[illegible]

The Court appoints _____, commissioner to receive and sell or distribute the personal property thereof, and to execute all necessary documents of conveyance, including without limitation those necessary to transfer title to any motor vehicle, motorcycle, watercraft, or other titled personal property sold or distributed in kind. The commissioner shall complete the duties and report to the Court within sixty days of the date of this entry.

Date _____

Probate Judge

PROBATE COURT OF MEDINA COUNTY, OHIO

IN THE MATTER OF: _____

CASE NO. _____

CONFIDENTIAL DISCLOSURE OF PERSONAL IDENTIFIERS

[Rule 45(D) of the Rules of Superintendence for the Courts of Ohio]

	Complete Personal Identifier	Institution	Abbreviation	Form No.	Filing Date
Ex.	123-45-6789	Social Security	6789	22.3	7/1/2009
Ex.	001234567	Anytown Bank Checking	Anytown #1	6.1	7/1/2009
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

☐ Check if additional pages are attached

Signature of Filing Party

Printed Name

Date: _____

This is page _____ of _____ pages