



# RULES OF PRACTICE AND PROCEDURE OF THE COURT OF COMMON PLEAS PROBATE DIVISION

Pickaway County, Ohio

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# **Rules of Practice and Procedure of the Court of Common Pleas, Probate Division, Pickaway County, Ohio**

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

## **RULE 5.1 JURY TRIALS.**

All jury trials in Pickaway County Probate Court are governed by the jury management procedure of the general division of the Pickaway County Court of Common Pleas. Any party requesting a trial by jury on a civil action shall be required to post a deposit in the amount of Two hundred fifty dollars (\$250.00) no later than seven (7) days after the date of the entry scheduling the matter for jury trial.

## **RULE 8 COURT APPOINTMENTS.**

### **(A) 8.1 Definitions**

1. “Appointment” means the selection by the Court of any person or entity designated pursuant to constitutional or statutory authority, Rule of Court, or inherent authority of the Court to represent, act on behalf or in the interest of another, or perform any services in a court proceeding.
2. “Appointee” means any person, other than a court employee, receiving a court appointment who is selected by the Court. “Appointee” does not include a receiver pursuant to R.C. 2735.01; an arbitrator, mediator, investigator, psychologist, interpreter, or other expert in a case following independent formal or informal recommendations to the court or judicial officer by litigants; any individual who is appointed by any court pursuant to the Revised Code or the inherent authority of the court to serve in a non-judicial public office for a full or unexpired term or to perform any function of an elected or appointed public official for a specific matter as set forth in the entry of appointment; or a guardian pursuant to Sup.R. 66.

### **(B) 8.2 Court Appointments**

1. Persons appointed by the Court may be selected from lists maintained by the Court. Such lists will be located in miscellaneous case file. Persons desiring appointments and seeking to be added to the list should provide to the Court in writing a brief summary describing their qualifications, skills, and any special expertise, along with the position(s) sought to be considered for appointment.

2. Appointments will be made from such lists taking into consideration the qualifications, skills, and expertise of the appointee in addition to the type, complexity, and requirements of the case.
3. 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.
4. The Court will review Court appointment lists in December and June of each year to ensure the equitable distribution of appointments and to determine whether to continue or remove the person on the appointment list. If the person is removed, the court will inform the person in writing. If a complaint is made with the court about the performance of the appointee or the court, on its own, may review such performance and remove the appointee from the list.

### **RULE 9.1 SECURITY PLAN.**

Pursuant to a Supreme Court of Ohio resolution dated July 26, 1995, the Pickaway 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.

### **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) 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.
- (C) The Court will maintain discs of all electronically recorded proceedings 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.

## **RULE 12.1 CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS.**

The taking of photographs in the Courtroom, corridors immediately adjacent thereto or lobby and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless so authorized by the Court. Court authorizations shall be governed by Canon 3(A)(7), Code of Judicial Conduct and Superintendence Rule 11.

Requests for permission to broadcast, televise, record or photograph in the Courtroom shall be made in writing to the Judge as far in advance as reasonably practicable but in any event no later than twenty-four (24) hours prior to the Courtroom session to be broadcast, recorded or photographed, unless otherwise permitted by the Judge for good cause shown. Request forms may be obtained from the Court bailiff.

The Court shall immediately attempt to inform the attorneys for all parties in the case of the media request. If time does not permit notification by mail then telephonic means or notification in person must be attempted. The intent of this Rule is to allow attorneys for all parties an opportunity to be heard prior to the Judge deciding the media request.

In the event the Judge approves the media request, he shall prepare and sign a Journal Entry setting recording or photographing. This entry shall be made a part of the record of the case.

Arrangements shall be made between or among media for “pooling” equipment and personnel authorized by the rule to cover the Court sessions. Such arrangements are to be made outside the Courtroom and without imposing on the Judge or Court personnel to mediate any dispute as to the appropriate media pool representative or equipment authorized to cover a particular session. Not more than one portable camera (television, videotape or movie), operated by not more than one person shall be permitted without authorization of the Judge. Not more than one still photographer, utilizing not more than two still cameras of professional quality with more than two lenses for each camera, shall be permitted without authorization of the Judge. Not more than one audio system of radio broadcast purposes shall be permitted without authorization of the judge. If audio arrangements cannot be reasonably made in advance, the Judge may permit one audio portable tape recorder at the bench, which will be activated prior to the commencement of the Courtroom session. Visible audio portable tape recorders may not be used by the news media without permission of the Judge. Only professional telephonic, photographic and audio equipment, which does not produce distracting sound or light, shall be employed to cover Courtroom sessions. No motor driven still cameras shall be permitted. Not artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obtrusive, the Judge may permit modification. Audio pick-up by microphone for all media purposes shall be accomplished from the existing audio systems present in the Courtroom. Microphones shall be located on the Judge’s bench, witness stand and jury rail. Microphones shall be visible, secured but unobtrusive. If no technically suitable audio system exists in the Courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated by this Rule or the Judge, in advance of any session.

The television broadcast and still camera operators shall position themselves in a location in the Courtroom, either standing or sitting, and shall assume a fixed position within that area. Having

established themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcast Courtrooms sessions, except to enter or leave the Courtroom. Television cameras, microphones and taping equipment shall not be placed in, moved during or removed from the Courtroom except prior to commencement or after adjournment of the session or during recess. Neither television film magazines, rolls, lenses, still camera film, nor audio portable tape cassettes shall be changed within a Courtroom except during a recess.

All media shall maintain proper Courtroom decorum pool participants, including proper attire in a manner that reflects positively upon the journalistic profession.

There shall be no audio pick-up or broadcast of conferences conducted in a Courtroom between counsel and clients, co-counsel or the Judge and counsel.

The Judge shall prohibit photographing or televising by any means victims of sexual assaults or undercover police officers. The Judge shall retain discretion to limit or prohibit photographing or televising any juror, victim, witness, counsel or his or her work product upon objection.

Upon the failure of any media representative to comply with the conditions prescribed by the Judge, the Rules of Superintendence of the Supreme Court, or this Rule, the Judge may revoke permission to broadcast, photograph, or record the trial or hearing.

## **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.

## **RULE 52.1 SPECIFICATIONS FOR PRINTING PROBATE FORMS.**

Computerized 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.

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.

## **RULE 53.1 HOURS OF THE COURT.**

Unless otherwise ordered, 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 designated by the Court.

### **RULE 53.2 COURT SESSION LOCATION.**

Court sessions shall be held at the Pickaway County Courthouse or any annex thereof in such manner as shall be ordered by the Judge. Sessions may be held at such other places in Pickaway 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.

### **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. The use of cellphones and pagers in the Courtroom during Court session is expressly prohibited. Any person who wishes to remain in the Courtroom during Court session shall deliver to the Bailiff such cell phone or pager, which will be returned at the conclusion of the Court session. It will be the responsibility of the owner of the cell phone or pager to assure such proper return.
- (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 express consent of the Court in advance and pursuant to **LOC. R. 12.1**.
- (D) Counsel and parties shall appear promptly for proceedings to commence at assigned time. Failure to comply with this rule may result in sanctions as set forth:
  - 1. First Offense – On the Record Warning
  - 2. Second Offense – Fifty Dollar Fine (\$50.00)
  - 3. Third Offense – One Hundred Dollar Fine (\$100.00)
  - 4. Any subsequent Offense – One Hundred-Fifty Dollar Fine (\$150.00)

### **RULE 55.1 PHOTOCOPIES OF PROBATE RECORDS.**

Copies of any non-confidential public record may be obtained, upon payment in the following manner: first nine (9) pages at no cost; page ten (10) and thereafter ten cents (\$0.10) per page.

### **RULE 56.1 CONTINUANCES.**

- (A) Motions for Continuance shall contain a written Memorandum in Support stating reasons for the continuance. If the reason is a conflict with another case being heard in another Court, a copy of the Notice of Hearing of the other case shall be attached to the Motion.
- (B) All applications for continuances of hearings, pre-trials, 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.



## **RULE 56.2 EXTENSIONS OF TIME.**

All applications for Extensions of Time for filing an inventory, account, or guardian's report must be signed by both the fiduciary and the attorney of record pursuant to Sup. R. 78(B)(2).

## **RULE 57.1 FACSIMILE FILINGS.**

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to 740-477-3852 subject to the following conditions:

### **APPLICABILITY**

These rules apply to Probate proceedings in the Pickaway County Probate Court. The following documents will not be accepted for fax filing: Original Wills and Codicils.

### **ORIGINAL FILING**

A document filed by fax shall be accepted as the effective filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

### **DEFINITIONS**

As used in these rules, unless the context requires otherwise:

A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

A "facsimile machine" means a machine that can send and receive a facsimile transmission.

"Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

### **COVER PAGE**

The person filing a document by fax shall also provide therewith a cover page containing the following information: (See appendix A-1 for sample cover page form).

- (A) The name of the Court;
- (B) The title of the case;
- (C) The case number;
- (D) The assigned Judge;

- (E) The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing of Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss);
- (F) The date of transmission;
- (G) The transmitting fax number;
- (H) An indication of the number of pages included in the transmission, including the cover page;
- (I) The name, address, telephone number, fax number, Supreme Court Registration Number, if applicable, and e-mail address of the person filing the fax document if available; and
- (J) If applicable, a statement explaining how costs are being submitted.

If a document is sent by fax to the Clerk of Courts without the cover page information listed above, the Clerk, may at its discretion:

- (A) Enter the document in the Case Docket and file the document; or
- (B) Deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk of Courts.

The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

### **SIGNATURE**

A party who wishes to file a signed source document by fax shall either:

- (A) Fax a copy of the signed source document; or
- (B) Fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document. (This addresses those instances where the fax transmission is generated by the sending party's computer and therefore the document is not printed and capable of being signed prior to transmission).

A party who files a signed document by fax represents that the physically signed source documents is in his/her possession or control.

### **EXHIBITS**

Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) Court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.

Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court. (See appendix A-3 for sample exhibit cover sheet.)

### **TIME OF FILING**

Subject to the provisions of these rules, all documents sent by fax and accepted by Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business.

Fax filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

### **FEES AND COSTS**

No documents filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until Court cost and fees have been paid. Court cost and fees may be paid by credit or debit cards. The forms necessary for the authorization of payment by credit or escrow account shall be available at the Clerk's office during normal business hours. See attached Appendix A-1 and A-2. Documents tendered to the Clerk without payment of Court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed. (See appendix A-2 for sample credit/debit card payment form.)

INFORMATION FURNISHED FOR AUTHORIZATION OF PAYMENT BY CREDIT/DEBIT CARD SHALL NOT BE PART OF THE CASE FILE.

No additional fee shall be assessed for facsimile filings. An Authorization for Payment form shall accompany each fax transaction for which payment is being authorized.

### **LENGTH OF DOCUMENT**

Facsimile filings shall not exceed twenty-five (25) pages in length. The filer shall not transmit service copies by facsimile.

### **RULE 57.2 REQUIRED CONTENTS ON FILINGS.**

- (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) Attorney's signature shall include typewritten or printed name under signature.
- (C) The attorney's Supreme Court registration number, along with the attorney's name, address, and telephone number, must be included on all filings that requires an attorney's signature.
- (D) All filings, including attachments, must have the case number

### **RULE 57.3 SIGNATURES ON FILINGS.**

- (A) Except as permitted by **LOC. R. 57.1**, all original filings must contain original signatures. In all matters with multiple fiduciaries, the signature of all fiduciaries is required on all documents. Persons who are not an attorney may not sign on behalf of an attorney.
- (B) Except as permitted by **LOC. R. 57.1**, 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.

### **RULE 57.4 RETURN OF COPIES.**

File-stamped copies will not be returned by mail unless such copies are provided by the requestor, along with a return, self-addressed, stamped envelope.

### **RULE 57.5 TRIAL EXHIBITS**

- (A) Prior to the commencement of the hearing or trial, all exhibits offered for admission shall be labeled by counsel designating the party name and item identification. In a proceeding recorded by a Court reporter, custody of exhibits admitted or proffered shall be given to the Court reporter, unless otherwise ordered by the Court. If the proceeding is electronically recorded, exhibits shall be given to the bailiff to be filed in the Court case file, 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.
- (C) Disposal of exhibits shall be conducted pursuant to **SUP. R. 26**.

### **RULE 57.6 PROPOSED JUDGMENT ENTRIES.**

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 Instructions to the Clerk for Service of Notice of Judgment on all parties and counsel, along with their addresses.

### **RULE 57.7 CERTIFICATE OF SERVICE.**

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

### **RULE 58.1 METHOD OF PAYMENT OF COSTS.**

- (A) The Court will only accept cash, money orders, cashier's checks, fiduciary, attorney, title company, trust company checks or electronic banking transactions. No personal checks will be accepted.
- (B) Deposits in the amount set forth in Appendix "E" 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.

### **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.

### **RULE 58.3 FEES FOR RELEASE OF ADOPTION.**

The fee for filing a petition for the release of adoption information pursuant to Section 2101.16(F) of the Revised Code shall be Fifty dollars (\$50.00).

### **RULE 59.1 PROOF OF NOTICE OF PROBATE OF WILL.**

Proof of the Certificate of Service of Notice of Probate of Will as required by Section 2107.19(A)(4) of the Revised Code shall be provided by such manner as authorized by **CIV. R. 73 (E)**.

### **RULE 59.2 BOND REQUIREMENTS.**

Whenever a bond is filed, the surety's name, address and telephone number shall be included.

### **RULE 59.3 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.

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.

### **RULE 60.1 NON-RESIDENT EXECUTOR OR TRUSTEE.**

An applicant, seeking appointment as executor or trustee, who is not a resident of this state, must be in compliance with Section 2109.21 of the Revised Code and employ as the attorney of record an attorney licensed to practice law in the State of Ohio. To assure the assets remain in Pickaway County, Ohio during the administration of the estate or trust, the applicant must meet one or more of the following criteria:

- (A) Place a substantial amount of the decedent's personal assets in a custodial depository in this county, pursuant to Section 2109.13(B) of the Revised Code;
- (B) Have a co-fiduciary, who is a resident of this state;
- (C) Post a bond in compliance with Section 2109.04 of the Revised Code.

### **RULE 60.2 DEATH CERTIFICATE REQUIREMENT.**

Upon the filing of an Application for Authority to Administer the Estate, Application for Release from Administration, or Summary Release from Administration, the applicant shall include a copy of the decedent's death certificate unless waived by the Court for good cause shown. Any notation to decedent's Social Security Number shall be deleted by the applicant prior to filing.

### **RULE 60.3 CONTENTS OF SURVIVING SPOUSE, NEXT OF KIN, LEGATEES AND DEVISEES (SPF 1.0)**

- (A) Standard Probate Form 1.0 shall list all the heirs, next of kin, legatees and devisees in the appropriate locations on the form. If the deceased was not married at the time of death, applicant shall indicate this on the form. (e.g. "surviving spouse" none, never married, divorced, deceased).
- (B) If any of the heirs, next of kin, legatees or devisees is deceased, then that person's name will be listed and the word "deceased" shall be entered after that name. The names of such persons that will take the place of such "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 fact of the document.

#### **RULE 60.4 ANNUAL REPORT OF OUTSTANDING ESTATE.**

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 the reason for the continuation of administration.

#### **RULE 60.5 NOTICE OF HEARING UPON FILING AN INVENTORY.**

Upon filing of an inventory as required by Section 2115.02 of the Revised Code, the Deputy Clerk of the Court shall set a non-oral hearing date and return the Notice of Hearing to the attorney or fiduciary for service as required by law. Pursuant to Section 2115.16 and Civil Rule 73(E)(7), unless notice is waived, the executor or administrator shall serve the notice of the hearing by certified mail upon the surviving spouse and all next of kin in an intestate estate and to all beneficiaries in a testate estate. Prior to the hearing date, the fiduciary or attorney may submit verification of certified mail delivery to the Court by either the certified mail return card or a copy of the United States Postal Service Internet Tracking System Track & Confirm Search Results.

#### **RULE 61.1 METHOD OF APPRAISAL.**

- (A) In lieu of valuation of real estate by an appraiser, the fiduciary may use the market value of real estate as found in the Pickaway County Auditor's property records as the readily ascertainable value of the property. In the case of real estate located in another county of this state, the county auditor's property records may likewise accepted as the readily ascertainable value of the real estate and no further appraisal shall be required. A copy of said evaluation shall be attached to Standard Probate Form 6.1 or 5.1, whichever is applicable.
- (B) If the fiduciary chooses to appoint an appraiser, the following persons may 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.
  - 3. Such other residents of the county, such as bank loan officers, who because of experience with real estate evaluation are recognized and accepted by the court as competent to serve as appraisers.
- (C) When it is necessary to determine the value of property other than real estate, including but not limited to coins, stamps, books, or artwork, the fiduciary shall submit to the Court

an independent application for an appraiser in that particular field, along with a statement of qualifications in such specialty.

- (D) The market value of any motor vehicle as found in the current NADA Official Used Car Guide or at [www.nada.com](http://www.nada.com) under the category “Avg. Retail”.

### **RULE 63.1 PRIVATE SALE OF PERSONAL PROPERTY.**

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

### **RULE 64.1 SIGNATURES ON ACCOUNTS.**

- (A) All accounts shall be personally signed by the fiduciary and contain the full name, current resident address and telephone number of the fiduciary. If the fiduciary is a corporation, the business address of the fiduciary will be sufficient.
- (B) All fiduciaries shall sign an account when multiple fiduciaries have been appointed.
- (C) All valid debts paid by the fiduciary shall be disclosed in the fiduciary account.

### **RULE 64.2 ACCOUNT REQUIREMENTS.**

- (A) All accounts shall be submitted to a Deputy Clerk for examination.
- (B) An account that is being submitted pursuant to a citation may be filed no later than 2:00 p.m. the day prior to the citation hearing date.
- (C) The account shall include an itemized statement of all receipts and disbursements, and all funds, assets and investments, if any remaining in the estate, as set forth on Standard Probate Form 13.1. If real estate has been sold, the account shall include a copy of the closing statement itemizing all of the disbursements made from the closing.
  - 1. All corporate fiduciaries shall file a recapitulation of accounts in conformity with Standard Probate Form 13.0.
- (D) Where the filing of an account requires verification of disbursements and distributions therein stated, such verification may be made by voucher or other documentary proof satisfactory to the Court; provided, however, that such verification shall not be required where all beneficiaries, by their written consent, waive such verification and approve the account as submitted. 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 and Beneficiaries (Standard Probate Form 13.9) is submitted with the account. In lieu of receiving waivers and consents from all the beneficiaries, vouchers from specific pecuniary beneficiaries may be submitted with consents from all



remaining beneficiaries. If an exception is filed, the account will be set for further hearing and satisfactory documentary proof, which may include vouchers, shall be required at the hearing.

- (E) Unless notice is waived in writing upon filing of a final account, the fiduciary shall serve Notice of Hearing on Account to the following:
  - 1. Decedent's Estates: Surviving spouse and all residuary beneficiaries in a testate estate and to the surviving spouse and all next of kin in an intestate estate.
  - 2. Guardianships:
    - (a) Minor guardianships: to the ward, if the ward has reached the age of majority or the next of kin if the ward is under eighteen (18) years of age.
    - (b) Incompetent guardianships: to all of the ward's next of kin.
  - 3. Trusts: to all of the trust beneficiaries, unless otherwise authorized by the Court.
  - 4. To counsel for any represented party described above regardless of the nature of the matter.
- (F) Unless notice is waived in writing, upon the filing of a partial account, the fiduciary shall serve notice of hearing on the partial account in the following matters:
  - 1. Charitable trusts: the Attorney General of Ohio, Charitable Trusts Division.
  - 2. Veteran's Guardianships: United States Veterans' Administration.
- (G) A Certification of counsel that there are no assets in the hands of the fiduciary may be presented in lieu of a partial account in estates involved in wrongful death actions or upon written application and for good cause shown, in other estates as authorized by the Court.
- (H) No handwritten accounts shall be accepted for filing with the Court.
- (I) A Certificate of Termination (Standard Probate Form 13.6) may be filed in lieu of any account due in a decedent's estate when the provisions of Section 2109.301(B)(2) of the Revised Code have been satisfied.
- (J) Upon request of the Court, adding machine tapes or computer-generated calculations shall be provided which reflect receipts, disbursements and balances in support of the submitted account.
- (K) All outstanding costs shall be paid in full upon the filing of each account.
- (L) An account will not be accepted for filing unless the bond, when required, is sufficient to cover the value of the personal property assets on hand, plus one (1) year's projected income. If the fiduciary receives an additional personal property asset of the estate, the fiduciary shall disclose to the Court such additional asset, and at such time, submit additional bond to cover the additional value of the asset, if necessary.

- (M) An extension to file an account may be granted by the Court for an additional period not to exceed six (6) months beyond the thirteenth (13) month period set forth in Revised Code Section 2109.301(B)(4). Any additional extensions thereafter may only be issued upon application and personal appearance by the fiduciary at a hearing on such application and for good cause shown.
- (N) Pursuant to Rule 78(D) of the Rules of Superintendence for the Courts of Ohio, the Court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardian's report to show cause why the attorney should not be barred from being appointed in any new proceeding before the Court or serving as attorney of record in any new estate, guardianship, or trust until all of the delinquent pleadings are filed.

### **RULE 64.3 CERTIFICATE OF SERVICE OF ACCOUNT TO HEIRS OR BENEFICIARIES.**

Upon the filing of the account and pursuant to Section 2109.32(B)(2), an administrator or executor shall file Standard Probate Form 13.9 Certificate of Service of Account to Heirs or Beneficiaries.

### **RULE 65.1 LAND SALE PROCEEDING FEES.**

- A. 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 proceeding.
- B. In a land sale proceeding, a minimum fee of Two hundred-fifty dollars (\$250.00) shall be assessed as costs for each appointed guardian ad litem, unless the circumstances warrant the payment of additional fees subject to Court approval.

### **RULE 66.1 REQUIREMENTS FOR MINOR GUARDIANSHIPS.**

The following local rule applies to Guardianship of Minors:

- (A) A copy of the minor's birth certificate shall be filed with the Application for Appointment.
- (B) The applicant shall file with the Application an affidavit disclosing the information that is required by Section 3109.27 of the Revised Code.
- (C) A guardianship of a minor shall not be issued if it is determined that another Court has jurisdiction over custody of the minor.
- (D) Minors, who are not United States citizens or resident aliens, are determined not to be residents or have legal settlement as set forth in Revised Code Section 2111.02(A).

- (E) If the Court determines that the guardianship process is being used to circumvent a proper custody proceeding or for other improper purposes, an application for appointment of a guardian for a minor will not be approved.
- (F) Applications to terminate a guardianship of a minor, other than as an operation of law, require notice to all persons designated in Ohio Revised Code Section 2111.04 and any other individual who received actual notice of the original appointment of the guardian.

## **RULE 66.2 REQUIREMENTS FOR ALL GUARDIANSHIPS.**

The following Local Rule applies to all guardianships:

- (A) A guardian shall deposit with the Court any and all wills of the ward for safekeeping in accordance with Ohio Revised Code Section 2107.07.
- (B) A guardian 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.
- (C) Costs, fees, and expenses shall be assessed as determined by Court order. The Court may require a reasonable cost deposit in the event of appointment of an attorney or guardian ad litem for the prospective ward pursuant to the cost deposit schedule adopted by separate Court order.
- (D) In addition to those entitled to notice of the hearing on an application for the appointment of an incompetent adult under Section 2111.04 of the Revised Code, the applicant shall disclose to the Court the names and addresses of all adult children of the proposed ward. For such adult children known to reside in this state, service of Notice of Hearing shall be made as provided by law, unless waived. For such adult children, who may reside outside of the state, service of notice of hearing may be regular U.S. mail, unless waived.

## **RULE 66.3 EMERGENCY GUARDIANSHIP REQUIREMENTS.**

Pursuant to Section 2111.02, if an Emergency Guardianship or other order is being sought to prevent significant injury to the person or estate of a minor or incompetent, the person seeking such order or appointment shall comply with the following procedure:

- (A) File an Application for Appointment of Emergency Guardian or Issuance of Emergency Order.
- (B) File an Affidavit in Support of the Application set forth above, which should include, but not be limited to the following information: Information describing the imminent risk of significant injury to the person or property of the minor or incompetent; the nature or type of significant injuries that might result without Court order; a description and location of property that might suffer significant injury; the date the imminent risk was discovered by the applicant; the reasonable efforts that the applicant has taken to otherwise prevent significant injury without Court order;

- (C) File SPF 17.1A “Supplement for Emergency Guardian of Person”.
- (D) Personally file with the court the documents noted in A. B., and C. of this rule and remain available for a personal appearance before the Judge or Magistrate to respond to further Court inquiry.
- (E) Within thirty (30) days of the expiration of any emergency orders issued hereto, the emergency guardian shall submit a report to the Court stating any specific action taken to prevent substantial injury to the person or estate and accounting for the management of any assets of the minor or incompetent during such period of time. If a guardianship is commenced upon the expiration of the emergency orders, the Court may dispense with this report if the guardian provides such information in the Inventory of the ward’s assets.

#### **RULE 66.4 COMMENTS OR COMPLAINTS ON GUARDIANSHIPS.**

- (A) Any comment or complaint regarding the performance of any guardian appointed by this Court shall be submitted in writing to the Court’s guardianship deputy clerk.
- (B) Upon receipt of the comment or complaint, the clerk shall forthwith send a copy of the comment or complaint by regular US mail to the guardian who is the subject of the comment or complaint.
- (C) A copy of the comment or complaint shall be referred to the Magistrate of the Court for review to determine the action necessary to dispose of the comment or complaint, including but not limited to a referral to the prosecuting attorney or other agencies for further investigation or for further hearing by the Court. The Magistrate shall determine such course of action within seventy-two (72) hours of reference of the comment or complaint. If the magistrate determines that a hearing is required to respond to the comment or complaint, such hearing shall be held within five (5) Court days of the Magistrate’s Determination. Notice of the hearing shall be provided to those entitled to Notice of the hearing shall be sent by regular US mail to those identified in SPF 1.0 and such other interested persons as determined necessary by the Court, including the person submitting the comment or complaint, the guardian and the ward.
- (D) Upon making a Final Disposition of the comment or complaint, the Court shall prepare a written Final Disposition and provide a copy to the person making the comment or complaint and the guardian.
- (E) The Court shall maintain a separate record regarding the nature and disposition of comments or complaints concerning guardianships.

#### **RULE 67.1 ESTATES OF MINORS NOT MORE THAN TEN THOUSAND DOLLARS (\$10,000).**

“Estates of minors of not more than ten thousand dollars (\$10,000.00)” shall be construed as the net proceeds of the minor ward.

An application submitted pursuant to Sup. R. 67 shall include a copy of the birth certificate of the minor.

Pursuant to Sup. R. 67(C), if there is no attorney representing the interests of the minor, then the attorney representing the payor shall assume the responsibility for compliance with the requirements set forth in Sup. R. 67 (C).

### **RULE 68.1 SETTLEMENT OF INJURY CLAIMS OF MINORS.**

Settlements of a minor's claim are separate proceedings in this Court and shall proceed under a separate case number other than that assigned to the guardianship, if any.

### **RULE 68.2 REQUIREMENTS FOR FILING SETTLEMENT OF MINOR'S CLAIMS.**

A hearing on the application for settlement of a minor's claim will not be scheduled until the following are filed with the Court:

- (A) A copy of the minor child's birth certificate.
- (B) Unless otherwise dispensed with by the Court, as required by Sup. R. 68, a current statement of an examining physician in respect to the injuries sustained, the extent of recovery, and the permanency of any injuries.
- (C) A narrative statement in support of the proffered settlement setting forth a description of the occurrence and any other proposed or actual settlements resulting from the same occurrence to persons other than the minor.
- (D) A list of unreimbursed medical and other expenses and proposed payees.
- (E) A copy of any attorney fee agreement.
- (F) A written itemization of suit expenses.

### **RULE 68.3 STRUCTURED SETTLEMENTS OF MINOR'S CLAIMS.**

In the event that parties involved in claims for injuries to minors 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, AA+ or AA;
    - (d) 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.

#### **RULE 69.1 SETTLEMENT OF ADULT WARD'S CLAIMS.**

A hearing on the Application for Settlement of an adult ward will not be scheduled until the following are filed with the Court:

- (A) Unless otherwise dispensed with by the Court, as required by Sup. R. 68, a current statement of an examining physician in respect to the injuries sustained, the extent of recovery, and the permanency of any injuries.
- (B) A narrative statement in support of the proffered settlement setting forth a description of the occurrence and any other proposed or actual settlements resulting from the same occurrence to persons other than the ward.
- (C) A list of unreimbursed medical and other expenses and proposed payees.
- (D) A copy of any attorney fee agreement.
- (E) A written itemization of suit expenses.

#### **RULE 69.2 STRUCTURED SETTLEMENTS FOR ADULT WARD'S CLAIMS.**

In the event that parties involved in claims for injuries to an adult ward 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, AA+ or AA;
    - (d) 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.

## **RULE 70.1 SETTLEMENT OF WRONGFUL DEATH AND SURVIVAL CLAIMS.**

An Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims shall be accompanied with the following:

- (A) A narrative statement of the nature of the claim.
- (B) If there is an allocation of the proceeds between the wrongful death and the survival actions, a statement in support of such allocation.
- (C) A statement in support of the proffered settlement.
- (D) A copy of the attorney fee agreement.
- (E) An itemization of case expenses.
- (F) The names and current addresses of the surviving spouse (if none, indicate marital status of deceased, i.e. widowed, divorced, not married, etc.), children (birth date of minor children), parents, siblings, grandparents, and grandchildren.

## **RULE 70.2 STATUS CONFERENCE FOR WRONGFUL DEATH/SURVIVAL CLAIMS**

Upon the filing of the application, a Status Conference will be scheduled. A final hearing will not be heard until such conference is successfully completed. Upon satisfaction to the Court that all parties have consented to the settlement and proposed distribution, the court may immediately proceed to the final hearing at the status conference.

## **RULE 71.1 COUNSEL FEES.**

- (A) All fees charged by an attorney representing a fiduciary in matters before the Court, including but not limited to work on decedent's 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.
- (B) Fee disclosure is not required when the only filing is an application to admit will for record only.
- (C) Counsel fees for the administration of a decedent's estate as set forth in Appendix "B" 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 fiduciary in the complete administration of a decedent's estate. However, such schedules are not to be considered as schedules of minimum or maximum fees to be charged, nor will such fees 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.
- (D) Fees may be based on a written agreement executed between the fiduciary and the attorney and comply with DR 2-106 of the Code of Professional Responsibility.

## **RULE 71.2 ATTORNEY SERVING AS FIDUCIARY.**

Where an attorney is the fiduciary and that attorney or another attorney is the attorney of record, detailed records shall be maintained describing time and services as fiduciary and as attorney, which records shall, upon request, be submitted to the Court for review. DR 2-106 of the Code of Professional Responsibility shall govern the reasonableness of such fees.

## **RULE 71.3 EARLY PAYMENT OF ATTORNEY FEES.**

An application for payment of attorney fees prior to the filing of a final account shall contain a statement setting forth the reason for the request for early payment. Such application shall be accompanied by consent to the amount and early payment by all beneficiaries who have yet to receive their complete distribution or shall be set for hearing with notice to the non-consenting beneficiaries.



#### **RULE 71.4 ATTORNEY FEES FOR GUARDIANSHIPS AND TRUSTS.**

- (A) For guardianships and trusts, the Court shall consider applications for attorney fees for the establishment of the guardianship or trust upon the filing of the inventory, and shall consider additional fees upon the filing of each account thereafter. Notice of the application shall be given to the guardian of the estate or trustee, unless otherwise waived and consented to payment by such guardian or trustee.
- (B) 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. The Court may require notice of the hearing on the payment of the fees be given to trust beneficiaries who are affected by the payment of fees.
- (C) In cases where the attorney serves in the dual capacity as guardian, the attorney shall separate the time expended as the attorney and as the guardian.
- (D) 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. The Court may require notice of hearing on the fees to be given to the fiduciary of the deceased ward's estate or other interested persons.

#### **RULE 71.5 HEARINGS ON CONTESTED COUNSEL FEES.**

In hearings on 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 performing the services and the hourly rate charged.

#### **RULE 71.6 CONTINGENCY FEE AGREEMENTS.**

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

#### **RULE 71.7 EXTRAORDINARY SERVICES.**

Any request for additional fees for extraordinary services on behalf of the fiduciary or counsel shall be supported by a detailed written statement explaining the service rendered, date of service rendered, and the distinction of such services from ordinary services, and time spent on such

services. If reimbursement is sought for expenses, a copy of the receipts evidencing such expenditure shall be submitted with the request for reimbursement.

## **RULE 72.1 COMMISSION OF EXECUTOR OR ADMINISTRATOR.**

Unless otherwise provided by law or ordered by the Court, an executor or administrator may seek payment of a commission in an amount calculated in conformity with Section 2113.35 of the Revised Code.

## **RULE 73.1 OTHER FIDUCIARY COMPENSATION.**

- (A) Except where the instrument creating the trust makes provision for compensation, trustees subject to this Court's jurisdiction, including trustees of living trusts, attorneys-in-fact, and other fiduciaries made subject to this Court's jurisdiction pursuant to Revised Code Section 2101.24(B)(1)(b), guardians and conservators may upon application and entry (see Appendix C), be allowed compensation annually for ordinary services in accordance with the following schedule:
1. Six (6%) percent of gross income from personal property.
  2. If the fiduciary manages real estate, he may be allowed a ten (10%) percent fee on the gross rental real estate. If the real estate is managed by others, the trustee shall treat the net income derived as ordinary income for which a six (6%) percent fee may be allowed.
  3. Three dollars (\$3.00) per thousand dollars (\$1,000.00) of principal.
  4. On distribution of principal, one (1%) percent of the reasonable market value of principal distributed.
- (B) Compensation for services as guardian of the person only shall be set for hearing unless the Court otherwise waives the hearing.
- (C) All applications for compensation by guardians of veterans shall also comply with Chapter 5905 of the Revised Code 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.

## **RULE 75.1 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.
  - 1. In private placement adoptions, a pre-placement 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 Pickaway County, Ohio, and not less than thirty (30) days prior to placement if applicants are not residents of Pickaway County, Ohio.
  - 2. Upon approval of the application by the Court, a hearing for the placement and consent by the birth parent(s) shall be held not less than seventy-two (72) hours after the birth of the child or after the birth parent(s) have met with the adoption assessor, whichever occurs later.
  - 3. If the birth parent of the child to be adopted is a minor, such birth parent shall be represented by counsel at a placement hearing. Attorney fees for the birth parent shall be assessed as costs to the petitioner(s).
- (B) Married petitioners must be married for not less than one (1) year prior to the filing of the petition for adoption.
- (C) Upon the filing of the petition for adoption, the following items shall also be filed with the Court:
  - 1. A certified copy of the child's birth certificate.
  - 2. A criminal history record check from the Ohio Bureau of Criminal Identification and Investigation.
  - 3. Cost deposit as set by the Court.
- (D) The following additional items shall be filed with the Court at least one (1) week prior to the date of the adoption hearing:
  - 1. A medical statement concerning the child or children to be adopted, providing general information of the child's health and any recommendations.
  - 2. A medical report on the adopting parent, with a statement from the physician indicating the date of the examination, length of time the physician has known the parent and the results of the findings as to health and emotional stability.
  - 3. Six (6) letters of character reference in support of the adopting parent including the names, addresses, and telephone numbers of the references.
  - 4. Proof of marriage.
  - 5. Certified copies of all divorce decrees if parents or petitioners have previously been married.
  - 6. Proof of death if either parent is deceased.

7. Assessment report, including verification that the assessor is certified if the report is not prepared by a Court approved assessor.
8. Compliance with the requirements set forth in Ohio Administrative Code 5101:2-47 and 48.

### **RULE 75.2 RELEASE FROM ADMINISTRATION.**

The following provisions apply to Estates Relieved from Administration and Summary Release from Administration.

- (A) The Court may waive a noticed hearing in those instances where the applicant demonstrates that no beneficiaries or creditor will be prejudiced.
- (B) Upon the filing of the respective application, the applicant shall exhibit to the Court a copy of the decedent's death certificate, with redaction of decedent's social security number, and a copy of the paid funeral bill or contract evidencing the obligation to pay such bill.
- (C) The appraisal of assets shall be subject to **COUNTY LOC. R. 61.1.**
- (D) Every applicant for summary release or every appointed commissioner of an estate released from administration shall file a report of distribution within thirty (30) days of approval of the application or appointment of commissioner.

### **RULE 75.3 FAILURE TO PURSUE APPOINTMENT UNDER A WILL ON DEPOSIT.**

If a person named as an executor in a will that has been deposited with the Court pursuant to Section 2107.07 of the Revised Code declines or fails to pursue appointment and to perform the fiduciary duties thereto, the Court may appoint another person as fiduciary to perform such responsibilities.

### **RULE 75.4 MINOR APPLICANT FOR MARRIAGE LICENSE.**

Pursuant to Section 3101.05 of the Ohio Revised Code, any applicant for a marriage license, who is a minor, must provide proof of successful completion of marriage counseling prior to applying for the license. Proof of counseling may be in the form of a letter to the court from a qualified or licensed person who provided the counseling.

### **RULE 75.5 FILING OF 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 may be filed as described in Section 5731.21 of the Revised Code, if the gross estate of the decedent, as defined in division (A) of Section 5731.01 of the Revised Code

includes any interest in real estate and the decedent has been deceased for less than ten (10) years.

### **RULE 75.6 NAME CHANGE REQUIREMENTS.**

An application for the change of name of a minor child shall include a copy of the child's birth certificate. If the applicant has not obtained the consent of the parent, the applicant shall cause notice of the hearing to be served upon such non-consenting parent, in addition to the publication as required by law. If the applicant is unaware of the non-consenting parent's current address, the applicant shall disclose to the Court, the most recent address and the efforts that the applicant has made to discover the current residence of the non-consenting parent.

An applicant for any name change shall also file an affidavit, which is set forth in Appendix "D" that states that the person for whom the name change is sought is not required to register as a sex offender.

### **RULE 75.7 COUNSEL WITHDRAWAL FROM REPRESENTATION.**

An attorney who wishes to withdraw from representation of any party before the Court shall file a Motion with the Court stating the reasons for withdrawal and disclosure of the following:

1. The last known address and telephone number of the client.
2. Notice of the Motion has been given to all attorneys and unrepresented parties;
3. Notice has been given to the client stating all filing deadlines and hearing dates affecting the client;
4. Notice of withdrawal to any bonding agencies involved

Upon the filing of such Motion, the Court will schedule a hearing with Notice to be provided to the client by certified mail, unless the attorney also files a written acknowledgement by the client of the attorney's withdrawal.

Unless authorized by the Court for extraordinary circumstances, no withdrawal from representation will be approved if a motion to withdraw is filed within twenty (20) days of a trial or dispositive hearing.

### **RULE 75.8 ADDITIONAL INVENTORY REQUIREMENTS.**

- (A) In lieu of the appraiser signing the estate inventory, the fiduciary may attach to the inventory the original appraisal containing the signature of the appraiser.
- (B) The inventory shall contain the address, parcel number of the interest in the real estate of the decedent or ward.
- (C) Inventory will not be approved unless the bond, when required, is sufficient.

- (D) The sale, distribution, or expenditure of any estate or guardianship assets prior to the filing of the inventory requires prior Court approval
- (E) All fiduciaries shall sign the inventory when multiple fiduciaries have been appointed.

## **RULE 79.1 MEDIATION**

### **(A) Uniform Mediation Act and Definitions**

The R.C. 2710 "Uniform Mediation Act" (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule.

### **(B) Cases Eligible for Mediation**

1. General. The Pickaway County Probate Court may refer any civil action or proceeding that is within the jurisdiction of the Court for dispute resolution, which shall include mediation. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
2. Exceptions. Mediation is prohibited in the following:
  - a. As an alternative to the prosecution or adjudication of domestic violence;
  - b. In determining whether to grant, modify, or terminate a protection order;
  - c. In determining the terms and conditions of a protection order;
  - d. In determining the penalty for violation of a protection order.
3. The selection of the mediator, fees for the mediator, and source of payment for mediator fees shall be within the sole discretion of the Probate Court Judge. Payment for any additional expenses associated with the resolution of disputes must have prior approval of the Probate Court.

### **(C) Confidentiality**

Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

(D) Referral to Resources

The court shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.

**APPENDIX A-1**  
**FACSIMILE FILING COVER PAGE**

**RECIPIENT INFORMATION**

Name of Court: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**SENDING PARTY INFORMATION**

Name: \_\_\_\_\_

Supreme Court Registration Number (If Applicable): \_\_\_\_\_

Office/Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address (If Available): \_\_\_\_\_

**CASE INFORMATION**

Title of Case: \_\_\_\_\_

Case No: \_\_\_\_\_

Title of the Document: \_\_\_\_\_

Judge\*: \_\_\_\_\_

**FILING INFORMATION**

Date of Fax Transmission: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

Statement Explaining How Costs Are Being Submitted, If Applicable: \_\_\_\_\_

\_\_\_\_\_



**APPENDIX A-2**

**CREDIT/DEBIT CARD AUTHORIZATION FORM**

**To: Clerk, Pickaway County Common Pleas, Probate Division**

Fax Number: \_\_\_\_\_

**REGARDING**

Case Name: \_\_\_\_\_

Case No: \_\_\_\_\_

**Dear Clerk's Office Representative:**

Please charge my debit/credit card in the amount of \$ \_\_\_\_\_ in payment of fees for the following Court costs/service(s): (Identify document to be filed or other service to be performed by the Clerk's Office for which a fee is assessed): \_\_\_\_\_

Circle One:     MasterCard                      Visa

Credit/Debit Card Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Name of Cardholder: \_\_\_\_\_

Billing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name & Telephone Number of Person Submitting this Form: \_\_\_\_\_

**APPENDIX A-3**

PROBATE COURT OF PICKAWAY COUNTY, OHIO  
SHELLY R. HARSHA, JUDGE

JOHN SMITH, Plaintiff

Case No. 1234567

v.

BILL JONES, Defendant

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

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

Respectfully Submitted,

\_\_\_\_\_  
Attorney Name (Supreme Court Reg. No.)  
Office/Firm  
Address  
Telephone  
Facsimile  
E-mail

Counsel for Plaintiff John Smith

**CERTIFICATE OF SERVICE**

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. Mail on [date] to counsel for Defendant, Bill Jones, [name and address of recipient].

\_\_\_\_\_  
Attorney Name  
Counsel for Plaintiff John Smith

## **APPENDIX B**

### **COUNSEL FEES**

(F) TOTAL PROBATE ASSETS

\$ 0.00 - \$5,000.00	\$300.00	
\$ 5,001.00 - \$20,000.00	\$300.00 + 5%	OVER \$5000.00
\$20,001.00 – 50,000.00	\$1,050.00 + 3 ½%	OVER \$20,000.00
\$50,001.00 - \$100,000.00	\$2,100.00 + 3%	OVER \$50,000.00
\$100,001.00 - \$200,000.00	\$3,600.00 + 2 ½%	OVER \$100,000.00
\$200,000.00 – UP	\$6,100.00 + 2%	OVER \$200,000.00

(G) TOTAL NON-PROBATE ASSETS (AS VALUED IN OHIO ESTATE TAX RETURN)  
2% OF NON-PROBATE ASSETS AS VALUED IN OHIO ESTATE TAX RETURN

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

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

**APPENDIX B-1**

PROBATE COURT OF PICKAWAY COUNTY, OHIO  
SHELLY R. HARSHA, JUDGE

IN THE MATTER OF: \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**COMPUTATION OF ATTORNEY FEES**

<b>TOTAL PROBATE ASSETS</b>			\$ _____
\$0.00 - \$5,000.00			\$300.00
\$5,001.00 - \$20,000.00	5%	OVER \$5,000.00	\$ _____
\$20,000.00 - \$50,000.00	3.5%	OVER \$20,000.00	\$ _____
\$50,001.00 - \$100,000.00	3%	OVER \$50,000.00	\$ _____
\$100,001.00 - \$200,000.00	2.5%	OVER \$100,000.00	\$ _____
OVER \$200,001.00	2%		\$ _____

I. PROBATE FEE TOTAL \$ \_\_\_\_\_

TOTAL NON PROBATE ASSETS

2% OF SUCH ASSETS AS VALUED IN THE OHIO ESTATE TAX RETURN

\$ \_\_\_\_\_

II. NON-PROBATE FEE TOTAL \$ \_\_\_\_\_

EXTRAORDINARY FEES (ITEMIZED & ATTACHED TIME RECORDS)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

III. EXTRAORDINARY FEES TOTAL \$ \_\_\_\_\_

TOTAL ATTORNEY FEE (SUM OF 1, 2, & 3) \$ \_\_\_\_\_

ATTORNEY FEE TAKEN ON PRIOR ACCOUNT \$ \_\_\_\_\_

BALANCE OF ATTORNEY FEES REQUESTED  
ON FINAL ACCOUNT \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Fiduciary's Signature

Approved by: Shelly R. Harsha, Probate Judge \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX C-1**

PROBATE COURT OF PICKAWAY COUNTY, OHIO

SHELLY R. HARSHA, JUDGE

IN THE MATTER OF: \_\_\_\_\_

CASE NO. \_\_\_\_\_

**OTHER FIDUCIARY COMPENSATION COMPUTATION**

I. GROSS ANNUAL INCOME FROM PERSONAL PROPERTY \$ \_\_\_\_\_  
TIMES (X) .06

TOTAL FEE FROM PERSONAL PROPERTY INCOME \$ \_\_\_\_\_

II. A. GROSS INCOME FROM REAL PROPERTY \$ \_\_\_\_\_  
TIMES (X) .10

TOTAL FEE FOR TRUSTEE MANAGED REAL PROPERTY \$ \_\_\_\_\_

B. ADJUSTED GROSS INCOME FROM OTHER REAL PROPERTY \$ \_\_\_\_\_  
TIMES (X) .06

TOTAL FEE TO TRUSTEE ON REAL PROPERTY INCOME \$ \_\_\_\_\_

MANAGEMENT FEE \$ \_\_\_\_\_

III. PRINCIPAL \$ \_\_\_\_\_  
TIMES (X) .003

FEE PRINCIPAL \$ \_\_\_\_\_

PRINCIPAL DISTRIBUTION \$ \_\_\_\_\_  
(OTHER THAN TERMINATION) TIMES (X) .01

FEE ON PRINCIPAL DISTRIBUTION \$ \_\_\_\_\_

**RECAPITULATION**

ITEM I. FEES \$ \_\_\_\_\_

ITEM II FEES \$ \_\_\_\_\_

ITEM III FEES \$ \_\_\_\_\_

ITEM IV FEES \$ \_\_\_\_\_

EXTRAORDINARY FEES FROM APPLICATION \$ \_\_\_\_\_

TOTAL FEES REQUESTED \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Fiduciary's Signature

**APPENDIX C**

I. ON INCOME FROM PERSONAL PROPERTY  
6% OF GROSS INCOME

II. ON INCOME FROM REAL ESTATE

A. 10% OF GROSS INCOME ON PROPERTY MANAGED BY TRUSTEE

B. 6% OF ADJUSTED GROSS INCOME ON PROPERTY MANAGED BY  
SOMEONE ELSE PROVIDED THAT MANAGEMENT FEES AND TRUSTEES  
FEES COMBINED DO NOT EXCEED 10% OF GROSS INCOME

**ADJUSTED GROSS INCOME IS GROSS INCOME LESS OPERATING EXPENSES  
BEFORE DEPRECIATION AND MANAGEMENT FEES DEDUCTIONS**

III. ON PRINCIPAL  
\$3.00 PER THOUSAND DOLLARS PRINCIPAL

IV. ON DISTRIBUTION OF PRINCIPAL (OTHER THAN TERMINATION)  
1% OF REASONABLE MARKET VALUE OF PRINCIPAL PROPERTY  
DISTRIBUTION TO BE PAID FROM THE DISTRIBUTION

V. EXTRAORDINARY FEES MAY BE AWARDED UPON APPLICATION – AT  
DISCRETION OF THE COURT

**APPENDIX D**

PROBATE COURT OF PICKAWAY COUNTY, OHIO  
SHELLY R. HARSHA, JUDGE

IN THE MATTER OF THE CHANGE OF NAME OF: \_\_\_\_\_

TO: \_\_\_\_\_

CASE NO. \_\_\_\_\_

**SEX OFFENDER REGISTRATION DISCLAIMER**

The undersigned applicant for change of name, after being duly sworn, states that he or she is NOT required by law of any state, to register as a sex offender classification.

\_\_\_\_\_  
Applicant

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk

## **APPENDIX E**

### **PROBATE COURT COSTS**

March 1, 2007

#### **ESTATES**

<b>ESTATES:</b>	<b>\$164.00:</b> (\$125.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund; \$26.00 Legal Aid)
<b>WRONGFUL DEATH:</b>	<b>\$63.00:</b> (\$50.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>NO ADMIN. /WILL &amp; NO ADM:</b>	<b>\$73.00:</b> (\$60.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>SHORT FORM:</b>	<b>\$38.00:</b> (\$25.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>SHORT FORM W/ WILL:</b>	<b>\$43.00:</b> (\$30.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>EXCEPTIONS:</b>	<b>\$10.00:</b> (Motion & Entry)
<b>AUTHENTICATED RECORD:</b>	<b>VARIES:</b> (\$15.00 Application/Entry; \$1.00/page (including Application/Entry) Record; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>PUTTING WILL TO SLEEP:</b>	<b>\$33.00:</b> (\$20.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>PUTTING WILL TO SLEEP WITH TAX:</b>	<b>\$38.00:</b> (\$20.00 Deposit; \$5.00 Estate Tax; \$3.00 \$10.00 Computer Fund)

#### **ADOPTIONS**

<b>STEP-PARENT/RELATIVE:</b>	<b>\$415.00:</b> (\$71.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund; \$26.00 Legal Aid; \$30.00 OPFR (Ohio Putative Father Registry); \$275.00 Home Study)
<b>INDEPENDENT:</b>	<b>\$140.00:</b> (\$71.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund; \$26.00 Legal Aid; \$30.00 OPFR)
<b>FOREIGN ADOPTIONS:</b>	<b>\$79.00:</b> (\$10.00 Deposit/Petition; \$3.00 Computer Research; \$10.00 Computer Fund; \$26.00 Legal Aid; \$30.00 OPFR)



## **APPENDIX E CONTINUED**

### **GUARDIANSHIPS**

<b>ADULT:</b>	<b>\$211.00:</b> (\$67.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund; \$20.00 Indigent Fund; \$26.00 Legal Aid; \$75.00 Court Investigator Fee)
<b>MINOR:</b>	<b>\$141.00:</b> (\$72.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund; \$30.00 Indigent Fund; \$26.00 Legal Aid; \$75.00 Court Investigator Fee)

### **OTHER**

<b>CIVILS:</b>	<b>\$88.00:</b> (\$75.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>NAME CHANGE:</b>	<b>\$89.00:</b> (\$50.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund; \$26.00 Legal Aid)
<b>TRUSTS:</b>	<b>\$88.00:</b> (\$75.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>MINOR'S SETTLEMENT:</b>	<b>\$63.00:</b> (\$50.00 Deposit; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>BIRTH REGISTRATION:</b>	<b>\$35.00:</b> (\$7.00 Deposit-Birth Registration; \$15.00 Docketing; \$3.00 Computer Research; \$10.00 Computer Fund)
<b>BIRTH CORRECTION:</b>	<b>\$33.00:</b> (\$5.00 Deposit-Birth Correction; \$15.00 Docketing; \$3.00 Computer Research; \$10.00 Computer Fund)

## **APPENDIX F**

### **PETITION TO RECOGNIZE FOREIGN DECREE OF ADOPTION FILING REQUIREMENTS**

- I. Filing Fee: \$79.00
- II. Petition to Recognize Foreign Decree of Adoption; All forms MUST be typed
- III. Original/Certified copy of foreign birth certificate of adoptee.  
If birth certificate is in a foreign language a certified translation must be filed.
- IV. Original foreign adoption decree or certificate of adoption with a certified translation.  
The originals must be submitted for authentication and will then be returned to petitioner(s).
- V. BCI Report  
If report is dated over one (1) year, Petitioner must resubmit fingerprints.
- VI. Copy of the most current Home Study/Assessment Report and Post Placement Reports
- VII. Vital Statistics form HEA2757
- VIII. Petitioner's Preliminary Account  
Petitioner's Final Account is required ten (10) days prior to hearing date

NOTE: Include only the cost of the refinalization. I.e. Court Costs, Attorney Fees.

**APPENDIX G**

**COMPUTATION SCHEDULE FOR ADMINISTRATOR/EXECUTOR FEES**

I. PERSONAL PROPERTY (IN ESTATE)

\$0.00	-	\$100,000.00	4%	_____
\$100,001.00	-	\$400,000.00	3%	_____
\$400,001.00	-	UP	2%	_____

**TOTAL:** \_\_\_\_\_

II. REAL ESTATE (NOT SOLD IN ESTATE)

1% OF VALUE USED IN OHIO ESTATE \_\_\_\_\_

III. NON PROBATE ASSETS (EXCEPT JOINT & SURVIVORSHIP)

1% OF VALUE OF PROPERTY INCLUDABLE IN OHIO ESTATE TAX

IV. RECAPITULATION

ITEM 1: \_\_\_\_\_

ITEM 2: \_\_\_\_\_

ITEM 3: \_\_\_\_\_

TOTAL ADM/EXEC/ ALLOWABLE BY STATUTE: \_\_\_\_\_

FEES PAID IN PRIOR ACCOUNTS: ( - ) \_\_\_\_\_

BALANCE PAYABLE: \_\_\_\_\_

FEED REQUESTED: \_\_\_\_\_

\_\_\_\_\_  
ADMINISTRATOR/EXECUTOR