GEAUGA COUNTY, OHIO
COMMON PLEAS COURT
PROBATE DIVISION

LOCAL RULES

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INTRODUCTION

The conduct and operations in the Geauga County Probate Court are governed by (1) Applicable Law including the (i) Rules of Superintendence for the Courts of Ohio[1] and (ii) Ohio Rules of Civil Procedure, and (2) these local rules adopted by the Geauga County Probate Court, to the extent that these local rules do not conflict with Applicable Law.

These local rules supplement the Rules of Superintendence for the Courts of Ohio and do not replace any statutory requirements, case law, or other procedural rules relating to probate cases.

To comply with Rule of Superintendence 75, these local rules are numbered to correspond with the numbering of the Rules of Superintendence to the extent that a local rule supplements a Rule of Superintendence. For example, a local rule that supplements Rule of Superintendence 8 is numbered Geauga Probate Local Rule 8.1.

THESE RULES APPLY EQUALLY TO EVERY PERSON INVOLVED IN A PROCEEDING IN THE GEAUGA COUNTY PROBATE COURT, REGARDLESS OF WHETHER THE PERSON IS OR IS NOT REPRESENTED BY AN ATTORNEY. THERE ARE NO SPECIAL EXCEPTIONS OR MORE LENIENT STANDARDS FOR PERSONS WHO REPRESENT THEMSELVES WITHOUT THE ASSISTANCE OF LEGAL COUNSEL OR FOR THOSE PERSONS WHO ARE REPRESENTED BY LEGAL COUNSEL.

THE COURT RECOMMENDS THAT PERSONS WHO REPRESENT THEMSELVES SEEK ASSISTANCE FROM THE COURT'S HELP CENTER. HOWEVER, THE HELP CENTER IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. THE HELP CENTER CAN ONLY PROVIDE INFORMATION AND ACCESS TO FORMS BUT CANNOT PROVIDE LEGAL ADVICE OR LEGAL REPRESENTATION.

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[1] The Rules of Superintendence for the Courts of Ohio are on the Supreme Court of Ohio's website at: https://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf

Superintendence Rule 2
Definitions

Geauga Probate Local Rule 2.1 Special Terms. For the purpose of these Geauga Probate Local Rules the following words, phrases, and abbreviations beginning with capital letters are defined terms with the specific meaning stated below.

"Applicable Law" means all statutes, case law, rules, regulations, codes, and every other form of legal authority, including a court order, that directly or indirectly relates to the issue or matter.

"Attorney" or the plural means attorney of record of a party unless the context in which it is used clearly indicates a different meaning.

"Beneficiary or Beneficiaries" means a Person(s) named in the decedent's Will that is admitted to probate, including a legatee and a devisee.

"Calendar Day" or the plural means every day, including weekends and holidays.

"Civ. R." means the Ohio Rules of Civil Procedure.

"Clerk" means the Clerk of Courts for the Probate Division of the Court, including deputy clerks.

"Conservator" has the meaning set forth in R.C. §2111.01(F).

"Court" means the Probate Division of the Geauga County Court of Common Pleas.

"Court may" means that the Court may (or may not) act in its sole and absolute discretion.

"Court Day" or the plural means any day that the Court is open to the public, which is (i) Monday through Friday, except legal holidays, emergency closings, and those days or portions of days that the Court determines to close; and (ii) a Saturday as the Court determines from time to time. Legal holidays are those set by the Supreme Court of Ohio (see http://www.supremecourt.ohio.gov/Clerk/holiday_rule.asp). Emergency closings are those days, or portions of days, in which the Court has delayed opening, closed early, or closed completely due to adverse weather conditions or other special circumstances.

"Digital Assets" has the meaning set forth in R.C. §2137.01(I).

"Exceptional Circumstances" is a higher standard than Reasonable Cause and means events that were completely unanticipated and not reasonably foreseeable such that it was highly improbable in the exercise of diligence and attention that the situation could have been avoided. Examples of Exceptional Circumstances include death, physical or mental disability, prolonged serious illness or injury, act of God, and similar unavoidable events.

"Fiduciary" means all types of fiduciaries subject to the Court's jurisdiction, as defined in R.C. §2109.01. The word includes, without limitation, an administrator, special administrator, administrator with the will annexed, executor, commissioner, Guardian, Conservator, and Trustee.

"Filer" means a Person that signs a form or other document that is filed with the Court.

"Geauga Probate Local Rule" or the plural means these Geauga County probate local rules of practice.

"Guardian" has the meaning set forth in R.C. 2111.01(A).

"GC Form" means the forms that the Court prescribes for use in proceedings in the Geauga County Probate Court, all of which are available on the Court's website.

"Interested Persons" means all Persons, including their Attorney, who are entitled to receive notice by Applicable Law.

"Next of Kin" means all persons who would be entitled to inherit from the testator under Chapter 2105 of the Revised Code if the testator had died intestate.

"Ohio Attorney" means an attorney who is licensed and in good standing to practice law in Ohio.

"Person" means an individual (acting in any capacity) or an entity, including a governmental unit.

"R.C." means the Ohio Revised Code.

"Proof of Service" means proof of service in accordance with Geauga Probate Local Rule 78.13.

"Reasonable Cause" is a lower standard than Exceptional Circumstances and means a genuine, plausible, and justifiable excuse for an act or omission that, although possibly anticipated or foreseeable, could not be avoided with normal diligence and attention to the matter.

"SC Form" means the standard forms that the Supreme Court of Ohio prescribes for use in probate proceedings, but which shall be accessed from the Court's website.

"Sup. R." means the Rules of Superintendence for the Courts of Ohio.

"Trustee" means the trustee of a trust under the jurisdiction of the Court, which includes a testamentary trust, a wrongful death trust under R.C. §2125.03(A)(2), a special needs trust, a trust under R.C. §2111.50(B)(3), or a trust under R.C. §2111.182.

"Ward" has the meaning set forth in Sup. R. 66.01(D).

Geauga Probate Local Rule 2.2 Statutory Definitions. Defined words and phrases in statutes or other legal rules or regulations have the same meaning for purposes of these Geauga Probate Local Rules.

Superintendence Rule 5
Local Rules

Geauga Probate Local Rule 5.1 Adoption of Geauga Probate Local Rules. Under the authority of R.C. §2101.04 and Sup. R. 5, the Court adopts these Geauga Probate Local Rules as the local rules of practice for the Court. These Geauga Probate Local Rules supplement applicable statutes, Rules of Superintendence for the Courts of

Ohio, Ohio Rules of Civil Procedure, and other Applicable Law pertaining to probate proceedings. To the extent that these Geauga Probate Local Rules conflict with Applicable Law, Applicable Law governs.

Geauga Probate Local Rule 5.2 Effective Date and Application. These Geauga Probate Local Rules are effective November 15, 2023 and apply to all proceedings on and after that date, regardless of whether the case is pending, reopened, or newly filed.

Superintendence Rule 5.01
Local Child Restraint Rule

Geauga Probate Local Rule 5.01 Local Rule Regarding Child Restraint. The following is the Court's local rule governing the use of child restraints in probate proceedings (e.g., estate, guardianship, trust, etc.).

A. The Court will not use instruments of restraint upon a minor in any probate proceeding, including handcuffs, chains, or shackles, unless the Court determines, on a case-by-case basis, that

   1. the minor represents a current and significant threat to the safety of the minor or other persons in the courtroom; or (2) there is a significant risk the minor will flee the courtroom; and

   2. there is no less restrictive alternative to the use of a physical restraint - e.g., presence of law enforcement officer or bailiff.

B. If the Court determines to order the use of physical restraint on a minor, then the Court will order the least restrictive method in a manner that does not unnecessarily restrict the minor's ability to read and handle documents necessary to the hearing.

C. Notwithstanding the provisions set forth above in this Geauga Juvenile Local Rule 28, if the Child (i) is a pregnant female or (ii) was pregnant during any period of postpartum recovery up to six weeks after that Child's pregnancy, then this Geauga Probate Local Rule is applicable only to the extent that the restraint of such Child complies with R.C. 2152.75.

Superintendence Rule 8
Court Appointments

Geauga Probate Local Rule 8.1 Appointment Process. The Court will make appointments from its appointment lists in a manner that best assures the equitable distribution of appointments among the qualified appointees. The Court will consider the factors listed in Sup. R. 8(D).

Geauga Probate Local Rule 8.2 Appointment Lists. The Clerk shall maintain one or more lists of attorneys, approved by court order, who have expressed a willingness to accept appointments to serve as the attorney for Persons, or otherwise assist the Court, including representing (i) Persons for whom a civil commitment or civil institutionalization is sought, or Persons for whom a civil commitment or civil institutionalization has been established and for whom the Court deems the appointment is necessary and proper, (ii) Persons appointed as the Fiduciary of a probate estate, a Guardian, a Conservator, or a Trustee, (iii) Guardian ad litem, or (iv) serving as master commissioner, an investigator, or in any other capacity.

Geauga Probate Local Rule 8.3 Compensation. Except as otherwise specifically provided for in these Geauga Probate Local Rules or Applicable Law, the Court may determine the reasonable compensation for Persons whom the Court appoints to serve in any capacity. The Court may create by court order standard compensation rates for different types of appointments that the Court will provide to all available appointees and Persons who request to be included on the appointment lists, which the Court may amend from time to time; provided, however, that in a particular case, depending upon the complexity of the matter, and the education and experience of the appointee, the Court may deviate from any standard compensation rate schedule in determining the reasonable compensation of an appointee.

Superintendence Rule 9
Court Security Plans

Geauga Probate Local Rule 9.1 Security Plan. The Court has adopted and implemented a Court Security Policies and Procedures Manual. That plan complies with the requirements of Sup. R. 9 and is confidential.

Geauga Probate Local Rule 9.2 Compliance. All Persons entering the Court's facility for any reason are subject to that security plan, including the security screening procedures upon entering the Court's facility. Court's facility includes the parking lot in the rear of the building where the Court is located.

Superintendence Rule 11
Recording of Proceedings

Geauga Probate Local Rule 11.1 Record of Proceedings.

A. The Court will make an electronic record of proceedings using a video or audio recording system, which is the Court's official record, except as otherwise provided below in this Geauga Probate Local Rule. A party who desires to have a contemporaneous stenographic record of the proceedings shall: (i) make their own arrangements, (ii) file a request with the Court requesting permission, together with a proposed judgment entry, and serve a copy of that request upon all parties and Attorneys, and (iii) pay the costs associated with the stenographic record of the hearing. Such contemporaneous stenographic record of the proceedings is not permitted without a prior court order. If such stenographic record is made as permitted by this Geauga Probate Local Rule, then that party, who caused that stenographic record, shall promptly file a copy of the transcript with the Court no more than five Court Days after the hearing.

B. For appellate purposes only, any Person may request, by filing with the Court GC Form "GC PF 4.32 - Request for Transcription of Video/Audio Recording," that the Court's recording be transcribed by a court reporting service selected by the requesting Person and approved by the Court. The requesting Person shall file that request with the Court and promptly deliver a copy of that request to all other parties and Attorneys. If the Court approves that request, then the requesting Person (i) shall pay the cost of transcription, (ii) direct that court reporting service to (a) contact the Court, no later than five Calendar Days after the Court approves the court reporting service, to obtain a copy of the Court's recording, and (b) prepare the transcript no later than 10 Calendar Days after receipt of the copy of the Court's recording. The Court will convey the Court's recording to that court reporting service upon request. No later than five Calendar Days after receipt of the transcription, the requesting Person shall file the transcript with the Court. That court reporting service may not release the Court's recording to a party, an Attorney, or other interested Person without prior written court approval.

C. Unless the Court orders otherwise, a party may not use the contents of the Court's recording in subsequent pleadings filed with the Court or in argument before the Court unless a transcript of the entire hearing is filed with the Court as provided in paragraph (B) of this Geauga Probate Local Rule.

D. Unless the Court orders otherwise, upon filing an Objection to a Magistrate's Decision, a Motion to Set Aside a Magistrate's Order, or a Notice of Appeal, an objector or appellant, who is required or desires to file a transcript of a hearing, shall have the transcript prepared as provided by paragraph (B) of this Geauga Probate Local Rule. The objector or appellant shall file the completed transcript in the Court within the time limits of the Geauga Probate Local Rules, the Rules of Civil Procedure, or the Rules of Appellate Procedure, as applicable. When the complete transcript is filed by an appellant, the Court will certify the transcript to the Court of Appeals.

Superintendence Rule 16
Mediation

Geauga Probate Local Rule 16.1. General Provisions. The Court adopts these mediation rules for alternative dispute resolution of contested matters in the Court.

A. Uniform Mediation Act. The Court implements the Uniform Mediation Act, R.C. Chapter 2710 ("UMA"). If there are any inconsistency between these Geauga Probate Local Rules and the UMA, then the UMA controls the resolution of the issue.

B. Statement of Purpose. The purpose of mediation is to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution of disputed cases in the Court through the use of mediation. The Court has established this mediation process to increase access to justice; to increase the parties' participation in the court process and their satisfaction with the outcome; to allow cases to settle more quickly and with less expense to the parties; and to expand the dispute resolution resources available to the parties.

C. Definitions. All defined terms in the UMA have the same meaning for purposes of this Geauga Probate Local Rule.

D. Confidentiality and Privilege. All mediation communications related to or made during the mediation process are governed by the UMA, the Rules of Evidence, and other pertinent procedural rules.

1. Agreement to Mediate. In furtherance of assuring confidentiality in mediation proceedings, parties and non-parties desiring confidentiality of mediation communications shall execute an agreement to mediate, using GC Form "GC PF 4.35 - Agreement to Mediate" before the mediation session. If a new or different person attends a subsequent session, his or her signature shall be obtained before proceeding further in the process.

2. Privilege. All communications, negotiations, or settlement discussions between participants in the course of a mediation are not subject to discovery or admissible in evidence, shall remain confidential, and are protected from disclosure, except as otherwise provided by Applicable Law.

3. Mediator May Not Testify. The mediator is prohibited from being called as a witness in any subsequent legal proceeding, unless (i) the parties otherwise agree under the terms of a settlement agreement, or (ii) the Court orders otherwise.

Geauga Probate Local Rule 16.2. Initiation of Mediation. This Geauga Probate Local Rule governs the initiation of mediation and the selection of a mediator.

A. Mediation Referral. The Court may refer a case to mediation on the motion of any party, on the agreement of the parties, or by court order.

1. Referral Process. The Court, by court order, or the motion of any party, may refer disputed issues to mediation in whole or in part by filing an order of referral to mediation. Within 30 Calendar Days after the date of that order, the mediator or the parties jointly shall file a notice of scheduled mediation, which shall indicate, at a minimum, the date, time, place, and contact information for the mediation.

2. Domestic Abuse or Violence. All parties and Attorneys shall promptly inform the Court of any domestic abuse or violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order of referral to mediation, but before conclusion of all mediation proceedings, which allegations involve any person whose attendance is required by the referral order.

3. Eligibility of Cases. The Court will determine the eligibility and appropriateness of each referral before the commencement of the mediation process and may decline any referrals the Court deems inappropriate.

4. Outside Referrals. If a dispute involves such issues as mental health, developmental disability, or aging adults, but a guardianship case has not been filed, then a party may file a motion to refer the matter to mediation. The Court may refer the case to mediation if mediation is likely to resolve the dispute as a less restrictive alternative to guardianship.

B. Selection and Assignment of Mediator. The following methods may be used to determine the mediator for the case:

1. Court Appointment. The Court may appointment a mediator, taking into consideration the qualifications, skills, expertise, and caseload of the mediator, in addition to the type, complexity, and requirements of the case.

2. Selection by Parties. Subject to the Court's approval, the parties may select a mediator.

C. Mediator Conflict of Interest. In accordance with R.C. §2710.08, the mediator assigned by the Court to conduct a mediation shall disclose to the parties, Attorneys, if applicable, and any non-party participants any known possible conflicts that may affect the mediator's impartiality as soon as such conflicts become known to the mediator. If any Attorney or a mediation party requests that the assigned mediator withdraw because of the facts so disclosed, the assigned mediator may withdraw and request that the Court appoint another mediator from the Court's list of qualified mediators. The parties are free to retain the mediator by an informed, written waiver of the conflict of interest.

Geauga Probate Local Rule 16.3. Mediation Process. This Geauga Probate Local Rule governs the process for all mediations. The mediator may have additional procedural policies that the parties shall follow.

A. Mediation Procedure. A mediator may meet with the parties individually before bringing the parties together for any reason, including without limitation further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable to the parties, for the resolution of the issues in part or in their entirety. The Court will utilize procedures for all cases to accomplish all of the following:

1. Participation. The procedures will ensure that all parties are allowed to participate in mediation, and if the parties wish, that their Attorney and other persons they designate are allowed to accompany them and participate in mediation.

2. Domestic Abuse or Violence. The procedures will provide for screening for potential domestic abuse or violence both before and during mediation.

3. Referrals. The procedures will enable appropriate referrals, if necessary, to attorneys and other support services for all parties, including victims of and suspected victims of domestic abuse or violence.

4. Prohibited Uses. The procedures will prohibit the use of mediation in any of the following circumstances: (i) as an alternative to the prosecution or adjudication of domestic abuse or violence; (ii) in determining whether to grant, modify, or terminate a protection order; (iii) in determining the terms and conditions of a protection order; and (iv) in determining the penalty for violation of a protection order.

B. Mediation Case Summary. No less than five Court Days before the mediation, the parties shall submit to the mediator a short memorandum stating the legal and factual positions of each party, as well as other material information each party believes would be beneficial to the mediator, including without limitation: (i) a summary of material facts; (ii) a summary of legal issues; (iii) the status of discovery; (iv) a list and explanation of special damages and a summary of all injuries or damages; and (v) settlement attempts to date, including demands and offers.

C. Party and Non-Party Participation. The following requirements apply to participation in the mediation by parties and non-parties.

1. Informal Cases. Parties to informal cases may voluntarily attend mediation sessions.

2. Mandatory Participation. Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases. Party representatives with authority to negotiate a settlement and all other persons necessary to negotiate a settlement, including insurance carriers, shall attend the mediation sessions. If the parties, their Attorneys, or the insurance representatives do not attend the mediation sessions, then the mediator shall report the non-compliance to the Court.

3. Attorneys. The Court or the mediator may require the attendance of a party's' Attorney at the mediation sessions if the mediator deems it necessary.

4. Necessary Party. If a party's Attorney becomes aware of the identity of a Person whose consent is required to resolve the dispute, but that Person has not yet been joined as a party in the pleadings, then that Attorney shall promptly inform the mediator and the Court in writing.

5. Disclosure of Relationship. If the opposing parties: (i) are related by blood, adoption, or marriage; (ii) have resided in a common residence; or (iii) have known or alleged domestic abuse or violence at any time before or during the mediation, then the parties and their Attorneys shall disclose that information to the mediator and shall participate in any screening the Court requires.

6. Non-Parties. By participating in mediation, a non-party participant, as defined by R.C. §2710.01(D), agrees to be bound by this Geauga Probate Local Rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this Geauga Probate Local Rule. Any non-party participant has the rights and duties under this Geauga Probate Local Rule attributed to parties, except as provided by R.C. §2710.03(B)(3) and §2710.04(A)(2).

D. Stay of Proceedings. All Court orders will continue in effect during the mediation process and are not stayed or suspended without further court order. Mediation does not stay discovery, which may continue through the mediation process, unless the Court orders otherwise or the parties agree otherwise, and the Court approves.

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E. Continuances. It is the Court's policy to resolve matters as expeditiously as possible. The Court may only grant continuances of scheduled mediations for Reasonable Cause shown after the parties and mediator have determined an acceptable date. Only the Court may grant a continuance. Except as authorized by the Court, the existence of pending motions is not Reasonable Cause for a continuance and the Court may not grant a continuance unless the mediation can be scheduled before the final pretrial conference.

F. Termination. If the mediator determines that further mediation efforts would not benefit the parties, then the mediator shall inform all parties and the Court in writing that the mediation is terminated. The Court may terminate mediation at any time by court order.

Geauga Probate Local Rule 16.4. Results of Mediation. This Geauga Probate Local Rule provides requirements applicable upon the conclusion of mediation.

A. Mediation Agreement. The mediator and the parties (and their Attorneys, if applicable) may promptly prepare a written mediation agreement that memorializing an agreement reached by the parties, which mediation agreement may be signed by the parties and Attorneys. If the mediation agreement is signed, then it is not privileged pursuant to R.C. §2710.05(A)(1). A signed mediation agreement may become a court order after review and approval by the Court, the parties and their Attorneys, if applicable. The Court will not consider an oral agreement by the Attorneys or with parties or an officer of the Court, unless made in open court.

B. Mediator's Report. At the conclusion of mediation, and in compliance with R.C. §2710.06, the mediator shall inform the Court of the status of the mediation. The mediator's report shall include all of the following: (i) whether the mediation occurred or was terminated; (ii) whether the parties reached a settlement on some, all, or none of the issues; (iii) attendance of the parties; (iv) whether future mediation sessions are scheduled, including the date and time; and (v) any other information the Court requests or the mediator

deems important. If the parties reached full agreement, the report shall indicate the parties' agreement as to who is responsible for outstanding court costs and who will prepare any necessary entries.

C. Failure to Participate. If any person fails to participate in or to attend mediation without Reasonable Cause, after being ordered to do so by the Court, then the Court may impose sanctions against the offending person, which may include without limitation the award of attorney's fees and other costs, contempt, or other appropriate sanctions.

Superintendence Rule 26
Court Records Management and Retention

The Court does not adopt a local rule as permitted by Sup.R. 26(G), except for the following:

1. The Court will retain Monthly Supreme Court Statistical Reports for three years. Those records shall be retained in sets by full calendar year, so that three full calendar years are retained in addition to the current working year.

Superintendence Rule 51
Standard Probate Forms

Geauga Probate Local Rule 51.1 Supreme Court of Ohio Forms. In all instances in which the Supreme Court of Ohio has prescribed forms (designated as a "SC Form") for use in probate proceedings, the applicable SC Forms shall be used as posted on the Court's website. Supreme Court forms are marked in the document footer preceded by the applicable SC Form number. For example, the form titled "Surviving Spouse, Children, Next of Kin, Legatees and Devisees" is identified in the footer as "1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees."

Geauga Probate Local Rule 51.2 Geauga County Prescribed Forms. In all instances in which the Court has prescribed forms (designated as "GC Forms") to implement these Geauga Probate Local Rules for use in probate proceedings, the applicable GC Form shall be used. The Court's forms that are not SC Forms are marked in the document footer as "GC PF ___." For example, the form titled "Notice of Litigation" is identified as "GC PF 4.15 - Notice of Litigation."

Geauga Probate Local Rule 51.3 Mandatory Use of SC Forms and GC Forms. The prescribed SC Forms and GC Forms are available on the Court's website at:
https://www.co.geauga.oh.us/commonpleas/Probate/Probate-Forms.

Except where a prescribed form is not available for the matter to be presented to the Court (e.g., a complaint to determine heirship), the Court may not accept any other forms in place of a prescribed form, even if the other forms purport to contain the same information.

Superintendence Rule 52
Specifications for Printing Probate Forms

Geauga Probate Local Rule 52.1 Standard Prescribed Forms. All standard probate forms prescribed by the Supreme Court of Ohio or the Court shall comply with the following requirements.

A. Computer-Generated Forms. The Filer shall cause all computer-generated forms to be prepared and filed with the exact wording and formatting, including the retention of all blank lines whether filled-in or remaining blank, as they appear in the prescribed forms.

B. Third-Party Software. If using third-party software for form preparation, the Filer shall examine the Court's website to ensure that the most recent version of Supreme Court of Ohio's or the Court's prescribed forms are being used by that software.

C. Printing Requirements. All forms and other documents presented to the Court for filing shall be printed on only one side of the paper (excepting a prescribed form that is printed on both sides (e.g., SC form 1.0) and only on 8.5 by 11 inch-size paper with no backing and 24-pound bond or heavier stock. The only exception is original wills, codicils, and other attachments that were prepared and signed previously, which shall be filed in their original format without alteration.

Geauga Probate Local Rule 52.2 Acceptance for Filing. The Clerk may: (i) decline to accept any forms for filing that do not comply with these Geauga Probate Local Rules, including forms or other documents that are incomplete, or (ii) after filing and written notice to the Filer, strike from the Court file any such nonconforming forms or documents.

Superintendence Rule 53
Hours of Court

Geauga Probate Local Rule 53.1 Normal Court Hours. Absent Exceptional Circumstances or unless otherwise determined by the Court, the Court is open every Court Day from 8:00 a.m. through 4:30 p.m, except for Saturday. The Court will determine the court hours for any Saturday that is a Court Day. New cases and any filing that requires payment of a fee shall be submitted for filing no later than 4:00 p.m. The Clerk will process filings on or before 4:00 p.m. on the filing day. The Clerk may not process filings that are submitted after 4:00 p.m. until the following Court Day. In all events, the Court may hold any document submitted for filing for as long as the Court deems necessary for additional review.

Superintendence Rule 54
Conduct in Court

Geauga Probate Local Rule 54.1 General Requirements. All Persons present in the Court's facility shall conduct themselves in a respectful, dignified manner at all times. Any conduct that interferes or tends to interfere with the proper administration of the Court's business is prohibited.

A. Dress Code. All persons having business with the Court (including witnesses) shall dress appropriately for the importance of the occasion. Attorneys shall dress professionally. The Court may order those not appropriately dressed to leave the Court's facility until they are appropriately dressed.

B. Treatment of Others. Before, during, and after any formal or informal proceeding, all persons shall communicate with each other in the Court's facility, in a respectful and dignified manner. At all times, Attorneys shall abide by Rules 3.1 through 3.6 of the Ohio Rules of Professional Conduct.

C. Proper Decorum. No person may engage in any conduct that is distracting or disruptive to the Court's business. Spectators and non-participants in court proceedings shall sit in the designated area in the rear of the courtroom and conduct themselves in a manner that is not disruptive to the proceedings. Except as otherwise permitted by the Court, only parties and Attorneys are permitted in the seating in front of the judge or magistrate. All mobile phones, pagers, tablets, computers, and other electronic devices shall be turned off, and cellphones shall be placed in the designated holders in the rear of the courtroom, while in the courtroom, except as the Judge, magistrate, or staff member otherwise permits. No person may bring any weapons (except for law enforcement officers or authorized court staff), alcoholic beverages, or illegal substances into the Court's facility, and no person may smoke, vape, use electronic cigarettes, drink alcoholic beverages, or take illegal substances while in the Court's facility. While in a courtroom, no person may (a) phone, text, email, or otherwise engage in activities not related to the purpose at hand during any formal or informal proceedings or conference, (b) chew gum, or (c) bring any food or drink into a courtroom, except as the judge or magistrate otherwise permits. The Court may ask or order any Person who violates this Geauga Probate Local Rule to leave the courtroom or the Court's facility.

D. No Recording Devices. No person may record any proceeding, formal or informal, in the Court's facility, including a courtroom, using a mobile phone, pagers, tablet, voice recorder, video camera, or other recording device, except as the judge or magistrate otherwise provides prior written consent or grants a court order.

Superintendence Rule 55
Examination of Probate Records

Geauga Probate Local Rule 55.1 Public Records. This Geauga Probate Local Rule is not applicable to any court personnel (including a judge, magistrate, or clerks). All public records in the Court are open and available for examination by any Person, in compliance with this Geauga Probate Local Rule.

A. Public Access. Any Person may examine the public records in the Court's files in a space within the Court's facility as directed by the Clerk. The Court's files are also available on the Court's website - https://www.co.geauga.oh.us/commonpleas/Probate - see the tab titled "Docket Search."

B. No Removal. Except as the Court otherwise permits by court order, no Person may remove any file or other record from the Court's facility at any time for any purpose without a court order that specifically authorizes such removal. All files and records shall remain in the possession and control of the Clerk at all times.

C. Review of Court File Containing Case Documents. Any fiduciary and the fiduciary's Attorney in a particular case may inspect the Case Documents at the courthouse upon request to a deputy clerk. Any other Person may so inspect any Case Document of a particular case if the Person prepares and submits GC Form "GC PF 42.1 - Request for Case Documents," and thereafter receives written permission by the Judge, Magistrate, or staff attorney. Any Person inspecting a court file and Case Documents (i) shall comply with all instructions by the deputy clerk as to the place for inspection within the Clerk's offices, (ii) shall not remove the court file or any Case Document from the court file, and (iii) shall not photograph or copy a Case Document in any manner.

D. Copy of Case Documents. Any Person may request a copy of any Case Document from the Clerk by preparing and submitting GC Form "GC PF 42.1 - Request for Case Documents" and thereafter receiving written consent of the Judge, Magistrate, or staff attorney. The Court charges per page for a copy of the public record at the rate shown on the Court's website.

E. Authenticated Copies. Any Person who desires to obtain certified, authenticated, or exemplified copies of Court records shall place the request for those records at least one Court Day in advance to provide the Clerk adequate time to make the copies. The requesting Person shall pay for the copies in advance of making the copies, and if the request includes mailing such copies, then the requesting Person shall include a self-addressed, stamped envelope, and prepay the cost to copy. The Court charges per page for certified, authenticated, or exemplified copies of Court records at the rate shown on the Court's website.

Geauga Probate Local Rule 55.2 Confidential Records. Records that are confidential by Applicable Law (or filed under seal) are not open and available for examination by any Person at any time for any reason without a court order that specifically authorizes such examination. Confidential records include a person's healthcare information (e.g., medical expert evaluations or reports). All confidential records are automatically unsealed and open for examination as public records 75 years after the date the file is finalized and closed, unless a court order or Applicable Law mandates that a particular file remain confidential.

Superintendence Rule 56
Continuances

Geauga Probate Local Rule 56.1 Extensions in Non-Litigation Matters. Except as otherwise specifically required by these Geauga Probate Local Rules (e.g., Geauga Probate Local Rule 64.2(B)), this Geauga Probate Local Rule governs all requests to extend the time for filing a document that is required by Applicable Law, including these Geauga Probate Local Rules, in a decedent's estate, guardianship, conservatorship, trust, or other non-litigation probate cases.

A. Application Process. Except as otherwise specifically required by these Geauga Probate Local Rules (e.g., Geauga Probate Local Rule 64.2(B)) or Applicable Law, all applications for extension of time, shall be made by filing with the Court GC Form "GC PF 41.4 - Application for Extension of Time - Non-Litigation."

B. Timing. The applicant shall file GC Form "GC PF 41.4 - Application for Extension of Time - Non-Litigation" no less than one Court Day before the actual due date to allow the Court adequate time to consider and rule upon that application; provided, however, that in a particular case, the Court may approve such application at any time.

C. Grounds. The initial filing of GC Form "GC PF 41.4 - Application for Extension of Time - Non-Litigation" shall contain a clear and concise statement establishing Reasonable Cause as to why additional time is needed. If additional time is necessary beyond an initial extension, then a subsequent filing of GC Form "GC PF 41.4 - Application for Extension of Time - Non-Litigation" seeking additional time should contain a clear and concise statement establishing Exceptional Circumstances as to why additional time is needed.

D. Length of Extension. The length of additional time requested in a GC Form "GC PF 41.4 - Application for Extension of Time - Non-Litigation" shall be reasonable under the circumstances.

Geauga Probate Local Rule 56.2 Continuances in Litigation Matters. This Geauga Probate Local Rule governs all requests to extend the time for filing a document or for the occurrence of any scheduled event in probate litigation cases.

A. Process. All requests for a continuance shall be made by motion, accompanied by a proposed entry with blank spaces for the Court to complete if it grants the motion.

B. Contents of Motion. A motion for a continuance shall contain (i) a clear and concise statement establishing Reasonable Cause as to why additional time is needed, (ii) the date the movant became aware of the Reasonable Cause, and (iii) a representation that the movant has communicated with all Attorneys and pro se parties, and as to each of them whether they consent to the continuance and shall be accompanied by a Proof of Service.

C. Timing. A motion for a continuance of a hearing or trial, or motions for extension of time to file, shall be filed no less than three Court Days before the filing date to allow the Court adequate time to consider and rule on that motion. A motion that is not timely filed shall contain a statement informing the Court as to why that motion was not timely filed. In its discretion, the Court may or may not grant a motion for extension if that motion is filed within three Court Days before the filing date.

Geauga Probate Local Rule 56.3 Who Shall Sign. All applications or motions for extension of time to file for continuance of a scheduled hearing or trial under this Geauga Probate Local Rule shall be signed by the applicant, movant, and their Attorney. Alternatively, the Attorney may sign the application or motion alone if the Attorney represents and certifies that the Attorney has sent the application or motion to the client for review and approval before filing and that the client has approved the filing of that application or motion.

Superintendence Rule 57
Filings and Judgment Entries

Geauga Probate Local Rule 57.1 General. All documents to be filed with the Court shall be filed within the time period required by Applicable Law, subject to extension under Geauga Probate Local Rule 56. Late filings will subject the Filer and the Filer's Attorney to compliance enforcement under Geauga Probate Local Rule 77.

Geauga Probate Local Rule 57.2. Content of Filings. All documents filed in any case in this Court shall satisfy all of the following requirements. The Court may decline to accept the filing of any document that fails to comply with these requirements.

A. Typewritten. All documents filed in this Court shall be typed manually or by computer, or legibly handwritten. The only exception is for documents that are submitted as attachments or exhibits that were previously prepared and that are submitted in their original form.

B. Complete Information. All information that is applicable to a particular filing using a prescribed form shall be complete and accurate. The Court will not modify any proposed filing to correct inaccurate information or to add missing information that is required.

C. Personal Identifiers. Unless otherwise required by Applicable Law, no Person may file a document with the Court that contains any protected personal identifiers. Personal identifiers are as defined in Sup. R. 44(H) and include social security numbers, financial account numbers, employer or employee numbers, credit and debit card numbers, PIN numbers, usernames, passwords, and digital access codes; provided, however, that a Filer may identify account numbers in any filing using not more than the last four digits of the actual account number. An example of an acceptable way to list an account number is, "xxxx-xxx-xx-1234." Additionally, the Filer shall disclose to the Court any personal identifiers contained in financial account statements by filing SC Form 45(D) – "Confidential Disclosure of Personal Identifiers," which will not become part of the public record.

D. Protected Health Information. Unless required by Applicable Law in a confidential proceeding, and except in cases in which a statement of expert evaluation is required by Applicable Law, no Person may file with the Court any document that discloses a Person's health information that is protected under federal HIPAA law or similar state law.

E. Contact Information. Every prescribed form, where indicated, and every other document filed with the Court shall contain the full name, address, and telephone number of the Filer and his or her Attorney.

F. Who Shall Sign. All filings of a prescribed form, where indicated, and all other documents shall be signed by the applicant, party, Fiduciary, or other Person submitting the filing, and the respective Attorney, if any. Unless Applicable Law or a prescribed form requires otherwise, an Attorney may sign and file a document on behalf of the Attorney's client without the client's signature; provided that by doing so the Attorney certifies that the client has reviewed and approved the filing before it is submitted for filing. All signatures shall have the name of the Person signing, typed or legibly handwritten directly below or next to the signature.

G. Signature of Co-Fiduciaries. In all cases in which there are Co-Fiduciaries, all of the Co-Fiduciaries shall sign each document filed with the Court that requires the signature of a Fiduciary.

H. Signatures by Agent under Power of Attorney. Except as otherwise permitted in these Geauga Probate Local Rules or required by Applicable Law, the Court will not accept the signature of an agent under a power of attorney in place of the signature of the principal (e.g., a Next of Kin, surviving spouse, ward), unless (i) the power of attorney contains specific language authorizing the agent to sign for the principal in court proceedings; and (ii) a copy of the power of attorney is attached to the filing. No agent under a power of attorney may sign any document on behalf of a principal on a document that requires the principal's signature in a fiduciary capacity.

I. Effect of Signature. The Person's signature on a document filed in the Court constitutes a representation and warranty that to the best knowledge and belief of that Person the information in the document is true, accurate, and complete, is filed in good faith, is not misleading, is not filed for the purpose of delay or hindrance of the proceeding and complies with Applicable Law. Additionally, an Attorney's signature constitutes that Attorney's representation that filing the document does not violate the Attorney's responsibilities as an officer of the Court or any requirement in the Code of Professional Responsibility.

J. Attorney Registration Number. The Filer shall include in all filings the Supreme Court of Ohio attorney registration number for any Attorney who signs the document.

Geauga Probate Local Rule 57.3 Special Filing Requirements. The following requirements apply to all filings with the Court.

A. Copies. Except for a complaint, the Court will time-stamp up to two additional sets of filings provided by the Filer. Regarding a complaint, the Court will time-stamp sufficient copies provided by the Filer that are required to serve all necessary Persons. The Court may discard additional document sets submitted for time-stamping.

B. Required Additional Service Sets. If the Court is required to serve a filed document, then the Filer shall provide sufficient additional sets of the document to enable the Court to provide service.

C. Stapling. Original documents submitted for filing shall not be stapled, so as to not interfere with the Court's document imaging process. Additional filing sets submitted for time-stamping or service should be stapled.

D. Irregular Documents. Irregular sized documents, such as green return receipt cards and other documents that are smaller than 8.5 by 11 inches shall be securely attached to plain white 8.5 by 8.5 by 11-inch paper using clear tape.

E. Notice of Litigation. If a Fiduciary files or becomes a party to a civil action in any court that affects or could affect any estate, guardianship, conservatorship, trust, or other proceeding before this Court, that Fiduciary shall promptly file with the Court GC Form "GC PF 45.0 - Notice of Litigation."

Geauga Probate Local Rule 57.4 Method of Filing. Filings with the Court may be presented in any of the methods described in this Geauga Probate Local Rule.

A. In Person. Filers may file forms and other documents in person with the Clerk during the Court's normal business hours.

B. By Mail. Filers may file forms and other documents by mail; provided that (i) the Filer includes a cover letter that identifies the Filer's complete contact information, the case by name and case number, and shall provide clear instructions of the action the Filer desires, (ii) the Filer includes payment of any required Court cost deposit, and (iii) if the Filer requests the return of time-stamped copies, then the Filer shall include a self-addressed, stamped envelope adequate in size to hold the return documents and with sufficient postage prepaid. Otherwise, the Court will place the return documents in the Court's pick-up box. The Court must receive the mail or delivery and time-stamp the enclosed documents before expiration of the required deadline in order for the enclosed documents to be considered timely filed.

C. Facsimile Filing. Excluding an initial pleading that requires payment of a court cost deposit, an Attorney may file any other document by facsimile filing using the Court's facsimile number set forth on the Court's website. The following rules apply:

1. Definitions.

i. "facsimile transmission" means a 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.

ii. “facsimile machine” means a machine that can send and receive a facsimile transmission.

iii. “fax” is a document filed by facsimile transmission.

2. Any signature on a fax shall be considered that of the Attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, then the Court shall order the filing stricken.

3. Any fax accepted by the Clerk will be considered filed with the Clerk as of the date and time the Clerk time-stamps the fax received, as opposed to the date and time imprinted by the facsimile machine. While the Court’s facsimile machine is available for transmission 24 hours a day, 7 days a week, a fax will only be time-stamped during court hours as defined Geauga Probate Local Rule 53.1.

4. Any fax received after court hours shall be deemed filed the following Court Day.

5. The Filer submitting a fax shall file the original pleading with the Court in person, by mail, or commercial carrier, within three Calendar Days after the facsimile transmission. The failure of the transmitting party to do so may result in the facsimile being stricken from the record.

6. The Filer submitting a fax bears all risks of facsimile transmission.

7. All faxes shall be accompanied by a cover page that states all of the following information: (i) the date of facsimile transmission; (ii) the name, telephone number, and facsimile number of the person transmitting the fax; (iii) the case number and caption of the case in which the fax is to be filed; (iv) the title of the fax to be filed; and (v) the number of pages being transmitted.

8. A fax may not exceed 10 pages excluding the cover page.

D. No Email Transmission. The Court does not accept any filings by email.

Geauga Probate Local Rule 57.5 Judgment Entries. The Filer shall provide a proposed entry for all applications, motions, or other filings that request a court order. The Court may decline to accept any such filing if it is not accompanied by a proposed entry. When requested by the Court, in contested matters, the prevailing party will prepare and present the proposed entry to the Court and to the opposing parties or their Attorney no later than five Court Days after conclusion of the hearing to which the entry applies, unless the Court orders otherwise. If required under the Ohio Rules of Civil Procedure, the proposed entry shall contain a certificate of service showing the names and addresses of all Interested Persons to whom service is required.

Superintendence Rule 58
Deposit for Court Costs

Geauga Probate Local Rule 58.1 Court Costs, Fees. The Court charges for all filings made with the Court and other services the Court performs to the extent required or permitted by Applicable Law. This Geauga Probate Local Rule states the Court’s policies on the amount and payment of cost deposits.

A. Cost Deposit. The Court requires payment of a court cost deposit for anticipated costs to be incurred by the Court in the legal proceeding, in addition to the fee required by R.C. §2107.08. A schedule of the required security deposit amount for various filings is on the Court’s website.

B. Jury Deposit. Unless the Court orders otherwise in a particular case (e.g., if a party is indigent), the party requesting a jury trial shall pay a jury cost deposit simultaneously with filing the jury demand.

C. Witness Fees. A witness shall request payment of a witness fee at or before conclusion of the hearing, trial, or deposition for which the subpoena was issued. If not timely requested, witness fees will be deemed waived. The party who subpoenaed or requested the appearance of a witness shall pay the appropriate fee to that witness.

Geauga Probate Local Rule 58.2 Form of Payment. This Geauga Probate Local Rule describes the manner in which court costs shall be paid.

A. Court Cost Deposit. Excluding a marriage license fee, which shall be paid in cash, all court cost deposits shall be paid by means of cash, money order, certified or bank cashier's check, ordinary business check or personal check drawn on a bank in Geauga County or immediately surrounding counties. If the Filer is indigent and prepares and files the form Financial Disclosure Form OPD-206R rev. 11/24 together with the initial filing to commence the probate proceeding in lieu of payment of the court cost deposit, then the Clerk will permit the filing without payment of the security deposit; provided however that if the Court disapproves that affidavit, then the Filer must pay the security deposit no later than 30 Calendar Days after the court order of disapproval.

B. Dishonored Payment. If any payment is dishonored for insufficient funds or other deficiencies in the payment, the payor shall pay the full amount due in cash, plus reimburse the Court for bank charges it incurs, no later than three Court Days after notice from the Court of nonpayment. If not paid within that time, the Court may strike the filing from the record or take other action as the Court deems appropriate.

Superintendence Rule 59
Wills

Geauga Probate Local Rule 59.1 Safekeeping of Will. This Geauga Probate Local Rule applies to wills deposited with the Court under R.C. §2107.07.

A. Procedure for Depositing a Will. The Clerk shall not deliver a deposited Will to any Person who is not the judge or magistrate of this Court unless the requesting Person provides the Clerk with (i) GC Form "GC PF 45.1 – Will Deposit Information and (ii) a government-issued photographic identification (e.g., a current driver's license or passport) of the requesting Person.

B. Procedure for Requesting Deposited Will.

1. If the Testator is living, then the Clerk shall not deliver a deposited Will to any Person who is not the judge or magistrate of this Court unless (i) if the requestor is not the Testator, then the requesting Person (the "Requestor") shall provide the Clerk with a copy of the Testator's written order authorizing the Clerk to deliver the deposited Testator's Will to the Requestor, and (ii) in any case, the Requestor provides the Clerk with a government-issued photographic identification (e.g., a current driver's license or passport) of the Requestor.

2. If the Testator is deceased, then the Clerk shall not deliver a deposited Will to the Requestor unless the Requestor provides the Clerk with (i) a copy of the Testator's death certificate and (ii) a government-issued photographic identification (e.g., a current driver's license or passport) of the Requestor. In all events, the Requestor must be a Person permitted to receive that original Will as set forth in R.C. 2107.08.

C. Guardianships. A Guardian of the person or estate of a mentally incompetent adult who becomes aware that the Ward has a will and who has knowledge of the location of the original will shall deposit the original will with the Court. If there is more than one original will, then the Guardian shall deposit all originals for safekeeping.

D. Examination of Will Index. Excluding an Application for Summary Release from Administration, and regardless of whether a decedent's will is found, before an applicant or Attorney files an application to appoint a Fiduciary in a decedent's estate, including a Release from Administration, the applicant or Attorney shall first request that the Court examine the Court's index of wills deposited under R.C. §2107.07.

E. Notice by Publication. Notice by Publication of admission of Will to probate to interested persons whose name or place of residence is unknown after reasonable due diligence is not required (see R.C. 2107.19(B)). However, the applicant may post the Notice of Probate of Will on the Court's Website, in which case the applicant shall file with the Court GC Form "GC PF 62.0 - Affidavit for Notice by Publication." See Geauga Probate Local Rule 78.14.

Geauga Probate Local Rule 59.2 Lost, Spoliated, or Destroyed Will Process. Unlike an Application to Probate Will, which only requires a Notice of Admission of Will to Probate under R.C §2107.19, if the applicant seeks to have the Court admit to probate, under R.C. §2107.26, a Will that is lost, spoliated, or destroyed, then that applicant shall deliver two notices to interested parties.

A. Notice of Hearing on Application to Admit Lost Will. In accordance with §2107.27 and Civ. R. 73(E), the Filer of an Application for Admission to Probate Lost, Spoliated, or Destroyed Will shall: (i) promptly notify the required Interested Persons of the hearing using GC Form "GC PF 42.2 - Notice on Hearing on Application for Admission to Probate Lost, Spoliated, or Destroyed Will," and (ii) provide the Court with Proof of Service. Notwithstanding the preceding sentence, the Filer need not notify the required Interested Persons to the extent that such persons signed GC Form "GC PF 2.1A Waiver of Notice of Hearing - Admission to Probate of Lost, Spoliated, or Destroyed Will" and such form is filed with the Clerk.

B. Notice of Admission of Will to Probate. If the Court admits to probate a lost, spoliated, or destroyed will, then the Filer shall: (i) to the extent that those Persons entitled to a Notice of Admission of Will to Probate in accordance with R.C §2107.19 have not signed SC Form 2.1 "Waiver of Notice of Probate of Will," notify those Persons that decedent's will was admitted to probate using SC Form 2.2 "Notice of Probate of Will," delivered in compliance with Civ. R. 73(E), and (ii) timely file with the Court SC Form 2.4 "Certificate of Service of Notice of Probate of Will," together with a copy of the notice and copies of evidence of proof of service (e.g. green card return receipts).

Superintendence Rule 60
Application for Letters of Authority to Administer Estate and Notice of Appointment

Geauga Probate Local Rule 60.1 Application for Authority to Administer Estate. All applications for authority to administer a decedent's estate shall comply with the requirements of this Geauga Probate Local Rule and Geauga Probate Local Rule 78.5.

A. Form 1.0. The applicant shall make a good faith effort to determine the name and address of all Persons to be listed on SC Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees." If during the administration of an estate the Fiduciary discovers that any information set forth on SC Form 1.0 is incorrect, then the Fiduciary shall promptly file with the Clerk an amended SC Form 1.0 setting forth the correct information.

B. Estimate of Values.

1. The applicant shall make a good faith estimate of the probate property when preparing and filing SC Form 4.0 - "Application for Authority to Administer Estate." The Court will not accept for filing any such application in which the value estimates are blank, listed as $0.00, stated as "unknown," or otherwise fail to reflect any positive value, except as provided in subparagraph (2). If there is no known personal property, real property, or personal or real property rentals, then the applicant shall insert the word "None" on the appropriate line, otherwise the applicant shall insert a good faith estimated value.

2. Valuation estimates are not necessary in decedent's estates where the applicant is filing for appointment as a Fiduciary solely for a limited purpose not requiring the administration of property and the Fiduciary is not aware of any probate property to administer. Examples include appointment to pursue a wrongful death or survival action, to release a previously paid mortgage, to enter an appearance in pending litigation, to present a creditor claim pursuant to R.C. §2117.06, or to admit a will to probate in order to open an ancillary administration. In those cases, (i) the value of estate property should be indicated as "unknown," if such is the case and (ii) GC Form "GC PF 4.15 - Statement of Appointment for Limited Purpose" shall accompany the application in this type of case. See Geauga Probate Local Rule 60.2 below regarding Special Administrator.

C. Bond. The applicant shall comply with Geauga Probate Local Rule 78.17.

D. Fiduciary Acceptance. The applicant shall sign and file with the application a fiduciary acceptance GC Form "GC PF 4.8 - Fiduciary Acceptance."

E. Hearing. The Court will hold a hearing on an Application for Authority to Administer Estate in all intestate cases and in all cases in which no suitable Person is nominated in, or able and willing to serve under, the decedent's will. The Court may waive the hearing requirement if the applicant is the sole Next of Kin.

F. Appointing an Executor or Administrator with Will Annexed. If the applicant of SC Form 4.0 - "Application for Authority to Administer Estate," seeking to be appointed as executor or as administrator with Will Annexed of the estate, is not the Person who is first in priority as executor in decedent's Will or is not named as executor in decedent's Will that was admitted to probate, then the following applies:

1. Executor Listing. The applicant shall complete and file with the Clerk, together with SC Form 4.0 - "Application for Authority to Administer Estate," GC Form "GC PF 4.9A – Executor Listing."

2. Hearing. Unless each Person who is then living and named as executor before the applicant signs GC Form "GC PF 4.9 – Declination" and that GC Form is filed with the Clerk, the Court will schedule a hearing regarding the appointment of the applicant as executor. The applicant shall give written notice of a hearing, in accordance with Civ. R. 73(E), to all living Persons named before applicant in decedent's Will and who did not sign GC Form "GC PF 4.9 – Declination," using GC Form "GC PF 4.18 - Notice of Hearing," served no less than 10 Calendar Days before the hearing, and provide the Court with Proof of Service. If an address or date of death of such Persons is unknown, then the applicant shall provide notice of hearing by publication in accordance with Geauga Probate Local Rule 78.14.

Geauga Probate Local Rule 60.2 Special Administrator. This Geauga Probate Local Rule provides guidance regarding special administrators under R.C. §2113.15 *et seq.*

A. Application. An applicant for appointment as a special administrator shall initiate the process by filing SC Form 4.0 - "Application for Authority to Administer Estate," together with (i) GC Form "GC PF 4.15 - Statement of Appointment for Limited Purpose," (ii) SC Form 1.0 "Surviving Spouse, Children, Next Of Kin, Legatees and Devisees," (iii) a copy of the decedent's death certificate, and (iv) a government-issued photo identification and evidence of current mailing address if required under Geauga Probate Local Rule 78.10.

B. Notice and Hearing. The Court may dispense with a hearing on such application upon the applicant's request and for good cause shown. If the Court dispenses with the hearing, then the special administrator shall serve a notice of the appointment, using GC Form "GC PF 4.16 - Notice of Appointment as Special Administrator" on all Persons identified on the SC Form 1.0 "Surviving Spouse, Children, Next Of Kin, Legatees and Devisees," who are Next of Kin or vested Beneficiaries, no later than seven Calendar Days after the date of appointment. If the Court does not dispense with the hearing, then the applicant shall serve notice of the hearing on all persons identified on the SC Form 1.0 "Surviving Spouse, Children, Next Of Kin, Legatees and Devisees," who are Next of Kin or vested Beneficiaries, using GC Form "GC PF 4.17 - Notice of Hearing on Appointment as Special Administrator" and provide the Court with Proof of Service.

C. Authority and Obligations. A special administrator, by appropriate Letter of Authority, is vested with all powers and duties provided by Applicable Law, except to the extent that any powers or duties are specifically limited by the Letter of Authority. The special administrator may also have the power and authority to examine or seek the release of a decedent's medical records or medical billing records under R.C. §2113.032.

D. Termination of Special Administration. All powers and authority of the special administrator terminate immediately upon the Court's appointment of an administrator or executor of the estate. However, upon termination, the special administrator shall: (i) deliver all property, all claims against the estate, and all other documentation relating to the estate to the administrator or executor no later than 30 Calendar Days after the appointment of the administrator or executor, (ii) reasonably cooperate with the newly appointed Fiduciary to assist with the transition, and (iii) comply with all court orders.

E. Accounting and Status Reports. The applicant shall carefully review Geauga Probate Local Rules 64.2(E) and 64.2(G) regarding accounting and status report requirements.

Superintendence Rule 61
Appraisers

Geauga Probate Local Rule 61.1 Application of Appraiser. A Fiduciary may not use an appraiser's services without prior Court approval of the appraiser's appointment. In all cases where a Fiduciary desires to or shall appoint an appraiser for an estate, the Fiduciary shall prepare and file SC 3.0 "Appointment of Appraiser."

Geauga Probate Local Rule 61.2 Qualifications of Appraiser.

A. Conflict of Interest. If the appraiser selected by the Fiduciary is a family member (by blood or marriage), business associate, client, customer, supplier, employee or employer of the Fiduciary, Attorney or other advisor of the Fiduciary, or creditor, the decedent's Next of Kin, or Beneficiary of the estate, or a Ward's Next of Kin, then the Fiduciary shall prepare and attach a written explanation of such conflict to SC Form 3.0 "Appointment of Appraiser."

B. Real Estate Qualification. The Court is unlikely to appoint an appraiser for real property, unless the proposed appraiser is a licensed real estate agent, broker, auctioneer, credentialed appraiser, or real estate loan officer, in each case with substantial experience in the sale or valuation of similar real property in Geauga County, Ohio.

C. Appraiser List. The Clerk maintains an appraiser list, a copy of which is on the Court's website. If a Fiduciary selects an appraiser from that list, who is qualified to appraise the property to be appraised as indicated on that list, then the Court may approve the proposed appraiser without a hearing. Any appraiser who desires to be added to that list may apply to the Court, in writing. That application shall be accompanied by documentation that establishes the applicant's qualifications.

D. Prohibition. During the administration of an estate, no appraiser may directly or indirectly purchase any property that the appraiser has appraised; provided, however, that this restriction does not prohibit the appraiser from serving as the agent or broker.

Geauga Probate Local Rule 61.3 Appraiser Compensation. The Fiduciary may compensate an appraiser a reasonable amount that the Fiduciary and the appraiser mutually agree upon without prior Court approval; provided however that, without a court order authorizing payment, the appraiser's fee may not exceed:

$1.50 per $1,000 up to the first $50,000 in appraised property value
$0.75 per $1,000 for the balance

If one or more appraisers are used, then the aggregate appraisers' fee is limited as follows for each appraiser

$1.00 per $1,000 up to the first $50,000 in appraised property value
$0.50 per $1,000 for the balance

In all events, without a court order authorizing payment, the appraiser's fee may not exceed $500.

The Fiduciary may apply to the Court, using GC Form “GC PF 3.3 - Application for Appraiser Compensation,” for a court order authorizing additional appraiser compensation, which application shall set forth the circumstances that justify such compensation.

An appraiser may waive all or any portion of the compensation or expense reimbursement to which the appraiser is otherwise entitled.

Superintendence Rule 62
Claims Against Estate

Geauga Probate Local Rule 62.1 General. The following requirements apply to all claims against an estate and any insolvency proceedings in an estate.

A. Filing Rejection of Claim. If (i) a creditor properly presented a claim in accordance with R.C. §2117.06 and filed the presentation of claim with the Court, and (ii) later the Fiduciary rejects that claim, then the Fiduciary also shall file the rejection of that claim with the Court.

B. Assets Available to Pay Claims. In an insolvency proceeding under R.C. §2117.15, the insolvency documentation shall include a memorandum explaining the difference between the inventory value and the current value of property remaining to pay claims.

C. Condition to Closing. A Fiduciary may not close an estate until it has rejected or accepted and resolved all claims against the estate that have been presented under R.C. §2117.06 in accordance with Applicable Law.

D. Bond Premiums. Bond premiums are regarded as administrative expenses and not creditor claims and shall be paid when due. No application need be made for authority to pay bond premiums.

E. Verification of Service/Proof of Service. When a Fiduciary files SC Form 24.3 “Verification of Service Notice of Hearing on Representation Insolvency and Schedule of Claims,” that Fiduciary shall also provide the Court with Proof of Service.

F. Category Subtotal of Claims. When a Fiduciary files SC Form 24.4 “Insolvency Schedule of Claims,” that Fiduciary shall prepare and file, together with that SC Form, CG Form “GC PF 24.4A - Insolvency Claims-Class Subtotal.”

Superintendence Rule 63
Application to Sell Personalty

Geauga Probate Local Rule 63.1 Procedures. The following requirements apply to the sale of personal property in an estate.

A. Waiver and Consent. If the Fiduciary can obtain the consent and waiver of all Interested Persons, including the surviving spouse, then the Fiduciary shall (i) complete and deliver a copy of SC Form 9.0 “Application to Sell Personal Property” to each Interested Person (as defined below in sub-paragraph

(D)), including the surviving spouse, and (ii) use and file with the Court GC Form "GC PF 9.0A - Consent to Sale and Waiver of Notice," if the Interested Persons are unable to sign the application where indicated.

B. Judgment Entry. The Fiduciary shall prepare and file, together with the Application to Sell Personal Property, SC Form 9.1 "Entry Authorizing Sale of Personal Property."

C. Notice to Surviving Spouse. If required by R.C. §2113.40(B), the Fiduciary shall notify the surviving spouse, in accordance with R.C. §2113.40(B), using SC Form 9.2 "Notice of Sale of Personal Property," and provide the Court with Proof of Service.

D. Hearing Notice. If the Court sets the matter for hearing, then the Fiduciary shall give notice of a hearing on that application to all Interested Persons, who did not waive notice, using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service. For this notice of hearing, Interested Persons means:

1. If the decedent died intestate, then the decedent's Next of Kin as determined under R.C. §2105.06; or

2. If the decedent died testate, then the decedent's Next of Kin and the vested Beneficiaries, except that if the will contest period has expired and no will contest is pending, then only the vested Beneficiaries; and

3. In each instance, only Interested Persons whose address is known.

E. Report of Sale. No later than 30 Calendar Days after any public or private sale of the personal property of an estate, the Fiduciary shall use and file with the Court GC Form "GC PF 9.3 - Report of Sale of Personal Property," together with all attachments requested in that form.

Superintendence Rule 64
Accounts

Geauga Probate Local Rule 64.1 General. Excepting the specific form references, the following requirements in this Geauga Probate Local Rule 64.1 apply to all Fiduciaries (e.g., executor, administrator, guardian, conservator, trustee) who are required by Applicable Law to prepare and file an account with the Court.

A. Timeliness of Accounts. All Fiduciaries shall file their accounts within the time period required by Applicable Law. Except as otherwise authorized by court order, the failure to file an account within the required time period will subject the Fiduciary and his or her Attorney to the compliance process in Geauga Probate Local Rule 77.

B. Content of Accounts. The accounts of all Fiduciaries shall provide complete, detailed, accurate and itemized information that accurately reflects all of the Fiduciary's income, sale proceeds, other receipts, expenses, disbursements, distributions, and other financial transactions during the accounting period.

C. Prohibited Transactions. A Fiduciary shall not make any payment, expenditure, or other form of disbursement by means of a cash payment unless supported by a contemporaneously issued receipt by

the recipient showing the date of the transaction, the amount, the recipient of the funds, and the service, product, or other purpose for which the Fiduciary used the funds.

D. Supporting Documentation. All receipts and disbursements in all accounts shall be supported by corresponding closing statements, sales documents, receipts, invoices, vouchers, cancelled checks, written acknowledgments, or other appropriate evidence of payment. A bank or other financial institution statement that shows the date, amount, payor, payee, and purpose of a receipt or payment may be used as appropriate evidence of deposit or payment. Geauga Probate Local Rules 64.2 and 64.3 describe whether the Fiduciary shall file with the Court the supporting documentation of receipts and disbursements with the account.

Geauga Probate Local Rule 64.2 Accounts in Decedent's Estates. This Geauga Probate Local Rule provides the requirements for accounts in decedent's estates.

A. When an Account Is Due. The Fiduciary of a decedent's estate shall file a final and distributive account or a certificate of termination within six months after the date of appointment, unless the circumstances of the estate qualify for extended administration and the Court grants an application for extension. In order to qualify for extending the estate administration beyond the six-month period, one of the circumstances in R.C. §2109.301(B)(1)(a)-(e) shall apply. That account cannot be waived under any circumstances, but in lieu of that account a certificate of termination may be filed as permitted by R.C. §2109.301(B)(2).

B. Extending Estate Administration.

1. Notice to Extend Administration. If the estate qualifies for extended administration beyond six months under R.C. §2109.301(B)(1)(a)-(e), then the Fiduciary shall file with the Court SC Form 13.10 "Notice to Extend Administration." To be effective, the Fiduciary shall file that notice before the date the initial six-month administration period expires.

2. Application to Extend Administration. If the estate does not qualify for extended administration under R.C. §2109.301(B)(1)(a)-(e), but the Fiduciary contends that the estate qualifies for extended administration under R.C. §2109.301(B)(1)(f) or (g) and desires an extension, then the Fiduciary shall file SC Form 13.8 "Application to Extend Administration." That application shall be filed no less than five Court Days before the date the initial six-month administration period expires to enable the Court adequate time to consider and rule on the application.

3. Effect on Account. The Fiduciary's first account or certificate of termination is due no later than 13 months after the date of appointment if (i) the Fiduciary files a notice under subparagraph (1) above, or (ii) the Court approves an application under subparagraph (2) above. The Fiduciary's final and distributive account or certificate of termination is due no later than 60 Calendar Days after expiration of the initial six-month administration period if the Court denies that application under subparagraph (2) above.

C. First Partial Account.

1. Except as provided in the following paragraph, in all cases in which the estate administration is properly extended under Geauga Probate Local Rule 64.2(B), but the Fiduciary is not able to file a final distributive account or certificate of termination 13 months after the date of appointment, the

Fiduciary shall file an accounting for the first partial account. The Court will not accept waivers of a first partial account. The first partial account shall be designated as such on the first page of the account.

2. In all cases in which the sole Fiduciary is also the Next of Kin or vested Beneficiary, but the Fiduciary is unable to file a certificate of termination not later than 13 months after the date of appointment, the Fiduciary may file a waiver of partial account in lieu of a partial account using SC Form 13.4 "Waiver of Partial Account."

D. Additional Partial Accounts. After the first partial account, the Fiduciary shall file an account with the Court annually, on or before the anniversary date of the 13th month after the Fiduciary's appointment. Each partial account shall identify on the first page of the account the number of that account by ordinal number (second, third, etc.). Partial accounts after the first partial account may be waived in the manner described in R.C. §2109.301(A), unless the Court orders an accounting in the particular case for a particular accounting period. Waiver of a partial account does not waive the requirement of filing a status report, as required in Geauga Probate Local Rule 64.2(G).

E. Accounts in Limited Purpose Cases.

1. A decedent's estate that the Fiduciary opened solely for a limited purpose not requiring the administration of property, as described in Geauga Probate Local Rule 60.4, is exempt from the requirement of filing annual partial accountings in this Geauga Probate Local Rule but is not exempt from filing the annual status report under Geauga Probate Local Rule 64.2(G); provided that if there is other property to administer (e.g., property other than a survival claim), then all accounting requirements in this Geauga Probate Local Rule 64.2 apply.

2. When an estate for limited purposes is concluded and there is no property to administer, the Fiduciary shall file SC Form 13.6 "Certificate of Termination." When an estate for wrongful death purposes only is settled, and no portion of the settlement is allocated to survival claims, the Fiduciary shall file a report of distribution as required in the entry approving the settlement. The Fiduciary shall also file SC Form 13.6 "Certificate of Termination," no later than 30 Calendar Days after the date of filing the entry approving the settlement, unless the estate remains open for resolution of additional pending wrongful death or survival claims.

3. When an estate for wrongful death or survival claim purposes only is settled, and all or a portion of the settlement proceeds are allocated to survival claims in the entry approving settlement, the Fiduciary shall file a report of distribution as required in the entry and shall file a final and distributive account no later than 60 Calendar Days after the date of filing the entry approving settlement.

F. Form 13.1 - "Receipts and Disbursements." Regarding SC Form 13.1, the following requirements are applicable.

1. Order of Entry. The Fiduciary shall first enter all Receipts during the accounting period and then all Disbursements.

2. Receipts. Regarding the first accounting, the Fiduciary shall first enter as a Receipt each item and the value as set forth in the Inventory. Regarding each subsequent accounting, the Fiduciary shall

first enter as a Receipt each item and the value set forth in the SC Form 13.2 - “Assets Remaining in Fiduciary’s Hands” for the preceding accounting period.

3. Disbursements. The Fiduciary shall enter all Disbursements following the entry of all Receipts. The Fiduciary should enter the Disbursements in the same order and category as provided on page 2 of SC Form 13.0 - “Fiduciary’s Account.” For example, all Disbursements regarding the payment of Fiduciary Fees should be entered first. The Fiduciary shall enter in the column titled “Voucher No.” the check number for the check used to pay each Disbursement.

4. Ending Balance. The result from adding the total receipts to the beginning balance and then subtracting the total disbursements shall be shown as the ending balance for the accounting period on the line titled “Balance Remaining in Fiduciary’s Hands.”

G. Supporting Documentation. When filing an account, the Fiduciary shall also file a copy of the following documents as applicable.

1. Sale of Property. If probate property was sold during the accounting period, then the Fiduciary shall deliver a copy of the sales agreement or other documents evidencing the nature of the sale transaction (including the related costs, fees, and other expenses); provided, however that if the property sold is real property, then a copy of the escrow agents closing statement if available.

2. Evidence of Vehicle Transfer. If any certificated personal property (including a motor vehicle, RV, motorcycle, mobile home, boat, trailer, etc.) was distributed during the accounting period, then the Fiduciary shall deliver a copy of the newly issued certificate of title reflecting the name of the new owner.

3. Paid Funeral Bill. If the funeral director’s bill was paid, then the Fiduciary shall deliver (i) a copy of that funeral bill marked paid-in-full (or other satisfactory evidence of receipt of payment by the funeral director), and (ii) evidence of payment by the payee (e.g., cancelled check, receipt). If a funeral director bill is not due and owing (e.g., the funeral director was prepaid or the decedent’s body was donated and cremation costs were paid by a third party), then the Fiduciary shall deliver satisfactory evidence establishing that fact.

4. Appraiser’s Fee. If the Fiduciary paid an appraiser’s fee during the accounting period, then the Fiduciary shall deliver a copy of the appraiser’s invoice, marked paid-in-full.

5. Bank Statements. All monthly statements of the estate checking account that are applicable to the accounting period.

6. Evidence of Receipt Payment for Certain Disbursements. Cancelled checks or a copy of a receipt evidencing the payment of all disbursements to beneficiaries, next-of-kin, the Fiduciary, and the Fiduciary’s attorney.

7. Other Supporting Documents. The Fiduciary need not file any other supporting documentation with any account in a decedent’s estate unless the Court orders otherwise in a particular case. The Court may request additional supporting documentation at any time, whether to resolve a particular issue in an account or as a means of random audit. The Fiduciary shall produce the supporting documentation no later than five Court Days after the Court’s demand. To assist the probate clerks the Fiduciary may

file a copy of all (i) checks that are deposited in the estate checking account and (ii) all cancelled checks issued from the estate checking account.

8. Remaining Assets. If there are remaining assets at the end of the accounting period that are intangible personal property, all of which shall be entered on SC Form 13.2 - "Assets Remaining in Fiduciary's Hands," together with any real property and tangible personal property, then as to each item of intangible personal property the Fiduciary shall deliver a copy of the evidence of ownership as of the end of the accounting period, which shall include the value of each such item as of the end of the accounting period. Examples are bank account statements, financial statements of stocks and bonds, etc. Regarding a copy of a financial statement with an account number, the Fiduciary shall redact all of the account numbers except for the last four digits - see Geauga Probate Local Rule 57.2(C).

H. Status Report.

1. Except as otherwise provided in the next sentence, all Fiduciaries of a decedent's estate shall file a status report with the Court simultaneously with filing each partial account or waiver of partial account, using GC Form "GC PF 13.12 - Status Report."

2. In a decedent's estate in which the Fiduciary was appointed for the sole purpose of pursuing wrongful death or survival claims with no other probate property, the Fiduciary shall file a status report with the Court each year on or before the anniversary date of the Fiduciary's appointment, using GC Form "GC PF 14.5 - Status Report-Wrongful Death;" provided, however, that in a particular case the Court may order a status report more frequently.

3. The Court may order a status conference after the filing of any status report. The Fiduciary and the Fiduciary's Attorney shall attend the status conference in person, unless the Court, in advance of the conference, permits an alternate means of appearance.

I. Certificate of Service of Account. Every Fiduciary in a decedent's estate shall deliver a copy of each account to all Next of Kin or vested Beneficiaries in compliance with R.C. §2109.32(B). Before or simultaneously with filing the account, the Fiduciary shall file with the Court SC Form 13.9 "Certificate of Service of Account to Heirs and Beneficiaries," as required under R.C. §2109.32(B)(2).

J. Notice of Hearing on Account. While the Fiduciary may notify other persons as permitted by R.C. §2109.33, except to the extent that the Interested Persons (defined below) waived notice by signing SC Form 13.7 "Waiver of Notice of Hearing on Account," the Fiduciary shall serve notice of the hearing date in accordance with Geauga Probate Local Rule 78.13, no less than 15 Calendar Days before the hearing date, upon those Interested Persons who did not sign that waiver, using SC Form 13.5 "Notice of Hearing on Account," and provide the Court with Proof of Service. For the purpose of this Geauga Probate Local Rule 64.2(I), Interested Persons means:

1. If the decedent died intestate, then the decedent's Next of Kin as determined under R.C. §2105.06; or

2. If the decedent died testate, then the decedent's Next of Kin and the vested Beneficiaries, except that if the will contest period has expired and no will contest is pending, then only the vested Beneficiaries; and

3. In each instance, only Interested Persons whose address is known.

K. Election of Surviving Spouse. If a surviving spouse is the sole vested Beneficiary under a will and the spouse files a certificate of termination before filing an election under or against the will, or before expiration of the five-month period in which to make the election, the Court will conclusively presume that the surviving spouse elects to take under the will and the filing of that certificate affirmatively manifests that intent. The Court will close the estate on that basis. (See R.C. §2106.01(F)).

L. Certificate of Termination. In addition to an individual Fiduciary who is the sole Next of Kin or sole vested Beneficiary of an estate, the Court will permit Co-Fiduciaries, who are also the sole equal Co-Beneficiaries of a testate estate, to file a certificate of termination (i.e., SC Form 13.6 "Certificate of Termination") in lieu of filing a Fiduciary's account. Moreover, the Court will permit a Fiduciary or Co-Fiduciary who is also the Trustee or Co-Trustees of a trust that is a sole vested Beneficiary of an estate to file a certificate of termination in lieu of filing a Fiduciary's account.

Geauga Probate Local Rule 64.3 Accounts in Guardianships. This Geauga Probate Local Rule provides the requirements for accounts in guardianships.

A. When Accounts Are Due. Absent a court order granting an extension, (i) every Guardian of the estate shall file an account on or before the first anniversary of the date of appointment, and (ii) after filing the first account, the Guardian shall file an account every year thereafter on or before the appointment anniversary date. The Court may order periodic accountings more frequently.

B. Final Account. Every Guardian of the estate shall file a final account no later than 30 Calendar Days after filing a notice of the Ward's death or other event that terminates the guardianship, unless the Court orders otherwise.

C. Supporting Documentation. At the time of filing each account, a Guardian shall present to the Court all supporting documentation described in Geauga Probate Local Rule 64.1(D) for the Court to verify the accuracy of the account. If the Court determines that the account is complete, then the account will be deemed filed as of the date of submission, regardless of the date stamped on the account. If the Court determines that the account is not complete, then the Guardian will have five Court Days to correct the problem, unless the Court grants additional time. If the account is a final account, then the account shall include a signed receipt from the Fiduciary of the Ward's estate verifying receipt of the property from the Guardian. If any of the guardianship property is non-probate, receipts shall be provided verifying receipt of such property by each recipient.

D. Notice of Hearing on Account. Except to the extent that the Interested Persons waived notice by signing GC Form "GC PF 15.12 - Waiver of Notice of Hearing on Account," the Fiduciary shall serve notice of the hearing date in accordance with Geauga Probate Local Rule 78.13, no less than 10 Calendar Days before the hearing date, upon those Interested Persons who did not sign that waiver, using GC Form "GC PF 15.11 - Notice of Hearing on Account," and provide the Court with Proof of Service. For the purpose of this Geauga Probate Local Rule 64.3(D), Interested Persons means those persons identified as Next of Kin in R.C. §2111.04, who are entitled to receive notice of appointment of a guardian.

Geauga Probate Local Rule 64.4 Accounts in Conservatorships. All requirements in these Geauga Probate Local Rules 64.1 and 64.3 that apply to a guardian apply to conservatorships, substituting the word Conservator for Guardian.

Geauga Probate Local Rule 64.5 Accounts in Trusts and Other Fiduciaries. All requirements in Geauga Probate Local Rules 64.1 and 64.3 apply to the accounts of all Trustees and other fiduciaries who are not executors, administrators, except as otherwise provided in R.C. §2109.303(B); provided however that, absent a court order granting an extension, (i) every Trustee shall file an account on or before the first anniversary of the date of appointment, and (ii) after filing the first account, the Trustee shall file an account every two years thereafter on or before the applicable anniversary of the appointment date. The Court may order periodic accountings more frequently. A Trustee shall use GC Form "GC PF 28.4 - Trustee's Account" for preparing an account.

Superintendence Rule 65
Land Sales

Geauga Probate Local Rule 65.1 - General Provision. The following rules apply to a land sale proceeding under R.C. Chapter 2127, except for a sale of real property under R.C. §2127.011 or R.C. §2127.012, which are based upon written consent; provided however that (i) Geauga Probate Local Rule 65.5 applies to a sale of real property under R.C. §2127.012, and (ii) Geauga Probate Local Rule 65.6 applies to a sale of real property under R.C. §2127.011.

Geauga Probate Local Rule 65.2 Title Issues.

A. Initial Certification of Title. A certification of title (GC Form "GC PF 50.1 - Certificate of Title") shall accompany all complaints for the sale of lands under R.C. Chapter 2127. That certificate shall verify that the plaintiff obtained an examination of title to the real property no later than 15 Calendar Days before filing the complaint to confirm that all Persons with any interest in the real property, as determined by the title examination, are named as parties to the action. The title examination shall be performed by a title company licensed by the State of Ohio to issue title insurance or by an Ohio Attorney experienced in examining titles. The written title report need not accompany that certificate but shall be available to the Court for review upon the Court's request. The Clerk will not accept the complaint for filing without that certificate.

B. Updated Certifications of Title. No later than 10 Calendar Days following the filing of the Complaint a certification of title update (GC Form "GC PF 50.2 - Certificate of Title Update") shall be filed with the Court. Additionally, GC Form "GC PF 50.2 - Certificate of Title Update" shall be filed with all motions for the issuance of an order of sale. That certificate, performed in the same manner as in the preceding subparagraph, shall verify that the plaintiff has updated its title evidence no more than 10 Calendar Days before filing the motion to confirm that all Persons with any interest in the real property, as determined by the title examination, are included in the original complaint, or have been added to the action properly through an amended complaint before filing the motion. The Clerk may not accept that motion for filing without that certificate.

Geauga Probate Local Rule 65.3 Procedure.

A. Guardian Ad Litem. In all guardianship land sale proceedings, simultaneously with filing the complaint for the sale of land, the plaintiff shall cause the appointment of a guardian ad litem to answer for the Ward in a manner that the guardian ad litem believes represents the best interest of the Ward. That guardian ad litem shall be an Ohio Attorney, who is not affiliated with or related to the plaintiff or plaintiff's Attorney. That guardian ad litem is entitled to compensation in an amount the Court determines to be reasonable under the circumstances of the case and authorized by court order.

B. Settlement Statement. Plaintiff shall attach to the motion for confirmation of sale a copy of the proposed settlement statement, showing the gross sale proceeds, all proposed charges relating to the sale, and the net proceeds payable to the plaintiff. If any changes to the settlement occur before closing, then the plaintiff shall supplement that motion with a copy of the revised settlement statement. Unless the Court orders otherwise, the proposed order of distribution, which the plaintiff submits to the Court, shall be consistent with the final settlement statement.

C. Status Conference. The Court may schedule a status conference on all land sale proceedings that are not finalized and closed six months after the date of filing the complaint. No less than 10 Court Days before the status conference, the plaintiff shall file a status report detailing the current physical status of the real property, proof that the real property is properly insured, the efforts made to sell the real property, the status of payment of any mortgages and taxes on the real property, and the name and address of the real property agent who has the real property listed for sale. At the status conference, the plaintiff shall explain the circumstances that have precluded conclusion of the case and shall show cause why the Court should not order sale of the real property by public auction.

D. County Treasurer. The Plaintiff shall: (i) name the treasurer of the county in which the real property is located as a party in all land sale actions, and (ii) promptly notify the Court in writing if the proposed distribution of the proceeds of the sale is not sufficient to pay the county treasurer's liens. The Court may not approve a land sale if the liens of the county treasurer are not satisfied from the proceeds of the sale without a specific acknowledgement from the purchaser that the purchaser understands that the treasurer's lien shall remain on the real property after sale.

Geauga Probate Local Rule 65.4 Appraiser Fees. In land sale proceedings an appraiser appointed by the Court shall be compensated in the same manner as set forth in Geauga Probate Local Rule 61.4. The Fiduciary may not pay the appraiser without a court order that authorizes payment.

Geauga Probate Local Rules 65.5. Proceeding under R.C. §2127.012. If a Guardian decides to proceed to sell real property under R.C. §2127.012, then that Guardian shall (i) prepare, obtain signatures, and file with the Court SC Form 28.1 - "Consent to Power to Sell Real Estate - Guardianship," and (ii) prepare and file with the Court GC Form "SC Form 28.0 - Motion by Guardian for Real Estate Sale by Consent." Additionally, that Guardian shall file with the Court (i) an appraisal that is required under R.C. §2127.012(A)(2) and (ii) a bond that is required under R.C. §2127.012(A)(4) unless the Court orders a waiver of bond.

Geauga Probate Local Rules 65.6. Proceeding under R.C. §2127.011. If a Fiduciary of a probate estate decides to proceed to sell real property under R.C. §2127.011, then that Fiduciary shall obtain and file with the Court the required consent using SC Form 11.0 "Consent to Power to Sell Real Estate."

Superintendence Rule 66
Guardianships

Geauga Probate Local Rule 66.1 Additional Provisions. The Court adopts the following provisions in addition to Sup. R. 66. Although Sup. R. 66.02(A) indicates that Sup. R. 66.01 through 66.09 applies to an adult guardianship, this Geauga Probate Local Rule 66 also applies to a Guardian of a Minor.

A. Hearing Attendance. Unless the Court orders otherwise, both the applicant for Guardian of a minor and the proposed Ward shall attend the hearing on the application for appointment of Guardian.

B. Notice of Application - Minor. If a minor is in the care or custody of a Person other than the parties entitled to notice by Applicable Law, then the applicant shall give that custodial Person a written notice of the application and the hearing date no less than seven Calendar Days before the hearing date, using GC Form "GC PF 16.3A - Notice of Hearing for Appointment of Guardian of Minor" and provide the Court with Proof of Service.

C. Expenditure of Ward's Property. A Guardian shall not expend the Ward's property, including expenditures for support, maintenance, or education, until the Court authorizes the expenditure by court order.

D. Attorney's Fees. A Guardian may not pay attorney's fees or expenses without a court order authorizing payment. A motion to pay attorney's fees shall include a detailed statement setting forth: (i) the date services were rendered, (ii) a description of the services, (iii) the hours of service, and (iv) the hourly rate.

E. Background Check. Unless the Court orders otherwise for good cause shown, before an applicant is appointed a Guardian, the applicant shall: (i) obtain a criminal background check performed by Geauga County Jobs and Family Services, and (ii) pay the cost of that criminal background check. Applicants who are an Ohio Attorney may file a current certificate of good standing in lieu of a criminal background check.

F. Guardian's Affidavit. Before being appointed a Guardian, each applicant (including an attorney), shall prepare and file an affidavit, as required by Sup. R. 66.05(A)(2), using GC Form "GC PF 15.19 – Guardian's Affidavit."

G. Ward's Indigency. A Person desiring to obtain a court order to waive the payment of the court cost deposit shall file the form Motion to Waive Court Costs (GCPF 66.1) together with the form Affidavit of Indigency (GCPF 15.14).

~~G.~~H. Personal Identification. (see Geauga Probate Local Rule 78.10).

~~H.~~I. Complaints and Comments. All complaints and comments regarding a Guardian shall be filed with the Court in compliance with Sup. R. 66 and the following rules apply:

1. All complaints and comments regarding a Guardian shall be filed with the Court's Guardianship Program Director or other designated staff member.

2. The Guardianship Program Director will deliver a copy of the written complaint or comments to the Guardian.

3. The Court will consider the complaint or comments and take appropriate action.

4. The Guardianship Program Director will maintain a record of the nature and disposition of the complaint or comment.

5. The Guardianship Program Director will notify, in writing, the Person making the complaint or comment and the Guardian of the Court's disposition of that complaint or comment.

~~I.~~J. Education Requirements. Unless the Court orders otherwise, all Guardians shall fulfill the Supreme Court of Ohio's guardianship education requirements per Sup. R. 66.06 and 66.07. Together with the filing of an application for guardianship, all applicants may complete and file with the Court GC Form "GC PF 15.13 - Acknowledgement/Waiver Request of Guardianship Application Requirements." The Court may set a hearing on that application. Failure to submit that application may result in the denial of future Guardianship education waiver requests.

~~J.~~K. Digital Assets Certification. A Guardian of an estate shall file with the Court GC Form "GC PF 15.5A - Digital Asset Certification - Guardianship" before or when filing the inventory. The Court may order that the Guardian file GC Form "GC PF 6.1A - Supplemental Schedule of Assets," to describe the Digital Assets. After filing GC Form "GC PF 15.5A - Digital Asset Certification - Guardianship," a Guardian has a continuing duty to determine whether the Ward owns any Digital Assets and to inform the Court of any additional Digital Assets that are determined to be owned by the Ward.

~~K.~~L. Authority Over Digital Assets. If a Guardian requires a court order to access Digital Assets pursuant to R.C. §2137.13, then the Guardian shall prepare and file with the Court GC Form "GC PF 15.5C - Application for Authority Over Digital Assets."

~~L.~~M. Tangible Personal Property Certification. A Guardian of an estate shall file with the Court GC Form "GC PF 15.5B - Tangible Personal Property Certification - Guardianship" before or when filing the inventory. The Court may order that the Guardian prepare and file GC Form "GC PF 6.1A - Supplemental Schedule of Assets," to describe the Tangible Personal Property.

~~M.~~N. Guardianship Checking Account. The Guardian of an Estate shall establish and use a guardianship checking account for the receipt and disbursement of all guardianship funds including sale proceeds, checks payable to the Ward, the payment of all expenses, costs, fees, reimbursements, and distributions. That Guardian shall close out all the Ward's bank accounts and financial accounts and deposit the proceeds into the guardianship checking account. Unless the Court permits otherwise by court order pertaining to the estate, the Guardian shall (i) pay all creditors, costs, fees, reimbursements, distributions and all other credits by (a) check drawn upon the guardianship checking account or (b) wire transfer from that checking account (so long as there is documentation that sets forth the recipient of the funds), and (ii) not (a) make any cash withdrawals from that checking account, including any check for cash, counter withdrawals for cash, or ATM cash withdraws, or (b) establish or use for guardianship purposes any debit or credit cards.

~~N.~~O. Adult Jurisdiction Affidavit. To assist the Court to comply with the Adult Guardianship and Protective Proceedings Jurisdiction Act, in every guardianship of an incompetent adult, the applicant shall file with the Court GC Form "GC PF 15.17 - Adult Jurisdiction Affidavit," together with SC Form 17.0 "Application for Appointment of Guardian of Alleged Incompetent."

~~O.~~P. Jurisdiction Affidavit. To assist the Court to comply with the Adult Guardianship and Protective Proceedings Jurisdiction Act, in every guardianship of a minor, the applicant shall file with the Court SC Form 16.1, together with SC Form 16.0 "Application for Appointment of Guardian of Minor."

~~P.~~Q. Reporting Parent Information. When applying for the appointment of a guardian for an incompetent adult who has one or more minor children that should be identified on SC Form 15.0, the applicant shall prepare and file with the Court, together with SC Forms 15.0 and 17.0, GC Form "GC PF 27.11 – Parental Information."

~~Q.~~R. Application for Electronic Monitoring. A guardian shall not authorize the installation and use of an electronic monitoring device in the Ward's room in a long-term care facility as permitted by R.C. 3721.61 without first obtaining a court order. To obtain a court order, a guardian shall prepare and file with the Court GC Form "GC PF 27.11A – Application for Electronic Monitoring." If the Court sets the application for hearing, the guardian shall notify all Interested Persons, who have not otherwise consented in writing to the application, of the hearing date and time, in accordance with Geauga Probate Local Rule 78.13, using GC Form "GC PF – Notice of Hearing."

~~R.~~S. Sale of Ward's Personal Property. After an inventory is filed and approved by the Court, a guardian may sell the personal property of a Ward only after obtaining a court order, which the guardian may obtain by preparing and filing GC Form "GC PF 15.15A – Guardian's Application to Sell Personal Property."

Geauga Probate Local Rule 66.2 Emergency Guardianship Procedure (Sup. R. 66.03(A)). This Geauga Probate Local Rule governs emergency guardianships of an incompetent adult under R.C. §2111.02(B)(3).

A. Overview of Proceeding. An emergency guardianship is an ex parte proceeding that materially affects the legal rights of the proposed Ward without prior notice or opportunity to be heard. Thus, the Court will strictly scrutinize all evidence presented to determine whether the appointment of an emergency Guardian is the only feasible alternative for the necessary protection of the proposed Ward and others. The applicant bears the burden of proof by clear and convincing evidence.

B. Application. A Person desiring to be appointed emergency Guardian shall prepare and file:

1. GC Form "GC PF 17.0E – Application for Appointment of Emergency Guardian of Alleged Incompetent," which GC Form includes the "Affidavit in Support of Motion of Emergency Guardianship;"

2. SC Form 15.0 - "Next of Kin of Proposed Ward;"

3. SC Form 17.1 – "Statement of Expert Evaluation," dated no more than 10 Calendar Days before the filing date;

4. SC Form 17.1A – "Supplement for Emergency Guardian of Person," dated no more than 10 Calendar Days before the filing date;

5. GC Form "GC PF 15.2 – Fiduciary Acceptance;"

6. GC Form "GC PF 15.17 - "Adult Jurisdiction Affidavit;"
~~GC Form "GC PF 15.14 - "~~
7. Motion to Waive Court Costs (GCPF 66.1) together with the form Affidavit of Indigency~~,~~" (GCPF 15.14)," if ~~applicable~~the applicant desires a waiver of the court cost deposit, and

8. Personal Identification, to the extent required by Geauga Probate Local Rule 78.10

C. Affidavit in Support of Motion of Emergency Guardianship.

1. Incompetent Adult. The "Affidavit in Support of Motion of Emergency Guardianship," at the end of GC Form "GC PF 17.0E – Application for Appointment of Emergency Guardian of Alleged Incompetent," shall be signed by a person having direct knowledge of the circumstances showing that the proposed Ward faces an imminent risk of serious injury to his or her person or estate, and why immediate Court action is required to prevent that injury.

2. Minor. An applicant seeking an emergency order for appointment as guardian of a minor shall prepare and file, together with the other required documents, the GC Form "GC PF 41.9 – Affidavit in Support of Application for Emergency Order," which shall be signed by a person having direct knowledge of the circumstances showing that the proposed Ward faces an imminent risk of serious injury to his or her person or estate, and why immediate Court action is required to prevent that injury.

D. Additional Evidence. The applicant may, and the Court strongly encourages the applicant to, present additional supporting documentation evidencing the truth of the statements in the application and supporting affidavits.

E. Less Intrusive Means. The affidavits and additional evidence that the applicant files shall also establish that no less intrusive means exist to prevent injury to the proposed Ward's person or estate without immediate Court intervention.

F. Notices. The Person over whom the emergency guardianship is sought is the only person required to be served with any notices required under R.C. §2111.02(B)(3) unless the Court orders notice served upon other Persons. Due to the short time constraints that Applicable Law imposes in emergency guardianship proceedings, all notices shall be served in person. If necessary, the applicant shall file an application for appointment of a special process server, who shall file a return of the service before expiration of the initial 72-hour emergency guardianship period or no later than three Court Days after filing of the entry granting an extension.

Geauga Probate Local Rule 66.3 Duties of Guardian of a Minor. Unless the Court orders otherwise in a specific case, the Guardian of a Minor shall comply with Sup. R. 66.08 and 66.09.

Superintendence Rule 67
Estates of Minors of Not More Than $25,000

Geauga Probate Local Rule 67.1. Application to Receive Property without Guardianship of Minor. If a Person desires to proceed as permitted by Sup. R. 67 to receive a payment or other property on behalf of a minor without being appointed guardian of the estate (e.g., a payment of a wrongful death settlement, inheritance, etc.), then that Person shall prepare and file the "Package Dispensing Application for Guardian," which includes the "Application to Pay or Deliver Estate of Minor without Appointment of Guardian" and the related Entry. Also see Geauga Probate Local Rule 68.1(F) if the net proceeds of a personal injury claim of a minor are $1,000 or less.

Superintendence Rule 68
Settlement of Injury Claims of Minors

Geauga Probate Local Rule 68.1 General. This Geauga Probate Local Rule applies to all proceedings for authority to settle a minor's claims for personal injury or property loss or damage.

A. Birth Certificate. Upon filing SC Form 22.0 "Application to Settle a Minor's Claim," the applicant shall simultaneously file a copy of the minor's birth certificate (and an English translation if required).

B. Guardianship. Unless the Court dispenses with a guardianship of the estate and permits a parent or other legal custodian by court order, for good cause shown, to file the "Package Dispensing Application for Guardian," the Court requires the appointment of a Guardian of the minor's estate, which guardianship shall be established before the hearing on the settlement of the minor's claim.

C. Narrative. The applicant shall cause a written narrative to be prepared and attached to SC Form 22.0 "Application to Settle a Minor's Claim," which written narrative shall be signed and dated by the examining physician, no later than 30 Calendar Days before the filing of that application, and shall set forth a description of the injuries sustained, the extent of recovery, the permanency of injuries, and the prognosis regarding future medical issues or treatment.

D. Who Shall Attend the Hearing. Unless the Court orders otherwise the parent or parents with whom the minor resides or the Person who has legal custody of the child, the Guardian of the minor's estate, if any, their respective Attorneys, guardian ad litem for the minor, if any, and the injured minor shall attend the hearing on the settlement of the minor's claim.

E. Dispensing with a Hearing. The Court may dispense with a hearing on an application to settle a minor's claim if all of the following apply:

1. Representation. The applicant is represented by an independent attorney who does not work for or represent the Person paying the claim;

2. Settlement Value. The gross amount of the proposed settlement does not exceed $10,000;

3. Claims. There are no disputed claims on any portion of the settlement proceeds;

4. No Guardianship Required. The nature of the settlement does not require establishment of a minor guardianship under Applicable Law; and

5. Applicants are Parents. The applicant is one or both of the natural or adoptive parents of the minor and both parents have waived notice of the application and hearing and have consented to the proposed settlement.

F. Net Proceeds are $1,000 or Less. If the net settlement proceeds are $1,000 or less and the applicant is the natural or adoptive parent of the minor, then the applicant may apply for the net proceeds to be paid to either or both of the minor's parents for the benefit of the minor in place of a minor guardianship. The parent receiving the settlement proceeds shall file GC Form "GC PF 14.4 - Acknowledgment of Responsibility for Minor Settlement" before the Court will approve the settlement. The Court generally

will not approve a distribution of net settlement proceeds exceeding $1,000 directly to a parent, absent a showing of Exceptional Circumstances.

G. Impounded Account. If the net settlement proceeds do not exceed $25,000, then, in place of a minor guardianship, the Court may order that the funds be deposited into an impounded account in the name of the minor at a financial institution in Geauga County until the minor attains the age of 18. In lieu of a report of distribution, the applicant may file SC Form 22.3 - "Verification of Receipt and Deposit" with the Court.

H. Report of Distribution. All applicants shall file a report of distribution, or SC Form 22.3 - "Verification of Receipt and Deposit" if applicable, with the Court no later than 30 Calendar Days after the entry approving the minor settlement. Failure to timely file the report or verification will subject the applicant and the Attorney to citation under Geauga Probate Local Rule 77.

Geauga Probate Local Rule 68.2 Structured Settlement. All proposed settlements of a minor's claim that are to be paid in whole or in part by means of a structured settlement shall comply with the requirements in this Geauga Probate Local Rule.

A. Documentation. A complete and accurate copy of all documentation relating to the proposed structured settlement shall accompany SC Form 22.0 "Application to Settle a Minor's Claim."

B. Disclosure of Defendant's Cost. A statement disclosing the total actual cost of the structured settlement annuity that the defendant shall pay shall also accompany that application.

C. Verification of Insurer's Qualifications. If the structured settlement is to be funded by an annuity, then an affidavit or other similar proof verifying that the insurer, who is issuing the annuity funding the structured settlement, meets the following qualifications shall also accompany that application. Unless the Court orders otherwise:

1. Licensing. The company issuing the annuity shall be licensed and in good standing to write annuities in Ohio;

2. Capital Reserves. The company issuing the annuity shall have a minimum of $300,000 in capital reserves and surplus, exclusive of mandatory security valuation reserves; and

3. Rating. The company issuing the annuity shall have one of the following present ratings: A++, A+ or A rating from A.M. Best Company; AAA, Aa1 or Aa2 from Moody's Investors Service; or AAA or AA from Standard and Poor's Corporation.

D. Present Value Calculation. That application shall also include a signed statement from an independent certified public accountant, actuary, or equivalently qualified professional specifying the present value of the structured settlement and the calculations used to arrive at that present value determination.

Geauga Probate Local Rule 68.3 Withdrawal or Hypothecation. No premature withdrawals or hypothecation of the structured settlement, whether during the minor's minority or after the minor attains the age of 18 years, is permitted without the Court's prior approval.

Geauga Probate Local Rule 68.4 R.C. 2111.182 Trust. Upon the filing of the required application (see Geauga Probate Local Rule 78.20), or upon the Court's own motion, the Court may consider and approve a court-ordered trust pursuant to R.C. §2111.182 as a recipient of a settlement for the benefit of a minor.

Superintendence Rule 69
Settlement of Claims of or Against Adult Wards

The Court does not have any additional requirements regarding the settlement of claims of or against adult Wards beyond the requirements in Sup. R. 69. Reference is made to Sup. R. 68, to the extent applicable to an adult, regarding the requirements the Court may impose in the settlement of claims for injury to an adult Ward, unless there is good cause to require otherwise.

Superintendence Rule 70
Settlement of Wrongful Death and Survival Claims

Geauga Probate Local Rule 70.1 General. This Geauga Probate Local Rule provides requirements in the settlement and apportionment of wrongful death and survival claims.

A. Statement of Facts and Fee Explanation. The Attorney signing SC Form 14.0 "Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims" shall prepare, sign, and attach to that application: (i) a written statement of facts setting forth the circumstances of the wrongful death, sufficient in detail to allow the Court to determine the reasonableness of the proposed settlement, and (ii) a detailed fee statement.

B. Hearing. The Court (i) may set for hearing an application for settlement of wrongful death or survival claim, and (ii) will set a hearing regarding abandonment of a parent if required by R.C. §2125(E)(2).

C. Waiver of Notice and Consent. The applicant may obtain a waiver and consent from Interested Persons by having them sign SC Form 14.1 "Waiver and Consent Wrongful Death and Survival Claims," and filing that form with the Court before the hearing date.

D. Notice. To the extent that all Interested Persons do not sign SC Form 14.1 "Waiver and Consent Wrongful Death and Survival Claims," the applicant shall serve written notice of filing the Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims upon all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

E. Exception. After the first hearing, the Court may dispense with the requirement of additional hearings in cases where there is the possibility of multiple separate settlements, unless there are changes in the Interested Persons or the amounts to be apportioned.

F. Separate Hearings. The Court considers the application to settle a claim for wrongful death and the apportionment of the proceeds as two distinct matters. The Court may conduct separate hearings on each issue if the apportionment is not easily determinable or is disputed.

G. Who Shall Attend. The applicant and his or her Attorney shall attend all hearings at the Court's facility in person on applications for settlement of wrongful death or survival claims, unless the Court approves appearance by telephone in advance of the hearing under Geauga Probate Local Rule 78.1(D).

H. Report of Distribution. All applicants shall file a report of distribution with the Court no later than 30 Calendar Days after the court order approving the wrongful death and survival claims settlement. Failure to timely file that report will subject the applicant and the Attorney to citation under Geauga Probate Local Rule 77.

I. Final Account or Certificate of Termination. Review the requirements set forth in Geauga Probate Local Rule 64.2(E).

Geauga Probate Local Rule 70.2 Wrongful Death Trusts. Upon the filing of the required application (see Geauga Probate Local Rule 78.20), or upon the Court's own motion, the Court may consider a court-ordered trust pursuant to R.C. §2125.03(A)(2) as a recipient of the settlement proceeds.

Geauga Probate Local Rule 70.3 Attorney Fees. Attorney fees payable to Attorneys representing the interests of the Fiduciary in a wrongful death or survival claim action are subject to all of the requirements and limitations in Geauga Probate Local Rule 71.2.

Superintendence Rule 71
Counsel Fees

Geauga Probate Local Rule 71.1 General Provisions. This Geauga Probate Local Rule governs the determination of the compensation of Attorneys.

A. Except as otherwise permitted under Geauga Probate Local Rule 71.2, and unless the Court orders otherwise in a particular case, Attorneys rendering legal services related to a probate proceeding, including an estate, guardianship, conservatorship, or trust shall maintain an itemized statement of the legal services rendered, including (i) the date rendered, (ii) the Person who performed those services and a notation of whether that person is an attorney, a paralegal, or otherwise, (iii) a description of those services rendered, (iv) the time incurred in rendering those services in increments of one-tenth of an hour, and (v) the hourly rate for each person. Due to potential issues of attorney-client privilege, the Clerk (i) will maintain the itemized statement for legal services in a confidential file and (ii) will not permit public access to an itemized statement for legal services without a court order authorizing such access. If the engagement letter provides that legal fees will be determined by other than an hourly rate, then the attorney shall provide the Court with a written description of the legal services to be rendered and that agreed method of determining the legal fees.

B. Except as provided below regarding (i) an application for summary release from administration under R.C. 2113.031 (see sub-section (F) below) or (ii) an estate that qualifies for the filing of a certificate of termination as provided for in Geauga Probate Local Rule 64.2(L) (see sub-section (G) below), a Fiduciary may not pay legal fees without a court order. To obtain a court order authorizing the payment of legal fees the attorney shall prepare and file with the Clerk the form titled "GCPF 42.5 - Motion for Authority to Pay Legal Fees." Upon the filing of that motion, if the Court sets the matter for hearing, then the attorney shall give notice of a hearing on such motion to all of those Persons whose interests are

affected by payment of such fees using GC Form “GC PF 4.18 - Notice of Hearing” no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

C. In an estate proceeding, if vested Beneficiaries, surviving spouse, or Next of Kin entitled, in the aggregate, to more than 50 percent of the probate property sign GC PF 4.57 – Consent to Payment of Legal Fees to allow the payment of legal counsel fees and the Attorney signs the certification and files that form with the Court, then the Court may dispense with the hearing on the application for allowance of legal counsel fees, and authorize that such fees be paid subject to any exceptions to the fiduciary’s account filed by any non-consenting Next of Kin, vested Beneficiaries, or other Interested Persons.

D. For good cause shown, the Court may dispense with a hearing on any application for allowance of legal counsel fees for services rendered to a probate proceeding, and authorize the payment of the legal fees, subject to any exceptions to the fiduciary’s account filed by any non-consenting Interested Persons.

E. If property being relieved from administration under R.C. §2113.03 is used to pay legal fees for services rendered in such estates, then those fees shall be listed as an estate debt on the back of SC Form 5.1 “Schedule of Assets and Liabilities of Estate to be Relieved from Administration.” The allowance of such fees shall be determined at the time of the hearing on the application to relieve the estate from administration, and such fees shall not be paid until after SC Form 5.6 - Entry Relieving the Estate from Administration has been signed by the Court.

F. If property in an estate proceeding is handled as a summary release under R.C. §2113.031, then the applicant may pay legal fees without a court order.

G. If (i) an estate proceeding qualifies for the filing of a certificate of termination as provided for in Geauga Probate Local Rule 64.2(L), (ii) more than six months has expired since the date of decedent’s death, and (iii) a will is admitted to probate and the will contest period has expired without a will contest, then the Fiduciary may pay legal fees without a court order.

H. If the Attorney rendering legal services is also a fiduciary in the probate proceeding (e.g., an executor, administrator, commissioner, conservator, guardian, trustee, etc.) or if another Person who is associated with that fiduciary (e.g., partner, associate, employee, employer, family member) renders legal services (including paralegal services), then the Court will take special note of that fact when determining whether to approve a request to pay attorney’s fees for performance of a task that should be performed by the fiduciary (e.g., preparation of an inventory, an accounting, etc.).

Geauga Probate Local Rule 71.2 Contingent Fee Arrangements. If any portion of a settlement involving claims for injuries to minors, claims involving adult wards, or for wrongful death or survival claims is a structured settlement, defined as a settlement wherein payments are made on a periodic basis, and a contingent fee agreement is used, then the Court may (i) require the attorney to provide expert evidence of the present value of the settlement, and (ii) use that present value to fix and determine the attorney’s contingent fees.

Geauga Probate Local Rule 71.3 Dual Capacity. If an accountant or other professional (other than an Attorney) is serving as a fiduciary in a probate proceeding (e.g., an executor, administrator, commissioner, conservator, guardian, trustee, etc.) and if that fiduciary or another Person who is associated with that fiduciary (e.g., partner, associate, employee, employer, family member), desires to be compensated for professional services rendered, then that Person, before proceeding to render such professional services, (i) shall apply to the Court for pre-approval of such services to be rendered and (ii) shall obtain a court order authorizing payments for such services

before payment. If the professional is an Attorney, then that Person shall also comply with Geauga Probate Local Rules 71.1 and 71.2. If the Court sets the matter for hearing, then the applicant shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

Superintendence Rule 72
Executor's and Administrator's Commissions

Geauga Probate Local Rule 72.1 Determination of Fees. This Geauga Probate Local Rule governs the determination of the compensation to which an executor or administrator in a decedent's estate is entitled, unless, with respect to executor's fees, the Will admitted to probate provides otherwise.

A. Normal Fees. An executor or administrator is entitled to a fee in the amount computed under R.C. §2113.35 for fiduciary services rendered in settling a decedent's estate. The Court does not require a hearing on the payment of normal statutory fees unless a Next of Kin, vested Beneficiary, or creditor, who is financially impacted by the fee, files an objection to the fee before the Court approves the account in which the fee is charged. The Fiduciary shall prepare and submit with the account, for the period in which a fiduciary fee is paid, GC Form "GC PF 13.11 - Computation of Executor or Administrator Fee."

B. Additional Compensation. An executor or administrator who believes the compensation provided in R.C. §2113.35 is inadequate under the facts and circumstances in the particular case may apply to the Court for an allowance of additional compensation under R.C. §2113.36 using GC Form "GC PF 4.21 - Application For Authority To Pay Executor Or Administrator Additional Compensation," together with GC Form "GC PF 4.22 - Consent to Payment of Additional Compensation to Executor or Administrator Executors and Administrators." If an executor or administrator requests compensation that exceeds the amount allowed in Geauga Probate Local Rule 72.1(A), then the itemized statement shall cover all of the executor or administrator's services for that period, not just those exceeding the allowable amount. The Court may require a hearing on the payment of the additional compensation, unless all Next of Kin or vested Beneficiaries whose distribution the fee affects have consented in writing to the additional compensation using and filing with the Court GC Form "GC PF 4.22 - Consent to Payment of Additional Compensation to Executor or Administrator Executors and Administrators," and the Court finds that no creditor would be prejudiced. If the Court sets the matter for hearing, then the applicant shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

C. Fees in Partial Accounts. The Fiduciary may pay partial Fiduciary compensation upon filing a partial account. The proposed partial compensation may not exceed a percentage of the maximum statutory amount that is equal to a good faith estimate of the percentage of the work completed on the estate administration through the end of that partial accounting period.

D. Fees in Insolvent Estates. If the Fiduciary files an application for an order to pay debts or claims under R.C. §2117.15, then the executor or administrator fee application shall be filed with that application. The Court will rule on the executor or administrator fee application at the insolvency hearing.

E. Fees in Summary Release or Release from Administration Cases. In a proceeding under R.C. §§ 2113.03 or 2113.031, no fiduciary fees may be paid without a court order authorizing such payment.

Geauga Probate Local Rule 72.2 Limitations. The Court may not consider, approve, or permit the payment of any executor or administrator fee during any period in which the executor or administrator is delinquent in performing any obligation within the time period required by Applicable Law or in which the executor or administrator is otherwise not in full compliance with the requirements in these Geauga Probate Local Rules. The Court may reduce or deny executor or administrator fees if the Court determines that the executor or administrator has not faithfully discharged the duties of the office. Moreover, the Court may reduce any compensation otherwise due an executor or administrator if the Court determines that the Fiduciary has delegated duties that the Fiduciary is commonly expected to perform.

Superintendence Rule 73
Guardian's Compensation

Geauga Probate Local Rule 73.1 Guardian's Compensation. Unless otherwise required by Applicable Law or as authorized by court order, a Guardian may not pay any guardian's fees or expense reimbursement from the Ward's property.

Geauga Probate Local Rule 73.2 Application for Payment of Guardian Compensation. Other than for a Ward who is Indigent (see Geauga Probate Local Rule 73.5 below), when applying for a court order to pay compensation or reimburse expenses, the Guardian shall use GC Form "GC PF 15.16 - Application for Guardian Compensation." The Guardian shall provide on Exhibit A for that application a line item description setting forth the date the services were performed, a description of the services, and the time spent in rendering the services, and if applicable a description and evidence of expenses to be reimbursed. The Court may require that application be set for hearing, in which case the Guardian or conservator, as the case may be, shall give notice to all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

Geauga Probate Local Rule 73.3 Co-Guardians. Except as otherwise permitted by the Court, the compensation of co-guardians in the aggregate may not exceed the compensation that would have been payable if only one Guardian had been performing the duties.

Geauga Probate Local Rule 73.4 Limitations. The Court may not consider, approve, or permit the payment of any guardian's fee during any period in which the Guardian is delinquent in performing any obligation within the time period required by Applicable Law or in which the Guardian is otherwise not in full compliance with the requirements in these Geauga Probate Local Rules. The Court may reduce or deny guardian's fees if the Court determines that the Guardian has not faithfully discharged the duties of the office. Moreover, the Court may reduce any compensation otherwise due a Guardian if the Court determines that the Guardian has delegated duties that the Guardian is commonly expected to perform.

Geauga Probate Local Rule 73.5 Indigent Ward. The Guardian's compensation for a Ward, who is indigent, may be paid from the county's Indigent Guardianship Fund. The Guardian's compensation for a calendar year may not exceed the sum of (i) $400 and (ii) $50 per visit; provided, however that the total guardian's compensation for any calendar year may not exceed $600. The Guardian must obtain a court order to receive such compensation, which shall be obtained by filing with the Court (i) GC Form "GC PF 15.16A – Application for Payment of Fees from Public Funds," and (ii) GC Form "GC PF 15.16B – Service Summary. The Guardian shall file those forms no later than January 15 for services rendered during the preceding calendar year. The Guardian may apply for a court order authorizing additional guardian's compensation by filing with the Court GC Form "GC PF 15.16 - Application for Guardian Compensation."

Superintendence Rule 74
Trustee's Compensation

Geauga Probate Local Rule 74.1 Trustee's Compensation. Unless otherwise required by Applicable Law or as authorized by court order, the Court generally allows Trustee's compensation in accordance with the following schedule for each accounting period unless the trust agreement provides otherwise:

A. $9.50 per $1,000 on the first $200,000 of fair market value of the trust property;
B. $7.50 per $1,000 on the next $800,000 of fair market value of the trust property; and
C. $5.50 per $1,000 of fair market value of the trust property in excess of $1,000,000 of the fair market value of the trust property.

The Trustee shall submit a separate schedule showing the computation of Trustee's compensation together with the Trustee's account for the period that the Trustee has paid Trustee compensation.

Geauga Probate Local Rule 74.2 Adjustments. The Court may allow an adjustment to Trustee's compensation in an amount equal to one percent of the fair market value of any distribution or payment from the trust property. That amount shall be charged against and deducted from that distribution or payment. Except as the Court orders otherwise, a corporate Trustee that provided a service that invests all available income or principal cash on a daily basis may be allowed as compensation an amount equal to one-half of one percent on an annual basis of the amount invested, but not in excess of $100 per month.

Geauga Probate Local Rule 74.3 Computation of Fair Market Value. For the purpose of computing the Trustee's compensation, the Trustee shall determine fair market value of the trust property as of a date that the Trustee determines, such date to be during the month of the original receipt of trust property and each anniversary date thereafter. The Trustee may make fee calculations on a quarterly basis, each calculation to be coordinated with the original annual calculation date as selected by the Trustee. If the Trustee selects that option, then the Trustee shall continue to compute the Trustee's fee on a quarterly basis, unless upon application the Court allows a change in the fee calculation method.

Geauga Probate Local Rule 74.4 Additional Compensation. A Trustee may apply for additional compensation for extraordinary services rendered using GC Form "GC PF 42.5 - Application for Additional Compensation." If the Court sets a hearing date, then the applicant shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

Geauga Probate Local Rule 74.5 Co-Trustees. The compensation of co-Trustees in the aggregate may not exceed the compensation that would have been payable if only one Trustee has been acting, except in the following instances: (i) where the trust agreement, under which the co-Trustees are acting, provides otherwise; or (ii) where all the Interested Persons have consented in writing to the amount of the co-Trustees' compensation.

Geauga Probate Local Rule 74.6 Limitations. The Court will not consider, approve, or permit the payment of any trustee's fee during any period in which the Trustee is delinquent in performing any obligation within the time period required by Applicable Law or in which the Trustee is otherwise not in full compliance with the requirements in these Geauga Probate Local Rules. The Court may reduce or deny trustee's fees if the Court determines that the Trustee has not faithfully discharged the duties of the office. Moreover, the Court may reduce any

compensation otherwise due a Trustee if the Court determines that the Trustee has delegated duties that the Trustee is commonly expected to perform.

Superintendence Rule 75
Local Rules

The Court does not have any additional requirements regarding Sup. R. 75.

Superintendence Rule 76
Exceptions to the Rules

Geauga Probate Local Rule 76.1 Exceptions by Court. The Court may make exceptions to these Geauga Probate Local Rules in circumstances in which the Court determines that the strict application of a particular Geauga Probate Local Rule would be prejudicial to a party or otherwise would not facilitate the fair administration of justice.

Geauga Probate Local Rule 76.2 Exceptions by Party. Upon application of a party, the Court may grant exceptions to these Geauga Probate Local Rules upon a showing of Exceptional Circumstances that would make strict application of a particular rule prejudicial to the party. The Court may require a hearing on the application or may rule on the application without hearing. If the Court sets a hearing date, then the applicant shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

Geauga Probate Local Rule 76.3. Emergency Modification. As the result of any natural disaster, public unrest, public health issue, or other catastrophic event that has a material adverse effect upon the Court's conduct of its business, by published court order the Court may deviate from, modify, or conduct the Court's business in a manner that is contrary to, any one or more of these Geauga Probate Local Rules without the need for amending these rules, until such time as the Court determines, by subsequent published court order, that it can resume its business in accordance with these Geauga Probate Local Rules. Moreover, the Court may modify or waive the application of any of these Geauga Probate Local Rules for a particular case, with or without a written entry. Modification or waiver in one circumstance does not create a precedent that the Court will grant a modification or waiver in similar or different circumstances. To the extent that a court order conflicts with a Geauga Probate Local Rule, that court order prevails.

Superintendence Rule 77
Compliance

Geauga Probate Local Rule 77.1 General. This Geauga Probate Local Rule applies in all instances in which a Fiduciary is delinquent in filing an account, inventory, certificate of notice of probate of will, report or, any other mandatory filing within the time required by Applicable Law, including these Geauga Probate Local Rules, or by court order. As used in this Geauga Probate Local Rule, the word Fiduciary also means co-Fiduciary or any applicant in a non-fiduciary relationship who as a result of the type of probate proceeding in which they are engaged are required by Applicable Law to file a document with the Court.

A. The purpose of this Geauga Probate Local Rule is to encourage a Fiduciary to timely perform the Fiduciary's obligations and to assure the prompt administration of probate matters. This Geauga Probate Local Rule creates a uniform process for addressing noncompliance.

B. If a Fiduciary is represented by an attorney, then this Geauga Probate Local Rule also applies to that Fiduciary's Attorney.

C. Except as otherwise required by Geauga Probate Local Rules 64.2 through 64.4, Fiduciaries may apply for an extension of time to file a required document in the manner provided in the Geauga Probate Local Rules, including Geauga Probate Local Rule 56.1, before issuance of a citation without consequence or after issuance of the citation with the financial consequences stated in this Geauga Probate Local Rule. If the Court grants the extension, then the Fiduciary and the Attorney will not be out of compliance as long as the filing is made on or before the new filing due date stated in the court order granting the extension.

D. All citation fees and sanction fees that the Court imposes under Geauga Probate Local Rules 77.3 to 77.5 are the personal responsibility of each Fiduciary and the Attorney in that case, each of whom shall separately pay the full amount of the stated cost or sanction from their personal funds. No citation or sanction fees under this Geauga Probate Local Rule may be paid from, reimbursed by or charged against the estate, guardianship, conservatorship, trust, or any other Person.

Geauga Probate Local Rules 77.2 Citation Process. Generally, the Court will issue the citation to the Fiduciary and the Attorney after expiration of the required due date. Typically, the citation will identify the filing that is overdue and will order the Fiduciary to file the required document. The citation may also specify a grace period from issuance of the citation, within which time the Fiduciary may file the overdue document upon payment of a citation fee, but without any sanction fee. The citation may specify the date and time of the citation hearing if the filing is not made before the hearing date.

Geauga Probate Local Rule 77.3 Filing During Grace Period. During the grace period, a Fiduciary may file the overdue document or request an extension of time to file as noted below.

A. Filing Overdue Document. The Fiduciary may file the overdue document during the grace period. In addition to the normal filing fee for that document, the Court may also assess a citation fee of $20 per responsible Person.

B. Filing Application for Extension of Time. The Fiduciary may file the appropriate application for extension of time to file the overdue document during the grace period. In addition to the normal filing fee for the extension, the Court may also assess an additional citation fee of $20 per responsible Person.

Geauga Probate Local Rule 77.4 Filings After Grace Period. After expiration of the grace period, but before the citation hearing, a Fiduciary may file the overdue document or request an extension of time to file as noted below.

A. Filing Overdue Document. The Fiduciary may file the overdue document after the grace period, but no less than three Court Days before the citation hearing date. In addition to the normal filing fee for that document, the Court may assess a citation fee of $25 per responsible Person, plus a sanction fee of $50 per responsible Person.

B. Filing Application for Extension of Time. The Fiduciary may file the appropriate application for extension of time to file the overdue document after the grace period, but no less than three Court Days before the citation hearing date. In addition to the normal filing fee for the extension, the Court may also assess an additional citation fee of $25 per responsible Person, plus a sanction fee of $50 per responsible Person.

C. Filing Up to Citation Hearing. If not filed within three Court Days before the citation hearing date, then the Fiduciary may file the overdue document or may file the appropriate application for extension of time to file the overdue document before the citation hearing. In addition to the normal filing fee for the overdue document or extension, the Court may also assess an additional citation fee of $25 per responsible Person, plus a sanction fee of $100 per responsible Person.

Geauga Probate Local Rule 77.5 Citation Hearing. The Court will conduct a hearing on all citations in which the Fiduciary fails to file an overdue document or application for extension of time to file the overdue document within the times described in Geauga Probate Local Rules 77.3 or 77.4.

A. Continuance of Hearing. A Fiduciary and the Attorney may request a continuance of a citation hearing by filing GC Form “GC PF 41.4 - Application for Extension of Time – Non-Litigation” no less than five Court Days before the scheduled citation hearing. Typically, the Court will only grant a continuance of the citation hearing upon a showing of Exceptional Circumstances.

B. Who Shall Appear. Unless the Court orders otherwise, (i) the Fiduciary and the Attorney shall appear in person at all citation hearings, (ii) the in-person appearance requirement applies to all Fiduciaries and Attorneys, regardless of where they reside, (iii) in cases in which there are Co-Fiduciaries, all of the Fiduciaries shall attend, and (iv) the Attorney may not send any other attorney in his or her place.

C. Failure to Appear. Failure of the Fiduciary or the Attorney to appear in person at the citation hearing constitutes contempt of court.

D. Citation Hearing Order. At the conclusion of the citation hearing, the Court may issue an order imposing, at a minimum, citation fees of $35 per responsible Person, plus sanction fees of $100 per responsible Person. The court order may also set a deadline by which the Fiduciary shall file the overdue documents. The Court may also issue further orders as the Court deems necessary under the circumstances.

E. Per Diem Sanction. If the Fiduciary fails to file the overdue documents before expiration of the deadline set in the Court’s citation order, the Court may assess against the Fiduciary and the Attorney an additional sanction fee of $10 per day until the overdue documents are filed.

F. Payment. Persons who are fined shall pay all citation and sanctions fees before or simultaneously with filing the overdue document.

G. Further Sanctions. The Court may impose further sanctions pursuant to R.C. §2109.31(C) as the Court deems warranted under the circumstances of the case.

Superintendence Rule 78
Case Management

Geauga Probate Local Rule 78.1 General Provisions. These Geauga Probate Local Rules govern case management of all proceedings and other matters in this Court that are not addressed elsewhere in these Geauga Probate Local Rules or the Rules of Superintendence for the Courts of Ohio.

A. Status Conference. A Fiduciary or the Fiduciary's Attorney in a probate proceeding, including an estate, guardianship, conservatorship, or trust proceeding may request a status conference with the Court to discuss unique issues or unanticipated problems with the case using and filing with the Court GC Form "GC PF 4.23 - Application for Status Conference." The Court may schedule a status conference on its own motion at any time and for any reason by written notice to the Fiduciary and the Attorney. A status conference is not a formal hearing for purposes of these Geauga Probate Local Rules.

B. Review Hearing.

1. Any Person having a financial or personal interest in a decedent's estate, conservatorship, or trust proceeding who has Reasonable Cause to believe that a Fiduciary has engaged in any act of wrongdoing, neglect, or other misconduct may request a review hearing. If a Person having a financial or personal interest in a guardianship believes that the guardian has engaged in any act of wrongdoing, neglect, or other misconduct, then that Person shall proceed under Geauga Probate Local Rule 66.1(G).

2. The Court may schedule a review hearing on its own motion at any time and for any reason. A review hearing is a formal hearing for purposes of these Geauga Probate Local Rules.

3. All requests for a review hearing shall be submitted to the Court using GC Form "GC PF 4.24 - Application for Review Hearing." The Filer of that application shall also deliver a copy of that application to the Fiduciary and the Attorney on or before filing it with the Court and provide the Court with a certificate of service. The Court will not accept any other form of communication regarding allegations of Fiduciary wrongdoing, neglect, or other misconduct. The Court will not pursue any anonymous allegations without a clear showing of circumstances that pose a significant danger of harm to the requesting Person or other Person.

4. Upon receipt of an application for a review hearing, the Court will determine whether the request presents sufficient allegations of misconduct that, if true, warrant the Court's attention and action. If the Court determines that it does, then the Court will schedule a review hearing. If the Court determines that the allegations do not rise to a level warranting a hearing, then the Court may forego a hearing and explain to the requesting Person the reasons for its decision. If the Court sets the matter for hearing, the applicant shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service.

C. Hearings. This Geauga Probate Local Rule applies to all hearings in this Court.

1. The Court will conduct a hearing on all matters where a hearing is required by Applicable Law or when the Court otherwise sets the matter for hearing. Any party may request a hearing in other circumstances in its pleadings, or by separate application or motion, stating specifically the reason

that the requesting party believes a hearing is necessary or would be beneficial to resolving the matter. If a hearing is not required by Applicable Law and is not requested by a party, then the Court may rule on any matter without a hearing.

2. Prompt notice of all hearings shall be provided to all Interested Persons in accordance with Civ. R. 73(E). The Court may direct that notice of the hearing be given to other Persons. Unless (i) the Court is required by Applicable Law to provide the notice or (ii) these Geauga Probate Local Rules expressly provide otherwise, the proponent of the hearing shall provide written notice to all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" and provide the Court with Proof of Service.

D. Manner of Hearings and Conferences.

1. Check In. All participants of a hearing or conference to be held in person before the Judge or magistrate shall check in at the Court's front desk no less than 10 minutes before the scheduled hearing time. The Court may not delay starting a hearing due to the tardiness or absence of a participant, Attorney, or witness, unless there is a clear showing of Exceptional Circumstances that justify the delay.

2. Appearance by Telephone. If the Court has scheduled a hearing or conference to be conducted in person before the Judge or magistrate, then the Court may permit an appearance by telephone in certain situations in which in-person attendance would be an undue burden or expense. Any person desiring to appear at a hearing or conference by telephone shall make a written request by: (i) preparing and filing with the Court GC Form "GC PF 41.3 - Application to Appear by Telephone" no less than three Court Days before the hearing, (ii) notifying all other parties and Attorneys of such filing by delivering to them a copy of that application no later than two Calendar Days after filing that application, and (iii) providing the Court with Proof of Service. However, the Court may allow an appearance by telephone without compliance with the preceding sentence based upon the Court's determination of an acceptable circumstance. If a statute requires a personal appearance for a hearing, then the Court will not grant that application, except when the Court determines it is an Exceptional Circumstance.

3. Electronic Hearings or Conferences. On a case-by-case basis or by published court order, the Court may determine to conduct hearings or conferences by electronic means such as the Court's Webex system, Zoom (or similar electronic conferencing), or by telephone.

E. Objection to Magistrate's Order or Decision.

1. To file an objection to a magistrate's order or decision, a party shall file objections to a magistrate's order or decision in the manner set forth in Civ. R. 53 and in these Geauga Probate Local Rules.

2. The objection shall be accompanied by a supporting memorandum, clearly and specifically stating all grounds for the objection. The Court may dismiss a broad objection that lacks the required specificity.

3. If a transcript is necessary to support the objections, then the objecting party shall have the written transcript prepared in accordance with Geauga Probate Local Rule 11.1, unless the Court orders otherwise. The transcript shall be filed with the Court no later than 30 Calendar Days after filing the

objections, unless the Court grants an extension. Failure to file the transcript within the required time is grounds for dismissal of the objections.

4. The objecting party will have 10 Calendar Days after the date of filing the transcript in which to supplement its objections with additional information in or citations to the transcript. The opposing party will have 10 Calendar Days after the objecting party files its objections to file a memorandum in opposition to the objections. All parties shall serve their objections upon all other parties and their attorneys and provide the Court with a certificate of service no later than two Calendar Days after filing the objection.

5. The Court will only hold a hearing on the objections if a party specifically requests a hearing in its memorandum in support or in opposition to the objections. The Court may set the matter for hearing on its own motion, even if not requested by any party. Unless the Court is required by Applicable Law to provide the notice, the proponent of the hearing shall provide written notice to all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" and provide the Court with Proof of Service.

Geauga Probate Local Rule 78.2 Limitation on Payment of Professional Fees and Expense Reimbursement. Unless the Court orders otherwise and except as otherwise provided in sub-paragraph (C) below, the following applies to professional or other appointee compensation and expense reimbursement.

A. No Fiduciary may pay compensation to a professional or other appointee for services rendered or reimburse for expenses or costs incurred without first obtaining a court order authorizing such payment; provided further, that in any event, unless the Court orders otherwise, a Fiduciary may not pay such compensation and related expenses while an account is overdue, or an inventory is outstanding. To obtain a court order, the Fiduciary shall file an application to approve payment of such compensation and expense reimbursement using GC Form "GC PF 4.27 - Application to Pay Professional/Appointee Compensation." The applicant shall attach to that application an invoice from the professional or other appointee, which contains a detailed listing of services performed and expenses incurred, including: (1) the time spent for each service, and the hourly rate (unless another method of calculating the compensation was pre-approved by the Court), and (2) a description of expenses and costs incurred. If the Court sets the matter for hearing, then the applicant shall notify all Interested Persons of the hearing date using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Court Days before the hearing and provide the Court with Proof of Service.

B. Both the Fiduciary and the professional or other appointee shall sign that application for court order. If the professional or other appointee cannot obtain the Fiduciary's signature or written consent, then the professional or other appointee may file a motion for payment; provided that the motion contains: (i) a proposed GC Form "GC PF 4.27 - Application to Pay Professional/Appointee Compensation," and (ii) an explanation of why the Fiduciary has not signed or consented. On or before filing with the Court, the professional or other appointee shall deliver a copy of that application to the Fiduciary and file a certificate of service with the Court. If either (i) the Fiduciary, the professional, or other appointee, or another Interested Person files a request for a hearing no later than five Calendar Days after the filing of the motion, or (ii) the Court on its own motion for any reason (including the compensation requested appears to be excessive) requires a hearing, then the Court may set the matter for hearing. In that event, the movant shall notify the Fiduciary of the hearing date using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Court Days before the hearing and provide the Court with Proof of Service.

C. This Geauga Probate Local Rule 78.2 is not applicable to an (i) attorney who renders legal services who is paid in accordance with Geauga Probate Local Rules 71.1 and 71.2, or (ii) appraiser who qualifies and is paid in accordance with Geauga Probate Local Rules 61.1 and 61.3.

Geauga Probate Local Rule 78.3 Self-Representation. The Geauga Probate Local Rules apply to all Persons who represent themselves in any probate matter in the Court without an attorney.

A. All Persons desiring to represent themselves in any probate proceeding are permitted to do so.

B. In order to assure the fair and impartial administration of justice, the Court will hold self-represented Persons to the same standards that apply to Attorneys and Persons represented by attorneys in probate proceedings. All Applicable Law applies equally to self-represented Persons and to Persons represented by attorneys.

C. Self-represented Persons may retain an attorney to represent them at any point during a probate proceeding. Upon receiving a notice of appearance from the Attorney, the Court will grant accommodations that are reasonably necessary to enable that Attorney to become familiar with the case, to the extent that the accommodations do not prejudice the rights of any other Interested Person.

Geauga Probate Local Rule 78.4 Disability Accommodations. Persons with disabilities, special needs, or language barriers requiring the need for an interpreter shall notify the Court no less than 10 Court Days before any hearing, conference, or other proceeding to request reasonable accommodations. Persons who are incarcerated shall notify the Court no less than three Court Days before any hearing, conference, or other proceeding and request appearance and participation by telephone. Except for persons who are incarcerated, such persons shall deliver a copy of that notice to all Interested Persons, no less than five Calendar Days before any hearing and provide the Court with Proof of Service.

Geauga Probate Local Rule 78.5 Decedent's Estates. This Geauga Probate Local Rule addresses case management issues in decedent's estate cases, except as provided below in Geauga Probate Local Rule 78.5(E).

A. All Cases. Excluding a Short Form Release from Administration (see General Probate Local Rule 78.28), the following requirements apply to all decedent's estate administration cases.

1. Death Certificate. A true and accurate copy of the decedent's death certificate shall accompany the initial filings. The Filer shall reduce the copy to an 8.5 by 11-inch paper and shall redact from the death certificate the decedent's social security number before filing.

2. SC Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees."

a. The Filer shall prepare and file SC Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees."

b. The Clerk will not accept for filing SC Form 1.0 if (i) the front page lists a surviving spouse or a lineal descendant of the decedent, and (ii) one of the boxes at the bottom of the front page is not checked.

c. The Filer shall list on the front page of SC Form 1.0 the name of any predeceased child and indicate in the "residence address" column next to that name the ~~word "Deceased."~~phrase (1) D.O.D and the date of death, and (2) if applicable, then the phrase "no lineal decedents." If a predeceased child has any lineal descendants, then the name of each of such lineal descendants (per stirpes), shall be listed immediately following the name of the predeceased child.

3. Digital Property.

a. Digital Asset Certification. Excluding an ancillary administration filed under R.C. Chapter 2129 where the only probate property in Ohio is real property, the Fiduciary shall prepare and sign a GC Form "GC PF 6.5 - Digital Asset Certification" and deliver it to the Clerk before or when filing the initial filing that describes the probate property (e.g., the inventory with a full administration"). After filing GC Form "GC PF 6.5 - Digital Asset Certification," the Fiduciary has a continuing duty to determine whether the decedent owned any Digital Assets and to inform the Court of any additional Digital Assets that are determined to be owned by the decedent.

b. Consent or Order for Distribution of Digital Assets. The Court deems the distribution of Digital Assets as "in kind" and governed by R.C. §2113.55. The Fiduciary may not distribute any Digital Assets unless: (1) the Fiduciary prepares, obtains all required signatures, and files with the Court the GC Form "GC PF 6.5A - Consent to Distribution of Digital Assets," or (2) obtains a court order authorizing such distribution, which may be obtained by filing SC Form 10.0 "Application to Distribute in Kind;" together with SC Form 10.1 "Order Approving Distribution in Kind;" provided however, that if decedent's will admitted to probate is uncontested, then to the extent that such will makes a specific bequest of any Digital Assets, then the Fiduciary need not obtain a court order or written consent in order to distribute such Digital Assets in accordance with that will. If the Court sets a hearing on the Application to Distribute in Kind, then the applicant shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Court Days before the hearing and provide the Court with Proof of Service. If the probate property is not sufficient to pay valid creditor claims and all statutory spousal and minor children rights, then the Fiduciary may not distribute any Digital Assets unless the Fiduciary obtains a court order authorizing such distribution, which may be obtained by filing SC Form 10.0 "Application to Distribute in Kind;" together with SC Form 10.1 "Order Approving Distribution in Kind."

c. Access to Digital Assets. If the Fiduciary requires a court order to access Digital Assets pursuant to R.C. §§2137.06 or 2137.07, then the Fiduciary shall prepare and file with the Court GC Form "GC PF 6.5B - Application for Access to Digital Assets - Estate."

4. Documents and Description. When the applicant or Estate Representative files (i) SC Form 5.10 – Application for Summary Release from Administration, (ii) SC Form 5.1 – Assets and Liabilities of Estate to be Relieved from Administration, and (iii) SC Form 6.1 – Schedule of Assets, the applicant or Estate Representative, as the case may be, shall provide the court with a copy of proof of ownership and a property description as follows:

a. Real Property. If the probate property includes real property, then the applicant or Estate Representative shall: (i) describe the real property on the applicable court document by the street

address and the tax parcel identification number, and (ii) file with the Clerk a copy of the most current county auditor's tax bill; provided that if the real property is in Geauga County, Ohio, then a copy of the "Tax Card," which is displayed *https://realestate.geauga.oh.gov/*, after completing the search. The Court may request that the applicant or Estate Representative obtain a title examination for the real property and file with the Court form "GF PF 50.3 – Certificate of Title – Inventory."

b. Vehicle. If the probate property includes a vehicle ("vehicle" includes any tangible personal property where title is evidenced by a certificate - e.g., automobile, motorcycle, truck, mobile home, RV, boat, trailers, etc.), then the applicant or Fiduciary shall: (i) file with the Clerk a copy of the certificate of title (or registration of title if certificate of title is unavailable); and (ii) describe the vehicle by the year, make, model, body type, manufacturer's vehicle identification number, to the extent applicable.

c. Financial Accounts. If the probate property includes a financial account, then the applicant or Estate Representative shall file with the Clerk a copy of the account statement with the account number redacted, except for the last four digits.

d. Stocks and Bonds. If the probate property includes a stocks or bonds, then the applicant or Estate Representative shall file with the Clerk a copy of the instrument of ownership if not held in a financial account.

5. Tangible Personal Property.

a. Tangible Personal Property Certification. Excluding an ancillary administration filed under R.C. Chapter 2129 where the only probate property in Ohio is real property, the Fiduciary shall prepare and sign a GC Form "GC PF 6.6 - Tangible Personal Property Certification" and deliver it to the Clerk when filing the initial filing that describes the probate property (e.g., the inventory with a full administration").

b. Consent or Order for Distribution of Tangible Personal Property. Tangible personal property is "in kind" and governed by R.C. §2113.55. The Fiduciary may not distribute any tangible personal property unless: (1) the Fiduciary prepares, obtains all required signatures, and files with the Court the GC Form "GC PF 6.6A - Consent to Distribution of Tangible Personal Property," or (2) obtains a court order authorizing such distribution, which may be obtained by filing the SC Form 10.0 "Application to Distribute in Kind," together with SC Form 10.1 "Order Approving Distribution in Kind;" provided however, that if decedent's will admitted to probate is uncontested, then to the extent that such will makes a specific bequest of any tangible personal property, the Fiduciary need not obtain a court order or written consent in order to distribute such tangible personal property in accordance with the will. If the Court sets a hearing on that Application for Order for Distribution in Kind, then the applicant shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Court Days before the hearing and provide the Court with Proof of Service. If the probate property is not sufficient to pay valid creditor claims and all statutory spousal and minor children rights, then the Fiduciary may not distribute any Tangible Personal Property unless the Fiduciary obtains a court order authorizing such distribution, which may be obtained by filing SC Form 10.0 "Application to Distribute in Kind;" together with SC Form 10.1 "Order Approving Distribution in Kind."

6. Supplemental Schedule of Assets. In all decedent's estate proceedings, the Court may order the Fiduciary to prepare and file a supplemental schedule of property that identifies the Digital Assets or Tangible Personal Property by preparing and filing GC Form "GC PF 6.1A - Supplemental Schedule of Assets," using a separate schedule for Digital Assets and tangible personal property.

7. Personal Identification. (see Geauga Probate Local Rule 78.10)

8. Decedent's Name. The decedent's name entered on the caption of an initial application and on the Letters of Authority, Entry Relieving Estate, or Entry Granting Summary Release shall be identical to (i) the death certificate, and (ii) if applicable, the decedent's will admitted to probate. If the name on the death certificate and the decedent's will are different, then those documents shall recite each of the names and use the applicable abbreviation for "also known as" (aka) or "formerly known as" (fka). The applicant may add to an initial application other variations of the decedent's name that appear on a deed, certificate of title, or financial accounts, in order to facilitate a transfer of title or distribution.

9. Medicaid Recovery. Except when represented by an Ohio Attorney who signs the application, an applicant, who files an application to commence the administration of a decedent's estate (including an application to Relieve Estate from Administration and a Summary Release from Administration), shall prepare and file GC Form "GC PF 4.29 - Medicaid Recovery Acknowledgment" together with that application to commence the administration of a decedent's estate. However, that requirement is not applicable to the filing of an Application for Authority to Administer Estate by an applicant who seeks to be appointed a special administrator as provided for in Geauga Probate Local Rule 60.4; provided, however that this requirement is applicable if subsequently the Court appoints an executor or administrator.

B. Summary Release from Administration. In addition to the requirements in sub-section A of this Geauga Probate Local Rule, the following requirements apply to all summary release from administration cases under R.C. §2113.031.

1. Funeral Bill. A copy of the funeral bill with proof that it has been paid in full and evidence of payment by the payor (e.g., cancelled check, receipt), or if not yet paid, a copy of the signed funeral services contract showing who is responsible for payment, shall be filed with the application for summary release. If a funeral director bill is not due and owing (e.g., the funeral director was prepaid or the decedent's body was donated and cremation costs were paid by a third party), then the Fiduciary shall deliver satisfactory evidence establishing that fact.

2. Will. The decedent's last will does not need to be presented for admission to probate in summary release cases. However, the original of the last will may be filed for record only.

3. Bond. A bond is not required, unless the Court orders otherwise - see Geauga Probate Local Rule 78.17(I).

4. Application for Approval of Funeral and Burial Expenses. If an applicant seeks court approval for additional funeral and burial expenses other than as included in the bill of the funeral director, and as permitted under R.C. §2113.031(A)(2)(b), then the applicant shall use and file with the Court GC Form "GC PF 5.12 - Application for Approval of Funeral and Burial Expenses."

5. Surviving Spouse Selection of Automobile. If the applicant is the surviving spouse and if the surviving spouse paid the funeral bill and the aggregate value of the probate property is less than the lesser of the funeral bill or $5,000, then the applicant shall prepare and file with the Court GC Form "GC PF 55.0 - Surviving Spouse Selection of Automobile."

6. Value of Probate Property. The applicant shall use date of death value for the probate property.

C. Release from Administration. In addition to the requirements in sub-section A of this Geauga Probate Local Rule, the following requirements apply to all release from administration cases under R.C. §2113.03.

1. Funeral Bill. A copy of the funeral bill with proof that it has been paid and evidence of payment by the payor (e.g., cancelled check, receipt), or if not yet paid in full, a copy of the signed funeral services contract showing who is responsible for payment, shall be filed with the application for release from administration. If a funeral director bill is not due and owing (e.g., the funeral director was prepaid or the decedent's body was donated and cremation costs were paid by a third party), then the Commissioner shall deliver satisfactory evidence establishing that fact.

2. Will. If the decedent had a will, then the Filer shall apply to have the last will admitted to probate in release from administration cases. (See R.C. §2113.03(F)). Notice by publication is not required in release from administration cases, unless the Court orders otherwise in a particular case. The Court may order service of notice by posting the notice on the Court's Website, in which case the commissioner shall file with the Court an Affidavit as required by Civ. R. 73(E)(6), using GC Form "GC PF 62.0 - Affidavit for Notice by Publication" with a copy of the applicable notice attached, and instructions, using GC Form "GC PF 62.1 - Instructions for Service by Publication." See Geauga Probate Local Rule 78.14.

3. Notice of Filing of Application. Regarding R.C. 2113.03(B), to the extent that the notice of filing of the Application to Relieve Estate from Administration (i.e., SC Form 5.3) is not waived by the surviving spouse, if any, and all Next of Kin, the Court directs that: (1) such notice be delivered no sooner than two weeks before the hearing date, in accordance with Civ. R. 73(E)(3), or if necessary, under Civ. R. 73(E)(4) and (5), to each person entitled to notice, who has not waived such notice, and the applicant shall provide the Court with Proof of Service; and (2) if such notice cannot be delivered to the surviving spouse or any Next of Kin, then the commissioner shall publish notice on the Court's website by filing form "GC PF 62.0 - Affidavit for Notice by Publication," together with a copy of that notice, in which case publication of notice must be at least three weeks before the hearing date. If notice by publication is made on the Court's website, then the Court deems notice by publication in a newspaper of general circulation to be unnecessary.

4. Report of Distribution. The commissioner shall file GC Form "GC PF 5.9 - Report of Distribution" in all release from administration cases no later than the earlier of (i) 30 Calendar Days after completing all disbursements, or (ii) 90 Calendar Days after the signing of the entry relieving the estate from administration.

5. Background Certification and Records Check. (see Geauga Probate Local Rule 78.11).

~~6. Estate Checking Account. Except if (i) the Commissioner is the sole Next of Kin or sole vested Beneficiary of the estate, or (ii) all of the probate property is real estate or tangible personal property~~

~~that will be distributed to beneficiaries or next-of-kin and no checks need be deposited in an account or paid from an account, the Commissioner shall establish and use an estate checking account for the receipt and disbursement of all funds including sale proceeds, checks payable to the decedent, the payment of all expenses, cost, fees, reimbursements, and distributions. As soon as possible, the Commissioner shall close out all the decedent's bank accounts and financial accounts and deposit the proceeds into the estate checking account.~~

~~7.~~6. Evidence of Value. Rather than appraisal, if real property is listed, then the Fiduciary may use the most recent tax value for real property shown on the property records of the County Auditor in the county in which the real property is located as the fair market value of the real property. The Fiduciary shall deliver to the Clerk a copy of the Auditor's property record (e.g., real estate tax bill, Geauga REALink). If a vehicle is listed, then the Fiduciary may use and deliver to the Court a copy of the average trade-in value as shown on any recognized valuation resource for motor vehicles (including motorcycles, RVs, trailers, watercraft, etc.) as the fair market value of the motor vehicle (e.g., Kelley Blue Book).

~~8.~~7. Value of Probate Property. The applicant shall use current value for the probate property.

D. Full Administration. In addition to the requirements in sub-section A of this Geauga Probate Local Rule, the following requirements apply to all full administration cases.

1. Inventory.

a. Appraisement.

1. Mandatory Filing. Except to the extent that probate property has a readily ascertainable value, before filing SC Form 6.0 - "Inventory and Appraisal," the Fiduciary must file with the Court either: (i) SC Form 3.0 - "Appointment of Appraiser," or (ii) GC Form "GC PF 4.7 - Application for Order Dispensing with Appraisement," or both such forms when appropriate.

2. Appraisal May Not Be Required for Certain Property. Certain property that does not have a readily ascertainable value may be valued without an appraisal, as described below;

a. Real Property. The Fiduciary may use the most recent tax value for real property shown on the property records of the County Auditor in the county in which the real property is located as the fair market value of the real property (e.g., real estate tax bill nearest the date of death, Geauga REALink).

b. Vehicles. The Fiduciary may use and deliver to the Court the average trade-in value as shown on any recognized valuation resource for vehicles ("vehicle" includes motorcycles, mobile home, RVs, trailers, watercraft, etc.) as the fair market value of the vehicle (e.g., Kelley Blue Book).

c. Tangible Personal Property or Digital Assets. Unless otherwise ordered by the Court, in estates where the Fiduciary determines, in good faith, that the total fair market value of all the decedent's (i) tangible personal property (e.g., household goods, clothing, jewelry, collections, etc.) is less than $5,000, or (ii) Digital Assets is less than $5,000, the decedent's tangible personal property household goods, clothing, jewelry and Digital

Assets may be considered property the value of which is readily ascertainable, and thus need not be appraised, provided, however, that if the Digit Asset is crypto-currency, then the Fiduciary must deliver evidence of date of death value.

d. Objection to Value. Notwithstanding the preceding three subparagraphs, if an Interested Person objects to any such determination of value and files an exception to the inventory pursuant to R.C. §2115.16, then the Court may order the Fiduciary to obtain an appraisal for those items objected to.

b. Date of Death Value. The Fiduciary shall use date of death value for the probate property listed on the inventory.

c. Fractional Interest. On the schedule of property, if the decedent/ Ward/Trustee owned less than the entire interest in a particular real property, then the property description shall describe the fractional interest that the decedent/Ward/Trustee owned or owns and the fair market value of that fractional interest.

d. Notice of Hearing on Inventory. While the Fiduciary may notify other persons as permitted by R.C. §2115.16, except to the extent that the Interested Persons (defined below) waived notice by signing (i) SC Form 6.0 - "Inventory or Appraisal" or (ii) SC Form 6.2 "Waiver of Notice of Hearing on Inventory," the Fiduciary shall serve notice of the hearing date in accordance with Geauga Probate Local Rule 78.13, no less than 10 Calendar Days before the hearing date, upon those Interested Persons who did not sign that waiver, using SC Form 6.3 "Notice of Hearing on Inventory," and provide the Court with Proof of Service. For the purpose of this Geauga Probate Local Rule 78.5(D)(1)(e), Interested Persons means:

1. If the decedent died intestate, then the decedent's Next of Kin as determined under R.C. §2105.06; or

2. If the decedent died testate, then the decedent's Next of Kin and the vested Beneficiaries, except that if the will contest period has expired and no will contest is pending, then only the vested Beneficiaries; and

3. In each instance, only Interested Persons whose address is known.

2. Distribution. Unless the Court orders otherwise, the Fiduciary may not distribute probate property to a Next of Kin, Beneficiary, creditor, or to the surviving spouse (or minor children) under R.C. §2106.13, until the inventory and appraisal is filed and approved.

3. Background Certification and Background Check. (see Geauga Probate Local Rule 78.11)

4. Estate Checking Account. Except if the Fiduciary may file a Certificate of Termination as permitted by R.C. 2109.301(B)(2), the Fiduciary shall establish and use an estate checking account for the receipt and disbursement of all funds including the deposit of all sale proceeds, checks payable to the decedent, decedent's cash, and the payment of all expenses, costs, fees, reimbursements, and distributions. As soon as possible, the Fiduciary shall close out all the decedent's bank accounts and other financial accounts and deposit the proceeds into the estate checking account. Unless the Court

permits otherwise by court order pertaining to the estate, the Fiduciary shall (i) pay all estate creditors, costs, fees, reimbursements, distributions and all other credits by (a) check drawn upon the estate checking account or (b) wire transfer from the estate checking account (so long as there is documentation that sets forth the recipient of the funds), and (ii) not (a) make any cash withdrawals from the estate checking account, including any check for cash, counter withdrawals for cash, or ATM cash withdraws, or (b) establish or use for estate purposes any debit or credit cards.

E. Application For Certificate of Transfer - R.C. 2113.61(D). If (i) an applicant files form SC 12.0 - Application For Certificate Of Transfer as permitted under R.C. 2113.61(D), together with SC 12.1 - Certificate of Transfer and GC Form "GC PF – Entry Issuing Certificate of Transfer," and (ii) the applicant indicates on that form SC 12.0 that "There has been no administration and none is contemplated [R.C. 2113.61(D)]," then together with that form SC 12.0, the applicant shall do and file the following:

1. Death Certificate. A true and accurate copy of the decedent's death certificate. The Filer shall reduce the copy to an 8.5 by 11-inch paper and shall redact from the death certificate the decedent's social security number before filing.

2. SC Form 1.0. The Filer shall prepare and file SC Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees;" prepared in the manner set forth in Geauga Probate Local Rule 78.5(A)(2).

3. Decedent's Will. The applicant shall make a good faith effort (including searching the Court's Will Index) to determine if the decedent died with a valid Will. If so, the applicant shall prepare and file form SC 2.0 - Application to Probate Will, together with the original Will, and prepare and file all other documents required by Applicable Law that are needed to have that Will admitted to probate.

4. Form GC PF 4.29 - Medicaid Recovery Acknowledgment. Except when represented by an Ohio Attorney, the Filer shall prepare and file GC PF 4.29 - Medicaid Recovery Acknowledgment.

5. Copy of Deed – The Filer shall file a copy of the deed for the real property, and if not indicated on that deed, then the street address and the tax parcel identification number. In any case the Court may request that the Fiduciary obtain a title examination for that real property and file with the Court form "GF PF 50.3 – Certificate of Title – Inventory."

6. Evidence of Ownership. The Filer shall file a copy of evidence of decedent's current ownership of the real property, which is either (i) the most recent county auditor's tax bill for the real property; provided that if the real property is in Geauga County, Ohio, then a copy of the "Tax Card," which is displayed *https://realestate.geauga.oh.gov/*, after completing the search, or (ii) a current preliminary title report for the real property indicating decedent as the current owner.

In any event, the form SC 12.0 – "Application for Certificate of Transfer" may not be filed until more than six months after the date of death. Moreover, by signing and filing that form SC 12.0, the applicant certifies to the Court that the applicant has (i) made a reasonable effort to determine whether the Ohio Medicaid Estate Recovery Unit of the Ohio Department of Medicaid has any claim against the decedent's estate and (ii) determined that there is no such claim.

Geauga Probate Local Rule 78.6 Withdrawal of Fiduciary. This Geauga Probate Local Rule governs the withdrawal of a Fiduciary in a probate proceeding before the Court (e.g., a decedent's estate, guardianship, conservatorship, trust, etc.).

A. Voluntary Withdrawal.

1. Application. A Fiduciary may not voluntarily withdraw without prior Court approval. If a Fiduciary desires to withdraw as such, then the Fiduciary shall: (1) prepare and file with the Court GC Form "GC PF 4.20A - Application to Withdraw as Fiduciary," which shall demonstrate Reasonable Cause for the withdrawal and (ii) deliver a copy of that application to all Interested Persons in the manner provided for in Civ. R. 73(E) and provide the Court with a certificate of service.

2. Notice of Hearing. The Court may approve or deny that application without a hearing or may set the matter for hearing. If the Court sets the matter for hearing, then the Fiduciary shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Court Days before the hearing and provide the Court with Proof of Service.

3. Condition to Approval. The Court may not approve the Fiduciary's withdrawal if the Fiduciary is not current with all filings required by Applicable Law or by these Geauga Probate Local Rules. The Court may order the Fiduciary to submit a complete accounting for the period from the last accounting through the effective date of the withdrawal, and the Court may not approve the withdrawal until the Court has appointed a successor Fiduciary.

B. Involuntary Withdrawal. Once the Court receives written notice that a Fiduciary is deceased, becomes disabled, is seriously ill, or that other similar circumstances beyond the Fiduciary's control have occurred, which make it impossible for the Fiduciary to fulfill his or her duties, that Fiduciary will be deemed to have involuntarily withdrawn and will have no further duties as such other than, to the extent possible, reasonably cooperate with and assist a successor Fiduciary.

C. Successor Fiduciary. Unless the Court orders otherwise, no later than 10 Calendar Days after appointment, a successor Fiduciary shall promptly deliver notice of the substitution to all Attorneys, unrepresented parties, and all other Interested Persons using GC Form "GC PF 4.26 - Notice of Substitution," and provide the Court with Proof of Service.

Geauga Probate Local Rule 78.7 Withdrawal of Counsel. This Geauga Probate Local Rule governs the withdrawal of an Attorney for any party to a probate proceeding before the Court (e.g., a decedent's estate, guardianship, conservatorship, trust, etc.).

A. Voluntary Withdrawal.

1. Application. An Attorney may not voluntarily withdraw as Attorney for a Fiduciary or any other party to a probate proceeding without prior Court approval. If the Attorney desires to withdraw as such, then that Attorney shall: (i) prepare and file with the Court GC Form "GC PF 4.20B - Application to Withdraw as Legal Counsel," which shall demonstrate Reasonable Cause for the withdrawal and (ii) deliver a copy of that application to all Interested Persons in the manner provided for in Civ. R. 73(E) and provide the Court with a certificate of service.

2. Notice of Hearing. The Court may approve or deny that application without a hearing or may set the matter for hearing. If the Court sets the matter for hearing, then the Attorney shall notify all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Court Days before the hearing and provide the Court with Proof of Service.

3. Time Limitation. An Attorney may not withdraw less than 30 Calendar Days before any trial or dispositive hearing, unless the Attorney shows to the Court's satisfaction that Exceptional Circumstances exist.

B. Involuntary Withdrawal. Once the Court receives written notice that an Attorney is deceased, is seriously ill, or that other similar circumstances beyond the Attorney's control have occurred that make it impossible for the Attorney to fulfill his or her duties, that Attorney will be deemed to have involuntarily withdrawn and will have no further duties as such other than, to the extent possible, reasonably cooperate with and assist a successor attorney.

C. Substitution of Counsel. An Attorney's client may engage the services of another attorney, who shall file a notice of appearance with the Court. The new Attorney shall deliver written notice of engagement to all Interested Persons, including all other Attorneys, no later than five Calendars Days after engagement and provide the Court with a certificate of service.

Geauga Probate Local Rule 78.8 Mental Illness Cases. This Geauga Probate Local Rule governs proceedings initiated under R.C. Chapter 5122.

A. Affidavit of Mental Illness. The Filer of an Affidavit of Mental Illness, pursuant to R.C. §5122.11, shall be the person who signed that affidavit, using GC Form "GC PF 17.2 - Affidavit of Mental Illness."

B. Sheriff's Information. If the person, who is alleged to be a "*mentally ill person subject to court order,"* is not hospitalized, then the Filer of the Affidavit of Mental Illness shall prepare and file, together with the Affidavit of Mental Illness, the GC Form "GC PF 17.3 - Sheriff's Information."

C. Certificate of Examination. The Court does not require a Certificate of Examination, as contemplated by the second paragraph of R.C. §5122.11, to be attached to or filed with an Affidavit of Mental Illness.

Geauga Probate Local Rule 78.9 Adult Protective Services. This Geauga Probate Local Rule governs proceedings initiated under R.C. §5101.68.

A. Upon the filing of a Petition for Protective Services pursuant to R.C. §5101.68, the Court may appoint the Filer to personally serve the petition and notice on the adult named in the petition using GC Form "GC PF 23.8 - JE - Process-Server."

B. Geauga County Job and Family Services ("JFS") shall provide the Court with the name of the adult's Attorney, caretaker, and spouse, if known. If none exist or are unknown, then JFS shall provide the Court with a precipe for service using GC Form "GC PF 23.10 - Precipe."

C. JFS shall serve the petition and special notice on the adult using GC Form "GC PF 23.9 - Adult Protective Notice," and orally advise the adult of information contained on the notice.

Geauga Probate Local Rule 78.10 Personal Identification. Unless the Court orders otherwise, and except when

the applicant is represented by an Ohio Attorney, who signs the application, the Court will not accept for filing an Application:

- for Authority to Administer Estate
- to Relieve Estate from Administration
- for Summary Release from Administration
- to Release Medical Records and Medical Billing Records
- to Release Financial Information
- for Appointment of Guardian of a Minor
- for Appointment of Guardian of an Incompetent
- for Emergency Guardian and Affidavit
- for Conservatorship
- for Appointment of Trustee
- for Name Change
- for Conformity of Legal Name
- for Correction of Birth Record
- for Application for Appointment of Commissioner to Report on the Contents of a Safe Deposit Box
- for Joint Declaration of Paternity

unless the applicant presents to the Clerk: (1) a government-issued photographic identification (e.g., a current driver's license or passport), and (2) evidence of current mailing address (e.g., recent utility bill, bank statement account, property tax bill, voter registration card). The Clerk may copy those documents.

Geauga Probate Local Rule 78.11 Background Certification and Records Check. Excluding an Ohio Attorney who files as the applicant, unless the applicant files with the Court GC Form "GC PF 4.30 - Background Certification and Records Check," the Court will not accept for filing an Application; provided, however, that if the applicant is the sole next-of-kin or beneficiary under Decedent's Will, then form GC PF 4.30 need not be filed:

- for Authority to Administer Estate
- to Relieve Estate from Administration
- to Release Medical Records and Medical Billing Records
- to Release Financial Information
- for Conservatorship
- for Appointment of Trustee

The Court may order an Attorney, who files as an applicant, to file with the Court a current certification of good standing with the Supreme Court of Ohio or other applicable court.

Geauga Probate Local Rule 78.12 Professional Liability Insurance. If an Attorney representing a Fiduciary does not maintain professional liability insurance, then that Attorney shall promptly file a notice with the Court advising the Court of the status of professional liability insurance regarding that Attorney. This requirement is in addition to notifying clients as required by Rule 1.4 of the Ohio Rules of Professional Conduct. The Court may order an Attorney representing a Fiduciary to file with the Court current documentation that evidences the existence of such professional liability insurance, including the amount and extent of coverage.

Geauga Probate Local Rule 78.13 Service of Notice and Proof of Service. Except as Applicable Law provides otherwise, and except as otherwise expressly provided in these Geauga Probate Local Rules, the service of any type of notice shall comply with Civ. R. 73(E), and proof of service shall be made using and filing with the Court GC Form "GC PF 41.6 - Affidavit Evidencing Service of Notice," including required attachments, in accordance with Civ. R. 73(F).

Geauga Probate Local Rule 78.14 Service of Notice by Publication.

A. Publication by Newspaper. In any probate proceeding where notice by publication of any type of notice is required by statute or other Applicable Law, or deemed necessary by the Court by notice to the fiduciary, service of notice by publication shall be made in accordance with Civ. R. 73(E)(6); provided that the Person arranging for service of notice upon such Interested Persons in accordance with Civ. R. 73(E)(6) shall first file with the Court (i) an affidavit, using GC Form "GC PF 62.0 – Affidavit for Notice by Publication," with a copy of the applicable notice attached, and (ii) instructions, using GC Form "GC PF 62.1 - Instructions for Service by Publication," and provided further that the newspaper of general circulation must be the News-Herald, located in Willoughby, Ohio.

B. Publication by Website. Notwithstanding Geauga Probate Local Rule 78.14(A), and except to the extent that a statute or other Applicable Law requires notice to be served by publication by newspaper of general circulation, the Court directs that service of notice by publication, as permitted by Civ. R. 73(E)(7), upon such Interested Persons may be made by posting the notice on the Court's website, rather than in accordance with Civ. R. 73(E)(6); provided however that the Person arranging for service of notice on the Court's website shall file with the Court an affidavit, using GC Form "GC PF 62.0 - Affidavit for Notice by Publication" with a copy of the applicable notice attached; and provided further that the time period for posting the notice on the Court's website corresponds to that set forth in Civ. R. 73(E)(6) or other Applicable Law.

C. Additional Service by Ordinary Mail. If service of summons is made by publication, then the Clerk shall delivery a copy of the complaint and summons by ordinary mail, address correction requested, to the last known address of the party to be served, evidenced by a certificate of mailing by the U.S.P.S. If the Clerk is notified of a corrected or forwarding address of the party, then the Clerk shall mail the documents to the corrected or forwarding address. The Clerk shall note the name, address and date of each mailing in the docket. Seven Calendar Days after posting the Clerk shall note on the docket where and when the notice was posted.

Geauga Probate Local Rule 78.15 Name Change and Legal Name Conformity.

A. Identity Documents. The applicant shall file with the Clerk after redacting the social security number, driver's license number, or state I.D. number:

1. Name Change.

   a. Photocopy of the Driver's License, if available, otherwise a state-issued identification card or any other official government-issued document required or commonly used to verify a person's identity
   b. Certified Copy of Birth Certificate (i.e., long form showing city, county, and state of birth)
   c. Photocopy of Social Security Card (if any)
   d. For name change of a minor, if the applicant is not a parent whose name is shown on the minor's birth certificate, then a copy of the court order or other evidence satisfactory to the Court that

establishes that the applicant is a parent, legal guardian, a legal custody, or a guardian ad litem, as the case may be.

2. Legal Name Conformity.

   a. Photocopy of the Driver's License, if available, otherwise a state-issued identification card or any other official government-issued document required or commonly used to verify a person's identity
   b. Certified Copy of the Birth Certificate (i.e., long form showing city, county, and state of birth)
   c. Photocopy of the Social Security Card
   d. Photocopy of Marriage License (if any)
   e. Photocopy of Divorce Decree (if any)
   f. Photocopy of Passport (if any)
   g. Photocopy of all other documents for which name conformity is sought
   h. For If the applicant is not a parent whose name is shown on the minor's birth certificate, then a copy of the court order or other evidence satisfactory to the Court that establishes that the applicant is a parent, legal guardian, a legal custody, or a guardian ad litem, as the case may be.

3. Other Documents. The Court may order the submission of other documents that the Court deems relevant for the application (e.g., evidence of current mailing address such as current utility bill, bank statement, or property tax bill)

B. Hearing and Notice.

1. Name Change and Legal Name Conformity – Adult. Generally, the Court will not require a hearing and will dispense with notice on a name change or name conformity proceeding for an adult. However, except as provided in sub-paragraph (C) below, the Court may require a hearing if the Court determines that the application presents any irregularities or issues, or if the Court determines that the legal interests of another party may be adversely affected by the proceeding.

2. Name Change and Legal Name Conformity – Minor. Generally, the Court will not require a hearing and will dispense with notice on a name change or name conformity proceeding for a minor if the consent of both the minor's natural or adoptive parents is filed simultaneously with the application. However, except as provided in sub-paragraph (C) below, if an application for name change or name conformity of a minor is filed without the written consent of both natural or adoptive parents, or if the Court determines that the application presents any irregularities or issues, then the Court will require a hearing. The applicant must appear at the hearing and the minor may attend the hearing, but is not required to be present unless the Court orders otherwise.

C. Contested Proceedings. If any name change proceeding or name conformity proceeding becomes contested, the Court will convert the initial scheduled hearing date to a pretrial conference, during which the Court will set a new hearing date. At the pretrial conference, the Court will determine whether to excuse a minor who is the subject of the action from appearing at the hearing and whether the Court will conduct an *in camera* interview of the minor before the hearing. The applicant and the person contesting the application must attend the pretrial conference personally or through their legal counsel.

D. Confidentially. With respect to either an application to change name or an application to conform the legal name, if for reasons of the applicant's personal safety the applicant desires a court order as permitted by R.C. 2717.11, then the applicant shall prepare and file Form 21.6 – Application to Waive Publication Requirement and Seal, together with supporting records and other documentation.

Geauga Probate Local Rule 78.16 Extending Time to File Documents. Except as otherwise specifically required by these Geauga Probate Local Rules (e.g., Geauga Probate Local Rule 64.2(B)) or Applicable Law, a Fiduciary may apply for an extension of time to file an inventory, a guardianship account, or any report or other document required to be filed, only by filing GC Form "GC 41.4 - Application to Extend Time - Non-Litigation," no less than five Calendar Days before the required filing date.

Geauga Probate Local Rule 78.17 Bond Requirement. All Fiduciaries shall post a bond with the Court in compliance with R.C. §§2109.04 – 2109.20, unless otherwise provided in this Rule or by specific order of the Court in a particular case that waives or dispenses with a bond. If required, all bonds shall be issued by a reputable insurance or bonding company acceptable to the Court.

A. Amount of Bond. Unless the Court orders otherwise, the amount of the Fiduciary bond shall be at least double the value of the personal property, plus annual real property rentals, plus other annual income that will come into the possession or under the Fiduciary's control.

B. Preliminary Determination. All applications for Fiduciary appointment shall contain a good faith estimate of the value of all assets and annual income the applicant anticipates being involved in the case. These estimates are the basis from which the Court will determine the initial bond amount.

1. The Court will not accept for filing any application in which the value estimates are blank, listed at $0.00, stated as "unknown," or otherwise fail to reflect any positive value. (see Geauga Probate Local Rule 60.1(B)(1)).

2. Except as provided in subparagraph (3) below, if the applicant truly cannot determine an estimate of asset values at the time of application, then the applicant shall post a minimum bond of $50,000 before the Court will issue letters, unless the Court orders otherwise.

3. Valuation estimates may be excluded only in cases filed for the sole purpose of pursuing wrongful death or survival claims where there are no other probate assets to administer, or in guardianship cases in which the proposed ward does not own property or have any income.

C. Proof of Qualification. Unless an exception applies in Geauga Probate Local Rules 78.17(B)(3) or 78.17(G), the applicant shall file with the application for Fiduciary appointment a written bond commitment or other proof that the applicant qualifies for the issuance of a bond in the amount required by this Geauga Probate Local Rule if the Court appoints the applicant as the Fiduciary.

D. Bond before Letters. The Court will not issue letters to any Fiduciary until the Fiduciary has filed the actual bond in the amount set by the Court, or the Fiduciary has qualified for an exception to bonding under this Geauga Probate Local Rule.

E. Bond Adjustment. The Court may order an additional bond or an increase in the bond amount or may order a reduction of the bond if the actual valuations on the inventory warrant a bond adjustment to

comply with this Geauga Probate Local Rule. Thereafter, the Court may order an appropriate adjustment in the bond amount based upon the value of the assets remaining in the Fiduciary's hands at the end of each accounting period.

F. Reduction of Bond on Application. A Fiduciary may apply for a reduction in the bond amount at any time upon showing adequate proof that the value of the assets and income has substantially declined since filing the inventory or the most recent account.

G. Dispensing with Bond. Notwithstanding anything in this Geauga Probate Local Rule 78.17 to the contrary, a Fiduciary may apply to the Court to dispense with the bond requirement in any of the circumstances set forth in the subparagraphs below. Unless the bond waiver is already addressed in SC Form 4.0 "Application for Authority to Administer Estate," an application to dispense with bond, together with a proposed entry, shall be filed with the application for appointment of the Fiduciary. The following are references to the appropriate application and entry forms for dispensing with bond.

Decedent's Estate	GC PF 4.40 - Application to Dispense with Fiduciary's Bond
Guardianship	GC PF 15.18 - Application to Dispense with Guardian's Bond
Trust	GC PF 25.6 - Application to Dispense with Trustee's Bond

1. Controlling Instrument. The Court may dispense with the bond requirement if the controlling instrument nominating the Fiduciary for appointment expressly dispenses with bond. This exception may not apply to non-resident Fiduciaries.

2. Consent. In a decedent's estate, the Court may dispense with the bond requirement if the Fiduciary files with the Court the written consent of all Next of Kin or vested Beneficiaries if the Fiduciary obtains and files GC Form "GC PF 4.37 - Consent to Dispense with Fiduciary's Bond" and prepares and files GC Form "GC PF 4.38 - Fiduciary's Acknowledgment of Personal Liability;" provided however that this exception only applies if the decedent's estate is solvent.

3. Minimal Assets. The Court may dispense with the bond requirement if the total value of personal property, annual income and annual real property rentals is less than $35,000.

4. Direct Payee. The Court may dispense with the bond requirement in a guardianship of the estate if there is no personal property and the Fiduciary provides proof that all income is paid directly to a lawful representative payee or to a health care facility providing for the long-term care of the ward.

5. Impounded Funds. The Court may dispense with the bond requirement on any funds held by a Fiduciary by deposit into a restricted account at a financial institution in compliance with R.C. §2109.13. The Fiduciary shall apply by using GC Form "GC PF 22.3 - Application to Deposit in Lieu of Bond."

6. Approval of Court. A Fiduciary may apply to the Court to dispense with a bond upon a showing of other special circumstances in which bond is unnecessary and the absence of a bond will not prejudice any person or entity having a financial interest in the matter.

H. Court Discretion. Even if an exception in Geauga Probate Local Rule 78.17(G) applies, the Court may order bond if the Court finds it necessary under the circumstances, or if an interested party, after notice and hearing, establishes that bond should be required in that case.

I. Release and Summary Release Cases. A bond is not required in release from administration (R.C. §2113.03) or a summary release from administration (R.C. §2113.031), unless the Court orders otherwise.

Geauga Probate Local Rule 78.18 Incorporation of Website Checklists. All Person's should review the Checklists on the Court's website at: https://www.co.geauga.oh.us/commonpleas/Probate. The duty to file certain forms, as set forth in such Checklists, are incorporated by reference into these Geauga Probate Local Rules.

Geauga Probate Local Rule 78.19 Adoptions.

A. References. References for adoption shall be sent directly to the Court by the person making the reference. References shall not be reviewed in advance of filing by the petitioner or his or her Attorney. References are due no less than seven Calendar Days before the filing of the petition.

B. ICWA Affidavit. An Agency, as defined in OAC 5101:2-53-01(B), that is assisting with the adoption of a minor shall prepare and file with the Court, together with any petition or complaint for adoption of a minor, GC Form GC PF 4.53 - "Affidavit [Indian Child Welfare Act]." Subsequent to filing that affidavit, the Agency shall promptly inform the Court if the Agency receives information that provides reason to know that the minor is an Indian child as defined by the Indian Child Welfare Act.

Geauga Probate Local Rule 78.20 Trusts.

A. To the extent applicable, a Person who seeks court approval to establish a trust shall prepare and file with the Court:

1. "GC PF 25.0 - Application for Appointment of Trustee,"
2. "GC PF 25A.0 – List of Current Beneficiaries,"
3. "GC PF 4.30 – Background Certification and Records Check," (see Geauga Probate Local Rule 78.11)
4. "GC PF 25.1 - Judgment Entry Appointing Trustee," and
5. "GC PF 25.5 - Fiduciary's Acceptance-Trustee."

B. Except for a testamentary trust, an applicant shall submit to the Court a proposed declaration of trust agreement together with GC Form "GC PF 25.0 - Application for Appointment of Trustee."

C. The Trustee shall use GC Form "GC PF 25.3 - Trustee's Inventory" when preparing and submitting the inventory.

D. The Trustee shall use GC Form "GC PF 25.4 - Trustee's Account" when preparing and submitting an account.

E. The Trustee shall use GC Form "GC PF 25.4D – Computation of Trustee's Fee" when computing the Trustee's Fee under Geauga Probate Local Rule 74.1.

Geauga Probate Local Rule 78.21 Consent to Marry - Minor.

If a minor desires to obtain a court order to be married as permitted by R.C. §§3101.04, 3101.041, and 3101.042, then that minor shall prepare and file with the Court GC Form "GC PF 4.39 - Application-Consent to Marry," together with the attached Judgment Entry and Consent to Marry Information Sheet. The applicant should also attach evidence of employment or evidence of current military status as applicable.

Geauga Probate Local Rule 78.22. Application to Release Medical Records and Medical Billing Records.

A Person, who desires to obtain a decedent's medical records or medical billing records for the purposes permitted by R.C. §2113.032, may be appointed by the Court as a special commissioner by filing with the Court SC Form 29.0 – "Application for Release of Medical Records and Medical Billings Records" (the "Application") together with (i) SC Form 1.0 "Surviving Spouse, Children, Next Of Kin, Legatees and Devisees," (ii) a copy of the decedent's death certificate (with social security number redacted), (iii) proof of personal identification as required by Geauga Probate Local Rule 78.10, (iv) GC Form "GC PF 4.30 - Background Certification and Records Check," as required by Geauga Probate Local Rule 78.11, (v) SC Form 29.3 "Notice of Application to Release Medical Records and Medical Billing Records, (vi) SC Form 29.1 – "Entry Authorizing Release of Medical Records and Medical Billings Records," and (vii) a signed SC Form 29.4 – "Waiver of Notice / Consent," if obtained.

Before filing the Application, the Filer should (i) prepare and deliver SC Form 29.4 – "Waiver of Notice / Consent" (the "Waiver") to each of those persons listed on SC Form 1.0, (ii) obtain their signature, and (iii) file with the Court the signed Waiver together with the Application. If all persons listed on SC Form 1.0 do not sign the Waiver, then the Court may hold a hearing to determine whether to grant the Application, in which case the applicant shall deliver a notice of hearing, using form GCPF 4.18, to all interested persons who did not sign that Waiver and shall file with the Clerk GC Form "GC PF 41.6 - Affidavit Evidencing Service of Notice," including required attachments, in accordance with Civ. R. 73(F).

If the Court grants the Application, then promptly upon the earlier of (i) receipt of such records or (ii) before the expiration of the applicable statute of limitations, the special commissioner shall deliver a report to the Court using SC Form 29.2 - "Report of Receipt of Medical Records and Medical Billing Records," but the special commissioner shall not file such records with the Court, except as otherwise ordered by the Court. If the special commissioner does not file that report within six months after the date of appointment, then the special commissioner shall file a status report with the Court explaining efforts made by the special commissioner to obtain such records.

The special commissioner shall (i) store such medical records and medical billing records in a safe and secure manner, (ii) maintain the confidentiality of such records, (iii) comply with federal HIPAA law and similar state law regarding such records, and (iv) not disclose or otherwise distribute such records to any person or entity, excepting an attorney who special commissioner retains to evaluate such records and the potential for filing a wrongly death, personal injury, or survival claim action, or as otherwise required by applicable law or by order of this Court.

Geauga Probate Local Rule 78.23. Application to Release Financial Information. A Person who (i) is eligible to be appointed as a personal representative of an estate under Applicable Law or as executor under a decedent's will and (ii) desires to obtain a decedent's financial information for the sole purpose of a decedent's estate administration, including a release of administration or a summary release from administration, may be appointed

by the Court as a special commissioner by filing with the Court GC Form "GC 4.13 - Application for Release of Financial Information" (the "Application"), together with (i) SC Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees," (ii) a copy of the decedent's death certificate (with social security number redacted), (iii) proof of personal identification as required by Geauga Probate Local Rule 78.10, (iv) GC Form "GC PF 4.30 - Background Certification and Records Check," as required by Geauga Probate Local Rule 78.11, (v) GC Form "GC PF 4.13A – Notice of Application to Release Financial Information, and (vi) a signed GC Form "GC PF 4.14 - Waiver and Consent To Release of Financial Records" (the "Waiver"), if obtained.

Before filing the Application, the Filer should (i) prepare and deliver that Waiver to each of those persons listed on SC Form 1.0, (ii) obtain their signature, and (iii) file with the Court the signed Waiver together with the Application. If all persons listed on SC Form 1.0 do not sign that Waiver, then the Court may hold a hearing to determine whether to grant the Application, in which case the applicant shall deliver a notice of hearing, using form GCPF 4.18, to all interested persons who did not sign that Waiver and shall file with the Clerk GC Form "GC PF 41.6 - Affidavit Evidencing Service of Notice," including required attachments, in accordance with Civ. R. 73(F).

Except as required by Applicable Law, the Filer shall not file with the Court any of the decedent's financial information. If the Court grants the Application, then the special commissioner shall promptly upon the earlier of (a) receipt of such financial information or (b) 30 Calendar Days following the grant of the Application, deliver a report to the Court using GC Form "GC PF 4.14A - Report of Findings of Financial Information." Moreover, the special commissioner shall (i) store such financial information in a safe and secure manner, (ii) maintain the confidentiality of such information, and (iii) not disclose such information except as permitted by Application Law after appointed as fiduciary of the decedent's estate or as directed by court order.

Geauga Probate Local Rule 78.24. Service of Subpoena.

A. Service by the Clerk. If an Attorney, pro se litigant, or any other Person, who is permitted to serve a subpoena pursuant to Civ. R. 45, desires to have the Clerk cause the service of a subpoena, then that Person must prepare and deliver to the Clerk (1) GC Form "GC PF 62.3 - Subpoena" and (2) GC Form "GC PF 62.3A - Request for Service of Subpoena."

B. Modification. An attorney may modify GC Form "GC PF 62.3 - Subpoena;" provided that the attorney gives prompt notice of the modification to the Clerk and to all parties.

Geauga Probate Local Rule 78.25. Summons.

A. Summons and Waiver of Summons. If summons is required for any probate proceeding, then the Filer and the Clerk shall use GC Form "GC PF 63.0 – Summons." Except as otherwise provided in the following sub-paragraph (B), if a Person is willing to waive service of summons, that Person shall use and file GC Form "GC PF 63.1 – Waiver of Service of Summons."

B. Civ. R. 4.7 – Requesting a Waiver of Summons. If an Attorney, Fiduciary, or other Interested Person desires to obtain a waiver of service as permitted by Civ. R. 4.7, then that Person shall use GC Form "GC PF 63.2 – Notice of Lawsuit Civ. R. 4.7."

C. Service of Summons by Publication. If a summons must be served by newspaper publication, then to comply with Civ.R. 4.4(A)(1) the Filer of a complaint or the Filer's attorney shall prepare and file GC Form "GC PF 63.4A – Affidavit for Service of Process by Publication."

Geauga Probate Local Rule 78.26. Newly Discovered Assets.

A. R.C. 2113.69. If an Executor or Administrator discovers newly discovered assets after the filing of the Inventory and before closing the estate, then that fiduciary shall report those asset to the Court using GC Form "GC PF 4.50 – Report of Newly Discovered Assets."

B. Reopen Estate.

a. General Rule. Except as otherwise provided in sub-paragraph (b), if a person discovers newly discovered assets after the closure of a probate estate proceeding, then to report those assets to the Court, that person shall file an application to reopen the estate and report those assets to the Court using GC Form "GC PF 4.51- Application to Reopen Estate to Report Newly Discovered Assets." To the extent available, the applicant shall attach to that form evidence of ownership of the newly discovered assets (e.g., most current county auditor's tax bill, certificate of title, financial account statement, Dept of Commerce unclaimed funds report, etc.) and evidence of value. Moreover, complete and file an updated SC Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees." Upon completion of the distribution of such reported assets, the applicant shall report that distribution to the Court using GC Form "GC PF 4.51A – Report of Distribution." If the applicant was not the fiduciary of the estate when the estate was closed, or if applicant is not the sole beneficiary under the Will or is not sole next of kin if decedent died intestate, then the applicant shall file Form 4.0 – Application for Authority to Administer Estate. Note Geauga Probate Local Rule 78.18 Incorporation of Website Checklists for more requirements. Notwithstanding the foregoing, if the applicant is a creditor who paid the funeral director bill or a surviving spouse who previously filed an Application for Summary Release from Administration, and if the aggregate value of the probate property, including the new discovered assets, still results in the probate proceeding qualifying under R.C. 2113.031, then the applicant (1) shall reopen the probate estate proceeding using GC Form "GC PF 5.05R – Application to Reopen Estate – Summary Release from Administration" and (2) need not prepare and file forms SC Form 1.0 "Surviving Spouse, Children, Next of Kin, Legatees and Devisees" and GC PF 4.51A "Report of Distribution."

b. Application for Summary Release from Administration after Application for Certificate of Transfer. If the applicant files an Application for Summary Release from Administration after the probate proceeding was initiated by filing an Application for Certificate of Transfer, which is permitted by R.C. 2113.61(D), then the applicant shall file form GC PF 4.51C – Application to Reopen Estate together with the Application for Summary Release from Administration.

Geauga Probate Local Rule 78.27. Payment of Fees from Public Funds. Any person seeking a court order authorizing payment of fees from public funds shall prepare and file with the Court GC Form "GC PF 15.16A – Application for Payment of Fees from Public Funds" no later than January 15 for services rendered during the preceding calendar year.

Geauga Probate Local Rule 78.28. Short Form Release from Administration. If (i) the value of the decedent's probate property is $1,000 or less, (ii) six months have elapsed after the decedent's date of death, (iii) all of decedent's Next-of-Kin and vested Beneficiaries give their written consent to the proposed distribution of the probate property, and (iv) the applicant provides written evidence of the payment of decedent's funeral director bill, then any interested person may commence a decedent's estate administration by preparing and filing with the Court GC Form "GC PF 4.60 – Application for Short Form Release from Administration," together with (1) a redacted copy of decedent's death certificate, (2) GC Form "GC PF Form 1.0 - Surviving Spouse, Children, Next Of Kin, Legatees And Devisees," and (3) GC Form "GC PF Form 4.61 - Judgment Entry Approving Short Form Release of Estate from Administration." Not more than 20 Calendar Days after the distribution of the probate property, the Commissioner shall file with the Court GC Form "GC PF Form 5.9 – Report of Distribution."

Geauga Probate Local Rule 78.29. Trust Checking Account. The trustee shall establish and use a trust checking account for the receipt and disbursement of all funds including the deposit of all sale proceeds, checks payable to the trust, trust cash, and the payment of all expenses, costs, fees, reimbursements, and distributions. Unless the Court permits otherwise by court order pertaining to the trust, the trustee (i) shall pay all trust creditors, costs, fees, reimbursements, distributions and all other credits by (a) check drawn upon the trust checking account or (b) wire transfer from the trust checking account (so long as there is documentation that sets forth the recipient of the funds), and (ii) shall not (a) make any cash withdrawals from the trust checking account, including any check for cash, counter withdrawals for cash, or ATM cash withdraws, or (b) establish or use for trust purposes any debit or credit cards.

Geauga Probate Local Rules 78.30. Use of Artificial Intelligence.

A. Definition. Artificial Intelligence means a computer system or platform (e.g., LexisNexis Protégé™) that is programmed to think and learn like humans. Artificial Intelligence systems can perform tasks that mimic cognitive behavior such as problem-solving, decision-making, and language understanding. Artificial Intelligence encompasses a variety of technologies, including machine learning, natural language processing, and robotics.[2]

B. Notification and Certification. If an attorney or pro se litigant uses Artificial Intelligence for the purpose of the preparation of legal briefs, memoranda, or similar documents that are intended to inform the Court of applicable law and which are filed with the Court, then that attorney or pro se litigant shall prepare and file form "GCPF 82B – Use of Artificial Intelligence," together with the filing of the applicable document(s) that are prepared, in whole or in part, using Artificial Intelligence. The Court may determine that a failure to comply is a violation of Civ.R. 11.

[2] See the "Artificial Intelligence Resource Library," *The Supreme Court of Ohio & The Ohio Judicial System* website.